SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWELFTH DAY

August 21, 2007

MEETING HELD AT THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM OF THE WILLIAM H. ROGERS LEGISLATURE BUILDING, 725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY:
ALISON MAHONEY & LUCIA BRAATEN
COURT STENOGRAPHERS

MINUTES TRANSCRIBED BY:
ALISON MAHONEY, LUCIA BRAATEN & KIMBERLY CASTIGLIONE

(*The meeting was called to order at 4:01 P.M.*)

P.O. LINDSAY:
Mr. Clerk, would you please call the roll.

MR. LAUBE:
Yes, sir. Good evening.

(*Roll Called by Mr. Laube - Clerk*)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. CARACAPPA:
(Not present).

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Present.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Yeah, here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

D.P.O. VILORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen.

LEG. SCHNEIDERMAN:
Tim, you got me here, right?

MR. LAUBE:
Yes.

P.O. LINDSAY:
Could I ask everybody to stand for a salute to the flag?

Salutation

And while you're still standing, it's my pleasure to introduce Legislator Lynne Nowick for the purpose of introducing our visiting Clergy.

LEG. NOWICK:
Thank you. The Reverend Dr. Raewynne J. Whitley was recently installed as Rector of the historic St. James Episcopal Church in St. James. She was born and raised in Australia and after completing degrees in Psychology, Women's Studies and Theology and being ordained an Anglican Priest, she moved to the United States to work on a PhD in -- now this is a good word --

REVEREND DR. WHITELEY:
Homiletics.

LEG. NOWICK:
Homiletics.

REVEREND DR. WHITELEY:
Preaching.

LEG. NOWICK:
Her passions in ministry are preaching, teaching, working with children and young families, structural analysis and redesign and visioning.

The Reverend Dr. Whiteley loves preaching; it has been a passion since she took her first preaching class at the age of 19. As well as preaching most Sundays in St. James, she has been guest preacher at numerous other churches, including Cambell University College, the Princeton University Chapel, the General Theological Seminary in New York and the Cathedral of St. John in the Wilderness in Denver. She has taught Homiletics and Theology at seminaries in Australia and the US and has presented continuing education programs, retreats, academic papers, public lectures and adult education events.

In addition, she enjoys writing and teaching. Her first solo book, Steeped in the Holy: Preaching as Spiritual Practice will be published in November, 2007. When not working, she enjoys hiking,

knitting, kayaking, reading mystery novels, driving her Beetle and spending time with her beloved cat, Bede. Reverend, please.

REVEREND DR. WHITELEY:
Thank you for having me here today. One of my friends parishioners wanted me to remind you or let you know that we pray for you every Sunday morning, for the Legislators; so we wanted to let you know that happens at St. James Episcopal Church.

LEG. HORSLEY:
We can use that.

LEG. ALDEN:
We've got that going for us.

REVEREND DR. WHITELEY:
Let us pray. Oh, God, the Fountain of Wisdom whose will is good and gracious and whose law is truth, we beseech the to guide and bless our representatives in this County Legislature. Grant to them and to all who serve in public life wisdom and skill, imagination and energy. Protect them from corruption and the temptation of self-serving. Send upon them the spirit of charity and justice that with steadfast purpose they may faithfully serve in their offices to promote the well-being of all people, and grant them courage, grace and foresight in the exercise of their duties. And we pray, help us all to commit ourselves to the common good, that our County may be a place of peace, freedom and delight. Amen.

P.O. LINDSAY:
Thank you very much. Could I ask everyone to remain standing for a moment of silence for {Paulo Marco Pasavada} who was age 24 from Shirley who lost his life last Monday in Iraq and for those who place themselves in harm's way every day to protect us.

Moment of silence observed

Thank you. You may be seated.

I'd like to welcome everybody to our night August meeting. And what did the good preacher call it, Homiletics? I hope we don't have a great deal of practice in that art and maybe we can get out of here before dawn.

First, I'd like to introduce Legislator Stern for the purpose of a proclamation.

LEG. STERN:
Hello, everyone. Thank you, Mr. Presiding Officer. It is really my privilege to make this award this evening, to get us started off tonight, to Jason {Mogan} who is a senior at Half Hollow Hills High School West who did just such an outstanding job, not only for our community but really for -- not just for our region but really across the country. Jason gave of himself in collecting eye glasses for the Give the Gift of Site which is an organization that collects used eyeglasses and distributes them to the poor in developing countries and provides assistance to those in need here right here in the United States.

I met with Jason in my office, he brought just a sample of some of the eyeglasses that he was able to collect and it was literally just poured out all over my large conference room table, there must have been hundreds and hundreds of eyeglasses. Of course, that was just a very small sample of the thousands, literally thousands of pairs of eyeglasses that have been distributed here at home and, as I said, around the world.

And so please join me in congratulating Jason for all of his hard work. Jason, it is great to see in you what is so very good in our community. Congratulations.

Applause

Thank you.

P.O. LINDSAY:
Next I'd like to call on Legislator Nowick for the purpose of a proclamation.

LEG. NOWICK:
I have some special guests that are going to join me for this proclamation. Would you like to come up? This is a wonderful event this afternoon and my special guests are Nancy, AJ and Jordon Moran. And would their Dad, Greg, please like to join us? I know he's just dying inside --

Applause

-- but he's going to get this proclamation whether he likes it or not. Do you know these people?

MR. MORAN:
Yes.

LEG. NOWICK:
How old is Jordon?

MR. MORAN:
Two-and-a-half months.

LEG. NOWICK:
Two-and-a-half months. And AJ?

MR. MORAN:
Six.

LEG. NOWICK:
Six. Okay, come here, you want to come over here with me and see this beautiful proclamation? I'm going to read it to you.

"The history of America is filled accounts of every day citizens who join together to create communities. Greg Moran joined a long family history of serving the community in the Greenlawn Fire Department. Greg's father, brother and father-in-law all serve in fire departments. Greg's devotion to the Greenlawn Fire Department led to his obtaining the rank of 1st Assistant Chief."

"And WHEREAS, Greg has responded to hundreds of emergency calls throughout his service, once saving a child from a burning home.
And while responding to an emergency call from an ill, elderly man on August 14th, Greg was approached by a young boy stating his home was on fire."

"And WHEREAS, Greg raced to the scene and immediately entered the burning home and rescued a woman who had been overcome by smoke.
Greg down played his heroics," except he did put the article on my desk, "And deflected any attention for his actions."

"And WHEREAS, Greg and his lovely wife Nancy are the proud and devoted parents of two sons, Alex James, known as AJ, and Jordon Matthew, both of whom have a role model to emulate as they grow up."

It is my pleasure -- as most of you know, Greg is my Chief Legislative Aide, my friend, someone I'm so, so proud to have with me in my office. Your family is indeed very lucky, we're lucky in Suffolk County, the Greenlawn Fire Department. I'm so proud of you. Congratulations.

Applause

You want to say anything? Come on, Greg. He won't say anything.

P.O. LINDSAY:
Next I'd like to call Legislator Browning for the purpose of multiple proclamations.

LEG. BROWNING:
Can I have the officers and Inspector Meehan and Deputy Inspector McCarthy join us?

Good afternoon, everyone. I'm very happy today. These officers are from the 7th Precinct which is situated in Shirley on William Floyd Parkway, and I'm very happy to have them here tonight. I'm also here with Mrs. Giambalvo. On August 10th, Mrs. Giambalvo's house went on fire. She was trapped in her bedroom and thanks to Officer Rice -- Reece, sorry -- he climbed a ladder, broke into the bedroom and rescued her. And thank God for their quick response, they made it there before the Fire Department. What I wanted to say was thank you to each and every one of you, because without them and their quick response, Mrs. Giambalvo may not be standing here today. So I have proclamations for each and every one of them; however, I do believe Mrs. Giambalvo would like to say a few words.

MS. GIAMBALVO:
I'm not a very good speaker, so please bear with me. I would like to thank all of these officers for helping me. At that time, the only face I saw was Officer Reece when he rescued me from the building. I didn't realize how bad the fire was until I myself saw it on the news, all the channels, and Newsday the next day and I realized there were so many other police officers involved. It was teamwork and I would like to thank each and every one of them, because every day when I get up and I thank God and I see these officers, I know I'm here because of them to be with my family. And now when I see a policemen I say, "Thank God, there's a policeman that can help somebody." Thank you.

Applause & Standing Ovation

LEG. BROWNING:
You said it well. And we're also joined by the family who are also very appreciative. So I would like to give to each and every one of you a Proclamation; Officer Riess; Officer O'Neil, Officer Frabizio and Officer Kenneth Bombace who is also an Iraq veteran; and Officer Lent who I have had many conversations with.

Applause

Thank you. We will go outside and do pictures.

P.O. LINDSAY:
Okay, that concludes our proclamations.

At this time, I'd like to call Probation for a presentation. Commissioner Desmond?

DIRECTOR DESMOND:
Good evening. John Desmond, Probation Director. With me tonight I have Principal Probation Officer Ed Langan who is the head of our Alternatives to Incarceration Programs, and Probation Officer Ken Grams who's part of our GPS unit.

In 2006, the County Executive created a County Executive initiative for the Probation Department to experiment with the use of active GPS electronic monitoring equipment. The Legislature passed two resolutions unanimously directing the Probation Department to include Level II and Level III sex offenders in this pilot program and directing the Probation Department to report back after one year of our experience.
I don't wish to take a lot of time tonight. You each have a copy of our report, I'm just going to read the recommendations and then just show you just a little bit of what the technology is capable of and then if there are any questions.

To begin the recommendation. First, continue the pilot program, monitoring the maturation of the technology and the improvement in cell phone coverage. Second, develop a fee schedule to assist in defraying the high cost of the program. Third, postpone the preparation of Requests For Proposals until the technology stabilizes and reasonable comparisons and projections are possible. Four, maintain ongoing contact with the various vendors to encourage improvements in this technology so that it becomes more effective for our purposes; this would include expanding the number of allowable exclusion zones and extending cell phone tower coverage. Five, numerous vendors are attempting to develop real-time testing equipment to detect drug and alcohol use that will be packaged with the GPS monitoring device; as soon as is practical, these should be evaluated and, when possible, replace the current sobrieties which are expensive and require a separate monitoring system. Six, we will modify the pilot program to include some cases being monitored in a response center environment which is offered by the vendor in order to determine if this is an economically feasible approach. Seven, limit the monitoring of sex offenders to 50% of the number of devices currently available. Review all cases for termination of monitoring after six months and every 60 days thereafter.

Now, I would just very briefly like to give you a demonstration of the technology. What we have set up here is a demonstration of the way that the information is presented on the laptops.

LEG. ALDEN:
Take the microphone down here.

DIRECTOR DESMOND:
Oh, thank you. This is a presentation of the way the information would look to a Probation Officer using this equipment on his wireless laptop. What we would have here is an individual that is on active GPS surveillance, leaving his house to travel to -- in Yaphank to travel to his job in Bay Shore. These two zones here and up there are exclusion zones, those are set up so that if one of our probationers enters in to one of those zones and stays there for more than a brief period of time, and this can be established anywhere from a few seconds to a couple of minutes, we will receive a notification.

These exclusion zones can be of small duration or quite extensive.
In the case of a domestic violence episode, a probationer might have a zone around, say, his ex-spouse's residence of a mile or more in duration; this allows us to attempt to contact the probationer and determine what he's doing, getting anywhere close to that exclusion zone, order him out and if he fails to, then to respond quickly.

Now, with the technology, these individuals provide the Probation Department and their Probation Officer with a schedule of their activities; what time they leave the house, what time they have to be at work, if they have to go for physicals, medical treatment, counseling, drug treatment, whatever, it's all included into the schedule. If the individual is not where he is supposed to be when he is supposed to be there, usually within a 15 minute window, we receive a notification and we respond initially through electronic means to determine why the person is not where he's supposed to be and then, if necessary, to respond in person to this site.

Moving on, you will see that we can track this individual in real-time, we can also tell how fast he's

going through an area. You will notice on the screen that there are various -- and let me just point for a second -- information dots and those would be and can be schools, nurseries, day cares, cemeteries, churches, whatever is appropriate in an individual's case that we would want to know if that person is within a certain distance of that location.

Moving on, again, we track him through real-time, and just holding for one second. The screen as you see it is for a probationer that has been convicted of most offences. For most of these individuals that don't have a lot of exclusion zones, primarily the exclusion zones they do have would be related to their criminal offence or to their victims or to special circumstances.

What we're going to enter into now is going to be an exclusion zone coverage for a sex offender. The sex offenders have exclusion coverage zones determined both by the courts and by the action of the Legislature. As you see, this is the Bay Shore area, the exclusion zones are often frequent and overlapping with these individuals, requiring us to pay close attention to their activities and the timing as they go through.

The sites up here, the exclusion zones are schools and day-care centers. One of the limits to the technology that we have encountered is that each individual we can only have 99 exclusion zones for, and this presents a significant problem because of the nature of the way the schools are set up and day-care. So what we do is the areas that he frequently travels through, where he is lives, where he works, the exclusion zones are all set up there and then the Probation Officers will monitor any time he's outside his normal travel areas very closely.

Thank you very much. We just wanted to give you an idea of the technology.

P.O. LINDSAY:
Okay, I see Legislator Kennedy has a question for you, Commissioner.

LEG. KENNEDY:
Thank you, Mr. Chair. John, you may have spoken about this when you started, I apologize that I didn't hear the beginning of it. I wasn't aware that you were going to do it, but I'm very glad to see it, particularly in light of IR 1450 and what I've heard about the success of this unit. You're currently running with the 50 individuals, I guess, that are --

DIRECTOR DESMOND:
Roughly 50 at a time, yes.

LEG. KENNEDY:
Okay. Talk to me a little bit about the aggregate here, because I've heard a variety of different things. What are you estimating as far as your cost at this point for the units -- I'm sorry, for the equipment; what is our cost and how is that derived? Do we own, do we lease it, what do we purchase?

DIRECTOR DESMOND:
We lease all the equipment. The technology is changing so rapidly, it doesn't make any sense to own the equipment. It roughly costs us $8.75 a day for each piece of the equipment -- if you would hold it up -- for the active GPS electronic monitoring. We also lease the sobrietors, the alcohol detection units, and we're still using some of the passive electronic monitoring units which are considerably cheaper.

LEG. KENNEDY:
All right, let's stay on that just for a second. So GPS monitoring and SCRAM are two different sets of equipment?

DIRECTOR DESMOND:
Yes.

LEG. KENNEDY:
Is the technology moving forward to merge those capabilities?

DIRECTOR DESMOND:
Yes. We believe that within one to two years, probably on the outside, that that technology will merge. We've been informed by a number of vendors that their companies are working on merging one of the different types of technology, either drug detection or alcohol detection. There's also one company that's informed us that they're also working on a medication detection device, psychotropic medications which will be very useful with our --

LEG. KENNEDY:
Mandated, right, to PC's and folks that are on mandated psychiatric meds.

DIRECTOR DESMOND:
Right. But that's a number of years out, though, but that's a very exciting technology.

LEG. KENNEDY:
All right. So you're talking about $8 and change a day, you're talking about personnel. Clearly, if you're going to sit there and you're going to look at the cost to have an individual incarcerated to the cost of having them monitored out there in the community with this, from a dollar and cent perspective, it's a no-brainer; you're cheaper going your route.

DIRECTOR DESMOND:
Yes, we're cheaper, but at the same time we're not useful for everybody. I think at this point it's a limited technology.
The cost for having the Probation Officers to supervise the GPS is over a million dollars a year to supervise 50 individuals. In addition, we have the Probation Officers that do the regular supervision of these cases, they also have an active part to play, the officers in the GPS unit do nothing but the surveillance. So we're very interested in the technology long-term, there's still a long way to go on refining it. We're always aware that people are trying to beat it, so we have to stay current and we want to make sure it's properly used.

LEG. KENNEDY:
Well, I think we all want that, John. I mean, you know, nobody here, you know, is looking at going ahead and putting out equipment that doesn't ultimately keep people safe or go ahead and deliver what it is that we're proporting to deliver for the public. However, my conversations with, you know, some of your personnel have been that undoubtedly, since this pilot has gone into effect -- and thanks to Legislator Alden for leading the way to get this technology out the door -- it's already made significant differences as far as individuals who may have been migrating in to some of those potentially dangerous areas, and it's a lot for your people to go ahead and intervene and stop what might otherwise have been a dangerous situation, at best. Where are we as far as moving into this next set of 50 offenders?

DIRECTOR DESMOND:
Because of the current budget problems, we have had no movement on that yet. I believe that the County Exec's Office is waiting on the resolution of the situation with the Assembly.

LEG. KENNEDY:
Again, John, I'm going to respectfully disagree with you, I don't want to get into an argument with you. I'm looking for somebody from BRO, but I know when the resolution passed we had a legitimate offset and 125 or 30,000 necessary in order to go ahead and fund the officers for the balance of the year clearly was there. So I'm going to respectfully disagree with that. But from your perspective, so you're moving forward or would move forward as far as being able to utilize this.

Last question; what's gone on with the bench since the memo in March which advised your offices that you could no longer include GPS monitoring as a tool for Probation? We've had what, five, six months lapse? Certainly we've had a lot of people run through the criminal justice system. What's happened?

DIRECTOR DESMOND:
Well, we're doing a curtail completely. What we're doing is we're rotating people through; as we have vacancies, we inform the court and then we get new cases. So we're maintaining the number of individuals at 50.

LEG. KENNEDY:
I'm going to --

P.O. LINDSAY:
Yield.

LEG. KENNEDY:
-- rightfully let you off the hook, John.

P.O. LINDSAY:
Thank you.

LEG. KENNEDY:
And I'll yield.

P.O. LINDSAY:
Thank you. Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. Well, you sort of alluded to it with Legislator Kennedy's question. When you refer in this report, albeit briefly to sobrietors, that is the SCRAM units?

DIRECTOR DESMOND:
That's the SCRAM unit, yes.

LEG. LOSQUADRO:
Or is that more encompassing for the other alcohol units as well?

DIRECTOR DESMOND:
Yeah, we're currently using both of the alcohol detection units.
We're moving toward just the one unit in next year's budget.

LEG. LOSQUADRO:
Okay, and that would be the SCRAM, the self-contained?

DIRECTOR DESMOND:
That would be the SCRAM unit, right.

LEG. LOSQUADRO:
I don't believe that those numbers were included in this report.
How many of those units are currently in use? How many did we lease? I believe we started with --

MR. LANGAN:
Forty-nine.

DIRECTOR DESMOND:

We have 49.

LEG. LOSQUADRO:
Okay. And for next year's budget you were seeking -- you said you're going to move all towards those; would that number increase for next year?

MR. LANGAN:
Well, we need to clarify that.

LEG. LOSQUADRO:
You need to use the microphone, sir.

MR. LANGAN:
There's a clarification on the two different types of alcohol detection devices. We've used something called the sobrietor for a number of years --

LEG. LOSQUADRO:
Right, that's why I was a little confused.

MR. LANGAN:
-- it uses a voice recognition system and detects alcohol in the breath using a phone line. The SCRAM unit detaches to the ankle and detects alcohol through perspiration.

LEG. LOSQUADRO:
Right.

MR. LANGAN:
And we're supposed to move -- we want to move towards using the SCRAM unit exclusively and phase out the sobrietors.

LEG. LOSQUADRO:
Well, I remember the discussions, obviously you're aware that my legislation appropriated the money for the SCRAMS and I remember discussing the limitations of the sobrietors as being a very outdated technology and something that there is no guarantee that you're even getting the right individual without someone actually --

MR. LANGAN:
There is a voice recognition aspect to it, you know, and we will get something to indicate that somebody has failed the voice recognition test. So it's -- there is supposed to be a built-in feature to prevent somebody else from taking --

LEG. LOSQUADRO:
The SCRAM has a much higher safeguard as to --

DIRECTOR DESMOND:
Right, yes.

LEG. LOSQUADRO:
It's attached directly to the individual, but that's not the point.
I just wanted to make sure, based on that statement about moving away from them, that that was the direction that you were looking to go in.

DIRECTOR DESMOND:
Yes. In our 2008 budget request, we indicated to the County Executive that we wished to move completely to the SCRAM device.

LEG. LOSQUADRO:
Okay, thank you very much.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Thank you for your presentation. I wanted to just go to recommendation number seven, limiting the monitoring of sex offenders to 50%. As I knock on doors I hear what a great job Suffolk County is doing by monitoring the sex offenders, now we're saying we're only going to monitor 50%. Explain to me what will be happening with the other 50%. And as I speak to the County Executive about this, he's talking about monitoring them but not in real-time; so could you give me what that's about.

DIRECTOR DESMOND:
Okay. It's kind of two different issues, let me address the first one. When we first came up with the concept of the doing GPS active real-time surveillance, it was primarily looked at as a way of reducing the jail population. Sex offenders make up a small percentage of the offenders in the jail. As we develop the plans to go forward with this program, the Legislature, in the resolutions you passed, strongly encouraged the Probation Department to do surveillance of the sex offenders. So the decision was made to split the program, that half the program would be done monitoring sex offenders and the other half would be done monitoring all the other types of offenders, because we wanted to learn who this technology would be most appropriate for.

As I've discussed at other committee meetings and meetings of the Legislature, Suffolk County already puts a great deal of money and resources into Probation to supervise the sex offenders. Our re offense rate, our sexual re offence rate for the sex offenders is under 1%. This technology really is wasted on the sex offenders that offend at home, within the family or within the close area to the house; those individuals are best supervised by the Probation Officers from our Sex Offenders Unit with frequent home visits, contacts with the family, technology and counseling. There's another group that are more commonly offending away from home, those are the individuals that we believe would be best supervised in this type of technology.

Concerning the call centers, this is an idea which is being discussed in a number of locales in the country. The idea is that all the initial violations, exclusion zones violations would go to some sort of a call center; the call center would then contact the individual electronically to determine what's going on. If they believe there's something serious occurring, the matter would then be directed back to the local County department for action. Now, you can do it one of two ways; you can have that directed back as it happens or you can do it as a data dump periodically throughout the day, X number of hours at a time and then it's investigated.

We're very, very, very early into this, we're looking at cost, we're looking at the technology, the feasibility.

LEG. EDDINGTON:
Thank you very much.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Hi, John. Thanks for coming down and thanks for giving the report. How many vacancies do you have in your department?

DIRECTOR DESMOND:
Oh, you've got me there; I was not prepared for that question today.

LEG. ALDEN:
Approximately.

DIRECTOR DESMOND:
Approximately, I think around 30 to 40.

LEG. ALDEN:
All right. And are you going through a process to hire right now?

DIRECTOR DESMOND:
No, currently we are not doing any hiring. We have no ability, we have no approval to hire at this point. All of our paperwork are in to hire, but due to the budget problems currently, we are not in a position to hire.

LEG. ALDEN:
And I'm hitting you, you know, pretty much out of the blue on this; approximately how long does it take to train an officer to come on-line?

DIRECTOR DESMOND:
We can bring an officer on-line to do very limited responsibilities in a short period of time, but to fully train an officer, just to go through the peace officer training and the basic training, is about four to six months, fully trained about a year.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. John, I just wanted to stay on, I guess, some of the work that this unit does, the existing unit now. That's ten Probation Officers and one PPO, I guess; is that what we call it? That would be you?

MR. LANGAN:
I am a PPO, Mr. Kennedy.

LEG. KENNEDY:
Okay.

MR. LANGAN:
I'm sorry, but we have ten officers, eight Probation Officers, two Senior Probation Officers and then a Supervising Probation Officer directly overseeing those ten officers, and then I oversee the section.

LEG. KENNEDY:
You're Mr. Langan, is that it?

MR. LANGAN:
Yes, I am, sir.

LEG. KENNEDY:
Pleasure to meet you. I've heard many good things about you, as a matter of fact, from your colleagues and certainly from the supervisors, so you do great work.

MR. LANGAN:

Thank you.

LEG. KENNEDY:
And I have the good fortune to have some PO's who reside in my LD and for a variety of reasons, I've had a chance to talk to a lot of people over the last couple of months. One of the things, I guess, I am concerned about is your unit now has run pretty much consistently for, what, 12, 13 months since its inception; how long have you been in existence?

MR. LANGAN:
Since July 17th of last year, so 13 months.

LEG. KENNEDY:
Okay. So you've got a crew of ten or eleven guys; what do they do, do they run 12, 14, 16 hours a day?

MR. LANGAN:
Twenty-four hours a day, sir.

LEG. KENNEDY:
Twenty-four by seven by 365?

MR. LANGAN:
Correct.

LEG. KENNEDY:
Okay. So that's pretty thin in order to cover that function, correct?

MR. LANGAN:
It is a bit thin when you realize that even though there are ten officers in the unit, I generally have a team of two officers on at any given time during that 24-hour period. I actually have only one officer covering from midnight to 6 AM. Of course, we've got procedures in place if that officer needs to respond, he may look for an assist from the precinct or call one of the officers back to assist him, but it is thin. Usually you're talking about a two-person -- a two-officer team at any given time and we're covering the County on these cases, and we may have to respond to the field on any of these 50 some odd cases at any given time.

LEG. KENNEDY:
I also understand that in addition to doing the supervision that you have, from time to time, I guess, you'll have other Probation Officers who will connect with you folks to help objectively verify the log that you've spoken about; is that correct?

DIRECTOR DESMOND:
Yes. Each of the offenders, each of the probationers not only has a Probation Officer from the GPS Unit, but has a Probation Officer from one of our regular caseloads. So that that officer is in charge of making sure that individual is receiving whatever treatments are mandated by the court; so if it's drug treatment, psychiatric treatment, whatever, that officer checks on that. That officer also is responsible for verifying the employment and going to the house on a regular basis. So we actually in every case in GPS we have two Probation Officers.

LEG. KENNEDY:
But where you're able, then, to assist the primary Probation Officer to demonstrate that the log is a fiction, you can very quickly then get at the probationer and intercede with what may be grooming behaviors or some of the other things that predators engage in as they stalk their prey; correct?

DIRECTOR DESMOND:
With the sex offenders, the unit, the Sex Offence Unit that we have are very, very highly trained

individuals, they work with the families, with the neighbors to look for any indications of grooming. Those are the cases that we put a lot of resources into to try to limit these individuals involvement anywhere in the community.

LEG. KENNEDY:
All right, John, I'm going to yield again. Through the Chair, I guess I'm just going to say, I'm going to reiterate my call for the Exec to implement what we all unanimously passed, because clearly this works. Thank you, Mr. Chair.

P.O. LINDSAY:
I don't see any other questions. Commissioner Desmond, my advice is to get the hell out of here quickly.

DIRECTOR DESMOND:
Thank you, I appreciate it.

LEG. ALDEN:
Unless you want to hang another monitor on this guy.

LEG. CARACAPPA:
No, not me.

P.O. LINDSAY:
Okay, we're going to go to the public portion. The first speaker is Anna Throne-Holst.

MS. THRONE-HOLST:
Good afternoon. In 1931, Riverhead Duck Farmer, Martin {Maver} built a 600 foot -- square foot duck; he used it to sell eggs and ducks and I'm not sure he knew he was building a landmark and something very dear to Long Islanders when he did it. In 1987 Suffolk County took title of the Big Duck and in 1988 moved it from its home in Flanders to Hampton Bays, along Route 24 at the entrance of Sears Bellows County Park.

Each December the Suffolk County Parks Department has a duck lighting ceremony which draws hundreds of local residents and school groups. The duck represents a big part of our agricultural heritage and we feel it's time for the Big Duck to move home to Flanders. And this year, thanks to the agreement between the Town of Southampton and Suffolk County, the Big Duck will hopefully celebrate the holidays in its rightful home in Flanders. So I urge you all to support the County Executive's Certificate of Necessity and send the Big Duck home for the holidays.

I would also like to talk about a public safety issue which affects a number of commuters along County Road 39 in Southampton. The "Cops and Cones Program" which has been in effect for quite some time is what gets kids in school buses, teachers to school on time and safely, it gets our nurses and doctors to the hospital on time and safely, and a whole big contingent of workers who need to get out there. It is set to end at the end of this month as the construction phase takes over and I would like to urge you, along with many of my neighbors, to keep this program going through the middle of October when our traffic situation, for all kinds of reasons, slows down.

I am hoping that even if the Town of Southampton has to pay the County to keep it going that you would consider it, and I believe that we could use public safety money that we receive from sales tax receipts to support this program. It really is a safety issue for those of us who live out there and for the many workers that go out there. I would like to thank the Suffolk County Department of Public Works, as well as the Town of Southampton and the Southampton and East Hampton Business Alliances for this effort and urge it to keep going. Thank you.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Thank you very much. Sibyl Mizzi.

MS. MIZZI:
I'm here today -- I'm Sibyl Mizzi and I'm here today to talk about the Community Land Trust Task Force, No. 1748. And just so that we all start on the same point, I just wanted to give a definition of what a community land trust is. A community land trust is a private, non-profit corporation created on a local level to acquire and hold land for the benefit of a community and provide secure and affordable access to land and housing for community residents. And there currently are two community land trusts that are in existence as of now, one is in Southold and the other is in Bellport. And I am currently one of the Board of Directors -- on the Board of Directors for the South Country Community Land Trust in Bellport, but I'm not speaking today as -- for the board because I was unable to reach enough members of the board to get approval to do so. So I'm speaking today individually, as an individual person who has been working with community land trusts for a number of years.

I'm a former Community Development Block Grant Administrator in the past and I have felt very strongly that this new way of doing affordable housing can be useful in terms of developing affordable housing here in Suffolk County. And quite a few years ago I built and helped build 70 units of affordable housing and we put ten year covenants in the deed and ten years went by very quickly and these houses are no longer affordable. So the new measures for building affordable housing must be found and there are many different ways of doing this and community land trusts are one way.

Land trusts are a new method of providing permanently affordable housing in Suffolk County and should be supported by both the Counties and the towns. Currently, Jim Morgo from the Department of Economic Development & Workforce Housing and Joe Sanseverino from the County Community Development Program have been working with us and have been trying to help us and have been very supportive as we've developed our programs. However, there is a great need for further information given to the public and the opportunity -- the new opportunities that are available in terms of developing more and other community land trusts throughout the County.

The land trust model of housing development is a movement from the bottom up, not from the top down. As such, it needs to start with groups of local people willing to give their time and efforts to the development of local not-for-profit organizations.

P.O. LINDSAY:
Ms. Mizzi, your time is up. If you could wrap up, please.

MS. MIZZI:
Oh, okay. That they need to learn for themselves and the more people in Suffolk County that know about land trusts, the better off the housing situation could be. So movement by the County to form, to help inform the public would be very valuable. Thank you.

P.O. LINDSAY:
Thank you, Ms. Mizzi. Chuck Gosune and Dr. Pippins is next.

MR. GOSUNE:
Good evening to all. Thank you. My name is Chuck Gosune, I live in Farmingdale and we were a community that's divided between Nassau County and Suffolk County, about 25% of our residents live in the Town of Babylon in Suffolk County. I'm here in support of community land trusts in general, would like to see a little bit more than just an affordable task force on affordable housing. I would like to see a little more sustainability issues discussed and let's take a look at all the communities and let's take a hard look at what each community can do.

I would be strongly in favor of an alliance between the County, the municipality, civic groups and, of course, the people that live in the community, and I think that's important. I don't think that's something that's going on today, so I would like to advocate and see Suffolk County take some hard look at what communities can do and form some alliances and maybe we can make some housing affordable.

The word affordable housing, whenever I talk to people in my community, for some reason it's a bad word. So no matter what you want to call it, whether you want to call it next generation, workforce housing, there is a name out there, there is a need out there. I think the LIA has proported 50,000 units required to sustain our local businesses, to sustain our Island; I don't know if that's a good number, but I think that's a number that needs to be looked at. And I think the County could do us all well by leading the charge, maybe join forces with the Long Island Regional Planning Board and Nassau County. I have a little statement that I'd like to leave and thank you for your time.

P.O. LINDSAY:
Thank you very much. Dr. Pippins? Eric Alexander is on deck.

DR. PIPPINS:
Good afternoon. I'm here today with my Board Chair, Mr. Bill Moore. I want to thank -- take this opportunity to again address the members of the Suffolk County Legislature.

Four years ago, September 1st, I became President of Suffolk County Community College. Throughout these four years, several factors have remained constant, among them, a solid visionary support from the Legislature and the thoroughness of the work of the Budget Review Office. With the support of the Legislature and the work of the Budget Review Office, we have been able to move the college forward in pursuit of excellence.

Middle States, our accrediting body, recognized and I applaud the Legislature for reversing the historic trends of ignoring infrastructure needs and not providing funding for much needed equipment. Together we have increasingly made the college a nationally recognized, financially and academically viable option for individuals and families in Suffolk County. This marriage of a commitment to excellence and affordability are fundamental to the success of our institution, fundamental to our ability to prepare our graduates for quality transfer opportunities and competitive job experiences.

We recognize that these are challenging fiscal times. We have and will continue to work with you to maintain excellence and protect your strategic investments in higher education. I believe the record shows that we are doing just that. We are achieving regional, national and international recognition while diversifying our funding base, maintaining the lowest administrative cost of any community college in the SUNY system and fostering student success, all while still maintaining the lowest tuition on Long Island.

We recognize your fiduciary responsibility to the County citizens and our responsibility to ensure the efficient and effective operation of the college. The recommendations contained in the BRO report and those advanced by the Legislature through it's Omnibus Resolution allow the college to continue on its path of excellence, creating and sustaining a quality learning environment that allows us to send our graduates to four year institutions and into the work force ready for success. We ask that you override the County Executive's vetoes and support our progress in addressing the educational needs of the citizens of this County.

I have submitted pictures of damaged and outdated equipment designated for replacement for your review. Thank you very much. I believe you also have a copy of this magazine and we're on the cover, Changing the Face of Long Island's Community Colleges. Thank you again.

P.O. LINDSAY:
Thank you, Dr. Pippins and Mr. Moore. Eric Alexander, and on deck is Andrew Cullen.

MR. ALEXANDER:
Members of the Legislature, thank you. My name is Eric Alexander, I'm the Executive Director of Vision Long Island, we're a smart growth organization. We are here to support the legislation for a housing task force on community land trust which we think community land trusts are a solution, one of the many solutions that it needed to address Long Island's affordable housing crisis as well as compliment good, strong community planning efforts throughout Long Island.

So why a task force? I think Legislator Losquadro is putting this forward, I think the idea is to put as many good people together and as many good ideas on the table as possible. Some task forces, as you clearly know, work, some don't. The Suffolk County Workforce Housing Commission that we were glad to be part of was a successful task force, the Suffolk County Smart Growth Committee that we had been part of a number of years ago, it really became a template for a number of efforts that County Planning Department is working on smart growth now. There have been various transportation committees through the years that have been put in place, so we think that there's value if there's focus and a clear result. So we're excited about that moving forward, and it certainly can be done in six months time, three months time, shorter is always better and action-oriented is always a goal.

Land trust is a model, it's worked well, mostly in Burlington, Vermont and Minnesota and other models. There's only three on Long Island; Fisher's Island has been up for a while, Southold and Bellport are in various gestation periods of getting projects in the ground. But it's an exciting model, it's been talked about for a long time, there's a lot of good advocates, you heard today and others that have been working real hard at having conferences and doing all the kinds of things that you need to do to get interest and support before the shovel hits the ground, and that's good, hard work that people are working on.

The two things that we think -- Vision Long Island thinks this task force will do of value is elevate the issue beyond the advocates and into a level of government where you can really create a template of a model that municipalities can brace, the developers can understand and community folks can support, particularly not-for-profit organizations such as schools, educational institutions and others. So we need that, we need to elevate this issue and we need to create a model.

I think it was referenced before that the top town models of planning and affordable housing aren't well accepted. Some of the big projects that moved forward in Yaphank and others, sometimes you meet with civic resistance. And even if we were to approve all of the big projects on Long Island, we may only get 20,000 units proposed. Let's say we approved everything from Yaphank to the Nassau hub to downtown Riverhead to Glen Cove waterfront -- and I know we're not talking about Nassau today, but just thinking from a regional perspective -- you only get 20,000 homes put forward and it may take ten years for those to be approved, right? Maybe 5,000 of them would be affordable, so we need other solutions and a locally based land trust could be part of that template of solutions.

So one last point as I wrap up. I think the fact that having groups of people coming together to catalyze ideas and the process of getting good minds together to come up with solutions is something of value, and anyone who is opposed to that I'm surprised about, I hope that this legislation would pass. And remember, the local decision makers are your developers, your civic associations and your municipal leaders, and anything the County can do to support those folks out in the field, it's a good thing. So hats off to you folks and I hope you pass this. Thanks.

P.O. LINDSAY:
Andrew Cullen and William Moore is to follow.

D.P.O. VILORIA-FISHER:
It's Collver.

P.O. LINDSAY:

Oh, Collver. I'm sorry, I thought it was an N; Collver.

MR. COLLVER:
Yes. My name is Andrew Collver, I live in Stony Brook. I'm a -- I'm with New Directions Community-Based Research Institute. Our purpose and new direction is to revitalize local communities at the school district level through a research and educational program we call Discover Your Community. Citizens who participate with us learn how to build and maintain community assets for the benefit of stakeholders in the community. One such asset is the Community Land Trust, an institution that can acquire and manage property for a variety of purposes, including affordable housing.

I wanted to say four things and emphasize four things, some of which have been said, about the community land trusts. First, that they are the -- I'm persuaded the best way to maintain permanent affordability. The land is owned by the community and kept in trust by a Board of Trustees. It cannot be sold, put on the market, so that the land is the inflatable part that keeps going up; the location, location, location. And the Community Land Trust keeps that location in as property of the community and not for sale.

And the second idea is the -- that this is not simply let's do something good and feel good and have some ribbon cuttings and photo ops and be in the paper, we're talking about serious housing. Last November, George McCarthy of the Ford Foundation spoke at a workshop we held on Long Island and he said that he can see a need for 25% of the housing in America over the next few decades becoming shared equity where the equity is held by an owner, as in the land trust, and only the house is bought and sold. And we have joined George McCarthy on this and New Direction is hoping to be funded by Ford Foundation for a large-scale effort to bring a demonstration project, develop a model on Long Island that would be applicable to suburbs elsewhere, to bring it to a scale that has a real impact on the housing need and is a model that can be adopted elsewhere.

What makes it adaptable in the suburbs, as we see, as has been said, it's a local control, it is a community land trust, not a Long Island trust or a Suffolk County land trust, a South Country Land Trust or a Farmingdale land trust. And these -- the home rule is the key to it. And so anything local government can do as a partner, the County and the municipalities, will help move this along and we like that aspect of the proposed legislation in Resolution 1748. And of course, it goes without saying that we're here to do whatever we can to help work this -- develop this process. Thank you.

P.O. LINDSAY:
Thank you, Mr. Collver.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
William Moore.

MR. MOORE:
Presiding Officer Lindsay, members of the Legislature, a pleasure to be here. I, like you, wear a few hats and I was asked to come down today and just talk briefly about the CLT that exists out in Southold. We put it together about four years ago and we are actively involved with local government, most importantly the local people. It is, as was said by one of the earlier speakers, a grassroots process, and as I stand here now, we are in the midst of negotiating acquisition of a piece out in Greenport to do just this type of a project. It's a great tool. It was mentioned that Fisher's Island had one in place for almost 15, 18 years, I think they did that before the term CLT even came about. They do exist in Schenectedy and Albany and places about, as well as in Vermont. The tool is out there, it is -- we have to get the word out as a vehicle to make it happen.

And the second point I'd make is that we've got to make sure that infrastructure is in place,

obviously density becomes critical. If you don't have the water, the sewer and those types of things, you can talk and talk and talk and not make things happen. But a lot of people out in the trenches have been doing affordable housing, I've been working on it in Southold for over 20 years. And as was said, we've used a number of tools from seven to ten year periods where you thought there would be people moving from one house to the next, the American Dream where you start in one house and move forward; we find that you're in your house and you spend your time fixing it up and you're stuck there for better and for worse, but you're not going anywhere. And after the seven or ten year payback period expired, boom, you can sell these houses at market price.

So this is an exciting new tool, I encourage you to look into it further. But I do want you to know, we are working as we speak out in Southold doing a project with Jim Morgo and his office and it's happening right now. So thank you for your time.

P.O. LINDSAY:
Tom Williams, and Phil Lorito is on deck.

MR. WILLIAMS:
Good afternoon. Thank you, Presiding Officer Lindsay. I'm here with my Board President, Margarite Smith, and Board Member, Lorraina Fitzpatrick, and I would like to speak in favor of Resolution No. 1769, the Memorandum of Agreement between the County of Suffolk and Cornell Cooperative Extension.

I had submitted a presentation at the Environment, Planning and Agriculture Committee, I'll just read a little bit of it. "We've been working with the County Executive's Office for the last six months to develop this MOA that we have been assured will expedite the process of issuing and signing contracts, reimbursements between the County and CCE, as well as provide clarity and accountability for our programs. With almost 20 different contracts between the County and Cornell, this MOA should provide consistency and contractual expectations. We're pleased to work with the County in this effort to streamline reporting relationships so that all County officials and the public can have a clear understanding of expenditures and program operations that are County-funded."

We appreciate the efforts of the County Executive. We have also been working with the County Office of Budget Review in terms of the presentation of our budget for the coming year, so we've been trying to meet the kinds of expectations that you and the County Executive are looking for. So we ask for your support for that MOA. Thanks.

D.P.O. VILORIA-FISHER:
Thank you, Tom.

P.O. LINDSAY:
Thank you, Tom.

MR. WILLIAMS:
Okay.

LEG. NOWICK:
May I?

P.O. LINDSAY:
As long as it isn't a question.

LEG. NOWICK:
No question. I just wanted to take one minute to welcome a constituent of mine, Mrs. Michael Fitzpatrick who is our Assemblyman in St. James; welcome, Lorraina.

P.O. LINDSAY:

Since you took a point of personal privilege, I'd like to welcome Mr. Phil Lorito as a constituent of mine.

LEG. NOWICK:
Okay.

MR. LORITO:
I'm here today to speak about the artists and musicians of Suffolk County. My name is Philip Lorito and I've been a music artist/manager all my working life. I've worked and resided in Suffolk County for over 30 years. I've represented and have played a significant roll in the careers as such artists as Michael Bolton, Cindy Lauper, Allen St. John who played keyboards and backing vocals in the Billy Squire Band and performed on every Billy Squire album, Bob Mayer who played guitar, keyboards, background vocals in Peter Frampton's band and who played on every Peter Frampton album.

I am the manager who brought Zebra to Long Island from New Orleans in the late 1970's. I have managed and developed a number of well-known Long Island bands such as the Stanton Anderson Band and Swift Kick. I was instrumental in the development of Twisted Sister and then I arranged their management deal with Mark Puma. The artists I've represented have sold over 100 million albums worldwide. I currently represent Frank Carillo and the Bandaleros who last year achieved number one on the Roots Charts and number one on the Rock Roots Charts. I also represent one of Canada's most successful alternative rock bands based out of Vancouver, Autoviolet. I run a small independent record company with distribution in the United States, Canada, the United Kingdom, Belgium, Holland, Germany, Austria and Switzerland.

I tell you all of this to hopefully impart upon you the fact that I am very well qualified to speak as an authority on the subject of the music industry. Throughout my career, I have fought against those who would take unfair advantage of artists and, to put it simply, steel from them. I wish to congratulate each and every Suffolk County Legislator for caring enough about this subject to consider legislation that I believe is necessary.

Some may argue that this is totally not a local issue and that it should be a matter taken to Federal Court in terms of trade/name infringement. That is a good point and, yes, Federal Court action for trademark infringement could and should follow the criminal action taken by local authorities. When a club owner or promoter knowingly, falsefully advertises and promotes a product to the people of Suffolk County, take their hard-earned money and present a total fake, that is a criminal act. Because there are Federal laws protecting the trade names of businesses, that doesn't mean Suffolk County should allow out and out local criminal behavior; you would not tolerate a criminal stock in the County supermarkets with 100,000 fake bottles of Coca Cola and then call that criminal -- not call that criminal fraud; in that case, would you tell the citizens of Suffolk and the Coca Cola Company to sue in Federal Court for trademark infringement? Should the County Executive and this body or the Suffolk County Police Department cease responding to bank robberies in progress because there is a Federal law against bank robbery? Of course not.

The point I'm making is that Federal law relating to trademark infringement is not entirely unrelated -- is entirely an unrelated matter to planning criminal deception with the intent to defraud the people of Suffolk County. Musical artists are unique and special people, they need your protection. They are not all multi-millionaires, but mostly struggling artists who in many cases are barely getting by. There might be 100,000 professionals, semi-professional musicians within a hundred miles of us, maybe less than twelve of them will ever have close to a hit record. Nearly all of them --

P.O. LINDSAY:
Phil, maybe you could wrap up, you're out of time.

MR. LORITO:
Okay. The point I'm making, and I can go on and on, is that anything that you can do to protect

these artists from being ripped off and taken advantage of will be greatly appreciated. I myself am willing to form an unfunded, volunteer committee to monitor artist advertisement and promotion in this County. Thank you.

P.O. LINDSAY:
Phil, the bill that you were speaking on, 1699, is the subject of a public hearing a little bit later on this evening. You're more than welcome to speak at the public portion about it, but if you do decide to stay on and you have more to say, you'll have five minutes under that public hearing as well.

MR. LORITO:
Okay, thank you.

P.O. LINDSAY:
You're welcome. Frances Campani? On deck is Ken Robinson.

MS. CAMPANI:
Hello. I'm Frances Campani, I'm an architect.

LEG. LOSQUADRO:
Could you pull the microphone down a little?

MS. CAMPANI:
Sure. I'm an architect, a partner in Campani & {Schwarting} Architects in Port Jefferson and I'm an Associate Professor of Architecture at NYIT. I've often worked with students on community design projects and I'm here to support the establishment of a Task Force on Affordable Housing through the Land Trust. And that's really all I have to say.

I've worked for many years with students and communities and I've seen an increasing -- as you've all seen -- need for affordable housing and also desire for affordable housing in communities. So I hope you'll pass that. Thank you.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
Thank you very much. Ken Robinson. Ken Robinson? Going once, twice, Ken Robinson? No. Jim Morgo?

COMMISSIONER MORGO:
Good afternoon. I'm here to speak in opposition to IR 1748, to establish a Task Force on Housing Community Land Trust.

Community land trusts are one way, a very good way, to maintain the affordability of homes, workforce homes. The reason I'm in opposition to this task force is that we have limited resources. To have a task force on just one aspect of maintaining affordability would be like having a task force on legitimate -- on what would be the best income guidelines to follow. The task force would take money and time from actually creating homes that our workers can afford.

There are two things necessary in order for a task force -- I'm sorry, in order for community land trusts to be effective, and those two things are not-for-profits with adequate capacity to create the community land trust. The Office of Economic Development and Workforce Housing is currently working with the two formative not-for-profits, the South Country Land Trust and the Southold Land Trust. In fact, both of the speakers today, Sibyl Mizzi from South Country and Bill Moore from Southold, have been closely working with our office. It was Bill Moore who said to me, "To get the idea of what a land trust is, you'd probably need a two hour Power Point or one hour Power Point

presentation," and we can get the word out through conferences, meetings.

The other thing that is absolutely essential if you're going to create community land trusts are sites. All the task forces, all the talking in the world will not create community land trust if we don't have sites for them. We're working with both of the community land trusts to give them sites. Mr. Moore mentioned it, in Bellport we're looking at tax-foreclosed properties to convey to the community land trusts. What troubled me about this, the only thing that troubled me about this, is the time and the expense and not the doing. We're losing our young people at an incredible rate. We are creating jobs, not at the rate we once did, but we're certainly creating more jobs than we have people to fill them. If we're going to have hearings, public hearings, and when have to advertise, pay for them, and we're not actually working on creating the land trust. And let me reiterate, they're good things and they're very effective, but the whole issue of workforce homes takes a lot of time, a lot of effort. And to dedicate the people and the time to effect task force where we'll have more talk and less action I don't think is productive.

I can tell you, as someone who, with others and with a lot of help, has produced thousands of homes that our workers can afford. Many of the people who love these conferences and task force would rather talk about the issue than actually get something done. Thank you.

P.O. LINDSAY:
Commissioner Morgo, I would invite you back later on when we debate the bill because there might be some additional questions about this whole issue, I'd appreciate it.

COMMISSIONER MORGO:
I intend to stay.

P.O. LINDSAY:
Thank you. Town Supervisor Skip Heaney? Welcome, Supervisor.

SUPERVISOR HEANEY:
Why, thank you. And forgive me --

P.O. LINDSAY:
We're flattered that you came this far to talk to us about the Big Duck.

SUPERVISOR HEANEY:
Yeah. You know, every time we come here to talk about the duck, we seem to bring weather that's fit for a duck.

Mr. Presiding Officer and members of the Legislature, a little bit later you're going to entertain a resolution that will authorize a licensing agreement with the Town of Southampton to relocate the Flanders Big Duck back to its former site. And under the terms of that agreement, the County will continue to own and maintain the building and everything else that's associated with it will fall to the Town of Southampton and we're very happy to take on that responsibility.

The Big Duck is more than just a piece of highway art or highway architecture; for the residents living in the Flanders area, really it is key to their identity as a community. And they have wished long and hard to bring that structure back into their community as a centerpiece upon which they can build out from in order to reclaim much of their community, really from blight and years of neglect. And those of us who have been party to helping to relocate that structure are extremely grateful for the level of cooperation that we have received from the County Executive's Office right on through a number of people who have worked with us to -- and if I could, I'd just like to identify some key people I've been asked to recognize, in addition to yourselves and the action that you'll contemplate a bit later; the County Executive Steve Levy, Kevin Law, Christine Malafi, Tracy Bellone, Richard Martin, the County Historian, Tom Isles, the County Planner and Jim Bagg, the Chief Environmental Analyst. Everyone contributed to make this seemingly impossible task just several

years ago a fairly light lift. We all had a bit of work to do and everyone did their share and the end result is that once this symbol of a community is brought back as a centerpiece, that will really be a monumental day for many people in the Town of Southampton. It's my role as the Town Supervisor just to express my extreme gratitude and appreciation for the work of all. Thank you very much.

P.O. LINDSAY:
Thank you, Mr. Supervisor. Marguerita Smith?

MS. SMITH:
I'll waive, I have stood before. We're proud to be here for 90 years and we'll be here for 90 more with your help. Thank you.

P.O. LINDSAY:
Thank you. I'm going to exercise the privilege of the Chair, I've had a request to read into the record a letter from the Wyandanch Day-Care Center, Inc., and it's addressed to me.

"One interviewer from the press said to me, you are so angry. If I gave the outer appearance and/or the tenor of my voice suggested anger, I ask you to please accept my apology. I am not angry, I am in great pain, anquish and despair about this continued injustices against child care providers, the continued delinquent payments that have at times been almost one year late is stifling the life out at my center and simultaneously decimating families whose very existence depends on affordable and safe child care. No business can continue to survive unless corrective measures are taken to address Suffolk County Department of Social Service malignant and systematic methodology of reimbursement to child care providers. Please support and pass law IR 1510 to prevent and stop the demise of ailing child care providers. Please safe child care and keep New York working, a win/win for all of us." And it's signed by Louise Hamlett.

And with that, I do not have any other cards. Is there anyone else in the audience that would like to address the Legislature? Seeing none, I will entertain a motion to close the public portion.

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislators Caracappa & Nowick).

Before we get to the regular agenda, I want to address to Procedural Motions.

LEG. ALDEN:
Did we do the Consent Calendar yet?

P.O. LINDSAY:
No, I haven't done the Consent Calendar, we're closing the public portion. Actually, I should do the --

D.P.O. VILORIA-FISHER:
Should we take that out of order, the veto?

P.O. LINDSAY:
I'm going to, but I really should do the Consent Calendar first. I will accept a motion to approve the

Consent Calendar.

D.P.O. VILORIA-FISHER:
So moved.

P.O. LINDSAY:
By Legislator Viloria-Fisher, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen..

P.O. LINDSAY:
There's actually three Procedural Motions that aren't on your agenda but are copied in front of you and I would like to take them next.

Procedural Motions:

Procedural Motion 13, 14 and 15. First, ***No. 13, (Procedural Motion changing the date of Legislature Meeting)*** changes our next meeting from September 18th to September 20th, and I should give an explanation of why we're doing this. I've had a request from multiple Legislators to do this and the reason for it is September 18th is Primary Day, and when we set our calendar initially in January it wasn't Primary Day; Primary Day was supposed to be September 11th and the State changed the Primary Date after we set our calendar. I'm, you know, honoring the request of two of my fellow Legislators who are involved in primaries and, you know, I'll make a motion to approve the Procedural Motion.

LEG. MONTANO:
Second.

LEG. KENNEDY:
I'll second that motion.

P.O. LINDSAY:
Second by Legislator Kennedy. On the question, does anybody -- yes, Legislator Losquadro.

LEG. LOSQUADRO:
I will just say for the record that although I did not make this request to you, Mr. Chairman, I am one of the individuals who got caught up in the whole issue of the Working Families Party and two different sets of petitions being certified, so technically I'm one of the individual of the primary. And even though we weren't aware of that date, to use an expression, it's sort of all over but the shouting by the day of the election, by the day of the primary. I really don't see a need to postpone the meeting, because it's the actual day, there's not much else you're going to do as a candidate on that day. If you haven't done what you need to do by the time that day arrives, that day isn't going to make much difference. So I don't -- myself personally, I don't see a reason to postpone the meeting.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:

Well, I am unique amongst my colleagues here, being the only Legislator that is faced with a major party primary. And while I take the advice and the observations of my Minority Chair to heart, I will also say to him, having never been in this before, I am going to do everything that I will do right up to the last hour of the last day in order to prevail. I appreciate the time, particularly honoring my request, Mr. Chair, since I have made every General Meeting that has been had since I first got elected in November of 2004. So I appreciate it very much. Thank you.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Yeah. You know, just in looking at the calendar, it's two days later. In fairness to our colleague, it's important to Legislator Kennedy, I'm willing to move everything I have around and certainly change everything.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
I'm standing next to my Town Chair from the Town of Babylon and I was Town Vice-Chair; you know, being in politics for a while, if anybody wants to do anything about primary, the primary is all about the day of primary. It's pull-out day; if you're not there to pull out your people, you lose. So Mr. Kennedy, I'll give you my vote gladly.

LEG. KENNEDY:
Thank you very much, I appreciate that.

P.O. LINDSAY:
Do you two Legislators still hold those positions?

LEG. MYSTAL:
No.

P.O. LINDSAY:
So they got rid of you.

LEG. MYSTAL:
He got fired and I left.

LEG. LOSQUADRO:
Mr. Chairman?

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Just one point. I understand the points and plea, I just want to make my point. I just want to say I just checked the schedule and we will have to readvertise and reschedule the Ad Hoc Committee meeting.

LEG. NOWICK:
Which one?

LEG. LOSQUADRO:
I had a -- for Contract Agencies, Mr. Chairman.

LEG. ALDEN:
Oh, wait a minute, we can't do that.

LEG. LOSQUADRO:
I'm just pointing that out to you.

LEG. ALDEN:
That can't be moved.

P.O. LINDSAY:
Wait, I didn't intend on having another Ad Hoc meeting past August 30th, that's the last one.

LEG. LOSQUADRO:
Okay.

P.O. LINDSAY:
Okay.

D.P.O. VILORIA-FISHER:
I make a motion to approve; is there a motion?

P.O. LINDSAY:
We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. ALDEN:
Is there any way this can be amended to participate by telephone?

D.P.O. VILORIA-FISHER:
Teleconferencing.

LEG. KENNEDY:
Thank you.

P.O. LINDSAY:
No. 14 (Procedural Resolution changing location of Legislature Meeting), again, has to do with the meeting schedule. And again, I apologize, it's changing the location of the December 3rd meeting from Riverhead to Hauppauge, and the reason for it is I've been informed by Public Works that the auditorium will be in the demolition stage at that point.

LEG. ALDEN:
Oh, my heart is broken.

LEG. MYSTAL:
I feel so bad.

LEG. LOSQUADRO:
Do you need cosponsors?

P.O. LINDSAY:
Do we have a motion?

MR. LAUBE:
No, you don't.

P.O. LINDSAY:
Okay, motion by Legislator Alden, second by Legislator Viloria-Fisher. And I recognize Legislator Romaine.

LEG. ROMAINE:
Yes, it would be a shame. I certainly can find an alternate location in Riverhead where they have a high School, a community college --

LEG. NOWICK:
No.

LEG. MYSTAL:
Please don't, Ed.

LEG. ALDEN:
It costs a little bit too much to sweep for the bombs and everything else, so.

LEG. ROMAINE:
But failing that, I'm sure that we'll add Riverhead yet another time to our schedule. When I was first a member of this body back in 1986, every other meeting was in Riverhead and we met every two weeks.

LEG. ALDEN:
I think two years from now we should go back to that.

LEG. MYSTAL:
Through the Chair?

P.O. LINDSAY:
And I'll ask the question; Legislator Alden, when are you term-limited?

LEG. ALDEN:
Pretty soon actually.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
Ed, you were a lot younger then.

D.P.O. VILORIA-FISHER:
Okay, let's go.

P.O. LINDSAY:
Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
While we're at it, we might as well finish the Procedural Motions. We have ***Procedural Motion No. 15, (Authorizing funding for Community Support Initiatives, Phase VI).***

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. ALDEN:
Second.
LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

D.P.O. VILORIA-FISHER:
Should I make a motion to take the vetoes out of order, or are we just going to do it?

P.O. LINDSAY:
No, I'm going to do it. The prerogative of the Chair, I'm going to exercise -- I'm going to take the vetoes next of the Community College. There are five independent documents. Would you like to address them separately, does someone want to make a motion to address them together?

D.P.O. VILORIA-FISHER:
I would like to make a motion to address them as one.

LEG. MONTANO:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Okay, we have a motion and a second to address them together.
Counsel, Mr. Nolan, would just like to make a clarification on the statement.

D.P.O. VILORIA-FISHER:
The Clerk is trying to tell you that we --

MR. NOLAN:
Right, the vetoes apply to documents two through five, so the motion to take them as one would be documents two through five, to override those as one.

D.P.O. VILORIA-FISHER:
Okay. I would like to make a motion to take document two through five as one item.

P.O. LINDSAY:
I didn't call the vote yet.

MR. LAUBE:
Correct.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:
Second, okay. So on the motion before us to take them as a group, all in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. They're before us now in one packet and, Mr. Sabatino, would you like to make a statement?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Thank you, Mr. Chairman. I just want to make a few observations on behalf of the County Executive with respect to the vetoes.

This will be the fourth consecutive year that the County Executive has exercised his line-item veto with respect to the Community College operating budget, and each of those four years there's been a different theme. If you recall, in 2004, the theme that year was that we had double-digit salary increases as high as 18% going to management people on the theory that a national search would be conducted to bring in new people. Obviously that did not happen at the time, the veto was overridden and we had to absorb the cost of that particular veto override. The subsidiary issue that year was $1.7 million of additional spending which, we documented a year later, resulted in $1.2 million more than the college even asked for. Again, the veto was overridden, we had to absorb the $1.2 million in the operating budget.

The next year the issue was the double-dipping on the management salaries when the management contract that was agreed to in 2005 was then applied to the same people who got the 18% and the double-digit salary increases. Again, the veto was overridden and we had to absorb the cost of that. In addition, again, the college had received approximately $1.3 million more than was requested.

The theme this year in 2007 is a little bit different. As you can see from the winds of change blowing in from Nassau County where the Nassau County Legislature is now scrutinizing and looking very carefully at the relationship between expenditures and tuition, for the first time in my tenure in the County, the Nassau County Legislature is taking a very, very close lock and saying maybe tuition has gone a little bit too high with respect to expenditures and the affordability of students. Well, right here in Suffolk County, that theme can be seen in what happened with this particular budget.

The budget as originally submitted, if you look at the chart directly in front of you, we start off with the existing 2006-07 college tuition was $3,100. When the college came forward it added -- it requested, I should say, $3,360; the County Executive recommend a cut that brought us to $3,220. When the Legislature had completed its Omnibus, that had come back up to 3,280 which was still lower than what the college had proposed. However, today, if you will sustain the County Executive's vetoes, this is what would happen; we would wind up with $3,188 as a tuition which would be $172, $172 less than what was proposed by the County Community College.

Now, why is that important, why is that significant? It's significant because since we last met, we've learned that Community College enrollment is now down about 4.36%. We have declining enrollment, we have a budget that asked for ten additional positions at a time when there's 55 vacancies that exist at the college; 55 vacancies, you're going to add ten positions to do what? To have the kids or the students and the people going to the college pay $172 in additional tuition. Think about it with rising energy costs, a commuter school, $172 could really be make-it-or-break-it for a student going to one of the campuses or at least expanding the ability of a student to go to more than one of the campuses to pick up a special course.

So our view this year is that you don't need the additional ten positions when you've got 55 vacancies. The ten positions are going to have no measurable direct impact on the delivery of services when you've got 55 vacancies, as evidenced by actions that were taken on August 9th by the Community College Board here they happily traded in one position to create three additional two -- three positions which was a cost of about $250,000 above the position that was abolished. When you take all of that into consideration and look at the ability to reduce tuition by $172, we think we've made a compelling case because we line-item vetoed; we didn't knock everything that was put in, we knocked out about $801,000. You could give students a $172 reduction from what was proposed at a time of rising energy costs, declining enrollment and 55 vacancies in the budget.

Ergo, on behalf of the County Executive, I would ask you to sustain the vetoes in their entirety and lower that tuition by $172. Thank you very much.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Mr. Sabatino, I think four of those positions are for crisis counselors. Keeping in mind what happened in Virginia Tech, I commend the college on being proactive and being -- trying to be prepared to deal with -- it may not be academics, but the other part of a human being is the social and the intellectual aspect and I think they're going to combine those with these counselors. So, I mean, I think that's something that we're really being -- I'm proud to vote for that. I don't understand how the County Executive would be opposed to that.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Because there's a trade-off, Legislator Eddington. The trade-off is that the ten positions, when you've got 55 vacancies, when you've got the board moving on August 9th, just two or three weeks ago, with respect to trading in one position for three and the opportunity to reduce tuition by $172 for those students that are going to a commuting school, we think the trade-off errs on the side of let's help the students this time around, not add ten additional positions.

LEG. EDDINGTON:
Well, just --

P.O. LINDSAY:
Legislator --

LEG. EDDINGTON:
Could I follow up?

P.O. LINDSAY:
Go ahead, you want to follow-up.

LEG. EDDINGTON:
Well, I just wanted to add, my understanding with talking to the college is those positions are being filled; that those 55 position are in the process of being filled.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, there are 55 vacancies on the books right now, okay.

LEG. EDDINGTON:
Right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
And the past three years we've had the same identical situation, we've come to the last quarter of

the operating budget process where there are vacancies that are out there, you have to prioritize. The trade-off is do you accommodate those ten positions within the 55 vacancies and lower tuition by $172 --

LEG. EDDINGTON:
Right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- for commuters to the college, or do you raise the $172 in tuition fees to pay for the ten positions?

LEG. EDDINGTON:
Here's where my --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
We're erring on the side --

LEG. EDDINGTON:
Here's my problem with that. You're saying that the County Executive is basically kind of saying that if you don't use the positions, if you don't fill the positions assigned, kind of do away with the positions, and I think we've been saying that to the County Executive for all the departments for two years. So I'm not getting the reasoning here.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
I would, once again, reiterate that each of the last three years, the college has been given more money than was requested by the college, okay; each of those years was given more money. So there's a mad scramble at the end of the year to then try to spend those portions of funds.

There have been consistently a number of vacancies, in this case there are 50 vacancies. The difference between the past three years and this year is that the way the numbers play out, you have an opportunity to reduce the tuition hike by $172. So again, it comes down to where do you want to place the emphasis? Our feeling this year is that the ten positions are not as important as the $172 reduction in those fees. And looking at what's happening in Nassau County, there seems to be a sense out there -- Nassau County is rarely ahead of Suffolk County, but there seems to be a sense out there that maybe we have to get things back into alignment and tuition is the one place that seems to be very sensitive.

LEG. EDDINGTON:
Thank you. I understand, it's a question of priorities. Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Thank you. I would like to think that over at the Community college we have a whole bunch of professionals, and I would also like to think that they're doing their job. So I hate to actually go in here and meddle on a little nitpicking type of mission and that's what it seems that we're doing. I'm just going to turn to Counsel and ask one quick question; do we have the legal ability to set the fees at Suffolk Community College, or the tuition?

MR. NOLAN:
The Board of Trustees set the tuition.

LEG. ALDEN:
Okay, so we don't, the County Executive doesn't either. So when we hand the professionals over at

Suffolk Community College an approved budget, if they, in their wisdom, think that maybe they're running a little bit behind in registration, maybe they will cut, and that's what I hope they do, I hope they use some of the money that we're giving them in the budget to actually be able to cut their tuition.
So we don't have the legal ability, neither does the County Executive, we can only make a suggestion. And I think that the Legislature should very strongly send a message to the Community College that we would like to see you reduce the tuition as far as you can. With the proviso, though, we want to see a very professional product put forward, we want you to continue on the way that you've been, the path that you've actually embarked on and that's to create new type of learning situations for kids and really to react to what we really need in Suffolk County.

So I would like to see us get away from this mini-managing of the Suffolk Community College, let the professionals do their job and then we can look at it on an auditing basis. And if somebody over there is not doing what we want them to do, we still have the ability to go through the Board of Trustees which we pretty much pick and elect and put them over there to do what we would feel or provide what we would feel as a Community college and an opportunity for people in Suffolk County. So that's the way I'd like to see it go.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Thank you. Mr. Sabatino, I would just -- I really can't see the sign that Mr. Dahroug is holding up. Could you just explain what it is that's before us? Because I apologize, I can't see that well.

LEG. ALDEN:
We can see the sign, we just can't see what's written on it.

LEG. MONTANO:
Yeah. I mean, I see that he's holding a sign, I just don't know what the sign indicates.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Okay. It was just a chart to show the tuition. The tuition in 2006 and -- the current tuition before the new year begins is $3,100, that's the first bar.

LEG. ALDEN:
Can you point to that?

LEG. MONTANO:
The first one is the current tuition?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Yeah, the current, just to give you the benchmark.

LEG. MONTANO:
All right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
So when the college proposed its 2007-2008 budget, it sought a tuition of 3,360, so that would mean that the increase would be $260, okay? So it's 3,100 jumping to 3,360, a jump of 260. When the County Executive submitted his proposed budget, the third bar --

LEG. MONTANO:
So the second column represents an increase of $260?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It went up $260, right.

LEG. MONTANO:
Right, but from here the chart looks like it's three times the 3,000.

LEG. ALDEN:
It's all in the scale.

LEG. MONTANO:
Okay.

LEG. ROMAINE:
It's all in the eye of the beholder.

LEG. MONTANO:
All right. So then the third column or the third --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
The third column is what was requested by the County Executive.

LEG. ALDEN:
Wait a minute, Jimmy's got it upside down.

LEG. MONTANO:
Sorry about that.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
And then the fourth column is the outcome of adopting the Omnibus Resolution, that's at 3,280 which would be $60 higher than what was requested by the County Executive. And then the final --

LEG. MONTANO:
Oh, I have it here.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- column would be if all the vetoes were to be sustained, it would come back down to $3,188 which would mean that the increase from last year would be $88 instead of $260. That was the point of the bar graph, just to kind of simplify where the tuition is going, because this year we think the theme is tuition.

LEG. MONTANO:
Thank you.

P.O. LINDSAY:
You know, I'm glad you asked that because I didn't see the bar graph as well, but I didn't even recognize Jimmy Dahroug.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
He's our secret weapon.

P.O. LINDSAY:
You got a haircut. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Mr. Sabatino, your comments concerning tuition seem predicated on enrollment figures that kind of clash with some of the numbers I've seen for enrollment. I'm not sure, where are you coming up with this data that enrollment is dropping? Because the officials from the college have repeatedly

told me that there's a slight increase in enrollment, or it's relatively flat.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, I'll bring up our budget people, but their budget people told our budget people that it dropped by 4.42% I believe. This is Alysa O'Driscoll who's our budget analyst.

MS. O'DRISCOLL:
It was based on a report that we received on August 14th from the college, the day after the payment due date.

LEG. SCHNEIDERMAN:
Mr. Presiding Officer, with your permission, could I bring up somebody from the college to refute those tuition numbers, if necessary? Maybe Mr. Gatta.

MR. GATTA:
Thank you. George Gatta, Executive Vice-President --

LEG. LOSQUADRO:
The mike's not on, George.

MR. GATTA:
Thank you, Paul. A little comic relief is needed here. Not only would I like to provide some factual information on enrollment, but if I could just briefly address a few points that Chief Deputy County Executive Sabatino made.

I have today's enrollment report, and given the student body and the makeup of our student body and the fact that many students apply and are accepted at the very last minute, our enrollment numbers fluctuate every day and we track them every day and I happen to have today's enrollment report. Full-time enrollment is at 100.15%, so we're above last year. And if you recall, over the past six years we've grown 24%, so our base has grown significantly over the years, but we're maintaining that and we're working very aggressively to do that.

P.O. LINDSAY:
Could I just ask something about that? You say it's up one and a half percent over enrollment, this time last year or at the start of the semester?

MR. GATTA:
At this time last year, so at the beginning of last year -- I mean, last year's enrollment.

P.O. LINDSAY:
At the start of the semester, not this day in time.

MR. GATTA:
This day in time. It fluctuates every day, so --

LEG. LOSQUADRO:
No, no, no, no, no.

MR. GATTA:
-- every day we track enrollment --

P.O. LINDSAY:
Now you're confusing me. Just for hypothetical sake, if our enrollment the first day of school was a hundred people --

MR. GATTA:
Yes.

P.O. LINDSAY:
You're up one and a half percent over that number or is it --
MR. GATTA:
No, we're up point one five of 1%, so we're just slightly over a hundred percent compared --

P.O. LINDSAY:
So you're at last year's enrollment level.

MR. GATTA:
Exactly. Chief Deputy Sabatino said we were down 4%; we're not down at all, we are slightly up. But we, again, track this every day, we'll be tracking it again tomorrow. The Board of Trustees --

P.O. LINDSAY:
But isn't it true -- when does the semester start?

MR. GATTA:
Monday, Next Monday.

P.O. LINDSAY:
Don't you get a great deal of enrollments at the very last minute?

MR. GATTA:
We have hundreds of students that are still being tested, that are being advised and that are being given schedules. In addition to the full-time classes which start next Monday, we're also registering part-time students and the evening sessions start the Monday following, so two weeks from yesterday the evening. So we will continue to enroll students basically for the next two weeks, we will continue to test, advise and give schedules and enroll students for the next two weeks. So we're very much on top of that.

P.O. LINDSAY:
Okay.

LEG. SCHNEIDERMAN:
If I may. Mr. Gatta, this $170 increase, has the college done any analysis to see how this may affect enrollment? Because I know you're certainly a trade-off between program enhancements, I see some of the money goes towards recruiting new students or promoting programs, but at the same time, as you increase the tuition you may lose students. Have you done any analysis to know that this isn't going to be harmful to your enrollment numbers?

MR. GATTA:
Well, your question touches on a number of issues and if you don't mind, I'll try to make it as short as possible.

Based on the way the college budget is put together, is presented to the County Executive, it goes to their Budget Office, goes to Budget Review for analysis, goes to you folks for your first cut, then goes back to the County Executive, we start our budgeting way back in March, it gets presented to the County Executive in April. Because the County Executive directed the college to present a zero increase in the County contribution, the Board of Trustees presented a budget with a zero increase from the county contribution. Recognizing that, in order to make the budget work, they adopted and we have billed students at the higher tuition level -- it was not their choice to do that -- recognizing that the State provided a 5.9% increase this year in State funding.

In their message to the County Executive and in their message that we've given to all of you, individually and collectively, we were requesting a 4% increase from the County to try to maintain that third, third, third balance which is far askew these days, it's more like 26, 25% County, 30 --

29%, 30% State and 41% or so students, so we have the students paying the larger share. But in keeping with the County Executive's directive, we sent over the $260 number; that number has been billed and the numbers that I'm siting today, the registration, is with the higher tuition.

Now, should the Legislature provide the increase, should you override the County Executive's vetoes and essentially provide us with a 2% increase, the college will rebate, will send rebate checks, as we did last year, to the students for the lower tuition number. Based on your actions today, the Board of Trustees on Thursday will adopt a tuition number and we are very hopeful that it will be significantly less than the 260 that's been billed.

As far as the Board Meeting on August 9th, the Board of Trustees did not meet on August 9th, that was because we did not have -- we lacked a quorum for that meeting, there is a vacancy; actually, there's a vacancy plus a new student trustee is coming on. So just correcting Mr. Sabatino's misstatement about the Board Meeting and adopting something on August 9th, that did not take place. I can go on and answer --

LEG. SCHNEIDERMAN:
But George, just for clarification. So the $170 increase in tuition is not going to effect enrollment because you've actually increased it more than that --

MR. GATTA:
We've increased it 260.

LEG. SCHNEIDERMAN:
-- and it hasn't effected enrollment.

MR. GATTA:
Well, the numbers reflect that there was a strong demand out there.

LEG. SCHNEIDERMAN:
Okay.

MR. GATTA:
When folks have inquired, we said yes, we will give a rebate should the Legislature restore funding.

LEG. SCHNEIDERMAN:
And in terms of the ultimate tuition, in terms of keeping pace with inflation. Because the 170 is more than, you know, what the inflationary adjustment would be, but some years we've seen smaller adjustments in tuition, but over time have we tried to keep the tuition basically on par with inflation?

MR. GATTA:
Absolutely. And SUNY has given us a set policy and they've suggested that we not exceed the HEPI, the Higher Education Price Index.

LEG. SCHNEIDERMAN:
Okay.

MR. GATTA:
Which this year is 5%, and it's our goal to be as close to that as is humanly possible given the support we can have from the Legislature.

LEG. SCHNEIDERMAN:
Thank you.

MR. GATTA:

Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Actually, if Mr. Gatta can go ahead, or somebody else from the college, I just want to ask about one other item I recall. You graciously hosted several of us -- I believe it was in May, as a matter of fact -- about budget items, and I recall at that time you spoke about a Court of Appeals decision or some other decision that affected budgeting; does that affect this process at all that's in front of us? What was the extent of that?

MR. GATTA:
Well, this was litigation that goes back to the County of Westchester suing the State University of New York over changes to the State Education Law which resulted in changes to SUNY regulations with respect to the governance of community colleges and the relationship that community colleges have with their sponsors. We could spend a long time discussing that and the implications of that, but --

LEG. KENNEDY:
Which is not my desire at all, but I think we do have a good relationship and I think each one of us try very hard to go ahead and recognize the good job that the Community College does. And we try to be cognizant of the fact that our constituents are seeking to go ahead and afford themselves of the whole variety of educational opportunities there, and it seems that your Board of Trustees is cognizant of that as well.

So I think that, you know, we've been prudent, I think you've been prudent as well and I commend you for what you've done so far and encourage you to continue to look at the diversified programs we've spoken about, particularly the Culinary Institute, the Nursing Program and the Automotive Program.

MR. GATTA:
And those are many of the positions -- four of the ten -- five of the -- four of the five positions in there are for culinary and nursing. You may have read in the media that the County Executive has characterized these faculty positions as administrators; faculty are not administrators, they are teachers, they're what colleges are all about, we're just there to make sure that the institution runs and I thank you for your support.

D.P.O. VILORIA-FISHER:
Don't go away, George.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Hi, George. I just wanted to ask you a question about the tuition, and I was just wondering whether or not the board has considered this. Rather than a rebate, has the board considered a credit to the spring semester's tuition, and if someone's not coming back in the spring then give them a rebate? I'm just thinking of the administrative cost of sending out all of these rebates.

MR. GATTA:
We can certainly look at that. It's more a matter of it might require some reprogramming of our financial systems to look at a reregistration and a credit; we can certainly look at that. Anything we can do to improve efficiency and to reduce those costs we will do.

[THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN AND TRANSCRIBED BY KIM CASTIGLIONE]

D.P.O. VILORIA-FISHER:
By the way, I really like those commercials, the new commercials on TV, they're very, very good; different people who graduated from Suffolk and what they're doing.

MR. GATTA:
We can thank Vice-President {Aranio} for that.

D.P.O. VILORIA-FISHER:
No, I didn't see you.

MR. GATTA:
And one of the items that we hope -- one of the items in the override, which has been vetoed, was some additional funding for marketing.

D.P.O. VILORIA-FISHER:
Yes, I saw that.

MR. GATTA:
We feel it's important to get the message out.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
A quick question. From what I heard you say, that the County is shirking its position by about 7% in terms of coming up with Fund 26 through 33, right?

MR. GATTA:
That was the original compact when community colleges were established.
We're --

LEG. MYSTAL:
But right now --

MR. GATTA:
We're asking for you to increase --

LEG. MYSTAL:
We're shortening you by 7%.

MR. GATTA:
Yes.

LEG. MYSTAL:
And the State is shortening you by 4%.

MR. GATTA:
About 3%.

LEG. MYSTAL:
About 3%. But somehow the money have to be made up by somebody.

MR. GATTA:
If we want to remain an open access institution and provide every student with the opportunity when they come to us -- when students come to us and a determination is made that they can benefit from a college education, even if they need significant remedial work, the college accepts them and provides that remedial work that enables them to, after maybe a semester or so, actually take a full college course load. So in order to --

LEG. MYSTAL:
So what I'm trying to get at, if the State and the County meet their respective responsibility and come up to the 33%, you wouldn't have to raise tuition that high.

MR. GATTA:
That's correct.

LEG. MYSTAL:
Thank you.

P.O. LINDSAY:
I'd just like to put one caveat on that. The Capital Program for the college isn't in that pie. Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. George, I would just like to say over the past four years, just to echo some of the comments that my colleagues have made, I think we have seen a concerted effort on the part of the administration of the college to ask for budget items, be it capital improvements that are going to further augment the quality education and the status of our college. Being a former student in the honors program at Suffolk Community College, to see how that program has grown since the time I was in school until today, ten, twenty fold, whatever it's been in that time. I am very confident that the investment that we have made over the past several years, despite charts and graphs to the contrary, has been money well spent and it has been well documented on your part and on our Budget Review Office part that that money that we invest in the Community College comes back in very short order, back into our community. I'm confident that this year's investment will be just that, an investment in our community and I look forward to supporting it. Thank you.

MR. GATTA:
Thank you very much.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Thank you. I guess my concern with reference to these vetoes and the overall college budget in general is that in my particular case, and I think it's indicative of most of my colleagues in Suffolk County, one in five of our neighbors are having a very, very difficult time meeting the mortgage payments, and when you add that to those who are having a somewhat difficult time over and above that meeting their mortgage payments. According to the Rausch Study in the Long Island Index that figure approaches 60%. And the question is what is the college doing, what are all agencies, what are all government -- whether they be government or quasi levels of government, to tighten their belts with reference to meeting this very serious program that the constituents that I represent have in terms of even surviving out here on Long Island.

The vetoes as I look at them, I'm not looking at a veto that says we're going to wipe out 5% of the administrative staff of Suffolk Community College; we're going to layoff 10% of the teaches. What the County Executive is vetoing here it seems to me are things that you want. The question is

whether they are wants or they are needs. You want ten more positions, you want $125,000 in biology equipment, you want more furniture and fixtures. Yet what do my constituents want? They want to survive out here.

And the question of the students, you know, it's nice and the quality education is great at those three campuses, but when they graduate where do they go? Can they afford to stay here? The whole question is like a vicious cycle, George, it continues to go and go and go. And it's not just the Community College, it's just not the County, it's all levels of government out here. I think what has to happen here is that, you know, you have to tighten your belt. Take a look beyond, you know, the Community College bubble to the communities themselves and say how are our people doing. And they're not doing very well out here.

If this is approved I'm sure somebody has to pay, and it will be the taxpayers. You know, for example, I had problems with the Capital Budget and I sustained the vetoes there because I constantly hear from people, well, you know, the State's going to reimburse us 70%; the Federal government's going to reimburse us 80% -- who are these people? It's not the State or the Federal government, it's State taxpayers, it's Federal taxpayers, it's County taxpayers. And you know who they are? That's me. Albany doesn't get its money from New Jersey. The reality is these vetoes, they're not going to irreparably harm the Community College. All of you today will go back there tomorrow and you'll still have your jobs. Maybe you might not have new furniture, maybe you didn't get the biology equipment this week, and you didn't get the ten new positions, but you'll survive. But maybe you'll send a more positive message to the average guy who owns the three bedroom ranch that we are doing what we can to make sure you keep the ranch.

MR. GATTA:
Could I comment, please?

P.O. LINDSAY:
I think it was directed at you.

LEG. BARRAGA:
It wasn't a question.

P.O. LINDSAY:
Oh, Okay.

MR. GATTA:
Well, I think all our residents want a future. If we are to survive as an economy our constituents, our residents, our children need the best skills, need the best education, need the best preparation to succeed in the global economy. What we've asked for is for our students. We've asked for faculty for nursing. It's a national, it's a state, it's a regional problem. We've asked for faculty for our culinary arts. We've built a new facility. Hospitality and tourism is one of the largest growing sectors of our economy. We've asked for three counselors in the wake of Virginia Tech. We need those positions. Middle States has cited us, as part of their review, that we have a substandard number of counselors and we need to bring that up.

So the Board of Trustees has very prudently put together a budget with some State support and we're asking for a small amount of County support to make that happen for our students and for their future and for their success. The students that come to Suffolk County Community College need Suffolk County Community College, they need the affordability and they need the access and that is our mission and that's why we're there.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
While Legislator Barraga raises some very, very valid points, there's other points to be made also, and that's for every dollar we send up to Albany we don't get our fair share back. It's redistributed and a lot of it goes Upstate. So if the State would step up to the plate and send some of that money back for our education, which would include our secondary schools but also our Community College, I think we'd be in a lot better shape.

We also heard testimony this past week that there's a lot of jobs on Long Island that just go begging and that's because we need to educate people and our colleges have to turn out those students or those graduates that are going to take those jobs, and I can't think of any better place than Suffolk Community College. They're actually -- they're making great strides as I pointed out before, in the ability to change and take on new opportunities, like the nursing program and the automotive program, some of the other things we've been able to see firsthand and I really like that.

And then just to echo a little bit of what Legislator Losquadro said. I, too, was in the honors program. I know that's hard to believe, but I was in it and I also played on a championship team for Suffolk Community College and there is a very, very large audience out there that if we provide the money, they will come. So it's almost that saying from whatever that movie was about a baseball field, that you build it and they are going to come.

MR. GATTA:
Field of Dreams.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Okay. Thank you. I do want to say I think I can represent the average guy or woman in the Third Legislative District where the average income is about $60,000. My daughter went to Suffolk Community College because we couldn't afford to send her away to school. She had to pay for college, we tried to help her, but we were in that position where we couldn't afford to send our kids away to school. So we need an affordable school. So when it comes to the average guy I know exactly what it's like to live in that three bedroom house, can't afford the mortgage, and trying to send your kids to college. We need to make it affordable for our kids. Thank you.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Just a question. Budget Review. When the line goes out on the tax bill for Suffolk Community College, I don't know if it's broken down. I don't remember. I don't think it's broken down, but would you have an idea of the percentage or the amount of dollars for the average taxpayer it would go up if this 2% increase, if the veto was overridden?

MS. VIZZINI:
The real property tax --

LEG. LOSQUADRO:
You're mike is not on.

LEG. NOWICK:
Maybe you can give me a ballpark.

MS. VIZZINI:
We -- as you know, we have increased the County contribution in the past and despite that, the recommended Operating Budget was presented with a reduction in the General Fund property tax

levy. So because the Community College budget precedes actually adopting what the property tax levy is going to be, you don't really know for certain. However, for illustrative purposes there is a break out in the budget presentation for the college. So all your actions taken collectively, as far as the property tax for the college, it would increase it by $96,000.

LEG. NOWICK:
And that divided by the taxpayers of Suffolk County would come out to how much per person?

MS. VIZZINI:
It came out to pennies. I think it was in the last page of the omnibus.

MR. LIPP:
The effective property tax for the college last year is estimated to be $9 for the average homeowner, so it would be a very small increase over that. But you don't -- as Gail said, you don't really see that in your property tax bills. It's embedded --

LEG. NOWICK:
No, I know that you don't see it. But I just wanted to get an idea what kind of investment each taxpayer was making if we were to override the veto. And I think my point here is that I did take that tour of the college and I did see what many of our local students are learning. And many of our local students can probably stay on the Island and live because they have gone to nursing school and because they have gone to the culinary or are going to the culinary school, and because they -- an automotive department I couldn't believe what I saw there, and I think that this college for a $9 investment is incredible. And I don't know about any of you, and I hate to say this on the record, but come December fifth or sixth you're going to be getting your tax bills and wait until you see the school tax increase. So this is really nothing for what we're giving. We're allowing young people to stay here in our community for $9. It's not bad.

MR. LIPP:
Point of information. The vetoes would save about 16 cents for the average homeowner.

LEG. ROMAINE:
Sixteen cents?
LEG. NOWICK:
Okay. Thank you.

MR. LIPP:
On that separate tax line.

LEG. ROMAINE:
On a separate tax line.

P.O. LINDSAY:
Okay. Legislator Montano and I'd like to try and wrap this up, guys, and then I have Legislator Caracappa.

LEG. MONTANO:
Very briefly. You know, I hear what Legislator Barraga says about the concerns of people and the tax bills, but I think it's very clear that the highest portion of the tax bill is the local school tax. Yet, when people are asked to consolidate school districts or make other cuts they don't want to do it, they refuse because of the good education system that we have here on Long Island. They all want to educate their kids.

With respect to the college, the community college, I recently tracked a student. I asked him to enroll. He was a kid that lived in Central Islip, had dropped out of the high school, didn't do anything for a couple of years. I encouraged him to go into Suffolk Community College. If it had

not been for Suffolk Community College he probably would not have gone to college at all. He recently graduated with distinction Phi Beta Kappa and is now starting -- he started this week at the University of Miami.

I don't think we can afford to be cheap with our college and the education of our kids. I know in my district if it were not for the college a lot of the students would not go to college. Some of them are first generation college students, others are simply kids that are not ready to leave the area, need to stay in the community college setting, and others simply their families don't have the money. I think that we're obligated. Yeah, we need to cut, yeah, that we can cut back on services, but I don't think we can skimp on the education of our children. So I think we should support overriding these vetoes. And I think, you know, in the four years I've been here I have tried to support the college because of the fine institution that it is. Thank you.

P.O. LINDSAY:
Legislator Caracappa.

LEG. CARACAPPA:
Mr. Chairman, I appreciate it. I, too, went to Suffolk. Obviously I was not in the honors program. Just a little history, though. It's important to look back during the late '80's and into the mid 90's the County was cheap when it came to supporting this school. And what happened was the school started falling apart, we started losing programs, and with that we started losing enrollment. And let's not forget what we have to pay for out of the County tuition on top of everything else. What ultimately happened is seeing that we have a very important responsibility to not being cheap to the college, we wound up doing a 25% increase in the year 1996, I believe it was, '96-'97, 23-25% increase. And my point is this is very small and Legislator Nowick said it, I think you all said it. By taking the approach of a fair and modest approach to budgeting upwards each year, we can avoid those large sticker shock years of 23-25%. We continue to build the college, we continue to grow.

It's very important to my community with Ammerman being right in the heart of my district. The college is an economic engine aside from an outlet for many of the kids in the Middle Country School District and the Sachem School District. It gives them that ability to go to school when they usually wouldn't. Of course I'm happy to support this and I think it is a proper approach. It's a reasonable approach and it's something we approved just two weeks ago and something we should all approve today.

P.O. LINDSAY:
Okay. Legislator Romaine.

LEG. ROMAINE:
Very quickly, a question for Budget Review. In the County Executive's proposal in which he came in with a zero increase in the college budget, could you tell me the roll that the reserve fund played in it and how the County Executive, I don't want to use the word manipulate, but used the reserve fund to reach that number?

MS. VIZZINI:
The County Executive's recommended budget relied upon a one shot transfer from the reserve fund. The transfer was $1.4 million dollars. However, for the current year, the $500,000 was then returned to the reserve for a net one shot of 900 and -- $900,000 plus. I do want to point out just to clear -- a clarification on the record. The 2% increase in the County contribution was not vetoed.

LEG. ROMAINE:
The 2% wasn't vetoed, but obviously this Legislature chose not to use the reserve fund in their budget; is that correct?

MS. VIZZINI:

The Legislature did not address or remedy the use of the $900,000 one shot. Instead --

LEG. ROMAINE:
One shot non-recurring revenue.

MS. VIZZINI:
By definition that would -- that is the definition of a one shot, yes. Instead, the omnibus resolution suggests that the financial people sit and determine how much is actually in that reserve fund to clarify the availability of the funds.

LEG. ROMAINE:
Let me ask you this, one last question. Is there any legislation in place that controls the use of this reserve fund?

MS. VIZZINI:
It's my understanding that SUNY may have guidelines, but I am not aware of specific legislation that identifies when and why the reserve fund is to be used. I believe it's a policy determination on the part of the Board of Trustees, as well as the County Executive and the Legislature.

LEG. ROMAINE:
I would strongly encourage our Presiding Officer and the -- my Chairman of Higher Education Committee, Legislator Horsley, to meet with the college board to draft regulations regarding when, how, and under what circumstances a reserve fund can be used or rated or applied or whatever terminology you want to use.

And I would simply add that in my experience, and I taught at the college for eight years as an adjunct teaching the various history courses, I've watched numerous kids who would not normally go to college, take a shot, and I taught all the introductory courses, so the required courses, and I watched these kids. I've had many of them come back to me and say you know what, I stayed with it, you gave me some encouragement, you reminded me again that a lot of what we learn in the classroom we forget, but what we do get out of the classroom is the inspiration to learn even more. And I've watched them come back and say how they've made successes out of their lives where they didn't think when they were in 11th or 12th grade they would ever see the inside of a college and they thought that their role in life would be extremely limited in terms of employment, in terms of earning opportunity, etcetera.

And I understand what Legislator Barraga's comments are, they were eloquent, they were on behalf of everyone that's hard-pressed. But for 16 cents, I've got to weigh that against what we're going to do here. Thank you.

P.O. LINDSAY:
Thank you, Legislator Romaine.

LEG. MYSTAL:
Let's vote.

P.O. LINDSAY:
Okay. We have the -- all the -- two through five together, and I'm going to make a motion to override vetoes two through five.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro.

(Roll called by Tim Laube, Clerk of the Legislature)

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Yes to override.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. CARACAPPA:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes to override.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Absolutely.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. MYSTAL:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

MR. LAUBE:
Seventeen.

LEG. ALDEN:
Change my vote to an absolute.
LEG. KENNEDY:
Absolute, you like that?

P.O. LINDSAY:
The next order of business in your packet is a veto on the -- there's a veto in the packet on the WI-FI legislation and it was vetoed because of a technical reason and we're receiving a CN to make that correction, but simultaneously, because of the substantive changes in the legislation, we had to schedule a public hearing on this matter tonight. It's been posted in all visible spots around the auditorium, and it's IR 1846 and, you know, so I just want everybody to know that we're going to have the public hearing on 1846 at the end of the public hearings and hopefully we'll have the hour that's required. And if not, we'll take a break.

LEG. ALDEN:
We're not going to go on the veto now.

P.O. LINDSAY:
No, I don't think there's any reason to sustain the veto. If we don't act on it, it would just remain in effect.

LEG. LOSQUADRO:
It's sustained.

P.O. LINDSAY:
It's the WI-FI.

LEG. HORSLEY:
I know. What was the number?

D.P.O. VILORIA-FISHER:
The CN is the right number. Wayne, he gave you the number of the CN.

P.O. LINDSAY:
You want us to override the veto?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
No, no, no. If you want any clarification I'm here to help.

P.O. LINDSAY:
Oh, okay. I know it's kind of a confusing subject, but I see a quizzical look on everybody's face, so that's good. Okay. Back to the agenda.

Tabled Resolutions

Okay. On page six, resolutions tabled to August 21st 2007, ***IR 2022-05, Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East Inc., Town of Southampton.***

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion to table by Legislator Schneiderman. I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1894-06, 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 manner.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1952-06, A Local Law to require proper supervision at hotel and motel swimming pools.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper.

LEG. STERN:
Second.

P.O. LINDSAY:
Seconded by Legislator Stern. You want to be recused?

LEG. SCHNEIDERMAN:
Yes.

P.O. LINDSAY:
By Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen -- sixteen. (Leg. Schneiderman - Recused)

P.O. LINDSAY:
2290, A Local Law to require landlords to register with the Department of Probation prior

to renting to sex offenders.

LEG. BROWNING:
Motion to table.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion to table by Legislator Browning. Do I have --

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
IR 1120, Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provision of Mercury-Free Vaccines.

LEG. STERN:
Motion to table.

LEG. MONTANO:
Second.

P.O. LINDSAY:
Motion to table by Legislator Stern, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1166, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Zoumas property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000).

LEG. ROMAINE:
Motion to table.

P.O. LINDSAY:
Motion by Legislator Romaine to table, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1359, 1359A, Amending the 2007 Capital Budget and Program and appropriating funds in

connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary headwaters north from CR 76, Townline Road to Miller's Pond, Smithtown, Lake Ronkonkoma, Old Nichols Road, Corridor, and surrounding areas (CP 8710).

LEG. KENNEDY:
All in one breath, Mr. Chair, I'm impressed. I'll make a motion to table. We're two weeks away from statement of work and cost on this.

P.O. LINDSAY:
Okay. We have a motion to table by Legislator Kennedy, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1433, Amending the 2007 Capital Budget and Program and appropriating funds in connection with traffic signal improvements at CR 111 and Halsey Manor Road (CP 5054).

LEG. ROMAINE:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Romaine. Seconded by Legislator Alden.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. On the question, anyone? Nope? Okay. Tabling motion takes precedent. All in favor? Opposed? (Opposition said in unison) Abstentions?

LEG. SCHNEIDERMAN:
Abstention.

P.O. LINDSAY:
You want a roll call? Roll call.

LEG. MYSTAL:
It will be easier.

(Roll called by Tim Laube, Clerk of the Legislature)

MR. LAUBE:
Legislator Cooper, motion to table.

LEG. COOPER:
Yes to table.

D.P.O. VILORIA-FISHER:
Yes.

LEG. D'AMARO:
Yes to table.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
No to table.

LEG. CARACAPPA:
No.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
No.

P.O. LINDSAY:
Yes.
MR. LAUBE:
Ten.

P.O. LINDSAY:
1477, Appointing Arthur M. Sillman, Jr., as a member of the Suffolk County Vanderbilt

Museum Commission (Trustee No. 9).

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper. I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1532, A Local Law to establish a legislative grant notification requirement.

LEG. ROMAINE:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Romaine. Do I have a second?

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
On the question. Go ahead.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Cooper. Do I have a second?

LEG. D'AMARO:
What is it, a table? I'll second, Mr. Chair.

P.O. LINDSAY:
Second by Legislator D'Amaro.

LEG. ALDEN:
Can we --

P.O. LINDSAY:
Yeah, explanation. I'd like an explanation.
MR. NOLAN:
This law requires that if a department that's administering a contract decides not to administer or implement a legislative grant they have to notify each member of the County Legislature in writing of their intention not to implement the necessary contract and the reasons why they're not doing it.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
This is either to the sponsor or to Counsel. I have a couple of questions. Are these only the grants that come out of the omnibus resolution or does it also refer to CSI's?

LEG. ROMAINE:
Yes. CSI's, although those are handled in-house now so Counsel can answer that question, but when I originally drafted this intention, here's the problem. All 18 of us have this problem. We have money in the budget for some community group that we want to see happen. These people don't stay in touch with us throughout the year, and what happens is we find out that these grants have been held up, that someone along the way has decided to put it to the bottom of the pile and they're not processed. We never get an explanation as to why that is happening.

What we're saying to department heads, and this is for all of us, it's not a partisan bill, this gives us a little bit of information. It requires a department head or anyone in the administrative branch who sits on a grant to give us an explanation as to why it's not moving forward. It may be a very legitimate explanation and something that we can jump and then help the community group resolve. It may be a situation where we can't help resolve it and it's not going to go forward and we have to reallocate that money. But at least it would keep us in the loop, at least it would keep us informed, instead of us flying in the dark which oftentimes, regardless of which party we're in, we know it happens to all of us. If we are going to better serve our constituents, all I'm asking for in this bill is for the department head to notify us, gee, this contract isn't going forward because of X, Y or Z. I don't see how that is anything but helpful to the 18 members of this body to help us do our job.

D.P.O. VILORIA-FISHER:
I think you're absolutely right. We need to know what the status is when we've supported an agency through our omnibus. The only problem I see with this is that because we are not identified as to which Legislator is supporting which, you know, which portion of the omnibus resolution, each one of our 18 district offices will be receiving this department status letter on every one of those contract agencies.

LEG. ROMAINE:
You know what?

D.P.O. VILORIA-FISHER:
Let me just finish. I don't know whether or not you had, you know, thought of this part of it, but then our district office staff will be getting all this mail and, you know, identifying which are ours and taking them out. You know, it's a lot of paper that will be coming in and perhaps an electronic message sent so that we don't have to have all of that paper coming at us from different departments. We could certainly do it electronically without, you know, adding all of that paper and garbage to the system.

LEG. ROMAINE:
Right. It doesn't address the manner in which we're notified. It just says notification shall be made within 30 days after determination has been made not to implement a Legislative grant, and what we could do is specifically request that those notifications be made electronically. I'd rather have more information than no information.

D.P.O. VILORIA-FISHER:
And can I just ask you a third question on that? It's 30 days after a negative determination has been made, but what if it's just simply being sat on for months? Are we giving them the -- you know, for example, we've been talking about contracts not being executed for six or seven months.

LEG. ROMAINE:
Let me just read this clearly, the last sentence of section three. "This notification shall be made within 30 days after determination has been made not to implement a Legislative grant and shall

specifically state the grounds for said determination." It doesn't address determinations that had been made to approve a Legislative grant and I guess it's incumbent on us, then, to make sure this Legislative grant is moving forward, why it hasn't been funded. But this is for the ones that aren't going to be funded that we're kept in the dark about and we don't find out until it's too late in the year to do anything or to even reappropriate the money.

P.O. LINDSAY:
Legislator Montano. And I have to go to public portion soon, so if we could wrap this up.

LEG. MONTANO:
This will be quick. First I had a question to Counsel. Would, for instance, a letter by the department to the Presiding Officer with a copy to the other members of the Legislature suffice under the notification requirements?

MR. NOLAN:
If it went to every Legislator and had the explanation of why it was not being implemented that would suffice.

LEG. MONTANO:
So really one letter with a cc satisfies the requirements of the bill?

MR. NOLAN:
Yes.

LEG. ROMAINE:
Or E-mail.

MR. NOLAN:
It has to be writing.

LEG. MONTANO:
It says in writing -- well, it doesn't say what it means. Then the other question I had, there is a motion to table. I was just curious, what the basis, what the concern was with respect to the motion to table. Are there any, you know, could you give me an explanation as to why the motion is out to table? What are the concerns?

P.O. LINDSAY:
You want to handle that, Legislator D'Amaro?

LEG. D'AMARO:
Sure. Maybe my comments might answer some of that. You know, I agree with the sponsor, more information is a good thing rather than not having information. But we already have County resources that are stretched pretty thin, and to put more work into these departments and on our staff I'm not convinced yet that this is going to accomplish the goal that the sponsor is trying to accomplish to get information.

And I have a question I think for Counsel or for the sponsor, either way, Legislator Romaine. The wording, the operative provision of the resolution says determines not to implement. A department head would determine not to implement. My question is I guess to Counsel. Does a department head have the authority not to implement a portion of the budget?

MR. NOLAN:
Well, there have certainly been times when they have not gone forward with contracts for various reasons and there may be good reasons why they're not going ahead a contract that's funded. I think it is inherent probably within departments and Commissioners not to go ahead with a contract if they just simply can't do so. Sometimes I believe they -- it may be because of direction from

someone else in the Executive Branch, but it certainly is happening.

LEG. D'AMARO:
I don't disagree that it's happening, but I think the wording of the legislation is implying that somehow department heads are exercising the authority not to implement a grant and I don't think that they have the authority to do that as opposed to the legislation somehow requesting perhaps periodic updates or something like that.

LEG. ROMAINE:
Could I?

LEG. D'AMARO:
This is why I raise the issue. I'm not necessarily opposed to getting more information.

LEG. ROMAINE:
I just want to --

LEG. D'AMARO:
Let me just finish. What I see happening here is that department heads will simply correspond with the Legislature and say we've never determined not to implement this grant. I don't think you get the information that you're looking for.

LEG. ROMAINE:
I'm going to ask a point of information, just a point of information.

P.O. LINDSAY:
Wait, wait. Legislator Montano asked the question and what was the basis, so I'm going to recognize him and I'm going to go back to you and I'm five minutes past public hearing time, so go ahead.

LEG. MONTANO:
Very quickly, Legislator D'Amaro, and I understand your point and I agree that, well, I don't feel that a department head really has the authority to override the Legislature when we make a grant. However, if the department has concerns or if the Office of the County Executive has concerns vis-a-vis an agency, what they do with their money, and they determine that for "X" number of reasons they don't want to implement the contract, it really should -- we should be notified as a Legislature because we're the ones that appropriated the contract in the first place. But is your objection to the fact that maybe it should be a direction from the Executive Department that the contract's not going to be executed and the reasons therefore as opposed to putting this onus on the department head?

LEG. D'AMARO:
My only objection here is I think that the way this resolution is worded does not accomplish the goal of getting detailed information as to why a particular grant is not seen to fruition. That's my objection to this.

P.O. LINDSAY:
I'm going to cutoff all this debate now.

LEG. ROMAINE:
This is no debate. Just one question.

P.O. LINDSAY:
No, no. I'm going to cut it off now. We're going to go back to this, we'll resume it, because I'm nine

minutes beyond the public hearings. So we'll go back to 1532 when we go back to the agenda.

I apologize to those folks here that want to speak on the public hearings. We got involved in a resolution. If I thought it was going to take that long I wouldn't have even opened that up.

First hearing is ***1408, A Local Law to improve pool safety and protect against accidental drownings ("Anthony's Law").*** It doesn't appear that I have any cards. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll entertain a motion on this subject. Where is the sponsor?

LEG. COOPER:
Motion to recess, please.

P.O. LINDSAY:
Motion to recess. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
IR 1510, A Local Law to establish a Prompt Payment Policy. And I have a couple of people that would like to speak on this subject. The Reverend Katie Roche.

REVEREND ROCHE:
Good evening. Thank you for giving me an opportunity to address you again on this very important legislation. Rainbow Chimes is one of the few independent, not-for-profit child care centers in Suffolk County. We have faithfully provided care for more than 4,000 low income families at three sites for 20 of our 27 years. Like all of the other child care providers that accept DSS subsidized families, we have known desperation for more than two years as we patiently waited for solutions to be found for the payment delays.

At one point DSS owed us nearly $200,000 which stretched back over a year and this profound wrong caused us crippling debt, included 10% penalties and interest owed again and again to the IRS for payroll taxes we were forced to pay so far in arrears. This was a terrible waste of over $40,000 to date and it caused no end of anguish and shortchanging to the children. We were cut off from so many vital operational services that I personally took out a home equity line and loaned the center over $75,000. And you should know that my entire salary is only $75,000 a year. Needless to say, I'm still owed this money because the payment lag has never caught up.

Now, I believe in being fair and positive wherever possible so I will tell you that several times my panic stricken calls, e-mails and letters for money were addressed with personal contact from an official at DSS, the County Executive's Office, and even here within the Legislature. We did receive a portion of the funds owed every time I begged, even if this felt demeaning. I have much praise for the DSS accounting personnel who graciously spent a great deal of time to untangle and process much of our back owed monies. We're still owed $40,000 or less. Current bills are still being paid two weeks later than they should be, and that's in the best case scenario.

You need to understand what a great hardship this still is. For most providers two payroll periods have elapsed as well as a food purchase cycle. These amounts must be paid in cash on the necessary date. Other cash outlays are required for rent, mortgage, insurance and loans. As none of us could operate if we let these basic expenses slide, providers have been attempting to manage the County caused cash flow crisis in any way they can. We are all carrying more debt with irate vendors. Many of us are cut-off from advertisers, suppliers and learning materials.
In addition, no DSS program can undertake a capital or refurbishment project even for a safety issue. Incredibly, we cannot access a recently awarded New York State $50,000 grant for this

purpose because we are required to fully expend the monies in advance and then get it reimbursed in one payment. How can we do this with the DSS payment delays? We have no proper cash flow to make this possible, and the debt caused by the County's slack has ruined our credit rating. Can the County at least pay what it owes on time so we can accept the grant? And if not, what shall I tell Senator Marcellino, who worked so hard to get this for us?

This is the third time in a dozen years the child care providers have been put through this lag payment torment and this last time two years and running. This last time we also almost went out of business and the penalty and interest cost to us is shocking and extreme. All the providers are seeking from this Legislature is an assurance that such payment delays will never happen again. Please support IR 1510, the support to ensure prompt payment in the future, as well as IR 1293 for advance payment for child care providers. Thank you.

P.O. LINDSAY:
Reverend Roche, Legislator Viloria-Fisher has a question.

D.P.O. VILORIA-FISHER:
Thank you for coming down yet again, and we certainly understand the crises that you have been forced to face. However, I do have to ask you a couple of questions because in one of the newspaper articles about this, the County Executive was quoted as saying that when the delays were this extraordinary, you know, one year or two years, it was the paperwork was botched. I think that's the word he used. Had you made errors in your receipts or in your invoices? Is that what happened?

REVEREND ROCHE:
There were certainly some, but what I tried to do for the County Executive's Office was also to untangle, just as DSS helped to untangle some of the problem. See, we don't get the vouchers for the children on time and that causes issues of delay and incorrect --

D.P.O. FISHER:
When you say you don't get the vouchers on time, DSS is not sending them out on time?

REVEREND ROCHE:
For example, right now I'm owed funds for authorizations that we had copies of. They don't have copies. It's back and forth, back and forth. It goes on for some period of time. The good -- that's one of the kinds of things.

D.P.O. VILORIA-FISHER:
But not getting these vouchers on time is not something that you're botching.

REVEREND ROCHE:
No, oh no.

D.P.O. VILORIA-FISHER:
Okay. I'm just trying to understand, you know, why that term was used.

REVEREND ROCHE:
Either we're not getting approvals -- we don't take children any longer on even a verbal approval for a CPS child, even there. It used to be that we could count on that. We don't do that anymore.

D.P.O. VILORIA-FISHER:
Okay. Can you explain that to us? We're not -- this is children from Child Protective Services?

REVEREND ROCHE:
Yes.

D.P.O. VILORIA-FISHER:
You won't take them?

REVEREND ROCHE:
They were so backlogged that we would -- we knew those children would automatically be renewed. Eventually they would be renewed. Obviously they would have to be cared for. So when the caseworker would say to us on the phone will you take a verbal authorization we would say yes. You want to protect those kids. This is almost impossible to do because we don't know for certain that we'll receive the monies on a timely basis. So we're being very, very careful now about things like that. So this botched paperwork --

D.P.O. VILORIA-FISHER:
The victim of this is the child.

REVEREND ROCHE:
Yes.

D.P.O. VILORIA-FISHER:
The child from Child Protective Services, the most vulnerable of anybody else in our society, because these are kids who are abused in their own homes, you now cannot provide services for them because the town -- because the County has reneged on its commitment to you that if you have a gentleman's agreement with them and you do a verbal approval, you cannot be assured that you will get money after you render a service. Is that what you're saying?

REVEREND ROCHE:
It's too scary to do now, yes. The good news, Vivian, is that it has gotten much better from what it was. I do see honestly much, much progress. It still has a ways, a long ways to go. What we're asking with the legislation is just please not let this ever happen again, get us caught up and never let this happen again.

D.P.O. VILORIA-FISHER:
That's why the legislation is there, Katie. It's much better because there's been so much pressure put on. But we want to make sure that it stays better. I just have one more question for you. The question -- yeah, it says every time I begged. I mean, it has been suggested that those people who have problems have been taken care of. But how many center providers have you run into who have said they have the same problem?

REVEREND ROCHE:
Enormous. I just got a call yesterday from someone else who's in the same IRS issue.

D.P.O. VILORIA-FISHER:
When you say enormous, 10, 20, 50?

REVEREND ROCHE:
Every child care provider that accepts DSS children has been affected by this. Someone else will have a better number for you, but I know we're talking dozens and dozens and dozens.

D.P.O. VILORIA-FISHER:
Thank you, Katie.

P.O. LINDSAY:
Wait. Before you go, Legislator Kennedy has a question.

LEG. KENNEDY:
Hi, how are you again? Nice to see you. Ironic to see you that we're doing this nine months into your dilemma. You remedied your tax lien by mortgaging your property?

REVEREND ROCHE:
Yes.

LEG. KENNEDY:
One of the many items that we've heard throughout the litany of explanations from departmental folks and others is that there's some whiz bang computer system coming in September that's going to fix everything. Has anybody talked to you about this yet?

REVEREND ROCHE:
Only that we know it's coming.

LEG. KENNEDY:
Have you seen any -- have you gotten any training?

REVEREND ROCHE:
Not yet.

LEG. KENNEDY:
Any recommendation on a software?

REVEREND ROCHE:
Nothing yet.

LEG. KENNEDY:
Anything about what kind of hardware you're supposed to have?

REVEREND ROCHE:
Nothing yet.

LEG. KENNEDY:
What day is today? August 22nd. September is when?

REVEREND ROCHE:
Soon.

LEG. KENNEDY:
Nine days away. Thanks.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
No, I'll pass. I got the answer.

P.O. LINDSAY:
Kathy Liguori.

MS. LIGUORI:
Good evening. I brought my poster with me so you could see the updated numbers. I've had -- I have received payments, but I'm still owed nearly $180,000. We have been crying to the Legislature about the late payment problem from the County for over six months now. We have seen much, we have learned much, and now it's time to do as much.

IR 1293 is to be voted on today. We asked for it to be moved out of committee for a decision to be made. I believe that this law works synonymously with IR 1510. IR 1293 is a public policy of

authorization. It will give the Commissioner authorization to pay a child care provider 75% of the monthly invoice in advance of the actual invoice audit. It is not a change in standard operating procedure of the entire Department of Social Services, and in fact, is comparable to the account management of security deposits that, and I quote, "by State mandate must be paid to non-contracted providers that are not being paid at this time". We have IR 1510, Prompt Payment Law, that has been rewritten specifically for child care, which will now hopefully follow its own prompt path.

At the June 12 Legislative meeting, Mr. Sabatino made a statement that being paid 30, 60, 90 days, or better yet six to nine months, is not reality when dealing with big business. Well, we are not the Walmart or GM's of the world that he referred to. We are small business operators and these payments are our and our employees paychecks. The reality is simple. It's our paychecks, and I hope it is very clear.

He spoke of certitude of payment, not like dealing with a mom and pop operation that doesn't have the assets if they default on a payment. You get certitude of payment when you do business with the County. By the way, my certitude is in the realm of $180,000.

Mr. Sabatino said we were redefining reality to be paid in 30 to 45 days which is not standard. This statement, my fellow Legislators, is far from reality. In fact, it defines to me disillusion. The child care providers are the mom and pops without the assets that have -- and are now defaulting on their payments.

Last time I spoke to you I brought giraffes with me. I felt we were sticking our necks out. We are taking risks. The challenges faced by our child care community and the working families of Suffolk County are enormous. Too few are willing to change authority and government authority. There were about 30 providers and ten Legislators at our press conference. That encouragement was priceless to me. I've been working so hard. But have you ever noticed when people are faced with a serious public challenge how many still keep their heads in the sand hoping that somebody else will fix what's wrong? Just when you need more giraffes we get ostriches.

Please, be a giraffe. Stick your necks out to help child care stop financially suffocating. Vote yes to IR 1293, payment in advance of audit authorized, and to IR 1510, prompt payment for child care. Ask yourself, how will I feel when I look back and know I could have tried to solve the problem but didn't. Help child care keep Suffolk County working. End this nonsense, and let us get all back to doing what we do best and do it for your littlest constituents. Thank you.

P.O. LINDSAY:
Before you go, Kathy, Legislator Montano has a question.

LEG. MONTANO:
Good evening. I just want to get an understanding, because I've been reading things or hearing things back and forth. I think I read a letter to the editor recently about this. I'm not sure -- it was one of the staff members. Ben, was that your letter?

MR. ZWIRN:
(Affirmative response).

LEG. MONTANO:
It was, okay. So I'm just trying to get a handle. How long are you waiting for payment today based on vouchers that you submit? If you submit a voucher today how long before you get a check?

MS. LIGUORI:
Forty-five days.

LEG. MONTANO:

Okay. Three months ago or four months ago, how long was your wait period? Was it the same, was it longer, was it less?

MS. LIGUORI:
Three months ago?

LEG. MONTANO:
Three months ago -- pick a point in time when it was different than what it is today.

MS. LIGUORI:
Okay. Eight months ago it was 55 days. But as Katie spoke about, there are many, many services that we're providing to families that we cannot get -- we cannot bill for. We're given letters of approval and they don't get on the rosters to bill.

LEG. MONTANO:
So let me just -- let me just dissect this if I can. One problem is that you submit a voucher and your payments are anywhere in the realm of 45 to 55, maybe longer in terms of payment. The other issue is that you're providing services and this is a question, you're providing services for kids and not being able to bill for those services?

MS. LIGUORI:
Correct.

LEG. MONTANO:
Why aren't you able to bill for those services? What is -- what is the reason that you cannot collect money for providing services. Take an example and, you know, explain it to me if you can.

MS. LIGUORI:
We'll go back to the CPS issue.

LEG. MONTANO:
Go ahead.

MS. LIGUORI:
We have a CPS field caseworker that goes out, responds to a complaint. Makes, writes a requisition to the child care department, child care -- or Day Care Unit actually, of DSS and says this child needs to be in day-care, more safer, better opportunity for the child. That requisition has to be in its original form sent to the Day Care Unit of Department of Social Services. That Day Care Unit case examiner now has to open up a case for that child.

As it was in the past and with all of the things that we've done, we've raised the level of awareness within this department and it is running more efficiently. It does have to get better, but there was one caseworker authorizing cases for the entire County in the Day-care Unit for CPS. That would back it up. We have a piece of paper in writing from the County that says you're going to get paid, please, do something for this child, provide the service.

LEG. MONTANO:
All right. So just so I'm clear, I just want to follow you. You would get an authorization from someone in Social Services to take this child and then you would begin to administer the day-care.

MS. LIGUORI:
Yes.

LEG. MONTANO:
What happens after that?

MS. LIGUORI:
You wait to get a letter of approval.

LEG. MONTANO:
How long is your wait?

MS. LIGUORI:
I had 18 months once.

LEG. MONTANO:
On one child?

MS. LIGUORI:
One child.

LEG. MONTANO:
But you had a letter authorizing you to place the child?

MS. LIGUORI:
I had a requisition for service. It was my proof.

LEG. MONTANO:
A requisition for service.

MS. LIGUORI:
Right. It was my proof to say that I had something in writing other than a verbal. That is this $13,000 here.

LEG. MONTANO:
That represents your requisition to place the child where you haven't been paid, is that what that number is? Or children?

MS. LIGUORI:
I just got the back billing roster or as they call it a {mini bics}.

LEG. MONTANO:
I don't know the terminology and I don't know how the department works, so you've got to bear with me.

MS. LIGUORI:
Okay.

LEG. MONTANO:
But the original authorization, it was in writing from the Social Service -- this requisition came from Social Services?

MS. LIGUORI:
From the CPS field caseworker.

LEG. MONTANO:
So then it seems to me what you're saying is that that is not being either honored or it's not being transferred in sufficient time to Department of Social Services for you to get a timely payment once you start administering services to the child. Am I accurate in that?

MS. LIGUORI:

It's always been honored, it just takes them time when you don't have the staff and you're one person serving all of the CPS children in the entire County to open up cases.

LEG. MONTANO:
So it's not a question where -- it's not an issue where you're given this -- what do you call it, requisition?

MS. LIGUORI:
Requisition.

LEG. MONTANO:
You provide the service and you don't ultimately get paid because these requisitions are ultimately honored. You're talking about the delay between the time that you start administering the child and then you get this follow-up form and then you submit your bill and then you get paid. Am I following this?

MS. LIGUORI:
Yes.

LEG. MONTANO:
Okay. And how long a period of time is that, 18 months you said?

MS. LIGUORI:
My worst case was 18 months. This $13,000 that I represent here, that I tried to point out, was for a child that I just received a voucher to bill for that covered this child from March.

LEG. MONTANO:
During this 18 month period I would imagine that you made numerous requests for reimbursement.

MS. LIGUORI:
Absolutely.

LEG. MONTANO:
And what were the explanations given to you by the County Department of Social Services as to why you could not get reimbursed? I mean, either verbally or written, I mean, what happens? Eighteen months is a year-and-a-half. It's a long time.

MS. LIGUORI:
I'm doing the best that I can is all that we've heard in a tone that was not as nice as mine.

LEG. MONTANO:
I get the picture. Thank you.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Thank you. I wanted to ask you, we've talked many times about this, Kathy. How many of those delays were because you had filled out forms incorrectly? Or botched?

MS. LIGUORI:
This is my botch. I have to send in 2059 forms that have been submitted. The backlog of 2059's I understand are tremendous. That's the special Accounting Services Unit. This is the area where we're told that this computer system that we're getting Kinder Track or Kinder Attend will help,

because now, when we receive our remittance, it just tells you if I billed for Vivian $400 and I -- they remitted to me 350, I have to go try to figure out why they didn't pay me the extra $50. I have to research that before they will even accept my call. Once I have my research done --

D.P.O. VILORIA-FISHER:
In other words, if they don't pay you the full amount they don't tell you why they're not paying you the full amount.

MS. LIGUORI:
Correct.

D.P.O. VILORIA-FISHER:
But the assumption is that you've made an error?

MS. LIGUORI:
Yes. Now we have to fill out 2059 forms out that they have to now --

D.P.O. VILORIA-FISHER:
Which is something amending a requisition? Is that what a 2059 is? Tell us what a 2059 is.

MS. LIGUORI:
A 2059 form is a -- it's a separate form to request additional payment for something that they haven't originally paid. So you have to figure out why on your own, because they don't give you any explanation, and then they do their research again that they already did to begin with.

D.P.O. VILORIA-FISHER:
Okay. Now, Kathy, I have to ask you a secondary question because Legislator Montano asked you some very good questions, have you walk us through the system. My bill won't help you with that $12,000, people for whom you had a requisition but you weren't able to submit a voucher.

MS. LIGUORI:
Well, I believe it will.

D.P.O. VILORIA-FISHER:
Okay. Tell us how. That's important.

MS. LIGUORI:
Because once they receive my 2059 form it's not going to sit --

D.P.O. VILORIA-FISHER:
No, the 2059 is a separate thing. We're talking about the CPS kit where you've gotten a requisition, you've taken the child, it hasn't gone through approvals, so until they do the approval and you do the voucher, our clock doesn't start ticking.

MS. LIGUORI:
Well, I would hope that in order for the department not to have to pay interest to us they're going to be staffed appropriately and that they'll have enough people. Otherwise, we just won't serve them. We spoke about this, we brought this to everyone's attention under testimony at other hearings. These are the most riskiest children that we will have to not serve.

D.P.O. VILORIA-FISHER:
Okay. So what you're saying is that your belief is that once we have 1510 in place, we have the Prompt Payment Law, it will push the County to fill the vacancies that need to be filled in DSS and so the whole system will work more smoothly, including the approval process.

MS. LIGUORI:

Yes.

D.P.O. VILORIA-FISHER:
That's the assumption that you're making.

MS. LIGUORI:
We've raised the level of awareness. There were many inefficiencies in the department. They fixed a lot of things, they truly have, to the credit of our crying out. It should have never been and that's why we need these two laws so desperately, so we're protected. This is the third time in less than three decades that something like this has happened, and we shouldn't have to suffer financially because we're trying to provide a service to the neediest of population.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yeah. Kathy, I'm hearing a lot of words and for me -- about 259 forms -- what was it, what were the forms?

MS. LIGUORI:
2059.

LEG. EDDINGTON:
2059's and walking through this whole process and to me, you know, I think sometimes we use too many words. Am I right when I say the County has asked you to do a job, the County has promised to pay you, and they haven't been paying you in a timely fashion? Is that what this is about?

MS. LIGUORI:
Yes.

LEG. EDDINGTON:
Okay. I think -- what I'm seeing is we talk and talk and talk, but for months I've been hearing the same bottom line that we have to pass some kind of legislation or we have to ask the County to do better business practices, or to show us an example of how, what is this, Kinder Track Program, is going to fix it. But, I mean, I think we have to take action and not keep talking about it. I think we have to do something.

MS. LIGUORI:
That's why we pushed 1293 out of committee.

LEG. EDDINGTON:
Thank you.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. Are payments made to you by this County electronically?

MS. LIGUORI:
No.

LEG. ROMAINE:
Are they made electronically in Nassau County?

MS. LIGUORI:
No, not to my knowledge.

LEG. ROMAINE:
Payments are not made to you electronically. Can you update your roster mid-month electronically?

MS. LIGUORI:
No.

P.O. LINDSAY:
Anything else, Legislator Romaine?

LEG. ROMAINE:
No that's --

P.O. LINDSAY:
She said no.

LEG. ROMAINE:
I simply would add that obviously technology I think could be of great assistance. I understand that no matter what this Legislature does, I believe the last time, and Ms. Vizzini is not here, but at the last time in June when we had a discussion, this Legislature has placed in the budget 167 positions in Social Services that are now -- remain vacant and they don't remain vacant because of turnover in the job, they remain vacant as a matter of public policy.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
I don't like --

P.O. LINDSAY:
Thank you, Kathy.

LEG. ROMAINE:
Yeah, thank you.

P.O. LINDSAY:
Next speaker is, I'm not sure it's for this hearing, Vivian Croce. Ms. Croce, is it about the child care payment bill?

MS. CROCE:
No.

P.O. LINDSAY:
Okay I thought -- I misunderstood. Edna Guarino.

MS. GUARINO:
Good evening. My name is Edna Guarino. I represent Family Day Care. As I stand before you tonight I am greatly disillusioned, very disturbed at things I'm seeing and hearing. I cannot believe Mr. Levy's comment that paperwork was botched. Did he really believe that people in the public believe that every single provider in Suffolk County who waited for over a year, or close to a year, botched their paperwork?

I waited seven months for a special needs child payment. I limited the number of slots that I would take care of children in order to care for this special needs child. It took me seven months and going to my Legislator to get paid for that seven months. No provider should have to go through that.

At one time, Suffolk County led this nation, not just New York State, but this nation where day-care standards were concerned. Today, we're beneath Nassau County, and that is deplorable, totally deplorable. People came from other states to model their day-care and their Department of Social Services after ours. They're no longer doing that.

We stuck our necks out. Well, Ladies and Gentlemen, to you, our Legislative body, who back both IR 1293 and IR 1510, I take my hat off to you for having the courage, the strength, and the honorability to back it. To those of you who may still be sitting on the fence, I say to you, if you have children or grandchildren who may one day, and don't think it can't happen to you, be in desperate need of day-care, and the only day-care that's going to be available to them is underground day-care, how are you going to feel about leaving your children there or your grandchildren being left there knowing they may not be alive when you come home that evening?

As you go to bed tonight, Ladies and Gentlemen, I beg of you, before it is too late in Suffolk County, to search your hearts, search your minds, do not leave these children in any more jeopardy than they are right now. Thank you.

P.O. LINDSAY:
Vincent Colon.

MR. COLON:
Good evening. I don't represent the day-care center, I'm simply a grandparent. I want to touch upon a little bit on what Ms. Guarino just said. My daughter died a year ago, and I inherited four grandchildren. My wife is permanently disabled with chronic pain. Needless to say, it's difficult to care for the children and putting the children up in foster care is not an option as far as I'm concerned. So Social Services granted us day-care, in particular, Samantha Christian Day-Care Center. I want to read to you just something that I wrote.

The two middle children are in day-care just for the summer and on a more permanent basis the infant. Presently our grandchildren are in Samantha Christian Day-Care Center in Shirley. I realized that you are involved in many legislations involving our district and on behalf -- on our behalf, but as a parent yourselves I urge you to please consider supporting this most essential service. There are a lot of parents relying upon day-care to go to work, and if the County continues to delay payments to these day-care providers some of them will be forced to close their doors, which means that if enough of our local day-care providers are forced to close their doors, some of us will have to drive a lot further to drop our kids off. That's unacceptable. This will affect me personally because my wife has permanent chronic pain and a spinal injury and I have to drive God knows how much further. This will just inflict more pain upon her.

I can go on to tell you about the love and dedication and compassion with these day-care facilities that care for the children, but I hope maybe perhaps one day you can visit them yourself and see exactly what they do with these children.

Personally, I'm so concerned about losing the service and particular to me, Samantha Christian, because it's local to me. The level of care and dedication these folks provide is commendable. All of our day-care centers provide an essential service to our community and it is to them that we entrust our precious children. What possible endeavor could we devote our efforts to that is more important than the future and the welfare of our children? Basic social skills are first learned at home where parents instill in their children sound morale values, but it is at day-care where these values are

acted upon playing and mingling with other children. And it is at day-care that these basic social skills and early learning is reinforced, totally encouraged by folks that devote their life to caring and nuturing our beloved children.

These dedicated folks are not looking for any special compensation. Simply put, prompt payment for services rendered. Imagine if the County paid you guys a month, two months, or whenever they pleased. You couldn't survive. And your efforts as Legislators would be severely undermined if you didn't get paid on time for the services you render us in Suffolk County.

An article that ran in Newsday on Tuesday the 7th, on Tatyana Reyes' in particular plight, illustrate the urgent need for the passing of this law and further points out that Nassau County on the average pays their bills a lot prompter than us, than we do here at Suffolk.

This practice is unreasonable and devastating to these facilities that are struggling month to month to stay afloat and pay their bills. Needless to say, the day-care centers in Suffolk County deserve no less. As a long time resident and taxpayer and constituent of Suffolk County, I strongly urge you to support this legislation and make things right for the folks that provide this most essential service. Thank you.

P.O. LINDSAY:
Thank you very much.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Tatyana Reyes. And Phyllis Weisler is next.

MS. REYES:
Good evening to all of you. I am Tatyana Reyes. Today I want to address you on what Mr. Sabatino has addressed last time. Personally in here I think we're not debating about anybody's personal life, however my personal life was touched, therefore I am forced to touch on my personal life here in public.

I was approached on my second home or summer home that I have under my name and that that was not my main house. Well, on that summer home or my vacation home, I guess that is only ten minutes away from my main house, lives my mother and I'm providing on that home 100% of those children in that house, 100% are Suffolk County, are DSS paid children. I do not have in my summer home one child that is private. Not one. Why do I run late payments paying my summer home -- I don't think at this point we're addressing why someone is late paying whatever bill it is, especially my summer home is that the County is not paying on time. I could have 200 million houses if that was the issue. However, if I'm not being paid on time, I will run late, not just with my second home, my utility bills, my energy bills, all of my bills on top of that.

So my second home at the present time is providing care for parents that are caring for their grandchildren, for parents that are receiving care, their children in there just receive care so they can go to work and they get of public assistance. Most of the kids that I have in there are either public assistant, CPS children, and like before it was touched, you can no longer accept a verbal approval for a CPS child.

The gentleman that spoke before he came to me and said Tatyana, my wife can no longer be without child care. Our granddaughter is growing, her weight is getting heavier, please help me. I was forced to tell him I cannot do anything until I get an approval. I'm sorry, I can no longer do it. It used to be that yes, we got honored. Now there is time where we don't even get honored that, so we can no longer do it.

And what -- it was touched before, yes we need to address also that it is not just payment being behind, it's the processing of those vouchers. The processing when they get an approval when a social worker has to renew a case, they don't renew it on time. Therefore, accounting doesn't get the voucher and we don't get paid. I cannot just send you a bill and say hey, I've been caring for this child for the last six months. If you don't send me a voucher I cannot bill the County. That is where our bad blood is most of the time, receiving a voucher. I can't bill unless I get a voucher. That is what is ridiculous.

If they send a voucher, I receive a payment right now 45 days, 50 days. Praise God it went back to that. However, before when they didn't pay me on that time, again, my summer home went to foreclosure. It's out of the foreclosure right now. I have the $5,000 on lawyer fees and foreclosure fees. Who's going to pay for that? I hope my summer home is going to be saved for those children, CPS children and DSS children, since it's my summer home and someone else is supposedly taking care of that and I hope someone can come and address that, at least call the bank and say, you know what, it was her fault, or it's been because we haven't sent payment.

Addressing Nassau County, Nassau County pays every two weeks and we can call any time to update our records. At 12 o'clock at night, when -- that's usually the time I have after taking care of children, that's when I call, I'm able to call in Nassau County all by phone. I call in, I call my attendance of what child were in day-care that day.

P.O. LINDSAY:
I have a list. Legislator Montano?

LEG. MONTANO:
Good evening. I just had a -- maybe a couple of quick questions. Were you here when I was asking, I believe her name was Kathy, the process? What I understood was that with these requisitions that are given by Social Services to allow you to administer services, day-care to a child, I think she said that in all cases the requisition was ultimately honored.

MS. REYES:
Correct.

LEG. MONTANO:
It may have taken a year-and-a-half, but ultimately she got paid. Is that the same situation with you? You know, what I'm asking is have there been situations where a requisition was issued and ultimately dishonored, not paid, for any number of reasons? Or is it just a question of getting your money late, much, much later than you should be getting it.

MS. REYES:
It's a question -- at this point it's a question of getting it late. There were a couple of children that there was no roster, nobody had anything other than I had a verbal approval. I got a phone call from the Department of Social Services and said what is the problem that you're having, he addressed it, and I was paid for those children that I had never gotten a verbal -- a written approval for.

LEG. MONTANO:
Let me interrupt you, if I may. The verbal approval that you're talking about is not the requisition. Am I correct in that?
MS. REYES:
Correct. Usually you get a verbal approval and then they send you a requisition saying okay, we are approving these children.

LEG. MONTANO:
So at this point what you're saying is there was a time where you would work on the verbal and then receive the requisition and then ultimately at some point in time receive payment.

MS. REYES:
Correct.

LEG. MONTANO:
Were there situations where you were given verbal authorization and a requisition failed to come for that child?

MS. REYES:
Yes.

LEG. MONTANO:
So that's the reason I assume that you're no longer taking the verbal?

MS. REYES:
Correct.

LEG. MONTANO:
And from your experience, that's something that's going on with the other agencies as well? Not just your agency, that's an across the board problem?

MS. REYES:
No, it's not.

LEG. MONTANO:
It's not or it is.

MS. REYES:
It's not a problem I'd say for Nassau County. Nassau County only takes three days to open a case, maximum two weeks. In Suffolk County, we take three months.

LEG. MONTANO:
All right, but in Nassau County, do you rely on the verbal and then in three days to two weeks get the follow-up paperwork?

MS. REYES:
No, we don't.

LEG. MONTANO:
So how does it work there, that --

MS. REYES:
You only take a written approval because it goes very quick.

LEG. MONTANO:
Okay. So you can delay the admission for a couple of days --
MS. REYES:
For three days.

LEG. MONTANO:
Exactly. Now I got you. Thank you very much.

MS. REYES:
Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:
Hi, thank you for coming. I just wanted to make sure I understood what you were saying about your second home. Your second home, ten minutes away from your house, is that your business?

MS. REYES:
That's where my mother runs her business.

LEG. NOWICK:
So your mom is in this business and you have all of these young children --

MS. REYES:
Correct.

LEG. NOWICK:
-- that you're taking care of in this second home that you've saved from foreclosure, by the way, right?

MS. REYES:
Correct, now that everything -- it's been paid on time. The only reason, by the way, it is not under my mother's name, she didn't have the credit for it.

LEG. NOWICK:
I understand that.

MS. REYES:
And she didn't qualify for 100%. However, if anybody is willing to give me the money to transfer to my mom, I have no problem, because it is not really my home, it's her home. It's her home, she can put it under her name if anybody is willing to come and give me the $45,000 for it.

LEG. NOWICK:
Thank you for coming here and apprising us of this so we understood what your summer home, what you do in your summer home, ten minutes away from your house. Thank you.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
I have a question for you. How many employees do you have? How many people do you have work for you?

MS. REYES:
At each facility three.

LEG. BROWNING:
And are you able to make the payroll for each of your employees?

MS. REYES:
There is times where I haven't, and I have gotten fined for it. I think I went to your office one time and said Mrs. Kate, I need your help because I've been fined for not paying employees on time. And many times where I'm not paying my electricity on time is because I prefer to pay an employee over my electricity, over my mortgage, over -- if I don't have employees, I don't have a business, I can't run it. If I don't have a house, of course then I don't have anything, but at least I think on an

employee that is dependent on those biweekly paychecks, if they don't have that, there is no bread for them to eat on the table because I know they're depending on me. So somehow I have to come up with the money even if the County is running late. They don't care whether they -- where the money comes from. They just care that they need to be paid.

LEG. BROWNING:
So when you don't make your payroll, the County is not paying those fines for you; correct?

MS. REYES:
No, they are not, which I hope, you know, I'm hoping someone comes to me and says Tatyana, give me your late fees, we will do it for you.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Tatyana, how many of your late payments were due to errors that you made in filling out your paperwork?

MS. REYES:
None.

D.P.O. VILORIA-FISHER:
So you didn't botch your paperwork?

MS. REYES:
No, I did not.

LEG. NOWICK:
I believe you.

D.P.O. VILORIA-FISHER:
Okay. Good. And by the way, I saw the look on your face when that remark was made here and I apologize for it, that you had to be exposed to that kind of attack, personal attack here in this auditorium. I don't think that was necessary. This isn't about personal attacks on people. This is about you getting -- you provide a service, you expect to get paid for that service. How far -- what is the longest delay you have right now in payment?

MS. REYES:
Right at the present time it is only 45 days.

D.P.O. VILORIA-FISHER:
So it seems that we can manage 45 days. And what about the vouchers that haven't been approved?

MS. REYES:
That is the problem. The main problem -- I really think when accounting gets their payment or a voucher they usually -- the latest I have gotten paid is 60 days when they have gotten a voucher. So the problem -- the main problem is not with accounting processing our payments, even those 60 days. It causes a harm if I don't have, you know, not $7,000 biweekly to pay employees. If I don't have that now 60 days, I don't have that money laying in the bank. The main problem is social workers not able to process their paperwork. That is what's causing six months. So when accounting receives my February, March, April and May, they send it within 60 days, but I have already waited for that approval of April, May, June and July. So it's four months that they're paying me together. That is where the main problem is, getting the social workers to process their paperwork on time.

D.P.O. VILORIA-FISHER:
And, Tatyana, when you have a child who comes to your child care center, you've talked about having to meet payroll and paying the electricity, paying your mortgage. You have to buy food for these children. There are nutritional requirements, right?

MS. REYES:
Correct.

D.P.O. VILORIA-FISHER:
Diapers, toys.

MS. REYES:
I do not provide the diapers, but the toys -- since this is the nature of our business, you have to buy it frequently, especially, let's say, big blocks for infants that are made of cardboard. They last three or four months. And you're not supposed to buy them? I'm sorry, I don't have money this month to buy toys for you to play? You can't do that. That's the nature of our business.

D.P.O. VILORIA-FISHER:
Thank you, Tatyana.

P.O. LINDSAY:
Thank you very much. Phyllis Weisler.

MS. WEISLER:
Hi. I want to say thank you and please excuse me in advance, I'm not used to this. I just recently have been hired by Samantha Christian Day Care and everything that has been said tonight, the main word I've been hearing is botched paperwork, invoices, so forth and so on. And the only thing I would like to say very quickly is I believe every one of us here at some point, whether it was when we were in college or when we were starting to raise our family, what came first? We had to pay our rent, gas and electric, that was very important, and/or our mortgages or all the things that are needed. And what did we -- especially in college, what did we scrimp on? The food. And what is happening here, we're the mouthpieces for these children. They have enough to deal with in this life and not have to worry about how they're being taken by the richest country in the world.

What I'm trying to say is we're the mouthpieces for them. And when it comes to the food, you've got to pay -- you have to do what you've got to do. So we are, obviously, sectioning out the food, what we're buying, just like every one of us in this room did when certain things come first. So instead of these children getting second, third helpings, you can't do it. They're not starving, we give them plenty, don't get me wrong. We do more and we go into our pockets. The people that work there go into our pockets when it's needed. Don't get me wrong, but commonsense is if everybody's been there, that's where we hit, the food and the treats and whatever goes along. So the little thing we want to do for them, it's hard to do.

You know, Mr. Carvel comes around and you've got 12 children. So we go into our pockets and get it. And that's what I'd like the people that are not voting for this bill that I have absolutely no idea what you're talking about, is get the money to the children. We're their mouthpieces. Thank you.

P.O. LINDSAY:
Thank you. Steve Burgdoerfer.

MR. BURGDOERFER:
Hi. I'm Steve Burgdoerfer. I own the Tutor Time Child Care Center in Islandia and Ronkonkoma. We care for over 170 DSS children. At present we are owed about $300,000 from the County of Suffolk for care for these children. It has gotten to 45 days, but remember again, that's 45 days after you've rendered services, which is at least 30 days, so it's 75 days.

We're running -- a question came up earlier. We're running that new system. We were asked by the Department of Social Services to try that new system on an experimental basis. As with any new system there's some glitches, and that's probably why they're test running it, because we're running both systems at the same time. One of the problems with this new system, which I'm sure hopefully we will work the bugs out on, is the distribution of it. We don't get it until well into the month. We also then have to go get parent signatures. We brought up the point of some of the times these parents are no longer there and no longer in our care, and we'll wait two or three weeks before we can get the signature so we can't turn the paperwork in, which now throws that 30 days before you can bill up to 45 days plus another 45 days. Now we're 90 days on a system that was supposed to save us time. Hopefully these bugs will be worked out. But I just want to give you a report that there is some work being done on some of these systems.
The roller coaster ride, as I keep saying, has got to the stop. Yes, it was brought up earlier, the reason things have gotten better, and it's commonsense, is because there is pressure being put on. I'm afraid the minute we take our foot off the gas pedal we're going to have a problem. And that's why these bills need to be passed. It's just as a safeguard so we can move on to other things in this County and move off of child care. I've been up here too many times saying the same thing. I'm sure your sick and tired of hearing them from me, and I'm not real crazy about coming up here all of the time.

A point that was brought up that I think we all should be concerned about in the back of our minds is the woman that came up here earlier that was an employee of a child care center talking about something like food. I think we're all playing very dangerous and fast and loose with the New York State Office of Children and Family Services. You cut people's revenue, people will have to cut corners. When you cut corners, something dangerous could happen. And I'm surprised with the publicity that's gone into Newsday that they're not down here at this meeting tonight. We have a responsibility both us as providers, and you as the people that are supposed to pay the providers, to pay people in a reasonable period of time so a situation does not come up in which something bad could happen. We need to support both these bills. That's all.

P.O. LINDSAY:
Thank you.

D.P.O. VILORIA-FISHER:
I just have a question.

P.O. LINDSAY:
Legislator Fisher.

D.P.O. VILORIA-FISHER:
Steve, you're kind of the guinea pig for the program, aren't you?

MR. BURGDOERFER:
Yes, I am.

D.P.O. VILORIA-FISHER:
But you're saying that you don't see that it will really make a difference in the near run, you are thinking in the long run?

MR. BURGDOERFER:
I talked to David Mohr, who's been very helpful, in the County, and this first phase will not necessarily -- I asked David, once this thing is all through and we get the bugs out of, you know, we're 45 days now. What could it shave down? He couldn't commit that it would shave down any more than a day or two. Which is why -- then I see that article where Nassau County is every two weeks. We spent $195,000, they spent $700,000. But that $700,000 may save them a lot of money down the road.

D.P.O. VILORIA-FISHER:
I have another question, Steve. Some of the other providers have said that recently they have seen improvements in their payments, and yet the amount that the County owes you doesn't seem to have gone down.

MR. BURGDOERFER:
Unfortunately, one of the positions with that is that I think I am one of the largest providers. I think my actual voucher bills -- for example, my voucher bill just for the month of July for one of my centers is $100,000. That's why it's a lot to ask someone to hold out that kind of money to a small business owner.

D.P.O. VILORIA-FISHER:
Oh, so that's why we can't seem to get below that 300,000 number, because you're always three months behind.

MR. BURGDOERFER:
Yeah, exactly.

D.P.O. VILORIA-FISHER:
And do you have a problem with the vouchers also, Steve?

MR. BURGDOERFER:
Yeah, it somehow -- it always seems the kids get approved like on the 22, okay. The reason I bring that up is usually the twentieth is the deadline, cutoff for the next voucher. So that means -- it's just ironic. They always seem to -- I've got a bunch of new kids that are ready to start tomorrow and the next day. So I know oh, the good news, bad news. We have more children, but they are going to miss another 30 day cycle, so it's going to be 30, plus 30, plus 45.

D.P.O. VILORIA-FISHER:
Okay. They're starting this week but --

MR. BURGDOERFER:
That means they're going to miss that August voucher, they're not going to catch it until September.

D.P.O. VILORIA-FISHER:
I see. Thank you Steve.

P.O. LINDSAY:
Roger Singh.

MR. SINGH:
Good evening, ladies and gentlemen. My name is Roger Singh. My wife and I own a group family day care in Deer Park since 2003. The reason I'm here today, I came down to voice a few concerns. Our biggest concern is whenever we do a DSS and we send our paperwork in we never get paid on time. I'm sure everybody is saying the same thing. What happens is when we send our paperwork in I usually check it and review it. It goes in. Either the payment comes short or we just don't get paid for the month.

I have a voucher here that I recently submitted and we got a check. We got a check this month and actually on the check stub it says we're being paid for two months in writing, yet we were only paid for one month next to the amount that is supposed to be for two months. When we called DSS they said they'll get back to us in 24 hours. They never call back. I've sent three letters so far this past week. Somebody called back today and said we'll send you a form to amend it. That means we'll get paid next month.

Now, my mortgage is usually due on the first of the month. We depended on this. My wife and I both work at home. We have a full-time employee. We have two kids, we live in Deer Park. Our taxes are over $11,000 a year. With taxes, mortgage, and insurance my monthly housing payment is $5,200 a month. We depend on this to live on, we depend on this for our car payments, and every month our light, gas, telephone, cell phone, we're late. We basically went through $50,000 of our savings in the past year. Last year our house went into foreclosure. We paid about $5,200 or $5,300 in attorneys fees to get out of it. We went through -- we used from our kids college fund to basically meet our mortgage, and it's been like this for the past three years working with the DSS. We have about eight DSS kids in our day-care, we have a few private. That's the only way we get to pay our employee every week because the cash parents pay us every Monday morning so we are able to pay our one worker we have and buy the groceries to feed the kids.

We work from six a.m. to 11 -- excuse me, 6 a.m. to 7 p.m. Our day-care is open Monday through Saturday. We're up in the morning, our first child comes at 6:15, the last child goes home at seven o'clock in the afternoon. Between full-time and part-time and private and DSS children we have about 15 kids in our day-care.

I quit my job. I had a very good career. I quit my job to work at home with my wife because that's what she wanted to do and both of us love kids. We do have very small children on our own, so it worked out for both of us, but we didn't expect that our only problem -- we've never had a problem with the parents or the kids. The kids love day-care, the parents love us. The only problem is we work just like everyone else, just pay us. That's all I ask. Thank you very much.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Sing.

P.O. LINDSAY:
Nancy Hernandez.

MS. HERNANDEZ:
Good evening. I have the late pay, too, and it's terrible because all the bill you pay late, and it's mixed up. So I came here because -- I'm glad because Lisa called me and I feel good in this meeting and I think and I work -- I hope the problem is the solution tonight.

P.O. LINDSAY:
Thank you very much.

D.P.O. VILORIA-FISHER:
How late have your payments been?

MS. HERNANDEZ:
A couple of years.

D.P.O. VILORIA-FISHER:
Up to a year?

MS. HERNANDEZ:
A couple of years I worked for the first payment.

D.P.O. VILORIA-FISHER:
A couple of years you said?

MS. HERNANDEZ:
Yeah.

D.P.O. VILORIA-FISHER:
Dos anos?

MS. HERNANDEZ:
No, one year.

D.P.O. VILORIA-FISHER:
One year. Okay.

P.O. LINDSAY:
Gloria Dixon.

MS. DIXON:
Good evening, everyone. My name is Gloria Dixon. I have a day-care in North Babylon. I used to have a day-care in Bellport but I switched it to North Babylon. I've been doing day-care for about two years, and when I first started day-care I had to wait six months to get my first payment. I was working two jobs. I quit both of my jobs to do day-care. I was told by one of the employees at -- with the day-care that I shouldn't depend on that pay. And I don't understand that. If that's -- if I choose to have my own business and go into the day-care business, why I should I wait on that pay to pay my bills. So that's what I was told. So after several calls, I called, I called, I called, it took me six months to get a check. I got a check after six months.

So it went on, you know, a couple of months it was one time and then again I had to wait three to four months to get -- I had verbal approval, so I took the children. All of my children are always from DSS. And, you know, I took the verbal approval and I cared for the kids for like three or four months, and I finally a written approval in the mail. Then it took me another month to get the roster in the mail. After I got that it took me two months to get paid. So right now, at the present I was waiting -- I was caring for five children from one family. I was waiting five months to get the approval after the verbal approval. I waited five months to get the approval. After we came and after we was, you know, had our signs outside or whatever, I sent my -- I received my roster in the mail. A week later I got my payment.

So if they can do that then, I'm not understanding why that can't happen -- why we can't get paid in 30 days. If they can rush my payment after they see us on the news, after they see us in the newspaper, I send my roster off on the second I get a check on the eighth. I'm not understanding why, you know, we can't get paid like that within 30 days. Every 30 days we're supposed to get paid. I don't currently own a home. I'm scared to buy a home because I'm scared that I won't be able to pay my mortgage on time.

You know, this is what I like to do. I worked in a shelter for three years. I've always wanted to work with children. I see the need. A lot of the parents depend on me as well as the children. So, you know, I don't want to stop what I'm doing, but if I can't get paid on time I'm going to be forced to get a second job and work overnight and still do my day-care during the day. Thank God I have my sister. She works with me so she deals with the way -- the way that I get paid is the way that she gets paid, so I really don't have that problem as far as she's concerned. But, other than that, there is a problem. There is a problem.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Thank you very much.

MS. DIXON:
Thank you.

P.O. LINDSAY:
Okay. I don't have anymore cards on this subject. Is there anyone else in the audience that would like to address us on this subject? Seeing none, Legislator Viloria-Fisher, what do you want to do?

D.P.O. VILORIA-FISHER:
Make a motion to close.

P.O. LINDSAY:
Motion to close. Do I have a second?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Okay, 1510 is closed.

IR 1623, A Local Law to reduce the emission of pollutants from diesel-fueled motor vehicles operated by or on behalf of Suffolk County. I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cooper.

LEG. COOPER:
Motion to close.

P.O. LINDSAY:
Motion to close by Legislator Cooper.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. All in favor?

LEG. LOSQUADRO:
On the motion, please.

P.O. LINDSAY:
On the motion.

LEG. LOSQUADRO:
I wouldn't want to see Legislator Cooper -- unfortunately, I just got a chance to review the revised copy of this yesterday. I wasn't aware that an amended copy had been filed. I've been trying to follow this closely. I wouldn't want to see Legislator Cooper have to put another public hearing in because I actually have some questions in going through this. There were a portion that -- a three year window in which a contractor, if new technology became available, would have to then re-retrofit a vehicle. Some of those investments can be quite substantial and a three year pay off period I don't believe would be sufficient. I don't want to get into debating the bill.

P.O. LINDSAY:

I'm going to limit this because this is a public hearing. It isn't debating the bill.

LEG. LOSQUADRO:
Absolutely. But I -- some of these things I will -- I think would require a substantive enough change that they might require a new public hearing and I wouldn't want to see that hold this up. I'm in favor of this.

LEG. COOPER:
Recess.

LEG. LOSQUADRO:
So if we can talk about this and maybe work out a couple of these changes, close it next time and move it forward. Is that acceptable to you?

LEG. COOPER:
Could we possibly pass over this for a minute and --

LEG. LOSQUADRO:
Sure. It's up to the Chair, but.

P.O. LINDSAY:
Okay. I'll -- just we have a motion to close and a second. We didn't take a vote and we didn't give the count.

MR. LAUBE:
Correct.

P.O. LINDSAY:
I'll skip over this and go to IR 1699. Just remind me to come back to it fellows. ***IR 1699, A Local Law to enact consumer protection in connection with musical concerts and performances a Truth in Music Bill.*** And I have several cards. First card is Leonard Cocco.

MR. COCCO:
First let me thank you all for allowing me to come here and state something. This is an act that we'd like to get passed to keep people from saying they are the original artists who recorded certain songs or who have the trademark. That's number one. I have no complaints because no one has ever done it to me. However, the people I've worked with for the last 48 years, that's how long I've been in the business, are getting beat out of making money because there are bogus groups around and they're fooling the public by telling the public they are the original artist. They are not. I mean, it's been going around for quite a few years. It's about time that somebody did something. Like I said before, I have no qualms, no one ever tried to do it on me. But the people that I know that I've grown up with or I've worked with for the last 48 years are getting beat out of earning money, and it's not fair.

I'd like to ask a question or I would like to make a statement. When there are benefits to be done, like some that I've done was the Jerry Lewis Telethon, Variety Childrens Charity, Coolies Anemia, Childrens Cancer Fund, Brook Shields who came from over here in the Island, and New York City Autism. When these people ask us to perform, they don't ask these bogus groups. They ask all the legitimate groups, which is only fair. When these are all benefits, these are non-paying things that we perform at to help raise money. In fact, I've even done one for the policeman McDonald, Michael McDonald at the Jacob Javits Center. I've done one for our ex-Mayor Giuliani.
We don't mind doing things to help people, but when it comes time for us to earn a dollar, let us earn our dollar honestly. None of us are rich, believe me. The oldie groups are not rich. The popular groups today, well, they've got it made. I wish I made what some of them made, like Celine Dion or the others. But it's gotten to be ridiculous, it really has.

I thank Mr. Alden for asking me to come and speak about this because it's about time somebody does something about it. It is not fair, it isn't fair. There are people that -- who are the original recording artist or who own the name who are getting beat out of making a few dollars. We're all not rich like the big stars are today. I work three jobs. I'm a security guard, I drive a limousine, and I sing in order to make ends meet. A lot of other groups aren't as fortunate as me to work three jobs. So I'm not asking you for any money, I'm not asking you to give us any money, just give us the right to earn what we paid our dues for.

I had two hit records, one was called Once in a While, and the other one was called I'm in the Mood for Love. I never got a dime for either one of these records. And I wrote the other side of Once in a While which sold about two million copies. So of one side sells, doesn't the other sell? Never got five cents. We are all struggling to stay alive, to feed our families, but the main thing is we love what we do. I told Ms. Nowick, I said if you ever have a fundraiser give us a call, any one of you Legislators. We'll gladly come and help you raise money or something for children or stuff like that.

P.O. LINDSAY:
Lenny, you really shouldn't have said that, you know what I mean?

MR. COCCO:
Mr. Lindsay, we love what we do, seriously. We enjoy -- when people come to see us perform many, many times they said boy, you guys look like you are having fun. Yes.

P.O. LINDSAY:
But see, the biggest problem I have with you guys is I remember your music, but you looked much younger then.

MR. COCCO:
To be honest, I will be 71 years old in November. God Bless to me. So I just want to give back a little of what God gave me to other people, autistic children, children that are left homeless. We love doing that. We don't ask for a dime to do benefits, but give us our due when it is time for us to make our money. Don't let other people beat us out of work we've paid our dues for. I mean, I've paid my dues 48 years and I think -- like I said, I've never been, you know, cheated upon like that. But these other people who I've grown up with, who I've worked with for the last 40 years, I know them. They're not having it easy, they're having it rough, too. So if you guys could help us out we really would appreciate it. Thank you.

P.O. LINDSAY:
Legislator Nowick has a question.

LEG. NOWICK:
You know, I understand what you're saying, but I'd like to say that I really don't know if you are telling the truth unless you sing that one song for us. How would I know unless you gave us a few bars?

(Leonard Cocco performed for the Legislators)

(Applause)

MR. COCCO:
I thank you guys very much. I appreciate it.

P.O. LINDSAY:
Okay. That takes care of the Chimes. Phil Lorito.

MR. LORITO:

I can't sing, don't ask. I do the other side, the business side. And I know I went on, I started a statement, I just want to finish it. I know it's running late.

P.O. LINDSAY:
You've got five minutes, Phil. You've got plenty of time. Go ahead.

MR. LORITO:
To continue, musical artists are unique and special people. They need your protection. They are not all multi-millionaires, but mostly struggling artists who in many cases barely get by. There might be 100,000 professional or semi-professional musicians within 100 miles of us at this moment. Maybe less than 12 will ever experience anything close to a hit record. Nearly all of them see their careers as basically a way to make a reasonable living or just as a part-time job or have no gigs at all. In most countries throughout Europe, artists pay reduced taxes, have their livelihood subsidized, because they are recognized as the souls who bring an art form to life that enriches a nation's culture. That is not the case in the United States, where making a livelihood is literally a jungle. So if these artists need to survive in this jungle, at least create a level playing field for them.

Fraudulent, illegal, deceitful practices are carried out every week in Suffolk County that rob musicians of hundreds of thousands, if not millions, of dollars a year. Both the State of New York and California have the most sophisticated entertainment laws on the books anywhere in the United States. Nearly all music industry contracts are interpreted by the laws of the State of California or New York. There are New York State laws that govern entertainment booking agents and the commission fees to be paid to agents by the artist for booking their act.

The fee is limited to 10% for a series of engagements and no more than 20% for a single engagement, yet so-called booking agents buy and sell musicians each week on Long Island. Yet so-called booking -- for example, an agent might arrange an audition for three wedding bands in a catering hall, invite a dozen brides and grooms along with parents. The perspective bride and grooms pick the band they want to see perform at their wedding and the agent might charge the family say $10,000, but then books the band for the wedding for $2,000. The bride and groom and family think they paid $10,000 for the band, but in reality the band gets $2,000 and the booking agent keeps $8,000. Much of this money is handled by the caterer who pays the band at the end of the engagement. In many cases, the caterer has an exclusive house booking agent who books wedding bands exclusively in that particular establishment. Again, the artist and poor bride's father are being ripped off and nobody seems to care.

Suffolk County, New York, has a tradition and reputation as a national leader in passing legislation that protects its citizen. Your keen awareness and direction in trying to do the proper and correct thing is well-known. This is an opportunity to protect both the artist and the consumer. Make it a crime in this County to steal from the people and our nation's struggling artists.

To keep you -- to help you in this cause I would like to organize a volunteer committee requiring no funding made up of several Suffolk County music business people who would be willing to monitor the advertisement and promotion of artists performing in the County and with our database and vast industry networking, we would be able to ascertain whether a fake performance is being advertised. The committee would then advise the club owner or promoter, and if the engagement is not cancelled, forward the information to law enforcement.

I thank you very much for the opportunity to speak to you today and the artists in this County do need your help.

P.O. LINDSAY:
Phil, before you go I just have a question. So you're in favor of this legislation?

MR. LORITO:

One-hundred percent.

(*The following was taken & transcribed by Alison Mahoney - Court Stenographer*)

P.O. LINDSAY:
Okay. And that you are -- if I'm just getting what you're saying is correct, we have a number of consumer protection laws on the books in Suffolk County and we have a whole department, the Consumer Affairs Department, that does a wonderful job in protecting consumers out there and regulating different industries and monitoring different industries. And in that pursuit, there is a number of occupational boards that come from that particular industry that advise the Consumer Affairs Inspectors, and that's what you're proposing is to set up something similar to that?

MR. LORITO:
Yes. There's a number of very responsible people in this industry, in this County, that would do -- be more than happy, including myself, to help the Consumer Affairs people and help in this matter, but it's something that has to be addressed. And as you know, it's not a question necessarily of expending money, there are -- it's criminal fraud in its pure sense.

P.O. LINDSAY:
But, I mean, you raised --

MR. LORITO:
There have to be laws against it.

P.O. LINDSAY:
You raised other issues that go way beyond just the infringement on a name here. I mean, you're --

MR. LORITO:
Absolutely. This is -- the artists -- I'm speaking hopefully on behalf of all the music artists in this County, and just the wedding bands, you know, that play wedding engagements are just one example of this type of them being exploited and wripped off.

P.O. LINDSAY:
Okay.

MR. LORITO:
It's just one example. And of course, fake bands is another issue.
I know the legislation is focusing on the fake bands that are being promoted and advertised and deceiving people into coming to see them perform, but I just want to try to strike a chord of sensitivity with you that the artists are struggling. You know, you think of recording artists, you're thinking of someone like, you know, Billy Joel making an enormous amount of money, and that's such a small, very small fraction of the actual artists that are out there. I mean, it's -- you know, you can't think of it that way. There's a lot of artists that are selling insurance and driving taxi cabs that are getting hurt.

P.O. LINDSAY:
Okay. Thank you, Phil. I appreciate it.

MR. LORITO:
Thank you.

P.O. LINDSAY:
Leo Lucas from the Cavaliers.

MR. LUCAS:
Thank you, Bill.

P.O. LINDSAY:
You're welcome.

MR. LUCAS:
Good evening, Ladies and Gentleman. I am with the Cavaliers. I have to let you know that eight years ago we might have done a benefit for every one of you guys that were sitting there if you were here then at that time, because we're not from Suffolk County. We originated in Brooklyn, New York, in 1962 and we came out of the recording studio in 1964. There was a fellow named J. Frank Wilson that had a hit record with us, it was called Last Kiss.

I am not totally in favor of this bill and I'll tell you why. Because Suffolk County is my home and I think we have a lot of bills and a lot of problems already out here in Suffolk County and I don't think our music industry in Suffolk County is affected one bit, other than what the gentleman had stated before, over pricing by catering halls or whatever, but we agree to prices. I know my band, it's my business, I have it trademarked, I've had a trademark for almost 30 years, I was told to do that a long time ago.

The bill -- anything that comes out of striking the du-op business, because that's exactly what's happening here. It's not the big names, Bolton, someone stealing him, it's stealing -- they're talking about stealing the songs that were created back in the 60's by us. Well, I've got to tell you, I know of five Cavalier groups, one is in Texas and one of them happens to be one of my original guitarists from a recording, but I'm not interested in playing the bar in Texas that he's at and I'm not going to bother with him. The other group is in Connecticut; they don't sing the song, they're just trying to make a living, they're not bothering me, they're not taking anything out of my mouth. I don't know one group out here in Suffolk County that's formed in Camden County now that's here that's being affected by this bill.

What you see that's being affected is the fellas from the Drifters, the Coasters and so on; they're being affected. But what I'm concerned about being affected is our people here in Suffolk County that come to see us, that sit there because 50% of their watching us is fantasy saying, "Oh, which one is that? Oh, that's the old guy, he's the original guy;" that's what they do. And what's happening with something like this that hits the newspapers, it's like what they do to the churches or the synagogues, it puts a strike in our business.

In 1963, we were wiped out because the Beatles and all came to town and the British Invasion and it killed us, until we made a comeback in the 80's out here. And you know what? Suffolk County people don't deserve to see that other nail that's in our coffin because they took us off the radio already, they took us off everything, all we have is promoters that are going to put us into shows. And what's happening with an organization that gets formed by these guys, what are the promoters going to do? Yeah, they'll hire these groups and you'll pay $150 to come and see us, that's what you're going to do, and maybe you'll see one show a year. And you know what? I'm 61, and I'm not as old as Lenny over here who's probably one of my best friends, we go against -- we disagree a little bit and he sings a lot better than I do.

But anyway, I don't want to see that happen to my County and my people that come to see us out here in Suffolk County, that have to sit there and say, "Oh, that guy's a phony," "Oh, look, he might be fake," or, "He might be this." Because you know what? No matter what committee you people form in Suffolk County out here or what kind of law you put out here, it's not affecting us now because no one is doing it to us out here. It's affecting that guy that's 81 years old in Florida that didn't want to work for 30 years, all of a sudden he wanted to take his name back but he lost it in the trademark and the other guy that got the trademark was keeping it alive for the last 40 years; that's what's going on out here.

And my experience in this business is exactly that. I don't want to lose my people in Suffolk County. We're off the radio, we're nowhere -- you can only come and see us at the shows, and they won't come if this keeps hitting the newspapers. Because one man wanted to form this and get a paycheck out of this, that wanted to make this thing work for him and he came out of nowhere with this truth doctrine and he's going all over the place. I believe that we should be protected and we are; I'm protected by my trademark; when you go against me, I'll take you to court. It happened to me seven years ago, all I did was mail in a letter to the courts, the Federal Courts for the trademark, they put a stop on it, and if it would have hurt me in any way I'm sure I would have got money for it. But that's what the trademark is for, for me, okay, that's what we go into the shows for. If somebody would have said that they sang Last Kiss; well, God bless them. They're not going to do it in Suffolk County because they don't do it. And you know what? Most of us, do we want to travel all around the world full-time? I don't think so. If you look at a lot of us out here, I don't think you're going to want to see that because we want to go here and there, we've got families, grandchildren and so on.

P.O. LINDSAY:
Okay.

MR. LUCAS:
That's it, Bill.

P.O. LINDSAY:
So let me ask you a question, Leo. You're opposed to this bill because you don't think it's necessary; is that it?

MR. LUCAS:
I don't think it's necessary in Suffolk County out here, because of the people.

P.O. LINDSAY:
Okay.

MR. LUCAS:
For Our people out here in Suffolk County, Bill, it's not necessary for us.

P.O. LINDSAY:
So you don't think it's an issue where there's people here that portray themselves to be the Cavaliers or portray themselves to be The Chimes?

MR. LUCAS:
I haven't heard of it and I don't want to hear one group out here.

P.O. LINDSAY:
Okay.

MR. LUCAS:
Just one, somebody tell me what group that was that got offended by that; it's not out here on Long Island.

P.O. LINDSAY:
Okay, thank you.

MR. LUCAS:
Thank you.

P.O. LINDSAY:
Last card on this subject is Vivian Croce; I'm sorry, Vivian, I misplaced your card in the other pile before.

MS. CROCE:
That's okay, as long as you hear me out.

P.O. LINDSAY:
Come on forward, we'll hear you out.

MS. CROCE:
This is going to be a tough call for me. This is involving the Truth-in-Music bill and I'm all for it. It's taken me maybe close to 25 years to come forward and I think it's about time. I hate doing this to you, Lenny, but I have to.
MR. COCCO:
You do what you have to do, it ain't hurting me.

MS. CROCE:
My ex-husband, whom I was married to for 23 years, was one of the original Chimes, and he is nowhere to be found in today's memory.
I brought back today the album, I don't have the original 45 on me right now, but I lived those days with Lenny and The Chimes. I went on the website today for the first time and was very upset; I saw pictures of four strangers, Lenny not being one of them -- excuse me, three -- who call themselves The Chimes, and the reason they call themselves The Chimes is because of the trademark, but that doesn't change my history. My history is still with the original group, one who passed away and now my ex is passed away; there's two more, one who lives in Suffolk County and one who lives in Florida.

I have the original album with me, their first album which shows different faces that would appear today.

MR. COCCO:
Except mine.

MS. CROCE:
Except yours, Lenny the lead singer, and my ex also is the lead singer doing some of the songs. It's not recognized today at all, it's like they don't exist; that breaks my heart.

MR. COCCO:
(Inaudible).

MS. CROCE:
Excuse me?

MR. COCCO:
He did not lead any songs on the album.

MS. CROCE:
I have a picture of my --

P.O. LINDSAY:
Vivian, testify to us, come on.

MS. CROCE:
Okay.

MR. COCCO:
I'm sorry.

MS. CROCE:
I have a picture of the original group appearing at the Apollo where my ex did sing a lead, he's on the microphone, and I have these pictures today, also with signatures from the people that they appeared, in 1961. You don't forget this, you don't throw it away, you don't make it look like it never existed. That's where I'm coming from today and that's why I agree with this bill. When the other performers are on that stage and I've had the opportunity to sit there and just bite my tongue and not say anything while these men use their name for what somebody else accomplished, it's a shame; it's a shame, it shouldn't be. They're artists in their own right and when I see their record on the website with three other men behind that record, it's a lie.

So that's why this truth that's coming out today and this bill is more important than ever. I could pass these pictures around and you can see the difference of the men who sing today and of the men who made the record.

LEG. BARRAGA:
Could I ask a question?

P.O. LINDSAY:
Sure. Are you done, Vivian?

MS. CROCE:
Yes.

P.O. LINDSAY:
Okay. Legislator Barraga has a question for you.

MS. CROCE:
Yes.

LEG. BARRAGA:
I wanted to ask you a question. I'm intrigued with this whole concept of the trademark. Did your husband, your former husband and the rest of the group have a trademark at the time?

MS. CROCE:
Yes.

MR. COCCO:
No.

MS. CROCE:
They never had a trademark for the name?

MR. COCCO:
No, I do.

MS. CROCE:
Well, that was afterward; that's Lenny Cocco and The Chimes.

MR. COCCO:
Since 19 -- am I allowed to talk?

LEG. BARRAGA:
Because it seems -- no, you're not on. It seems to be that the trademark seems to be the key, whoever seems to control the trademark has the right to go out and say that they are members of the group; even if they use or publicize records that they never really recorded, but because they have the trademark they feel justified in doing that?

MS. CROCE:
I have no idea how the trademark law works. All I know is the album has the names The Chimes and Lenny Cocco originally was just one of The Chimes.

LEG. BARRAGA:
Is there a trademark for The Chimes right now?

MR. COCCO:
Yes.

MS. CROCE:
Yes.

LEG. BARRAGA:
And does this group control it?

MS. CROCE:
This one?

LEG. BARRAGA:
Yes.

MS. CROCE:
No.

LEG. BARRAGA:
Some other group has it.

MS. CROCE:
Yes.

MR. COCCO:
No, I have it.

MS. CROCE:
Well, Lenny has it.

LEG. BARRAGA:
All right, so they have no justification even using the rationale of the trademark which they do not control of going on and indicating that they were somehow The Chimes that recorded what your husband and others recorded years ago.

MS. CROCE:
I don't know, I don't know how that law works.

P.O. LINDSAY:
But if I might intervene. Tom, what you're missing here, Lenny is the last one that's alive.

MS. CROCE:
No, there's two others.

LEG. BARRAGA:
He has the --
P.O. LINDSAY:

There's two others alive?

MS. CROCE:
Yes.

LEG. BARRAGA:
But he controls the trademark for The Chimes?

MS. CROCE:
Just the name.

LEG. BARRAGA:
Just the name. Well, isn't that everything?

MS. CROCE:
No, because then it erases the fact that the originals made the record; it's just a name.

LEG. BARRAGA:
But Arty, he seemed to indicate that he felt pretty strong about where he was coming from because he controlled the trademark for the last 35 or 40 years and could use the course to defend the trademark against anybody who came along and tried to usurp whatever history he's had with that particular group.

MS. CROCE:
If he so chooses.

LEG. ALDEN:
Tom, would you just suffer a quick interruption?

P.O. LINDSAY:
Legislator Alden has a question of Vivian.

LEG. ALDEN:
Well, actually just to clarify something that was just asked. There's trademark law and that would govern the name of the group. There's also -- when they actually record something, that is -- that's owned by either the publisher of the music originally or the performing artist. And if you remember what happened with the Beatles, Michael Jackson bought all of their -- the rights to their music, to have those played in juke boxes and on the radios and things like that; and then vice versa, the other artists went and bought the other artist thing. So there's really three levels of ownership if you want to look at it that way; there's the name of the performing artist, there's the ownership of a performance, and then there's the rights to the song itself.

LEG. BARRAGA:
So how does this particular legislation then deal with those issues?

LEG. ALDEN:
This deals with the performance. So if somebody goes out and wants to perform in Suffolk County, they better have the trademark or they have to have at least one member of the original group to call themselves, in this instance we use The Chimes as an example. And if somebody has nothing to do with the group originally or even now, if they go out and -- like if you and I want to perform and we call ourselves The Chimes, this law would protect against us being able to go out and do that, it would stop us from doing that.

LEG. BARRAGA:
So the trademark bill would give us the right to do it. You and I had a trademark --

LEG. ALDEN:
If we had the trademark --

LEG. BARRAGA:
-- and we were called The Chimes, we could do it.

LEG. ALDEN:
Right.

LEG. BARRAGA:
Regardless of her history.

LEG. ALDEN:
Exactly.

P.O. LINDSAY:
Okay. I can't take counterpoints. Vivian, are you done?

MS. CROCE:
Yes.

P.O. LINDSAY:
Okay, thank you very much.

MS. CROCE:
You're welcome.

P.O. LINDSAY:
I do not have any other cards. Is there anybody else in the audience who hasn't spoken that would like to speak? Come on forward, Marty. Please identify yourself for the record.

MR. GROSSMAN:
I apologize for two things; number one, I didn't fill out a card because I wasn't really preparing to speak; and number two, I didn't dress properly for this session tonight.

P.O. LINDSAY:
There's no proper dress here. Just identify yourself for the record.

MR. GROSSMAN:
My name is Marty Gross, I'm the President and the CEO for a fund called the Teddy Fund. We're a 501(C)3 non-for-profit. We turn around and we do some really, really good things for kids, we donate money to children with cancer, brain tumors. I've been very, very fortunate to be involved with a lot of people that have really worked hard with us to help us do this, and I've looked at this item myself -- by the way, just for the record, I don't make any money with the Teddy Fund, there are no salaries involved, everything we get we donate to children, and basically you can see that on the website.

You know, but this issue, you know, raises a lot of things. I think there's a big, big broad difference between civil and criminal. I think that this law would prevent a lot of old-timers who have been involved who have given all of us some beautiful music throughout the years, I know I've enjoyed it myself and I'm 64 years old; I'm not going to ask anybody else. But I think that, in essence, I feel that it's been part of my heritage, it's been part of what I do and how I've grown up and the memories that I have. I think it's up to the promoter, and I am considered a promoter because I hire groups to do these shows and I pay them for it. I think two things are going to happen with this law.

Now, remember, you know, there are other organizations such as myself, cancer or whatever, but basically what we're going to do is we're going to create an issue where now the promoter has to make a decision of whether he's going to hire a group for $2,500 -- remember, I have to make a profit so I have money to donate to children -- or now because this man is in a situation where he comes off very, very independently, now I may have to pay him $5,000 and now it no longer becomes a profit center for the Teddy Fund to be able to utilize this.

Each person who has a registered trademark is legally protected. He can turn around and he can go to court and he can get a cease and desist order basically to stop someone from performing, utilizing that name, and that's a civil action. I think by going all the way into a criminal action, I think you eliminate a lot. If all of you folks, as I do, enjoy oldies, there are many, many, many, many groups out there who are really excellent; I'll name one which I think is outrageous, the Duprees. They are a phenomenal group, there's not one original in that group, but they are a phenomenal group, great entertainment. And I don't think there's anybody here that's gone to one of their shows that can walk away and say, "I didn't have a fabulous time." I really -- I felt like I was really there with a real group.

On the other hand, the young lady here whose husband was involved before I think had an opportunity, at one particular point, to get a trademark and then to license that trademark to Lenny or anybody else, if it happens to be other groups. I'm friendly both with Lenny Cocco and with Leo, I've performed -- you know, I've been involved in their performances with some of the fund-raisers that we've run. But I don't want to see Suffolk County get into a battle field with all of the artists because really they give us so much joy and they do so much at least for my organization and other organizations that I'm involved with as well. And I think the trademark really is more than sufficient for them to lay their claim on their name and their identity and protect it. Thank you very much.

P.O. LINDSAY:
Wait, before you go, I've got a question.

MR. GROSSMAN:
Please.
P.O. LINDSAY:
So you're opposed, Marty, to this bill.

MR. GROSSMAN:
Yes, I am.

P.O. LINDSAY:
Okay, that's all I wanted to -- and Legislator Alden has a question.

MR. GROSSMAN:
Yes, sir.

LEG. ALDEN:
You're opposed because you have people that perform for you that have the trademark.

MR. GROSSMAN:
No, I propose --

LEG. ALDEN:
You don't even have to answer that. You know why? Because talk to your lawyer, because if you're employing somebody that doesn't have the trademark and you're allowing them to call themselves by an original group's name, whatever it is -- The Supremes, The Duprees, The Chimes -- you've got a major problem with --

MR. GROSSMAN:

Exactly.

LEG. ALDEN:
And then you're going to end up maybe in jail, or at least a lot emptier in your pockets.

MR. GROSSMAN:
Absolutely.

LEG. ALDEN:
So I hope you're not advocating for the illegal performance of a group or to be allowed to --

MR. GROSSMAN:
I never advocated.

LEG. ALDEN:
Good, because all my bill does is --

MR. GROSSMAN:
I didn't say that.

LEG. ALDEN:
-- if you have the trademark or if you have an original member, then you're allowed to use the name. No illegal -- and that's why we call it the truth-in-performance.

MR. GROSSMAN:
Correct. Just for the record, to really edify what you just said, every group that performs for me, being that I am a fund-raiser, I have a copy, a photocopy of all the documentation in their folder. I do not go out and seek, as you mentioned, groups that are counterfeit groups or whatever. I had an issue with one group a while ago and I wouldn't take them on until just recently because they finally produced the registered trademark. I wasn't advocating that, all I was saying basically was the ramifications are already in place to legally deal with counterfeits.

LEG. ALDEN:
Okay, but --

MR. GROSSMAN:
There's no need to make it a felony or a criminal crime.

LEG. ALDEN:
It's not, this is civil. And the problem was, as Mr. Cocco alluded to before, if somebody is going to perform and use his name, to take him to court could take -- and you probably know it better than I do, but could take months or a year or something along those lines.

MR. GROSSMAN:
Correct.

LEG. ALDEN:
By that time the damage is already done. This actually allows them that if there's somebody performing they hear about it, they can call Suffolk County, we can immediately react to that to cause a little bit of justice, maybe, if you want to look at it that way, but a very fast path to relief. Now, I'm just going to ask you a question about The Duprees.

MR. GROSSMAN:
Please.

LEG. ALDEN:
You mentioned them before, they have -- they bought the trademark.

MR. GROSSMAN:
They have the trademark, yes.

LEG. ALDEN:
Good, okay. Thank you.

MR. GROSSMAN:
Yes, they do.

P.O. LINDSAY:
Okay, thank you. Thank you, Marty.

MR. GROSSMAN:
Thank you very, very much, I appreciate you listening.

P.O. LINDSAY:
Is there anybody else who wants to speak? Phil, did you want to come forward? Come forward again; I'm going to allow you to talk again because I have a question for you, because this thing has got me thoroughly confused.

MR. LORITO:
It can be, yes.

P.O. LINDSAY:
All right. My question is the way this is worded. If Mr. Cocco or
Leo Lucas had their groups trademarked and they're the last survivors of the group and they pass away, that means forever nobody could use group Cavaliers or Chimes?

MR. LORITO:
No. The trademark, first of all, has to be renewed every ten years or it's considered abandoned. But I think that the problem is you're going as a Legislative body into an area that really is sounding confusing. The fact that someone has a registered trademark on the name of a performing artist is one separate thing, it's a Federal issue, it's like copy writing a book or a song or music. What I am under the impression, from what I read in the newspapers and what I understand in conversation, is the legislation that you're trying to pass, or hopefully trying to pass, will prevent a fraud.

Now, what I mean by fraud is a popular band, and it doesn't necessarily have to be an old band from the 60's, any performing artist, group that takes on a name and commits a fraud and comes into Suffolk County and tries to perform illegally -- like there could be ten bands called The Drifters out there at any given time, but there is only one group that has that trademark and it legally can perform. That's the group, if they come to Suffolk County to perform is fine, but you want to prevent the people from this County buying tickets for shows and not seeing the act.

To get into copy writing and infringements on trademarks not what I'm here talking about; you're mixing apples and oranges. Forget that and focus on the fact that a group of people will come in here and commit a fraud by imitating and impersonating a legitimate group of artists. And the promoter, someone has to be paying them, there has to be a nightclub owner or a promoter who's involved and it's his responsibility, just like a proprietor of a store can't sell illegal goods off his counter, it's his job to make sure that the act he's bringing in is exactly what he's adverting and promoting. If he says it's the Platters or U-2 or whoever, it better be that act. Your legislation should do that part, you shouldn't be worried about copyright infringements or trademark

infringements and so forth. That's what I -- where I think you're getting off the track. We're trying to stop a fraud. And it's the same thing I said before, fake bottles of goods or anything in a store that's fraud and it's not what it's advertised to be would be a crime in this County and that's where I'm going with this.

P.O. LINDSAY:
All right, I think that helps a little bit. Thank you. Thank you.
MR. LORITO:
Okay.

LEG. ALDEN:
Thanks, Phil.

P.O. LINDSAY:
I don't think there's anybody else that wants to speak on this.
What would the -- Legislator Alden, what would you like to do?

LEG. ALDEN:
Motion to close.

P.O. LINDSAY:
Motion to close. Do I have a second to the motion to close?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Caracappa & Horsley).

P.O. LINDSAY:
Public Hearing on IR 1738-07 - A Charter Law to strengthen and streamline the process for adopting local legislation (Presiding Officer Lindsay). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Hearing none, I'll make a motion to close.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fourteen (Not Present: Legislators Romaine, Caracappa, Kennedy & Horsley).

P.O. LINDSAY:
Public Hearing on IR 1797-07 - A Local Law enacting a Social Host Law to deter the consumption of alcohol by minors (Montano). I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll accept a motion.

LEG. MONTANO:
Motion to recess.

P.O. LINDSAY:
Motion to recess by Legislator Montano, I'll second that.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Fourteen (Not Present: Legislators Romaine, Caracappa, Kennedy & Horsley).

P.O. LINDSAY:
Public Hearing on IR 1799-07 - A Local Law to establish a notification requirement for consultant contracts (Montano). I have no cards on this subject. Anyone in the audience want to speak on this subject? Seeing none --

LEG. MONTANO:
Motion to recess.

P.O. LINDSAY:
Motion to recess by Legislator Montano, I'll second that motion.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Fourteen (Not Present: Legislators Romaine, Caracappa, Kennedy & Horsley).

LEG. LOSQUADRO:
Mr. Chairman, if we could go back --

P.O. LINDSAY:
Wait, wait, wait a minute, I've still got one more Public Hearing, the one I talked about prior.
Public Hearing on IR 1846-07, A Local Law enhancing the ability of the wireless Suffolk County Local Development Corporation to develop a WI-FI Network in Suffolk County and Nassau County. I don't have any cards on this subject. I was concerned that I wouldn't have the hour for it to age, but it's aged more than an hour now. I'll make a motion to -- is there anybody in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close. Is there a second to that?

LEG. MYSTAL:
Second.

P.O. LINDSAY:
Second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislators Caracappa & Kennedy).

P.O. LINDSAY:
Okay, Legislator Losquadro, before I set the dates for the next --

LEG. LOSQUADRO:
Yes. If we could just back go back to 1623 for a moment? I just want to --

P.O. LINDSAY:
Oh, yes, we have to go back to 1623; thank you.

LEG. LOSQUADRO:

I just wanted to confirm with Counsel. I spoke with the sponsor, there were a couple of questions I had, I look forward to working with Legislator Cooper on it, but just to confirm with Counsel; the types of changes that we were talking about, they will not be substantive enough to warrant a new public hearing?

MR. NOLAN:
Correct. Legislator Cooper showed me some of the proposed changes, they won't be so substantial as to require another public hearing, so we can close this now, amend it between now and the next meeting and then vote on it at the next meeting.

LEG. LOSQUADRO:
That was my only concern. I didn't want to wind up holding this up through an additional cycle of having to schedule another public hearing, so I'll support closing this.

LEG. COOPER:
I appreciate that.

P.O. LINDSAY:
So you want to keep the motion to close?

LEG. COOPER:
Please.

P.O. LINDSAY:
Okay, we have a motion and a second on 1623 to close, right?

MS. ORTIZ:
Yes.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
I need a motion to set the date for the following Public Hearings for Tuesday, September 20th, 2007, at 2:30 P.M. at the Maxine Postal Auditorium --

D.P.O. VILORIA-FISHER:
Thursday, September 20th.

P.O. LINDSAY:
Oh, excuse me, it's Thursday, September 20th, Thursday September 20th -- I had the date right but the wrong day -- and it's at the Maxine Postal Auditorium in Riverhead, for the 2008 Operating Budget --

LEG. MONTANO:
No, it's here; we're moving it to here, right?

MS. ORTIZ:
No.

MR. LAUBE:
No, no, no.

D.P.O. VILORIA-FISHER:
No, it's the December one that we're moving.

P.O. LINDSAY:
The December one we're moving. The Southwest Sewer District Assessment Roll and IR 1833, a local Law to establish a Prompt Contracting Policy for not-for-profit organizations. I'll make that motion. Do I have a second?

LEG. MONTANO:
Second.

P.O. LINDSAY:
Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
I'm going to go back to page six under Tabled Resolutions and to resume the debate on 1532. And I just want the body to know that at -- I want to get through the Tabled Resolutions and a few more, but at some point I'm going to call a brief recess because I've been requested of that for some discussions, but I'd like to move the agenda along a little bit before we get to that point.

Okay, 1532, we have a motion and a second. We've had a lot of dialogue and still on the list is Legislator Kennedy. Do you remember what 1532 is about?

LEG. KENNEDY:
Yes, as a matter of fact, I do, Mr. Chair. And, you know, I applaud the sponsor's objection -- objective, but I was going to go to Counsel and ask what, in what we do at this point, is permissive? What would allow a department to essentially decide to or not to implement something that we've put in place as a resolution? Once again, I spend most of my time walking around here mystified. Explain that to me.

MR. NOLAN:
Well, let me just point out first that when we amended the bill we did add language saying that this bill can't be used as a legal justification not to implement a contract, okay, first off.

Second of all, you're really into -- it's a gray area. It's like when we put positions in a budget or salaries in a budget and it never gets implemented. You have the County Executive who is the Chief Budget Officer, administrative officer; we can put things in the budget, sometimes they don't happen.

LEG. KENNEDY:
All I would say is that, again, I wonder whether or not we need to compel department heads to advise us when they don't do something, or do they need to status us periodically on what they do do, or do they just need to administrate and allow us to do the policy stuff? I see it as something that's --

LEG. MYSTAL:
(Inaudible).

LEG. KENNEDY:
What is that do-do, yeah; actually, it's what is that voo-doo.
I yield.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I just had one quick suggestion for the sponsor. If this does get tabled, I would make a suggestion to model this. And I think that Legislator Caracappa did it a few years ago; he requires the Department of Public Works to periodically come in and give us an update on every one of the projects, it could be modeled on that legislation; I don't know if that's been complied with forever.

LEG. CARACAPPA:
Not forever, but recently.

LEG. ALDEN:
I know recently it looks like as if we're getting some updates, but to make a requirement that they give the update would take out some of that gray area where, you know, you could -- here it looks like the question was brought up whether it has to be denied or actually killed before they tell us about it and I would suspect that December 31st at about 11:59 we'd get a whole bunch of reports that some of our grants were not going to be processed.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
I agree with the goals of the resolution, but I also have the suggestion for an alternative approach for the reporting requirement. A better way to make sure that we get the information that we're looking for, perhaps, Legislator Romaine, would be to say something along the lines that if any legislative grant has not been processed within a certain timeframe, 60 days, 90 days, what have you of being funded, then notification would be provided to the Legislators. So it would get around the concerns expressed by a few of our colleagues.

LEG. ROMAINE:
It's late, I'll be happy, if you think there's a better way to go, to table this. I just would point out, the County Executive is a department head under the County Charter, but this would be helpful to us. Do I expect the County Executive to respond to this? I don't know. I'm still waiting, we're supposed to get a report four times a year about the laws he's not implementing; I guess he's implementing every law that we've passed, although I have to scratch my head about that. So I don't know if he'd even obey these laws, but I thought it was worth a try. If the consensus of the body is that you want to table it one session and Legislator Cooper and I can draft something; it's late, I'll move to table.

P.O. LINDSAY:
Well, I would appreciate that. Because it's not that I'm not sympathetic to what you're trying to do, it's just that I don't think it's going to accomplish anything, I really don't.

LEG. CARACAPPA:
Table it.

LEG. ROMAINE:
I don't care what form we are in, it probably won't accomplish it anyway.

P.O. LINDSAY:
All right. So you're going to make a motion to table?

LEG. ROMAINE:
Yeah, sure.

LEG. COOPER:
Second.

MS. ORTIZ:
We already had a motion.

LEG. MONTANO:
We have a motion, don't we?

P.O. LINDSAY:
We needed a motion to --

MR. LAUBE:
You had a -- for the tabling motion you had Legislator Cooper and Legislator D'Amaro.

P.O. LINDSAY:
Okay, so we have a motion before us to table and a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. ROMAINE:
And I would hope Jonathan would give me call.

LEG. COOPER:
I'll call you tomorrow.

P.O. LINDSAY:
Okay, ***IR 1664-07 - Amending Resolution No. 2 -2007, Rules of the Legislature regarding order of business (Presiding Officer Lindsay).***
I am going to withdraw this bill and hold it until our Organizational Meeting; at the next Organizational Meeting, the new Legislature can decide on changing the rules.

LEG. HORSLEY:
That's great.

LEG. MYSTAL:
Very magnanimous.

P.O. LINDSAY:
1672-07 - Linking County park fees for Community Emergency Response Team volunteers to park fees for senior citizens (Romaine).

LEG. MYSTAL:
Romaine.

LEG. ROMAINE:
Yes, motion to approve.

P.O. LINDSAY:
Motion to approve. Do I have a second?

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. Is there anybody on the question?

LEG. MONTANO:
Can you just give me a brief explanation?

P.O. LINDSAY:
Well, okay; Counsel?

MR. NOLAN:
Yeah, the CERT volunteers would pay the same parking fees a senior citizen pays, which is a reduced park fee.

P.O. LINDSAY:
The only question I have, and maybe the sponsor knows; has this been -- gone through the Park Trustees?

LEG. ROMAINE:
I believe it has. It was at the Parks Committee and I believe they considered it and that's why it was voted out to the floor.

P.O. LINDSAY:
No, no, I'm not talking about the Parks Committee; I think this has to be approved by the --

LEG. ROMAINE:
No, no, Parks Trustees.
P.O. LINDSAY:
The Parks Trustees.

LEG. ROMAINE:
The Parks Commissioner said that they had reviewed this, yes.

P.O. LINDSAY:
I see, okay.

D.P.O. VILORIA-FISHER:
Yeah, we wouldn't have let it out if it wasn't; he's right.

P.O. LINDSAY:
Okay. Can you verify that, Legislator Nowick?

D.P.O. VILORIA-FISHER:
Lynne?

LEG. NOWICK:
I'm sorry.

P.O. LINDSAY:
Did the Park Trustees pass on this bill?

LEG. NOWICK:
Yes, yes, they did.

P.O. LINDSAY:
Okay. We have a motion to approve and we have a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1675A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $4,500 bonds to finance the cost of planning for pavement management rehabilitation at Gabreski Airport (CP 5739.110).

MR. ZWIRN:
We're going to withdraw that.

P.O. LINDSAY:
It's been withdrawn.

MR. ZWIRN:
We're going to withdraw it.

LEG. MYSTAL:
That's why my vote goes to you, Ben.

P.O. LINDSAY:
And we have ***Procedural Motion No. 10, a Procedural Resolution to retain a consultant for the purpose of reducing pollution, traffic congestion and financial impact of current solid waste disposal practices in Suffolk County (Presiding Officer Lindsay).***
D.P.O. VILORIA-FISHER:
Motion to table.

P.O. LINDSAY:
Legislator Viloria-Fisher makes a motion to table.

LEG. COOPER:
Second.

P.O. LINDSAY:
Seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Jon, I'm being told you want to make a motion to discharge something?

LEG. COOPER:
Yes, I wanted to make a motion to discharge IR 1666, please.

LEG. LOSQUADRO:
I don't have a copy of it.

LEG. HORSLEY:
Where is that?

LEG. COOPER:

It's -- I think you're getting a copy as we speak.

LEG. ALDEN:
You've got to wait until they hand it out.

MR. PERILLIE:
I'm sorry, we're handing them out right now.

P.O. LINDSAY:
Yeah, I'm going to hold up on that, I didn't know what resolution it was.

Introductory Resolutions for August 21, 2007:

The top of page seven, ***IR 1759-07 - To appoint Allan H. Varela, Jr., as a member of the Suffolk County Citizens Advisory Board for the Arts (Losquadro).***

LEG. LOSQUADRO:
Motion to approve.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro, second by Legislator Viloria-Fisher.

LEG. ALDEN:
Did he show up?

D.P.O. VILORIA-FISHER:
Yes, he did.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1760-07 - To amend Adopted Resolution No. 522-2006, to extend the deadline for the "School District Expenses and Efficiency Commission" (D'Amaro).

LEG. D'AMARO:
Motion to approve.

LEG. STERN:
Second.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion to approve, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1761-07 - To reappoint Patricia Snyder as a member of the Suffolk County Citizens Advisory Board for the Arts (Romaine).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay, we have -- 1666 has now been distributed. Legislator Cooper, you want to make that motion now?

LEG. COOPER:
Yes, please; motion to discharge IR 1666.

LEG. D'AMARO:
Second.

LEG. STERN:
Second.

P.O. LINDSAY:
Okay, and it's seconded by Legislator D'Amaro. All in favor?
This is just to discharge. All in favor? Opposed?

LEG. ROMAINE:
Opposed.

P.O. LINDSAY:
One opposition.

LEG. MYSTAL:
Two.

P.O. LINDSAY:
Two oppositions.

LEG. BARRAGA:
Three.

P.O. LINDSAY:
Three; this is to discharge. Okay, call the vote.

MR. LAUBE:

Fifteen (Opposed: Legislators Romaine, Mystal & Barraga).

P.O. LINDSAY:
Okay, so that has to age an hour and we can address it later.

1775-07 - Amending prior Capital authorized appropriations for site safety improvements Eastern Campus - design (CP 2146.111) to site safety improvements Eastern Campus/Construction (CP 2146.311)
(County Executive).

LEG. LOSQUADRO:
Mr. Chairman --

P.O. LINDSAY:
That doesn't make sense, but --

LEG. LOSQUADRO:
-- before we make a motion on this?

P.O. LINDSAY:
Yes?

LEG. LOSQUADRO:
There appears to be three items, to Counsel, that are the same here; 1775, 1786 and 1809. Is there -- and there's no Bond accompanying -- could you --

MR. NOLAN:
There's a Bond now on 1775A, on 1775.

LEG. LOSQUADRO:
What about 1786 and 1809?

P.O. LINDSAY:
1809, that's on the agenda.

LEG. LOSQUADRO:
Well, I know they have Bonds on there, but they appear to be --

LEG. ROMAINE:
Without Bonds, 1775 appears to be without a Bond.

MR. NOLAN:
Yeah, a lot of these resolutions that involved changing appropriations, moving money around, like in this case between -- more money for construction, less money for planning, we did run it past by Bond Counsel as to whether or not Bond Resolutions were necessary. And in the case of 1775, originally there was no Bond, we put the question to him and because you're changing the allocation of monies, he determined we would need a new Bonding Resolution for 1775.

LEG. ROMAINE:
But it's not there.

MR. NOLAN:
I know it's not on the agenda, but however we did receive it a couple of hours ago. This was a -- this was discussed a lot the last couple of days and we did run it by Bond Counsel.

LEG. LOSQUADRO:
And what about 1809, that's also for life safety alterations and construction; is that the same thing?

MR. NOLAN:
Where is that?

P.O. LINDSAY:
On the same page.

LEG. ROMAINE:
It's further down.

LEG. LOSQUADRO:
Just a couple down.

LEG. MYSTAL:
We have a Bond for that. There's a Bond for that.

D.P.O. VILORIA-FISHER:
Wayne, we did this in committee, remember?

MR. NOLAN:
Yeah, it was the same thing, more money for construction, less money for planning. And it was Bond Counsel's opinion that since the allocation was being changed, it should be reflected in a new Bonding Resolution.

LEG. LOSQUADRO:
Okay. And the same for 1786?

MR. NOLAN:
Yes.

LEG. LOSQUADRO:
All right, very good. Thank you.

P.O. LINDSAY:
Okay.

LEG. HORSLEY:
Yeah, that was explained at committee.

P.O. LINDSAY:
Do we have a motion, Mr. Clerk?

MR. LAUBE:
No, we don't.

P.O. LINDSAY:
All right. I'll make a motion to approve 1775. Do I have a second?

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
A quick explanation on how much this is for, and site safety improvements?

MS. VIZZINI:
This decreases planning by a total of 25,000 -- twelve-five State, twelve-five County -- and increases construction by 25,000.

LEG. ALDEN:
Okay. And how long are we going out with the construction?

MS. VIZZINI:
Typically we would go out 20 years.

LEG. ALDEN:
That's what this is, a 20 year bond?

MR. LIPP:
The term of the bond is up to the Comptroller.

LEG. LOSQUADRO:
Well, Mr. Chairman, if I may?

P.O. LINDSAY:
Go ahead.

LEG. LOSQUADRO:
Being that we have not had a chance to see this bond, Mr. Nolan said it only came through recently, I actually have a question. Coming up on the length of the term of some bonds further on in the agenda, I would like to know what the proposed term for the length of this bond is.

MR. LIPP:
We bond typically serial bonds twice a year which is -- for instance, the last bond was 118 different Capital Projects. It's up to the Comptroller's Office how to structure the bond. It's a rarity that we would ever, ever -- in fact, I don't recall since I've been here that we've gone out more than 20 years maximum. So for instance, the --

LEG. LOSQUADRO:
Wow, you're going to be surprised a little further on in the agenda then.

LEG. ROMAINE:
Yes, we are.

LEG. LOSQUADRO:
So --

MR. LIPP:
Okay. Well, I'd have to look at the specific resolution you're talking about.

LEG. LOSQUADRO:
There's three upcoming that are 30 year bonds, that's why I'm curious as to what this one is this.

MR. LIPP:
If you could que me in on which one to look at, I'll get back to you.

P.O. LINDSAY:

Why don't we just deal with this one first?

LEG. LOSQUADRO:
Well, we'll get to those later. I'm trying to deal with this one and find out, since we haven't had a chance to see the bond, what it is.

LEG. ROMAINE:
The duration of the bond, the interest rate involved.

LEG. ALDEN:
You're not going to know the numbers either until you go out and they actually go to market.
LEG. ROMAINE:
Well, you wouldn't know the duration.

MR. LIPP:
A point of reference -- well, a point of information, rather, I'm sorry. Typically the Bonds have what's referred to as a period of probable usefulness. So for instance, for land acquisitions it could be 40 years, we could conceptually go out and borrow for 40 years; the Comptroller hasn't done that. So, for instance, over 40 million of the last Serial Bond of over 60 million was just for land.

LEG. LOSQUADRO:
Robert, I don't mean to cut you short, I understand all that. I'm just trying to deal with one specific one here because there are ones coming up on the agenda that, quite frankly, have me a bit perplexed, because it doesn't seem to fall into that useful life expectancy, I understand that. So I was just trying to figure out what this one is before we go voting on something we haven't seen.

P.O. LINDSAY:
And they answered that it's up to the Comptroller and it should be in the 20 year range.

LEG. LOSQUADRO:
It should be.

P.O. LINDSAY:
Yeah, but this is what we do all the time in terms of the Comptroller setting the timeframe. This isn't anything different than any other bond; the ones that you're talking about in the future on the agenda, you know, when we get to them we'll address them; why isn't the Comptroller doing the same process with them, we could ask that question.

LEG. LOSQUADRO:
Very well.

P.O. LINDSAY:
I'm just trying to move the agenda.

LEG. LOSQUADRO:
I understand, I just don't want to see this one turn out to be one like one in the future.

P.O. LINDSAY:
I know, but you asked the question three times and you were answered three times; right?

LEG. LOSQUADRO:
That it's up to the Comptroller, but that we don't have a definitive answer as we do with other ones on the agenda.

P.O. LINDSAY:
Right, so when we get to the other ones on the agenda, they're the ones that are deviants, not this

one.

All right, you want to skip over the Bond?

LEG. LOSQUADRO:
No, we can vote.

LEG. ROMAINE:
Let's just vote and move.

P.O. LINDSAY:
Okay. We have a motion and a second on 1775, right?

MR. LAUBE:
Correct.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Alden).

D.P.O. VILORIA-FISHER:
Mr. Chair, I'd like to make a motion to take IR 15 --

P.O. LINDSAY:
Wait a minute, wait a minute, we're right in the middle of the Bond on 1775.

D.P.O. VILORIA-FISHER:
Oh, I thought we voted on that.

P.O. LINDSAY:
No, we didn't.

D.P.O. VILORIA-FISHER:
Oh, we have to do the roll, sorry.

P.O. LINDSAY:
IR 1775A, the Bond that accompanies this Capital Project; same motion, same second, roll call.

(*Roll Called by Mr. Laube - Clerk*)

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
I don't have a Bond on my agenda.

P.O. LINDSAY:
We've had Bonds on the agenda where the Bond Counsel calls up the last minute and says that they couldn't secure the Bond and then we've had a verbal that the Bond Counsel approved it.

LEG. EDDINGTON:

Okay, 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:
No.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
No.

LEG. CARACAPPA:
Pass.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. CARACAPPA:
Yes.

MR. LAUBE:
Sixteen (Opposed: Legislators Alden & Losquadro).
LEG. ALDEN:

Mr. Presiding Officer?

P.O. LINDSAY:
Yes.

LEG. ALDEN:
I have a -- and it's actually a specific question. I thought that our Bonds, we authorize up to a certain amount, up to a certain number of years; it's open-ended?

MR. LIPP:
Yeah, the maximum length is determined by State law at a period of probable usefulness. So the State Comptroller has the authority to go out and issue up to that maximum number of years, it doesn't mean he will go that far out.

LEG. ALDEN:
No, but how do we manage our bond indebtedness and our payments if we don't -- like when we're voting on these, we really should have an idea how long we're going to be paying this stuff back and what we can do in the future then as far as how many other Capital Projects that we can do. Because if you're going to -- for instance, if they're going to go out 50 years or 40 years or whatever, that's going to impede our ability to do business on a regular basis because it's going to load up the last years. Actually, if you go out 30 years on a bond, you can end up doubling the price of the project, and it does.

LEG. ROMAINE:
Repeat after me, pay-as-you-go.

MR. NOLAN:
If I may? Typically -- I think normally the Bond Resolutions do have the borrowing period. In the case of 1775, that was set by the original Bonding Resolution. So this new Bonding Resolution for 1775, I don't have the earlier Bonding Resolution so I don't know what it was, the probably period of usefulness. So this is just changing it out reflecting the allocation, it's changing one part of the original Bond Resolution; the bottom line is the same, the period of the borrowing is going to be the same.

P.O. LINDSAY:
Okay, I'm going to do two things and then we're going to have a very, very short break, otherwise we're not --

D.P.O. VILORIA-FISHER:
Okay. Can I make that motion then?

P.O. LINDSAY:
Go ahead.

D.P.O. VILORIA-FISHER:
I'd like to make a motion to discharge IR 1510.

LEG. ROMAINE:
Second.
LEG. BARRAGA:
Second the motion.

P.O. LINDSAY:
We have a motion to discharge 1510 and a second.

MR. LAUBE:

Who was the second? I heard a couple of people.

D.P.O. VILORIA-FISHER:
Tom Barraga.

P.O. LINDSAY:
All in favor? Opposed?

LEG. MYSTAL:
No.

P.O. LINDSAY:
No. We're going to have to do a roll call, I don't think that some of us are ready to discharge yet. Go ahead, roll call.

(*Roll Called by Mr. Laube - Clerk*)

D.P.O. VILORIA-FISHER:
Yes.

LEG. BARRAGA:
Yes.

LEG. COOPER:
Pass.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. MYSTAL:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. ALDEN:
Yes to discharge.

LEG. MONTANO:
No.
LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
Yes to discharge.

LEG. CARACAPPA:

Pass.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes for a prompt discharge.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
No.

LEG. COOPER:
No.

LEG. CARACAPPA:
Yes.

MR. LAUBE:
Ten.

P.O. LINDSAY:
Okay, the other thing that -- before we -- I'm going to call a short recess in a minute, but before we do that, I know Commissioner Morgo has been in the audience for a long time. I asked him to hang around for 1748, and I'd like to make a motion to take that out of order so we can dispose of that and he can go home.

D.P.O. VILORIA-FISHER:
Second.

LEG. LOSQUADRO:
Literally or figuratively?

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1748 is in front of us.

1748-07 - Establishing an Affordable Housing Task Force for land trusts. Legislator Losquadro, you want to make a motion?

LEG. LOSQUADRO:
Yes, I would just first like to say that this bill would not preclude Mr. Morgo's department from doing any of the good work that they're doing now. He talked about this could be accomplished in a two hour Power Point presentation --

P.O. LINDSAY:
I was looking for a motion.

LEG. LOSQUADRO:

Just bear with me for one second, I think you'll be satisfied with the result instead of belaboring this.

As we all know, trying to explain something that complex to members of the general public, or even fellow elected officials with very short attention spans, such as myself, can be very difficult. So I was really seeking to use this office, the office that we fill, as a bully-pulpit to get that message out to the public and to fellow elected officials, especially those on a town level that control land use policy.

I've discussed this with many of my colleagues. There seems to be a feeling that this would occupy a great deal of time and resources for individuals in Mr. Morgo's department who are already overworked trying to do the good things that they do for the County. So I will make a motion to table for a cycle. I would very much like to work with.
Mr. Morgo in getting this message out to the public and to other members of other levels of government; I really think that this is a way to accomplish that, I'm disappointed that unfortunately some people don't see it that way. I still do believe in this model and I think a task force would do good as far as getting that message out. But I will make a motion to table today and look forward to working with.
Mr. Morgo.

LEG. BARRAGA:
Second the motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Okay, I have a motion and a second by Legislator Barraga.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. ALDEN:
If we reconsider this, Jim, you can come back, right, a little later?

COMMISSIONER MORGO:
Oh, yeah, what time would you like me back? Thank you. Thank you, Dan.

P.O. LINDSAY:
Okay, I am going --
D.P.O. VILORIA-FISHER:
That was very gracious of you.

P.O. LINDSAY:
It's now five minutes to nine, I am going to call a ten minute recess, we will resume at five after nine --

LEG. ALDEN:
Or thereabouts.

P.O. LINDSAY:
No, some of our Legislators have to use the facilities, and if it takes them more than ten minutes we'll start without them.

(*The meeting was recessed at 8:55 P.M.*)

(*The meeting was called back to order at 9:22 P.M.*)

P.O. LINDSAY:
Okay. Mr. Clerk, call the roll, please.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
(Not Present)

LEG. BROWNING:
Here.

LEG. CARACAPPA:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. MYSTAL:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:
Here.

MR. LAUBE:
Sixteen.

LEG. SCHNEIDERMAN:
Tim, I'm here.

P.O. LINDSAY:
Okay. Back to the agenda, let's go.

LEG. MYSTAL:
Mr. Presiding Officer.

MR. LAUBE:
They're all here.

P.O. LINDSAY:
Otherwise, we're going to be here all night.

LEG. MYSTAL:
Mr. Presiding Officer.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
Thank you. I'd like to make a motion that we take **1293** out of order.

P.O. LINDSAY:
You don't want to wait until it comes up on the agenda?

LEG. MYSTAL:
No, no, I don't want to wait.

(1293 - Authorizing payments to Day Care Providers in advance of audit)

P.O. LINDSAY:
Okay, 1293 is on Page 8. We have a motion to take it out of order.
Do I have a second?

LEG. MONTANO:
Which bill is this?

P.O. LINDSAY:
1293.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
It's on Page 8 under Health and Human Services.

LEG. STERN:
Second.

LEG. MYSTAL:
I'll make the motion. I need a second.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern to take 1293 out of order. Any discussion? All in favor?

LEG. ALDEN:
To take it out of order?

P.O. LINDSAY:
Yes. Opposed? Abstentions?

LEG. MYSTAL:
I make a motion to approve.

MR. LAUBE:
Eighteen.

LEG. MYSTAL:
I make a motion to approve.

P.O. LINDSAY:
Motion --

LEG. MYSTAL:
And I'd like to call Paul Sabatino.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Motion by Legislator Mystal to take 1293 out of order.

MR. LAUBE:
No, to approve.

MR. MONTANO:
Second.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Seconded --

MR. LAUBE:
No, to approve.

P.O. LINDSAY:
-- by Legislator Montano.

MS. ORTIZ:
To approve.

MR. LAUBE:
That was to approve, correct?

P.O. LINDSAY:
Yes.

MR. LAUBE:
Okay.

P.O. LINDSAY:
And, yeah and we -- the motion -- Legislator Mystal, you have the floor.

LEG. MYSTAL:
Yes. I wanted to ask Paul, what is the implication of 1293? I'm giving you a softball, so hit it out of the park, if you want to, you know, go ahead. I'm giving you free reign.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Okay. Well, first of all, I want to thank the sponsor of the bill for giving me an opportunity to make some observations, and also for reaching out to try to have a constructive dialogue in terms of trying to achieve what I've articulated since the June 12th hearing to the Legislature in public and which I've also expressed in meetings I've held with a variety of people.

So let me start off by saying one more time that I am personally willing, as Chief Deputy County Executive in Suffolk County, to sit down, not just with those individuals who have raised specific concerns with respect to how the payment process is working, but also with Legislators who want to try to come up with a change in the system or some constructive modifications that can try to mitigate and address the concerns that have been raised. But thus far, I've been frustrated on two levels. You know, on one level, the specific incidents that get brought up on a case-by-case basis, just by way of example, tonight, just out in the lobby with Commissioner Demarzo, who's present, and one Budget person, we were able, just face to face with a couple of the individuals who have made statements, we were able to deal with them. And I've offered this since June 12th as an opportunity to bring people together and try to develop something and solve it.

Level Number 2 is that if we're going to do legislation, the legislation should be workable and it should make sense. Now I think that Legislator Mystal is onto something in terms of this notion of trying to look at a percentage or an advance payment. This particular bill right now just has some defects in it that would not make it workable at this particular juncture. But again, I offer to you the opportunity, we could meet later in this month to try to, you know, fine-tune the legislation to make it workable.

Just by way of example, somebody asked me just the other day, there's a law on the books just like this. Well, it's not true. The law that's on the books that some of the day-care providers have referred to talks about a system that, only when you begin as a day-care provider, you get a two-month -- you get a two-month, 75% advance payment, but that's not an ongoing situation, it's a one-time, the first time out of the box.

So the first problem you have is that people are under the misimpression that there's a statute that's been out there for 30 years that provides for 75% payment. It's just not true from a technical standpoint. Number two, if you're going to amend that statute, you know, you have to amend that provision and then you have to bring it into compliance with State Law. Right now, State Law says that you can do the 75% payments for those agencies that you contract with. Out of the 718 day-care provider contractors that we have, only 215 would fall within that category. So even

though I know you're well intentioned in terms of wanting to adopt the legislation tonight, you're doing it thinking that you're going to pick up all 718 agencies, but you're not, you're going to pick up 215. To the extent that you want to go and pick up the other five hundred and whatever, you know, depending on what terms you want to use, you have to do it with a Local Law, because the New York State County Law, which is a County statute, can only be superseded by Local Law, not by resolution.

So, what I'm driving at is that if you're going to do legislation to try to -- to try to address the issue, which I still think we can address if we can meet together on one or two occasions to really get a handle on what the issues are, but if you're going to do legislation, the legislation should at least be legislation that's going to be technically proficient and consistent.

One additional point I'd like to make, and then I have Janet Demarzo here if you want to get into more technical stuff. But with all due respect to the individuals that have come and made presentations to you over the last several months, they'll make a statement to you, for example, that $180,000 is owed. It may well, in fact, be there's $180,000 out there, but nobody's asked the question, which is how many of those $180,000 are 30-day payments, 60-day payments, 90-day payments? It could very well be that some of those incidents that are being raised to you don't reflect $180,000 that are 90 days in arrears. Maybe a small portion of those are, because, again, they're subject to the reconciliation and the certification issues that I've mentioned in the past with the State of New York.

So, to sum up, we are willing to work with Legislators who are willing to sit down with us and to go through all of the nuances, all the technicalities. And again, I'm willing to meet with the individuals to look at their individual cases to try to solve those cases, but to date, since June 12th, not one of those providers has contacted the Commissioner of Social Services or myself to do the follow-up.

P.O. LINDSAY:
Are you done, Legislator Mystal?

LEG. MYSTAL:
Yes, I'm done.

P.O. LINDSAY:
I just have to respond to some of the things you said, Paul. First of all, why should anybody have to reach out to you guys? For a year now these people have been coming to us, and it isn't just one or two people, it's literally dozens of different providers that says they have a problem, we don't pay our bills. They lose -- they're lights are being shut off, they can't pay their employees, they're losing their buildings. That's despicable. We should be upset about that. We should seek them out, they shouldn't have to come to you to get paid for a service they've already provided.

And second of all, I don't think Legislator Mystal's bill or Legislator Fisher's bill, Viloria-Fisher's bill, is going to work, because they're all based on after they've been certified, so they're at least 30, 45 days out before they take the first child. And I would like to have dialogue on how we could get these providers money from day one, when they take one of our kids at our request, that's what I'd like to see --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Okay, but --

P.O. LINDSAY:
-- that they're playing with some of our dollars at least to meet their expenses.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
And I'm with you, Presiding Officer Lindsay. And, again, I'll reiterate. For example, Maria Acevedo, who represents over 300 of the day-care providers, has met with me on a regular basis. We've had

a constructive dialogue. In fact, due to the meetings with her, we came up with -- actually, Deanna Marshall came up with the idea from Women's Services to have two people cross-trained in the Office for Women's Services to individually deal with any specific child care provider who had payments in arrears of more than 45 days. That was a constructive reach-out, it was a suggestion. It's been successful, it's working.

Are there other things that can be done? I agree with you, there are other things that probably can be done, but I need to have those people deal with us on a one-to-one basis. I mean, out in the lobby a little while ago, two or three of the providers, just talking with the Commissioner and one of our Budget people, had a very pleasant, nonhostile, nonconfrontational conversation and were able to address those particular issues. I still believe in my heart of hearts that people are making good faith, sincere statements with respect to the arrears, but I think they're overstating the magnitude of the problem. Forty-five days in the real world, I mean, 45 days in the real world as a start-off point is not -- is not a terrible standard, it's really the way it is, but --

P.O. LINDSAY:
But that's 45 days from once they've been certified, which means it's 75 days out.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Right, but --

P.O. LINDSAY:
And $180,000 might not be a lot of money to the County of Suffolk, but to a small business person, that's killing them.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
But again, you have to -- if we can get it down to 35 days, that's great, but again, you have to keep it in context. The day-care providers are 4% of all of the people that Social Services is providing payments to, so it's 4% of the total. Number two, there are vendors all throughout Suffolk County that are providing other services to other departments that are not getting paid 45 days after the completion of their services. So you're right, it's 75 days from the date of the service, but that when you compare to the rest of the County, pick a department, pick a service, is not out of line. Now, that doesn't mean that we shouldn't try to address it, but passing a bill that simply says, "We're going to pay you money tomorrow and there's going to be a penalty," is going to take one group, force the Commissioner of Social Services to either hire another five people at a quarter of a million dollars, or she's going to have to just devote all her resources to taking care of that 4%, then all the other people who now are going to fall back to 60, 70, 75 days are going to be knocking on your door to have a bill passed for them, and, quite frankly, I wouldn't blame them.

P.O. LINDSAY:
Well, first of all, that bill is already in the hopper, because we don't pay our bills across the board. My point is, and, you know, these kids come to us via Social Services, they don't go out and advertise and take them off the street, they come with a piece of paper from Social Services, "Please take this kid," all right? Why can't we accompany some money with that certificate? If we're asking you to take care of that child, why can't we advance some money that they could at least pay their expenses? And, you know, most of these providers we do business with year after year after year. If we overpay them, it can't be reconciled at the end of the year?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, yes, that was the point I was making. That's why, for example, one of the constructive comments I made to Legislator Mystal is that to the extent that you want to look at the advance payment scenario from an intellectual, logical programmatical standpoint, you would be looking at 25% instead of 75%, because --

P.O. LINDSAY:
That's fine, as long as it comes up front with the child, not 30 days down the line.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
That's another option to look at. I had not heard that particular proposal before, but if it's a hybrid off of what Legislator Mystal is talking about, again, it's something I'd be willing to talk about, but again, I'd like to do it in the context of the people that are working in the trenches. I mean, I'll give you an example again.

It was suggested seven or eight months ago that the whole -- by the way, one of the day-care providers made the suggestion at a meeting that I had generated, they said we can solve the whole problem by entering, quote, the 21st Century and having direct deposit payments made electronically. I have to be honest with you, I sat at the meeting and I said, "Gee, this sounds logical, it makes sense, why can't we do this?" So contrary to the perception out there, I didn't sit back and wait and do nothing. Instead, we set up a meeting with the Office of the County Comptroller, the County Treasurer, the Budget Office, and I think the County Attorney's Office was there, and we walked through it. You can't do it, not because the County doesn't want to do it, we can't do it because the State of New York will not permit you to do it. They have no intention of changing their computer system to accommodate that. So it's a good example of where you hear a statement that's made, and I'm the first person to admit that it made sense to me. Somebody said, "Let's do the direct deposit, we're in the 21st Century." But when you sit down with the experts, you bring all the people into the room, you basically cross-pollenate with the relevant individuals and experts, you find out that that's something that can't be done. So, for example, you've made a suggestion, Presiding Officer Lindsay, I'd be happy to entertain it, but I can't tell you standing here at the podium tonight that it works.

P.O. LINDSAY:
Who wanted the floor? Legislator Eddington.

LEG. EDDINGTON:
Yeah. I just wanted to respond. And I do understand what you're saying, that some contractors will then be delayed in their payments if we put these -- but I have to be honest with you, if the vendor, the contractor that fills the candy machine or the soda machine is delayed for 30 days and it means that the kids are going to get it quicker, I just don't -- I'm up for that. I just don't see where that's a problem.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, you know, in the abstract, in the abstract I agree with you, except that after 30 years of being in County government, I know what happens, which is that the next group over in the Division of Social Services who, maybe it's a Medicaid, you know, provider, a Medicaid provider who --

LEG. EDDINGTON:
You know what, let me just stop you, because --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- who's, you know, providing a critical service --

LEG. EDDINGTON:
Let me just say, Einstein said that, "I have to stop working in my field, because I know what won't work," all right? Maybe when you've been doing something for 30 years, you're already thinking of why it won't work. I'm saying we have to start looking at how it can work and we've got to change our perspective.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
No. What I'm saying to you is that when that second group comes to you and says Group Number 1 is getting 26-day payments because you passed a special Local Law for them, I guarantee you,

okay, that Group Number 2 is going to -- that's my experience, 30 years, Group Number 2 is going to come before you and make the exact same pitch. Then you're going to be sitting there in an awkward position saying 26 days was okay for Group Number 1 in the Department of Social Services, what are you going to say to Group Number 2? It's going to be awfully difficult to say to Group Number 2 --

LEG. EDDINGTON:
Nobody told me this was going to be easy.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- you're doing 72 days, because we cascaded over to give them 26 days. So, the point I'm making is that if you go down the path, you can't do it for one group, it's going to be for everybody.

LEG. EDDINGTON:
See, I don't agree. I hear what you're saying, but I think young children, I think we can make an exception. You know, maybe we can't with your experience, but I'm saying I would like to try it, and if it doesn't work, then we'll change it. But to keep up with -- if you do what you've always done, you're going to get what you've always got, and I don't think people like what they're getting. I want to change something, and I'm hearing people saying, "Let's try it." So, you know, I'm sorry.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Again, and I keep repeating that I'm willing to sit down with people and to look at ideas to see if they're workable, but again --

LEG. EDDINGTON:
Well, why aren't they coming to you. Maybe they're afraid.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
We haven't -- with the exception of Deputy --

LEG. EDDINGTON:
I mean, they're not coming to you, I understand. You keep saying that, and I think that's great and magnanimous of you, but they're not coming. They're not coming to you, so we have to do something.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, I'm making -- no. I'm making the offer to Legislators as well. I mean, come to a meeting, bring your ideas, we'll sit down with the experts, just like the other person came in and said we can do direct deposit, listened to the experts. If, at the end of the meeting, you think the experts are wrong, I have all the respect in the world for you putting a bill in which contributes to what they said. But you at least have to explore with the experts is what you're saying, does it make sense, does it actually programmatically work? It's easy to pass the bill and have everybody feel as though we've solved the problem, but if the mechanical, logistical part of it is not going to work, what have we accomplished?

LEG. EDDINGTON:
I understand that, you're right.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
So, if the groups don't want to meet with me, although I will say the group with 300 representatives is meeting with me, that's 300 out of the 718.

LEG. EDDINGTON:
Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I'm also saying that Legislators, I'm inviting Legislators to come to a meeting.

LEG. EDDINGTON:
Okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
And we could sit down and try to grapple with the technical aspects of how you draft legislation that works.

LEG. EDDINGTON:
Okay, good.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
I've done this on more than one occasion. I can cite Legislators all across this horseshoe who started off with difficult bills that were not going to work programmatically, but by sitting down with representatives from three, four, five departments, we turned them into workable bills. And you know from first-hand experience, because you're one of those people I've worked with.

LEG. EDDINGTON:
No, absolutely. I mean, if you say it, you mean it, I understand that and I appreciate that, and I will take you up on your offer.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
It's a sincere offer. I repeat it one more time, I'd be happy to do it.

LEG. EDDINGTON:
Okay.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Paul one of the things that I'm going to say to you is it's probably almost six months ago that I asked specifically in the Health and Human Services Committee for the Commissioner to look at the Accounting Unit and to go ahead and to work with the hierarchy. I heard about the offsets. The rate was up around 70. Most recently from BRO, from Diane Dono, I heard that it's about 55% offset. I also heard most recently that you had three supervisory personnel that left there to get their promotions in other departments. So I so much want to believe when you stand at this podium that there's sincerity in what you say, but what happened for the last six months?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Legislator Kennedy, if three people take a Civil Service exam, pass it, and take a promotion to move on to another job, are we supposed to stop them from doing that and violate the Civil Service Law? No --

LEG. KENNEDY:
Absolutely not. You're supposed to do what you did --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
What happens is the three people take the promotion --

LEG. KENNEDY:
-- what we did out in the Clerk's Office and earmark it up and keep the well trained individuals where they've got the knowledge to continue to do the job, and that's what we talked about six

months ago, you know.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Three people take a Civil Service exam and move on to another title and then we sign the SCIN form to fill the three positions with the next group of people, I don't see how that is challenging the sincerity of what I've said. I'm not going to undermine and compromise the Civil Service system because you think three individuals might stay behind, you know, for an offer that can't be made consistent with Civil Service Law.

P.O. LINDSAY:
Does anybody else want to comment on this subject? Okay. All right. We have a motion and a second to approve this bill.

MR. LAUBE:
Yes.

P.O. LINDSAY:
I'm going to make a motion to table. Do I have a second to the tabling motion?

LEG. COOPER:
I'll second the tabling motion.

P.O. LINDSAY:
We have a second to the tabling motion.

LEG. SCHNEIDERMAN:
Roll call.

LEG. ROMAINE:
Roll call.

P.O. LINDSAY:
Okay. The tabling takes precedent over the motion to approve. And, you know, I think I owe an explanation. It's not that I'm not sympathetic to this, I just don't see the advance payment of audit working, you're still too far down the line. I would like to see money accompany the student. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
To table, yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes to table.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Abstain.

LEG. BARRAGA:
No.

LEG. ALDEN:
Abstain.

LEG. MONTANO:
Abstain.

LEG. EDDINGTON:
I'll abstain.

LEG. LOSQUADRO:
Abstain.

LEG. CARACAPPA:
No to table.

LEG. BROWNING:
It's you're bill. No to table.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
No to table.

D.P.O. VILORIA-FISHER:
No.

MR. LAUBE:
Seven.

P.O. LINDSAY:
Okay. Tabling fails. Motion to approve.

MR. NOLAN:
Do we have a motion?

P.O. LINDSAY:
Yeah, Legislator Mystal made a motion to approve.

(Roll Called by Mr. Laube, Clerk)

LEG. MYSTAL:
Yes.

LEG. MONTANO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Pass.

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. CARACAPPA:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

MR. LAUBE:
Legislator Lindsay -- oh, Viloria-Fisher, I'm sorry.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
I'm voting yes, but I don't think it will help.

LEG. D'AMARO:

Yes.

MR. LAUBE:
Seventeen.

D.P.O. VILORIA-FISHER:
Mr. Chair, I'd like to make a motion to approve 1510.

P.O. LINDSAY:
Has it aged enough time?

LEG. ROMAINE:
Second.

D.P.O. VILORIA-FISHER:
Yes.
MR. NOLAN:
Five more minutes.

D.P.O. VILORIA-FISHER:
Five minutes?

P.O. LINDSAY:
I mean, we're not going anywhere.

D.P.O. VILORIA-FISHER:
Well, some people are.

P.O. LINDSAY:
Back to ***I.R. 1786 - Amending prior Capital authorized appropriation for fire sprinkler infrastructure - construction (C)2129.310) to fire sprinkler infrastructure - (planning) CP 2129.110).***

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Mr. Chairman, that has to be tabled, it's defective. We have to refile the bill.

P.O. LINDSAY:
Okay. I'll make a motion to table. Do I have a second?

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1796 - To reappoint Ronan Mulvey as a member of the Suffolk County Citizens Advisory Board for the Arts. Motion by Legislator Caracappa, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
I.R. 1809 - Amending prior capital authorized appropriation for life safety alterations - planning (CP 2167.111) to life safety alterations - construction (CP 2167.311). I'll make a motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. ALDEN:
Is this -- this bond's the same thing as what happened before?

D.P.O. VILORIA-FISHER:
Yeah.

LEG. ALDEN:
It's pretty much open-ended or there's a limitation of approximately 20 years?

MR. LIPP:
Once again, it changes the funding from planning to construction. And unless I'm mistaken, it's sort of pro forma that the bonding resolution states the period of probable usefulness is the maximum maturity.

LEG. ALDEN:
Good. In the past, though, we used to put that in there. But anyway, how much is the total project now, and when is it scheduled to actually take place?

MR. LIPP:
The scheduling is subject to DPW, and the actual process, it could take a couple of years, hard to say.

LEG. ALDEN:
Most of the time they do a -- and I'm not on this committee, but they do a presentation to say, "This is all set, all spec'd out, we're going out to bid with it," so that would give me an indication that they're going to do it maybe this year and not, you know, two, three years from now.

MR. LIPP:
It's hard to say when they would go out.

LEG. ALDEN:
So they made no presentation or anything to do with that time frame?

MR. LIPP:
My knowledge is it typically doesn't work that way. I mean, we have increasing amount of authorized unissued debt.

LEG. ALDEN:
Yeah, which is very troubling, but --

MR. LIPP:
Yes, it is.

LEG. ALDEN:
But, in the past, and Legislator Caracappa did this, he would make a requirement that they do a presentation, and we weren't really just pro forma, going through and authorizing tons and tons more debt, they were actually giving us a time frame when they were going to expend that or start the project.

MR. REINHEIMER:
This is amending a resolution that was adopted in 2000, amends Resolution 557 of 2000, and reappropriates the money from planning to construction of 64,500 --

LEG. ALDEN:
When was the --

MR. REINHEIMER:
-- and four dollars.

LEG. ALDEN:
The project was approved in 2000?

MR. REINHEIMER:
That's correct.

LEG. ALDEN:
And we still haven't done it. And it's not ready to be bid or anything like that?

MR. REINHEIMER:
This is probably an ongoing project throughout the College, it's a College-Wide project, safety improvements, so this particular -- these particular funds are, you know, being changed to construction. In order to do the construction, they don't need the planning funds.

LEG. ALDEN:
But did anybody come to you and say, you know, like the project is actually let out to bid, or is it ready to go to bid?

MR. REINHEIMER:
This is a County Executive resolution, I can't answer that question.

LEG. ALDEN:
Okay. I didn't know if you were at the -- at this committee meeting. Okay, so -- all right.

P.O. LINDSAY:
Okay. Legislator Kennedy, you have a question about this?

LEG. KENNEDY:
Just a technical question, I guess. Maybe BRO, maybe they can tell us, maybe they can't. If the project is for fire alarm upgrades, safety alarms, do they -- are they considered part and parcel with the buildings themselves, so that they'll have this longer probable useful life, or is that equipment that's got a shorter life analogous to, you know, computers or something like that; do we have an answer to that? Do we know? Do we have a clue?

P.O. LINDSAY:
A fire alarm?

LEG. KENNEDY:
Yeah.

P.O. LINDSAY:
A fire alarm has a long life.

MS. VIZZINI:
I'll need a moment to see if we had addressed it. It really depends on how Bond -- how the resolution is written and how Bond Counsel has interpreted things.

LEG. KENNEDY:
Who is Bond Counsel? Does Bond Counsel ever speak to us? Who's this? Who is this? Sort of like the Great Oz, or what? Who is Bond Counsel? You know, inquiring minds want to know, George, tell us.

MR. NOLAN:
I believe it's Hawkins Delafield.

LEG. KENNEDY:
Great. And what do they say? So what is -- in all seriousness, what are we looking at here? Is this just one of those cross your -- you know.

D.P.O. VILORIA-FISHER:
Take it on faith.

MR. NOLAN:
I think they look at these things a little more closely than you may be giving them credit for in terms of how to determine the period of probable use for this.

LEG. KENNEDY:
I cast no aspersions against anybody, I'd just, you know, like to have an answer for somebody if they ever ask me, because, right now, I don't have a clue.

MR. NOLAN:
Well, I don't know how they arrived at the PPU for this particular project. The original resolution is from several years ago, so -- and I don't have that before me. This is a -- that period has always been set by the earlier resolution, we're not doing anything with that. We're reallocating monies between planning and construction, that's all this is doing.

LEG. KENNEDY:
That helps a lot. Thanks, Mr. Chair.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

LEG. KENNEDY:
I'll abstain.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:

Okay. On the accompanying ***1809A***, the bonding resolution, same motion same second, roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Abstain.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Abstain.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. CARACAPPA:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.
LEG. ROMAINE:
Yeah.

D.P.O. VILORIA-FISHER:
Yes.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay. I have three different -- three different requests from three different Legislators to take things out of order. Nobody wants to pay attention to the order tonight, but Legislator Viloria-Fisher, you're first.

D.P.O. VILORIA-FISHER:
I'd like to make a motion to approve ***I.R. 1510.***

LEG. ROMAINE:
Second.

LEG. D'AMARO:
Oh, wait. Don't we have to take it out of order first?

D.P.O. VILORIA-FISHER:
No, it was discharged, it's not in order.

P.O. LINDSAY:
It was never on agenda. We approved a motion before to bypass the committee process and address it now. Okay. There's a motion by Legislator Viloria-Fisher. Is there a second?

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
I think it's laudable that we're trying to do something with a situation that really has gotten quite out of hand. The problem is, realistically, what's going to happen here? The County Executive's going to veto this. That's my guess, unless I'm told something different by his representatives.

LEG. HORSLEY:
Right, he'll veto both of them, yeah.

LEG. ALDEN:
The one that we passed before, too. So now we're back at square one, and maybe you've wasted a lot of time and ended up not accomplishing much of anything. I'm just wondering if there's some other type of middle ground or compromise, or if we want to put it, just table it for two weeks. When's the next time we meet?

LEG. ROMAINE:
September 18th.

D.P.O. VILORIA-FISHER:
September 20th.

LEG. ROMAINE:
Twentieth now, right.

LEG. ALDEN:
So what would that be, like two weeks, two-and-a-half weeks, three weeks?

LEG. ROMAINE:
Three weeks.

LEG. ALDEN:
Three weeks. And in that period of time, to talk to somebody in the County Executive's Office and try to iron out something that would actually be passed and wouldn't be vetoed and waste a lot of time and energy just on going back and forth, because that seems to be where this is going. And I'm just judging it by the tone of the testimony before from, we used to call him the 19th Legislator, now he's the --

D.P.O. VILORIA-FISHER:
Okay. Would you like me to respond to that --

LEG. ALDEN:
Yeah.

D.P.O. VILORIA-FISHER:
-- since I made the motion? This has been -- as you know, it has gone through the committee process, and I did make changes in the bill, which is why it had to go back into public hearing, and limited it just to child care providers. And my hope is that the kind of progress we have seen in payments since we put this pressure on the County Executive's Office where you heard people say today that since we've had this pressure, they've seen the delay diminished, so that it's now down to 45 days. The computer program is now running on a trial basis with -- Steve Burgdoerfer's program is in it. My hope is that once we have signed -- we have passed this, and hopefully it won't be vetoed, if it is vetoed today and we override it, it's another month of the program, the computer program having been in place, the Kinder Track. And we know that there can be delays anywhere along the process, but what we're trying to do is at least say, when we get to the end of the process, give the people their money. It can be done in 30 days.

Nassau County is paying every other week. And what Paul Sabatino said about the electronic payment is absolutely true. I was there when we had the conversation with Fred Pollert. Because we work within the framework of the State computer system, we can't do the payments electronically. So I know that that part is tricky and Kathy Liguori said Nassau doesn't do that. But the other pieces, there's no reason why Nassau can do it and we can't.

LEG. ALDEN:
Now, with all due respect, I have two real big fears. Number one is that the other providers, like for Mental Health and some of those other ones, they're going to pay the price to bring these guys, if it's implemented and if they do bring it up to current or prompt payment. The second thing is, sitting here for ten years, there's a whole bunch of stuff that we passed that -- and by other County Executives too, that just were ignored.

So I have never seen a lawsuit in the ten years I've been here by the Legislature against the County Executive to enforce a piece of law. And there's a lot of stuff out there that even currently is not being enforced, or being enforced properly. So is this an effort in futility, or is it just can we do it

some other way that actually is going to accomplish a goal that will, you know, give relief to these people? I mean, this is nice, I'll make this statement tonight, "Oh, yeah, I vote for it, fine."

Now, there was testimony before by more than one person that came up and said it's time for action, and maybe that's concerted action between two branches of government, because we could do all we want here to give relief and it still doesn't mean that they're going to get relief, and it will give them a false sense or false hope that they're going to get relief and then might never get that relief.

D.P.O. VILORIA-FISHER:
But we can't relinquish our responsibility to act as an equal branch of government.

LEG. ALDEN:
And I'm not saying that, and I'm not even suggesting that.

D.P.O. VILORIA-FISHER:
You know, because we feel that they may not pay attention, we can't say we're not going to do something.

LEG. ALDEN:
I'm saying, though, that if it takes two more weeks to try to hash out something that --

D.P.O. VILORIA-FISHER:
Well, I've been trying to hash out for months and months and months, and what I keep getting told is, "Get those 14 people up to my office and tell me what their problem is and we'll get them their money." Well, we need something systemic. We need something that's going to be long-term and not just get 14 providers up to the 12th Floor to beg for their money. People shouldn't have to go with their hat in their hand and beg for their money.

LEG. ALDEN:
Are you prepared to bring a lawsuit against the County Executive Branch to enforce or --

D.P.O. VILORIA-FISHER:
Well, we'll see.

LEG. ALDEN:
Well, nobody has in the ten years that I've been here, and looking at history, I don't ever remember a lawsuit being --

D.P.O. VILORIA-FISHER:
Well.

P.O. LINDSAY:
Legislator D'Amaro, do you want to be recognized?

LEG. D'AMARO:
No, no.

P.O. LINDSAY:
No?

LEG. D'AMARO:
No, not yet.

P.O. LINDSAY:
Anybody else going to be recognized?

LEG. NOWICK:
Good move.

LEG. MYSTAL:
Good move.

P.O. LINDSAY:
I don't know whether it's a matter of a lawsuit to enforce this. I think what troubles me about it is that the interest, you know, doesn't kick in until after the certification. And, you know, if they just slow down the certification process from 30 to 45 days and then they pay interest 30 days after that, are you any better off? I still would like some kind of system where money accompanies the child from the first day. Legislator Romaine?

LEG. ROMAINE:
Something is better than nothing.

D.P.O. VILORIA-FISHER:
Let's vote.

P.O. LINDSAY:
Anyone else? Okay. We have a motion to approve and a second.

MR. LAUBE:
Correct.

P.O. LINDSAY:
Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:
Yes.

LEG. BARRAGA:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. ALDEN:
Yep.

LEG. MONTANO:
Yeah.

LEG. EDDINGTON:
Yep.

LEG. LOSQUADRO:
Yes.

LEG. CARACAPPA:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
I'm going to vote no, because I don't think it's going to work.

MR. LAUBE:
Seventeen.

LEG. ALDEN:
Don't pop open the Dom Perignon yet, because there's a long ways to go on this, you hear? Okay.

P.O. LINDSAY:
Okay. Who wanted to make a motion on 1666? You wanted to take that out of order?

LEG. COOPER:
I make a motion to take it out of order, please.

P.O. LINDSAY:
It's aged an hour, it was discharged. ***(1666) It's authorizing --*** it should be in front of you -- ***the lease of premises located at South Second Street, Bay Shore, for use by Department of Social Services.*** Jon, do you want to make a motion on this?

LEG. ALDEN:
Motion to approve.

LEG. COOPER:
Yes, I'd like to make a motion to take out of order.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:
Wait. I didn't get -- you had a couple of people give a second.

P.O. LINDSAY:
1666. Come on, guys, catch up, otherwise we're going to be here until one o'clock in the morning.

LEG. ROMAINE:
This is on the vote or the resolution?

LEG. ALDEN:
This is to take it out of order.

LEG. ROMAINE:
Oh, take it out of order? Fine.

MR. NOLAN:
You don't have to take it out of order.

P.O. LINDSAY:
You don't have --
D.P.O. VILORIA-FISHER:
It doesn't have to be taken out of order.

P.O. LINDSAY:
Oh, it doesn't have to be taken out of order, it's been aging for an hour. We voted on it before.

MR. LAUBE:
You need a motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper. Seconded --

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. Legislator Romaine.

LEG. ROMAINE:
First of all, I want to say you have fine architects on this project. I've met them and they're wonderful people, and I'm sure that this is going to be a benefit. The problem that I have is the same problem that my former colleagues, Jane Devine and our former Presiding Officer, Sondra Bachety, has, that if you -- I have no problem opening a social service center in Bay Shore. I do have a problem closing a social service center in Wyandanch. People who are on Social Services then must be forced to rely on public transportation, of which we have none in this County on Sundays, must be forced to rely on unreliable bus service. We don't have sufficient bus stops. People have to stand in the snow and the rain just to get from Wyandanch to Bay Shore.

I have no problem with Bay Shore. I do have a problem if this center opening comes at the closing of Wyandanch. I think it's important to keep the Wyandanch center open. I was there when it opened in 1986, I was there with Sondra and Jane. And when they came and pleaded with the community members from Wyandanch, not against Bay Shore, but to simply keep their local community center, it struck a nerve. And that's all I would say, and everyone's going to have to vote the way they think best.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Just quickly, something's better than nothing. And from my understanding, both the current --

LEG. ROMAINE:
You're right.

LEG. ALDEN:
Both of the current leases are gone, so both of those units, after a short period of time, are out of business. So, like I said before, something's better than nothing.

LEG. ROMAINE:
You're right.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Thank you, Mr. Chairman. I would just like to get some input from Legislator Mystal, because the last time we spoke about this issue, there was an agreement on the part of the Commissioner to have some sort of a hearing, a public hearing in the Hamlet of Wyandanch, and I do recall the hearing was -- I'm sure it took place about a week-and-a-half, two weeks ago. And I'd like to get some input from the Legislator as to how that went, in terms of an explanation to the people of Wyandanch, and whether or not they've reached a point where they're on board with the change; okay?

LEG. MYSTAL:
Through the Chair, the meeting was held last Wednesday and it was very well attended. And we got a few more -- more information than we got at the committee meeting. For example, the center is -- the center in Wyandanch sees clients or patients, whatever you call them, 60% of the people who come there are not from Wyandanch, they get there by some other kind of ways, either by bus or by train. The new center that they are going to open is going to be five miles, four-and-a-half miles away from the current center, and there will be increased bus services, which will take people from Wyandanch to the new center. And also, the bus will deliver them right across the street from the new center. There will be a stop right across the street from the center.

The reaction of the committee was mixed. Some people, those -- some of the people that Legislator Romaine was referring to, the old-timers who were there who fought for this center in Wyandanch didn't want it closed. Other peopler who are part of the service providers were for it, because the new center will be able to afford the clients more services, not one-stop services, but more services.

In addition, information came out that it was suggested people in Wyandanch will have to go to Bay Shore, but also people from Huntington and people from Wyandanch, and people from North Amityville. The people from North Amityville have been going to Bay Shore since 1989 to get services, so now they have to come up to the center in Bay Shore. So overall, the reaction from the whole community as a whole I would say was almost I would say 60/40, 65/35, for it to move and 35% against it.

P.O. LINDSAY:
Legislator Montano, did you want to comment on this?

LEG. MONTANO:
Well, I wanted to ask a question along the same lines of what Legislator Romaine asked. In looking at the lease quickly, it's a 20-year lease, it's a substantial amount of money. I think it starts at

close to 900,000, ends at 1.4 million for 20 years. Does signing this lease have any affect on the other health centers, particularly Brentwood, Central Islip, in terms of their viability? I don't know how long the lease is for the Brentwood Center. So are you looking to consolidate, you know, the Wyandanch and maybe Brentwood into the Bay Shore area?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
I have --

LEG. ALDEN:
Ask about the Bay Shore Center, the viability of Bay Shore.

MR. MONTANO:
No I understand that. I don't have --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, Commissioner Demarzo is here.

MR. MONTANO:
I'm not --

P.O. LINDSAY:
But you're talking about the health centers?

MR. MONTANO:
The health centers here.

P.O. LINDSAY:
That's a different department.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Also, I just want to make a point, too, that with respect to Wyandanch, when Wyandanch opened up, you had to close Amityville and Babylon back in 1986, so it's like an evolutionary kind of system.

MR. MONTANO:
I'm sorry, Paul, could you repeat that?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
So Wyandanch was created, but two were abolished.

COMMISSIONER DEMARZO:
Legislator Montano, I'm a little confused. Are we talking about the health centers, because this is separate and distinct from the Health Department.

MR. MONTANO:
Oh, okay.

LEG. ROMAINE:
This is for Social Services.

COMMISSIONER DEMARZO:
This is only the Department of Social Services, which is --

LEG. MONTANO:
Then I'll withdraw the question. I misunderstood and I apologize for that. Thank you.
P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Paul, I just have a couple of quick questions on the particulars with the lease. Recently, we had a similar long-term lease with renovations at Wireless over here in the Hauppauge Industrial Park, and there was a blend between the improvements, I guess, that had to be performed in the building, who was going to have responsibility for maintenance, whether or not it was going to be on our side, whether it was going to be on the owner's side, some of the long-term issues, the heating, the nuts and bolts essence of the contract, because we're talking about a 20 million dollar commitment, whoever this owner is that's realizing the benefit of, I guess upon our approval. When you spin it out, I know that we do get reimbursement by virtue of the fact that it's leased property rather than us owning it, but how about for those support services and things like that, who's going to bear the burden for the particulars there?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, I'm going to turn over the specifics of the lease to Basia Braddish from the County Attorney's Office, only because she's been doing this for 20 years and she actually negotiates the terms and conditions. I can talk about the broad policy stuff, but I think Basia is in a better position to answer your specific question, so --

LEG. KENNEDY:
Well, she -- and, as a matter of fact, she did an excellent job with Wireless, too, which we worked on at length. Is this --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Exactly, she does an excellent job.

LEG. KENNEDY:
She does, as a matter of fact, not half bad. Hi, Basia.

MS. BRADDISH:
Hi. How are you?

LEG. KENNEDY:
Good.

MS. BRADDISH:
I appreciate you taking it out of order, not just for me, but the representatives of the landlord are here, and I think it would be very informative for you to have them speak to you. I'm sure Mr. Landow can give you a great synopsis on the building. But basically, when we negotiate almost all our leases now, our first comment to the landlord is, "We don't want to do anything, we want you to do everything at your cost." We don't do air conditioning, we don't do HVAC, we don't do heat, we don't do roofs, we don't do anything.

LEG. KENNEDY:
Oh, we pay a lot of money. No, I mean, they get good value, but, yes, they provide the service.

MS. BRADDISH:
We don't have really a mechanism to respond quickly to the needs of the building --

LEG. KENNEDY:
Understood.

MS. BRADDISH:
Whereas the landlord does.

LEG. KENNEDY:

Sure.

MS. BRADDISH:
So that is why our leases are crafted the way they are. But I think it might be helpful if Mr. Landow comes up. He took the opportunity. We asked him to come and speak to you, just so that you could get to see who the landlord is, although he's not the landlord, but he can tell you what the relationship is.

LEG. ALDEN:
Legislator Kennedy, while they're coming up, a suggestion for one question, what the reimbursement rate is on this, if there is a reimbursement rate.

LEG. KENNEDY:
Absolutely.

LEG. ALDEN:
From the New York State.

LEG. KENNEDY:
Sure. Paul, can you or Janet tell us what is the rate?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
I'm just double-checking with Janet.

LEG. KENNEDY:
Okay.

LEG. ALDEN:
Approximately.

LEG. KENNEDY:
Yeah, how much. We get 20 mill. over 20 years. How much are we being offset?

COMMISSIONER DEMARZO:
I don't have the exact dollar amount --

LEG. LOSQUADRO:
You have to use the mike.

COMMISSIONER DEMARZO:
-- on the reimbursement. I don't have the exact dollar amount.

LEG. LOSQUADRO:
It's not on.

COMMISSIONER DEMARZO:
Oh, it's not on? I do not have the exact percentage, but it is a very significant percentage. I don't want to give you a dollar amount -- a percentage amount. It's above 50%, I think it closes in on 70%, but I can't give it to you, because I did not bring it. It's a -- I think it approached 70%, it's over 50%.

LEG. KENNEDY:
I'll take it on that, fine. So, economically, it makes sense for us to be in this type of an arrangement.

COMMISSIONER DEMARZO:

Yes, we've always maintained that it's more financially advantageous for the County to lease these buildings than to purchase and build our own.

LEG. KENNEDY:
How many employees will we have in the building, approximately?

COMMISSIONER DEMARZO:
How many employees? It's the consolidation of two centers.

LEG. KENNEDY:
Fifty, 100, 150?

COMMISSIONER DEMARZO:
In that ball -- I don't know, I'd have to check. I have to get that number. That's not a question --

LEG. KENNEDY:
Let's call it 150 for argument's sake.

COMMISSIONER DEMARZO:
Okay.

LEG. KENNEDY:
Gentlemen, how are we going to respond to complaints and things like that in the building. What happens if the AC goes bad? What happens if the heat goes bad? What happens if a pipe breaks? How do you respond?

MR. LLOYD LANDOW:
There will be a management operation set up. We -- the client that we represent owns the building immediately adjacent to the property that this building is going to be built on, and they own quite a number of buildings. They are --

LEG. KENNEDY:
Pardon me, for a second. I'm sorry. I thought -- this is an existing structure --

MR. LLOYD LANDOW:
No, this is --
LEG. KENNEDY:
-- or you are building to suit?

MR. LLOYD LANDOW:
This is building to suit, ground up.

LEG. KENNEDY:
Is that a fact?

MR. LLOYD LANDOW:
Yes.

LEG. KENNEDY:
Boy, see, you know, when I look at a lease, I just assume that it was an existing structure.

MR. LLOYD LANDOW:
No, there's nothing there now, it's a virgin piece of property.

LEG. KENNEDY:
Oh, okay. So who designed it?

MR. LLOYD LANDOW:
We did.

LEG. KENNEDY:
"We" meaning you, "we" did in collaboration?

MR. LLOYD LANDOW:
We did in response to the program given to us by the Department of Social Services.

LEG. NOWICK:
Good answer.

LEG. MYSTAL:
Can I answer Jack for a minute?

MR. LLOYD LANDOW:
First of all --

P.O. LINDSAY:
I've got a list, I've got a list, put you on the list.

LEG. MYSTAL:
I just wanted to answer his question.

MS. BRADDISH:
Legislator Kennedy, I don't know if you -- the process is -- the leasing process has changed dramatically over the last four, three years.

LEG. KENNEDY:
I guess so.

MS. BRADDISH:
We've moved dramatically toward an RFP process, which the Bay Shore Health Center really is an RFP.

LEG. ALDEN:
Is it?

MS. BRADDISH:
The RFP is being prepared to be issued.

LEG. ALDEN:
I'm excited.

LEG. KENNEDY:
Basia, how many --

D.P.O. VILORIA-FISHER:
Wow.

LEG. KENNEDY:
How many prospective constructors been submitted to our RFP?

MS. BRADDISH:

There were three. One of them ended up dropping out, so that we were down to two. It's finding this size of a property in the catchment area was not easy. So it really --

LEG. KENNEDY:
Who's going to build the property, Basia? Who's the construction outfit?

MS. BRADDISH:
Well, this is through the landlord. The landlord is basically the GC.

MR. LLOYD LANDOW:
We're in the process, or will be in the process shortly, of taking competitive bids on the construction. We have --

LEG. KENNEDY:
Do you use union contractors, sir.

MR. LLOYD LANDOW:
This will all be under -- what do you call it?

MR. GLEN LANDOW:
The stipulation from the County was that this be done through prevailing wage, which essentially becomes a union job.

MS. BRADDISH:
And apprenticeship chain.

MR. GLEN LANDOW:
Yes.

MS. BRADDISH:
It's all in the lease.
MS. BRAATEN:
What is your last name?

MR. GLEN LANDOW:
Landau.

LEG. KENNEDY:
Good. Okay, tell me a little more.

MR. LLOYD LANDOW:
First of all, my name is Lloyd Landow. My son, Glen Landow, is next to me. We are two partners in the firm of Landow and Landow, Architects. We represent {Landy} Realty, which is owned by a very close friend of mine, Harvey {Kaley}. Mr. {Kaley} is a substantial businessman. He manufactures electronic components, many of them for the government, maintains plants and operates plants in both the United States and in many other countries around the world. He owns, as I said before, the building immediately next door, a 50,000 square foot facility which he uses for part of his operation. He will set up the maintenance of this, he is going to take care of all of the maintenance. The County pays the utility services. All maintenance is by the landlord.

The building has been designed according to the program that was given to us by the Department of Social Services, and we are in the process right now of working on drawings. As soon as they are completed, they will be bid, competitively, and we hope to start construction this Fall to be able to have the building for you in the summer of next year, assuming that you approve the proposal.

LEG. KENNEDY:

I apologize to my colleagues and I'm going to yield, but, obviously, there was a lot of discussion, I guess, that went on in the committee, whichever committee this was in. Do we know what this building is going to look like yet? Is it one-story, two-story?

MR. LLOYD LANDAU:
Yes, we have -- if you'd like to see it, we're prepared to show it to you right now.

LEG. KENNEDY:
Well, no. You spoke about renderings or drawings.

MR. LANDAU:
Yes, we have them with us right now. Would you like to see them?

LEG. KENNEDY:
Not that I necessarily need to have to go through them, I guess I'm just wanting to make sure that what we're approving is something that's actually very specific, finite, and I guess is done with the requirements, it meets the requirements of the department and, most importantly, the workforce.

MS. BRADDISH:
Actually, attached to the lease are plans, specifications, all site plans, elevations, so -- and those should have been filed. They may not have copied them, because they were about that thick, but that's all done, the preliminaries, beforehand, and then they are tweaking them now.

LEG. KENNEDY:
Basia, does this outfit have the capability to actually complete the project?

MR. LLOYD LANDAU:
Yes.

LEG. KENNEDY:
No, no, I'm asking you, not them. I'm asking you, Basia.

MS. BRADDISH:
From the information we were provided, yes.

LEG. NOWICK:
Is she going to say no?

D.P.O. VILORIA-FISHER:
Yeah.

MS. BRADDISH:
From the information we were provided, yes.

LEG. KENNEDY:
Have they completed other projects of this magnitude?

MS. BRADDISH:
Yes.

LEG. KENNEDY:
Good. Okay, I'll yield.

P.O. LINDSAY:
Well, first of all, just to interject, if it's a lease, if they don't build the building, they don't get the rent. It's not as if we're, you know, we're paying them to build a building.

LEG. KENNEDY:
Well, we've got employees sitting there in the parking lot, too, Mr. Chair.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Just one other point, too. I think the --

P.O. LINDSAY:
We both have -- we're on extended leases now.

LEG. KENNEDY:
Yes, we are.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
I just want to reassure the Legislature that build-to-suit is something we've done before. For example, the Coram Health Center, that's how we solved the problem of the old debacle with the old Coram Health Center. We did an RFP just like this, and we had somebody come in, build to suit and it was a very successful enterprise.

P.O. LINDSAY:
Okay. Legislator Alden.

LEG. ALDEN:
And now we're going to be really successful with the Bay Shore Health Center, right, after this project?

MS. BRADDISH:
Absolutely.

LEG. ROMAINE:
Oh, man.

MS. BRADDISH:
Absolutely.

[THE FOLLOWING WAS TAKEN & TRANSCRIBED BY ALISON MAHONEY - COURT STENOGRAPHER]

LEG. ALDEN:
You know, the clock's running, though; for me anyway.

P.O. LINDSAY:
Two years from now we'll finish it.

LEG. ALDEN:
I don't think so.

P.O. LINDSAY:
Legislator Viloria Fisher.

D.P.O. VILORIA-FISHER:
Gentlemen, I just have a question regarding the energy requirements of the building and the criteria. We're trying to build County buildings according to LEED standards, but those are buildings that we construct ourselves. And I don't know whether Islip Town has the Energy Star requirements for buildings, I don't know if they have that yet in their building code, but how close will your

building be to -- will this building be to being an energy-efficient, Energy Star building or hopefully a LEED building? That's only if we construct the building, not if we put it out for our --

LEG. NOWICK:
(Inaudible).

MR. GLEN LANDOW:
The building itself is not designed to LEED standards. This is something which we had actually discussed with the County and it was decided that going forward after this point those buildings that are built after that may be LEED, but this particular building would not be built to the LEED standards. However, it will be built to the energy efficiency codes that are in place today with New York State and with the Town of Islip.

D. P.O. VILORIA-FISHER:
Okay, so just to the code, not more efficient than that.

MR. LLOYD LANDOW:
No, the proposal that was made was based upon the RFP that came out. It was not based upon a LEED's building, but as my son tells you, it will be an energy efficient building.

D. P.O. VILORIA-FISHER:
Are there any other alternative energy sources used, any solar panels or anything like that?

MR. LLOYD LANDOW:
No, nothing like that.

D.P.O. VILORIA-FISHER:
But all of the -- but all of the power is very --

MR. LLOYD LANDOW:
Everything in the building, there will be energy efficient ballasts in all of the lighting, there will be a recycled system as far as the heating and air-conditioning is concerned. It is as energy-efficient as it can be based upon today's standards without getting involved in LEEDS.

D.P.O. VILORIA-FISHER:
Okay.

MR. LLOYD LANDOW:
Again, if we went to LEEDS -- and we go through this all of the time with our clients. Again, there is a premium that has to be paid; in this case, it would have increased the lease amount to the County and we have not been able to determine that there would be any savings in energy that would justify that over the reasonable return period.

D.P.O. VILORIA-FISHER:
Now, one of the lead criteria that I also think is important when you have personnel working in the building is the out-gassing uses of different glues in the rugs; have you considered any of those standards when you're looking at the materials that you're using within the building?

MR. LLOYD LANDOW:
All of the materials that we're specifying in the building will not have -- we're not going to be using any urea formaldehyde-based products or anything like that, all of the paints will be VOC, low VOC and you won't have anything like that that's going to create those kinds of problems.

D. P.O. VILORIA-FISHER:
Okay. Sure, because, you know, in the past we've had sick building issues.

MR. LLOYD LANDOW:

We just don't design buildings like that.

D. P.O. VILORIA-FISHER:
Okay, thank you.

P.O. LINDSAY:
Legislator Mystal.

LEG. MYSTAL:
I didn't have any questions.

LEG. CARACAPPA:
Call it.

P.O. LINDSAY:
Okay. Thank you, gentlemen. I don't think anybody else has any other questions. We have a motion and a second to approve; am I correct,
Mr. Clerk?

MR. LAUBE:
You are correct.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

LEG. HORSLEY:
Abstain.

LEG. MYSTAL:
Abstain.

LEG. ROMAINE:
Abstain.

MR. LAUBE:
Fifteen (Abstentions: Legislators Horsley, Mystal & Romaine).

P.O. LINDSAY:
Okay, I have one more that wants to be taken out of order. Legislator Romaine, did you want to make a motion on something?

LEG. ROMAINE:
Yes. I would like to move 1737 out of order, real property --

P.O. LINDSAY:
What page is that on?

LEG. ROMAINE:
1737; I'm looking for it now, sir.

LEG. MONTANO:
What page is that?

LEG. ROMAINE:
1737 is on page eleven. Our Real Property Tax Service Director,
Mrs. LaValle is here and she's been here all night on this item.

P.O. LINDSAY:
Okay, we have before us 17 --

MR. NOLAN:
(Inaudible).

P.O. LINDSAY:
Yeah, I know, I'm getting there. We have a motion by Legislator Romaine to take 1737 out of order. Do I have a second?

LEG. SCHNEIDERMAN:
Second.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
All right, 1737 has been taken out of order.

MR. LAUBE:
No, that was 18.

P.O. LINDSAY:
1737-07 - Amending the schedule of fees in connection with the purchase of the Suffolk County Tax Map and other items pertaining thereto (County Executive). Legislator Romaine, would you like to make the motion?

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion to approve.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All -- any discussion? Any explanation?

LEG. EDDINGTON:
Can I get an explanation?

P.O. LINDSAY:
Sure, ask for it. Legislator Eddington would like an explanation.

LEG. ALDEN:
What happened to your arm?

DIRECTOR LAVALLE:
The arm of the law. Good evening, Presiding Officer Lindsay. Thank you for taking it out of order and thank you for making that motion, Legislator Romaine.

This is simply an adjustment in our fees to fit the marketplace, to sell more product. I brought the product with me in case anyone was interested. There's a number of things, items, composite maps, aerial paragraphs, and if you haven't seen any of these items, I've been in your offices, probably showed you a million times. That's what it is, it's just an adjustment in fees.

LEG. EDDINGTON:
Thank you.

LEG. ALDEN:
Do we get a discount as Legislators?

P.O. LINDSAY:
Does that satisfy you?

LEG. EDDINGTON:
Yes, that was great. Thank you.

P.O. LINDSAY:
Yeah? Okay. Any other questions? I have a motion and a second.
All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:
Thank you.

MR. LAUBE:
Eighteen.

D.P.O. VILORIA-FISHER:
Good night, Penny.

P.O. LINDSAY:
Okay, let's go back to the agenda; we're still on page seven.

LEG. MYSTAL:
We haven't gotten out of page seven.

P.O. LINDSAY:
No, we never have.

Environment, Planning & Agriculture:

IR 1698-07 - Donation and dedication of certain lands now owned by Rose Breslin Associates LLC to the County of Suffolk (SCTM Nos. 0200-456.00-01.00-003.001 and 0200-583.00-01.00-004.002)
(County Executive).

D.P.O. VILORIA-FISHER:
Motion.

LEG. BROWNING:
I'll make a motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1764-07 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program for the Ghassemi Property, Town of Southold (SCTM Nos. 1000-031.00-01.00-001.002 p/o - f/k/a 1000-031.00-01.00-001.000).
(County Executive).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine, second by Legislator Cooper. On the question, anybody? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. ROMAINE:
Would the Clerk please list me as a cosponsor?

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
IR 1765-07 - Approving planning steps for the acquisition of farmland development rights - July 2007 (County Executive).

LEG. ROMAINE:
Motion.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Romaine, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Cosponsor.

LEG. ROMAINE:
Cosponsor.

MR. LAUBE:
Gotcha.

LEG. SCHNEIDERMAN:
Cosponsor.

P.O. LINDSAY:
Got it?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1766-07 - Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - open space component for the Schmidt Revocable Trust Property - San Remo Riviera/Town of Smithtown (SCTM Nos. 0800-019.00-02.00-035.000, 054.000 & 055.000)(County Executive).
LEG. NOWICK:
Motion.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Motion by Legislator Nowick, second by Legislator Kennedy.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1767-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Foley Property, Montauk County Park addition/Town of East Hampton (SCTM Nos. 0300-014.00-02.00-002.001, 0300-014.00-02.00-002.002 & 0300-014.00-02.00-002.003) (County Executive).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman. Do I have a second?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1768-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the D'Alesso Property, Mastic/Shirley Conservation Area II /Town of Brookhaven (SCTM No. 0200-983.40-07.00-016.000 (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1769-07 - Authorizing a Memorandum of Agreement with the Cornell Cooperative Extension Association of Suffolk County for programs and extension work (County Executive).

LEG. ROMAINE:
Motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Okay, motion by Legislator Romaine, seconded by Legislator Cooper.
All in favor? Opposed? Abstentions?

LEG. COOPER:
Cosponsor, please.

MR. LAUBE:
Eighteen; yes, sir.

P.O. LINDSAY:
IR 1770-07 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Estate of Angelo Giambalvo Property, Beaverdam Creek Watershed, Town of Brookhaven (SCTM Nos. 0200-961.00-02.00-032.000, 035.000, 037.000, 039.000, 041.000 & 045.000) (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1771-07 - Authorizing the acquisition of land under the New Suffolk County Drinking

Water Protection Program - open space component - for the Gram Property, Mastic/Shirley Conservation Area II /Town of Brookhaven (SCTM No. 0200-984.60-02.00-028.000 (County Executive).

LEG. BROWNING:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Same motion, same second; same vote all right with everybody?

MR. LAUBE:
Eighteen.

[THE FOLLOWING WAS TAKEN BY ALISON MAHONEY & TRANSCRIBED BY LUCIA BRAATEN - COURT STENOGRAPHERS]

P.O. LINDSAY:
1774-07 - Authorizing the acquisition of land under the Suffolk County Drinking Water Protection Program - open space component - for the Peconic Land Trust, Inc. as contract vendee property - Cackle Hill - Town of Shelter Island.

LEG. ROMAINE:
Motion.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. ROMAINE:
Would the Clerk please list me as a cosponsor?

MR. LAUBE:
Yes, sir.

LEG. ALDEN:
I think we bought all the remaining land.

LEG. ALDEN:
We don't need the Quarter Cent extension.

LEG. ROMAINE:

We've got more to go.

LEG. SCHNEIDERMAN:
Tim, list me as a cosponsor.

LEG. ALDEN:
All right.

LEG. SCHNEIDERMAN:
Tim.

P.O. LINDSAY:
Health and Human Services: We already acted on ***1293***.

1740-07 - Authorizing Estee Lauder Breast Cancer Awareness Program at H. Lee Dennison Executive Office Building and Cohalan Court Complex. Legislator Alden?

LEG. ALDEN:
Motion.

P.O. LINDSAY:
Motion by Legislator Alden.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
1780-07 - Amending the 2007 Operating Budget and transferring funds for the Family and Children's Association within the Department of Social Services.

LEG. COOPER:
Motion.

P.O. LINDSAY:
Motion by Legislator Cooper.

LEG. BROWNING:
Second.
LEG. LOSQUADRO:
Just, Mr. Chairman --

P.O. LINDSAY:
Second by Legislator Browning. On the question, Legislator Losquadro.

LEG. LOSQUADRO:
I understand that this is to select a new vendor for Enhanced Independent Living Service Program, continued funding for the Family and Children's Association. My question was why wasn't the money

for the RFP used for the RFP as originally stated in the budget? Somebody maybe comment on that?

P.O. LINDSAY:
Somebody in the Administration could answer that, please. Allen Kovesdy is going to answer it.

MR. KOVESDY:
Good evening. There's an RFP out for this contract and the RFP -- and a vendor won't be selected before the end of the year, so they want to continue the -- this vendor until the end of the year, so services aren't interrupted. At that point, whoever wins the bid will get the new contract for next year.

P.O. LINDSAY:
Okay?

LEG. LOSQUADRO:
Okay. Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Labor, Workforce & Affordable Housing:

We already acted on 1748.

1816-07 - Amending the Classification and Salary Plan and authorizing a fee schedule for the Suffolk County Board of Elections Election Inspectors. I'll make the motion, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Parks & Recreation:

IR 1703-07 - 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. Legislator Browning?

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden.

LEG. ALDEN:
Cosponsor if I'm not already.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1722-07 - Authorizing use of the Long Island Maritime Museum by the Children's Foundation of Suffolk for their annual pig roast fundraiser. I'll make the motion.

LEG. ALDEN:
Second.

LEG. NOWICK:
Second.

P.O. LINDSAY:
Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1723-07 - Authorizing use of Southaven County Park by Contractors for Kids for their picnic and barbecue fundraiser.

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro. Do I have a second?

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second -- who was that? By Legislator Eddington? All in favor? Opposed? Abstentions?
MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1724-07 - Authorizing use of Cedar Point County Park by the National Multiple Sclerosis Society-Long Island Chapter for its MS150 Twin Forks Bike Tour Fundraiser.

LEG. STERN:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Stern, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

LEG. STERN:
Tim, cosponsor.

P.O. LINDSAY:
1725-07 - Authorizing use of the Blydenburgh County Park by the Marine Corp League for its Run-Walk fundraiser. Legislator --

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
D'Amaro, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1736-07 - Authorizing use of Deepwells Farm at Deepwells Farm Historic Park in St. James by the Deepwells Farm Historical Society.

LEG. NOWICK:
Motion.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Motion by Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1745-07 - Reappoint member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Gregory S. Dawson). I'll make the motion.
LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1758-07 - Authorizing use of Smith Point Park property by Mastic Knights of Columbus for 5K Race. Legislator Browning?

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning. Do I have a second?

LEG. MONTANO:
Second.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1783-07 - Authorizing the transfer of certain properties to the Suffolk County Department of Parks, Recreation and Conservation.

LEG. COOPER:
Motion.

P.O. LINDSAY:
Motion by Legislator Cooper, second by Legislator D'Amaro. All in --

LEG. ALDEN:
Just a quick question on this.

P.O. LINDSAY:
On the question, Legislator Alden.

LEG. ALDEN:
Did anybody look at these parcels, just for a representation that none of them would be appropriate for affordable housing or workforce housing?

P.O. LINDSAY:
Legislator Nowick will be most happy to answer you.

LEG. NOWICK:
And these are -- this was surplus at the Department of Public Works, it's just being transferred over to Parks.

LEG. ALDEN:
Sometimes when you put it in Parks, that's the end of it. You know, you can never use it. You know, if it goes up to New York State and gets approved as parkland, you're done as far as --

P.O. LINDSAY:
Is this declared park land, or is it just under the Parks Administration; do you know?

LEG. NOWICK:
Suffolk County Parks Department. It was surplus property with the Public Works.

P.O. LINDSAY:
Yeah, I know that.

LEG. NOWICK:
I don't know.

P.O. LINDSAY:
Okay. Anybody in the Administration know the answer to this?

LEG. ALDEN:
How many parcels are there?

P.O. LINDSAY:
Are they coming back? Is someone coming back? I'm going to skip over it and keep going; okay?

LEG. ALDEN:
Okay.

P.O. LINDSAY:
1808-07 - Appropriating funds in connection with improvements to water supply systems in County parks (CP 7184)(County Executive).

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, seconded --

LEG. STERN:
Second.

P.O. LINDSAY:
-- by Legislator D'Amaro. All in --

LEG. LOSQUADRO:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Losquadro.

LEG. LOSQUADRO:
This is the first of three bond resolutions that have a 30-year term. This is a $250,000 bond with almost $194,000 in interest. I'm all for approving the resolution, but I do not want to approve this bond. I think we need to get a bond with a different term. I know this is only a potential useful life expectancy, but it does give the option --

P.O. LINDSAY:
Okay.

LEG. LOSQUADRO:
-- to bond this out for up to 30 years.

P.O. LINDSAY:
Okay. Does 812 have the same provision -- 1812?

LEG. LOSQUADRO:
No, it does not, that's a 10-year bond.

P.O. LINDSAY:
Okay. Then I'm going to skip over 1808 until we can get somebody in the room to answer the question.

LEG. LOSQUADRO:
Well, it's a 30-year bond, it's --

LEG. ALDEN:
No, no, no. There's --

LEG. LOSQUADRO:
Okay.

P.O. LINDSAY:
Yeah, but you have a question.

LEG. LOSQUADRO:
All right.

P.O. LINDSAY:
I can't answer the question.

LEG. LOSQUADRO:
All right, yeah.

P.O. LINDSAY:
And we've asked for somebody to come in that can answer the questions.

LEG. LOSQUADRO:
We did? Okay.

P.O. LINDSAY:
1812-07 - Appropriating funds in connection with the reconstruction of the former GATR site for use as a maintenance and operations building (CP 7173)(County Executive).

LEG. SCHNEIDERMAN:
Motion. Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman. Do I have a second?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. On the question, does anybody know what a GATR site is?

D.P.O. VILORIA-FISHER:
Yes, it's where --

LEG. SCHNEIDERMAN:
It's Ground Air --

D.P.O. VILORIA-FISHER:
-- they store stuff in the army base.

LEG. SCHNEIDERMAN:
Something radar.

LEG. ALDEN:
Oh, come on, you've got to do better than that.

LEG. SCHNEIDERMAN:
I should know what the "T" is.

P.O. LINDSAY:
Okay, it's a former GATR site.

LEG. SCHNEIDERMAN:
It's a facility -- years ago, like in, I don't know, 50, 60 years ago, it was used as a communications, Cold War era.

P.O. LINDSAY:
So this is where you're putting a telescope?

LEG. NOWICK:
Ground to Air Transmit and Receive.

LEG. SCHNEIDERMAN:
It just consisted of a bunch of telephone --

D.P.O. VILORIA-FISHER:
Lynne's got it.

LEG. ALDEN:
Lynne's got the correct answer.

P.O. LINDSAY:
Legislator Nowick, please enlighten us.

LEG. NOWICK:
We have it now, it's Ground to Air Transmit and Receive.

LEG. COOPER:
But what does it do?

LEG. SCHNEIDERMAN:
It was a war time communications facility.

LEG. ALDEN:
Nice try. Jay, you're out.

P.O. LINDSAY:
All right, we have a motion and a second. All in favor? Opposed? Abstentions? Same motion, same second on 1812A, the Bond Resolution; roll call.

MR. LAUBE:
18 on the previous vote.

(*Roll Called by Mr. Laube - Clerk*)

LEG. SCHNEIDERMAN:
Yes.

LEG. LOSQUADRO:
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. CARACAPPA:
Yep.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Public Safety:

IR 1823-07 - Authorizing execution of Municipal Mutual Aid and Assistance Agreement for local disasters and other related emergencies (County Executive). Do I have a motion?

LEG. MYSTAL:
Motion.

P.O. LINDSAY:
Motion by Legislator Mystal.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
Explanation.

P.O. LINDSAY:
Explanation.

MR. NOLAN:
No, I don't know what the cost would be, if any. But basically, Joe Williams from FRES came in and said this is to authorize him to enter into an agreement with Nassau, Westchester and New York City to share resources, personnel in case of an emergency.

P.O. LINDSAY:
Yeah, I remember this now, it was to establish rates in advance, Cameron. Like when the World Trade Center collapsed, we sent a lot of our people in there and after the fact we negotiated, you know, who was paying them and how much and whatever. This would establish a Mutual Aid Program with the dollar amounts, if we go in the city, if the city comes out here and all that.

LEG. ALDEN:
Good.

P.O. LINDSAY:
So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Public Works & Transportation:

1747-07 - Authorizing transfer of one (1) surplus County computer and one (1) surplus County monitor to the Smithtown Parkinson's Therapy Association (Kennedy). Legislator Kennedy?

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. NOWICK:
Second.

P.O. LINDSAY:
Seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

[THE FOLLOWING WAS TAKEN & TRANSCRIBED BY ALISON MAHONEY - COURT STENOGRAPHER]

P.O. LINDSAY:
1778-07 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2007 Capital Budget and Program and appropriating funds for improvements to the Yaphank County Center Wastewater Treatment Facility (CP 8158)(County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. LOSQUADRO:
I'll second it.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1784-07 - Amending Resolution No. 1155-2002 for participation in engineering for the reconstruction of CR 67, Motor Parkway, Town of Islip (CP 5172)(County Executive).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
On the accompanying Bond Resolution, 1784A, same motion, same second; same vote?

MR. LAUBE:
Roll call.

P.O. LINDSAY:
Roll call, roll call, excuse me.

(*Roll Called by Mr. Laube - Clerk*)

LEG. MONTANO:
Yes.

LEG. KENNEDY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yep.

LEG. CARACAPPA:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay, I'm going to go back to 1783. Mr. Sabatino, there were some questions about two resolutions maybe you could help us with.

1783, it's the transferring of certain properties to the Department of Parks from Public Works, and the question was is this property going to be declared parkland?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Yes, the purpose of this resolution is to dedicate it to parkland purposes. The property was originally acquired back in 1965 or '66 via a condemnation proceeding for just generic public purposes. There's a vetting system in the County that before any property is offered to be dedicated, the Planning Department looks at it and now statutorily the Real Estate Division as well as the Director of Affordable Housing. So it's vetted to make sure there's not an alternative use that would be superior and then that becomes a recommendation. You don't have to pass the resolution, but it's a recommendation.

P.O. LINDSAY:
Okay. Legislator Alden, you had the initial question.

LEG. ALDEN:
So, Paul, all that, this is not appropriate, these properties are not appropriate for affordable housing or workforce housing?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Well, it goes through the vetting system and -- again, I rely on the people in Planning and Workforce Housing --

LEG. ALDEN:
And they say it's not.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- and the other department saying that it's not viable for an alternative use. If you want to bring the individuals in to run it by them, you certainly -- it's a legitimate question, it's just that the normal vetting system says it's not something to be recommended for one of those purposes.

LEG. ALDEN:
Paul, could that be part of the procedures? Like when you do these, this is through the Department of Parks, right, or through the Parks's Committee.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Parks, right.

LEG. ALDEN:
Yeah. If they could just come in and give testimony if there's anything in the future that, you know, it's not appropriate, that would clear it up at the first issue.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Oh, absolutely. The question is the right question to answer. If we through the vetting system, you know, got indication later on that it wouldn't be appropriate, we wouldn't even file the resolution. But I hear your point, I mean, it's a point well taken, it's a legitimate question.

LEG. ALDEN:
Thanks.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
If you want to table it to get -- to have the individuals come, it's not a problem, but my --

P.O. LINDSAY:
No, we had some questions, we just didn't have the answers.
We have a motion on 1783 and a second.
MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
Anybody have any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Paul, before you sit down, the next one, too. 1808, there were some questions on the Bond; why is it a 30 year bond, do you know?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
The short answer is that we rely on Bond Counsel. The useful life of these different types of improvements are set forth in the Local Finance Law and --

P.O. LINDSAY:
But what Budget Review was saying is the normal bonding term is 20, this is 30 for a small amount and the interest is almost as much as what we're bonding.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Then I would say table it so we can put, you know, Bond Counsel back on the record, let him support it. I have no desire to --

P.O. LINDSAY:
Okay, okay.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- unnecessarily spend money, so we should table the bill.

P.O. LINDSAY:
So you want to make a motion to table, Legislator Losquadro?

LEG. LOSQUADRO:
I'll make the motion to table.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1787-07 - Amending the 2007 Capital Budget & Program, appropriating funds in connection --

MR. NOLAN:
1785.

P.O. LINDSAY:
Oh, I'm sorry, ***1785-07 - Amending Resolution No. 926-2005 for the reconstruction/widening of CR 3/Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851)(County Executive).*** Legislator Horsley, would you like to make a motion on this? And Legislator Mystal, bridges in the Town of Babylon; we don't want the bridges to fall down, right?

LEG. HORSLEY:
Go ahead, Elie.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes, and I'll second the motion.

P.O. LINDSAY:
Okay. Motion by Legislator Mystal and seconded by Legislator Horsley.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1787-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the County share for participation in the reconstruction of CR 57, Bay Shore Road, from NYS Route 27 to NYS Route 231, Towns of Babylon and Islip (CP 5523)(County Executive).

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern, second by Legislator D'Amaro; I got you.

LEG. D'AMARO:
Cosponsor, please.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
On the accompanying Bond Resolution, 1787A, same motion, same second; roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. STERN:
Yes.

LEG. D'AMARO:

Yes.
LEG. COOPER:
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:
(Not present).

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1788-07 - Amending prior Capital authorized appropriations under Resolution No. 1093-1998 for funding construction improvements at the Suffolk County Sewer District No. 13 - Windwatch (CP 8123)(County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1790-07 - Authorizing the filing of a Federal grant application on behalf of the Town of Brookhaven for Mass Transportation Capital Assistance for the purchase of vans for the Town's Senior Citizen Transportation Program (County Executive).

LEG. LOSQUADRO:
Motion to approve and cosponsor, please.

P.O. LINDSAY:
Motion by Legislator Losquadro, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1792-07 - Amending the 2007 Capital Budget and Program by accepting and appropriating grant funds in the amount of $600,000 from Long Island Power Authority (LIPA) in connection with the design and installation of a Solar Photovoltaic System at Suffolk County 4th Precinct Building (CP 3184)(County Executive).

D.P.O. VILORIA-FISHER:
Motion.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro, second by -- motion by Legislator Viloria-Fisher, second by Legislator Losquadro. All in favor?

D.P.O. VILORIA-FISHER:
Cosponsor, Tim.

LOSQUADRO:
Tim.

LEG. EDDINGTON:
Cosponsor.
P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1794-07 - Authorizing transfer of one (1) surplus County planetary camera to the Central Islip Public Library (Montano).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

D.P.O. VILORIA-FISHER:
Is it like a photo?

P.O. LINDSAY:
What is a planetary camera?

MS. ORTIZ:
Microfilm, microfilm.

P.O. LINDSAY:
Wait a minute, Legislator Romaine knows.

LEG. ROMAINE:
Yes. As John Kennedy can tell you, a planetary camera is a single-shot camera for microfilm purposes as opposed to a rotary camera.

P.O. LINDSAY:
See, I knew that but I let you tell us. All in favor? Opposed? Abstentions? Thank you, Legislator Romaine for that information.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1800-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with improvements to CR 80,
Montauk Highway, between NYS Route 112 and CR 101, Sills Road,
Town of Brookhaven (CP 5534)(County Executive).

LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Eddington, second by Legislator Browning.

All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
Same motion, same second on the Bond, 1800A; roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. EDDINGTON:
Yes.

LEG. BROWNING:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yeah.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. CARACAPPA:
(Not present).

LEG. SCHNEIDERMAN:
Yes.
LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1801-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the County share for participation in the strengthening and improving CR 80, Montauk Highway, Towns of Brookhaven and Southampton (CP 5014) (County Executive).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
Same motion, same second on 1801A, the Bonding Resolution; roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. SCHNEIDERMAN:
Yes.

LEG. EDDINGTON:
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. LOSQUADRO:
Yes.

LEG. CARACAPPA:
(Not present).

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1802-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the County share for participation in the strengthening and improving CR 97, Nicolls Road, Town of Brookhaven (CP 5014)(County Executive).

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

D.P.O. VILORIA-FISHER:
Cosponsor, please.

P.O. LINDSAY:
Same motion, same second on 1802A, the pending Bond Resolution; roll call.

(*Roll Called by Mr. Laube - Clerk*)

D.P.O. VILORIA-FISHER:
Yes.

LEG. EDDINGTON:
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. LOSQUADRO:
Yes.

LEG. CARACAPPA:
(Not present).

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1803-07 - Appropriating funds in connection with the rehabilitation of CR 83, Patchogue-Mt. Sinai Road, Town of Brookhaven (CP 5563) (County Executive).

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro.

LEG. LOSQUADRO:
Motion to approve and cosponsor, please.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
Same motion, same second on 1803A, the accompanying Bonding Resolution; roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
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. CARACAPPA:
(Not present).

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1804-07 - Appropriating funds in connection with intersection improvements on CR 16, Smithtown Boulevard @ CR 93, Lakeland/Rosevale Avenue, Town of Smithtown (CP 5118)(County Executive).

LEG. KENNEDY:
Motion.

LEG. LOSQUADRO:
Mr. Chairman, I apologize, this is another one of the 30 year bond items. So I would like to make a motion to table this as well until Bond Counsel can get back to us.

P.O. LINDSAY:
Okay, we have a motion by Legislator Losquadro to table.

D.P.O. VILORIA-FISHER:
I'll second that.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. On the question, Legislator Kennedy?

LEG. KENNEDY:
All I would ask is if we could --

P.O. LINDSAY:
Mike, mike, mike.

LEG. KENNEDY:
I'm sorry. Can we just pass over on this one? I know that this has been an ongoing project where I believe we're at the point where DPW is actually doing the acquisition, this is eminent domain proceedings. And I would be equally interested to see why it is a 30 year. Can we just pass over and see if we can get some explanation?

LEG. ALDEN:
You need Bond Counsel.

LEG. LOSQUADRO:
Mr. Sabatino said Bond Counsel would have to weigh in on this, and unfortunately with the late hour --

LEG. KENNEDY:
There is nothing that they're going to be able -- okay, then absolutely, yeah, then we should table.

LEG. LOSQUADRO:
If it was a day meeting, I'd say we would certainly be able to get an answer, but unfortunately --

LEG. KENNEDY:
No, I agree with you.

LEG. LOSQUADRO:
-- the term of the bond says 30 years.

P.O. LINDSAY:
Okay. So we have a motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1805-07 - Amending Resolution Nos. 1325 of 2005, as amended, and 929 of 2006 for participation in engineering in connection with the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (CP 5851)(County Executive).
LEG. MYSTAL:
Motion.

P.O. LINDSAY:
Motion by Legislator Mystal.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
Back here, yeah.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1810-07 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2007 Operating Budget, amending the 2007 Capital Budget & Program and appropriating funds for improvements to Suffolk County Sewer District No. 10 - Stony Brook (CP 8175)
(County Executive).

D.P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1811-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with elevator controls and safety upgrading at various County facilities (CP 1760)(County Executive).

LEG. COOPER:
Motion.

P.O. LINDSAY:
Motion by Legislator Cooper.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
On the accompanying Bonding Resolution, 1811A, same motion, same second; roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. COOPER:
Yes.

LEG. EDDINGTON:
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. LOSQUADRO:
Yes.

LEG. CARACAPPA:
(Not present).

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.
D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1813-07 - Amending Resolution No. 560-2003 for participation in engineering in connection with improvements to North Highway, CR 39, Town of Southampton (CP 5528)

(County Executive). Motion by Legislator Schneiderman.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

D.P.O. VILORIA-FISHER:
May I ask a question about this?

P.O. LINDSAY:
On the question, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
I just wanted to ask Legislator Schneiderman, there was a woman who spoke here this morning; was it about this bill? She was talking about County Road 39, I'm trying to --

LEG. ROMAINE:
No, no, no, that was --

LEG. SCHNEIDERMAN:
She was talking about traffic and the cones and --

LEG. SCHNEIDERMAN:
Yeah, she was talking about two issues, one had to do with the moving of the Big Duck which is a CN today.

D.P.O. VILORIA-FISHER:
Right; no, her second one.

LEG. SCHNEIDERMAN:
Then she was talking about getting the cones back in the fall which are not scheduled.

D.P.O. VILORIA-FISHER:
But I thought she was talking about the construction, too, because she talked about a few things, I didn't know if this was it.

LEG. SCHNEIDERMAN:
No, I think this just factors in some grant money that may have -- just the numbers are different and it's being adjusted.
D.P.O. VILORIA-FISHER:
Okay, I was just curious.

P.O. LINDSAY:
IR 1814 -- oh, wait a minute, we didn't take a vote on that. On 1813, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1814-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the County share for participation --

LEG. SCHNEIDERMAN:

Did we do the Bond? I don't remember a roll call on that, 1813.

P.O. LINDSAY:
I don't see a Bond on the agenda.

MR. LAUBE:
I don't have a bond with that.

MR. NOLAN:
Again, the Budget Office got the word from Bond Counsel today that no Bond Resolution was required for that resolution.

LEG. SCHNEIDERMAN:
Oh, because my agenda has it.

LEG. LOSQUADRO:
Through the Chair; is that just accepting additional Federal funds, is that why? To Counsel. 1813?

MR. NOLAN:
I know that -- well, the underlying resolution reflects additional Federal aid.

P.O. LINDSAY:
Okay, call the vote.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
Okay. ***IR 1814-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the County share for participation in the reconstruction of CR 16, Horseblock Road, from the vicinity of the Long Island Railroad to the vicinity of CR 21, Yaphank Avenue, Town of Brookhaven (CP 5511) (County Executive).***

LEG. BROWNING:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Who made the motion?

LEG. SCHNEIDERMAN:
Kate.

P.O. LINDSAY:
Legislator Browning made the motion, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
On the accompanying Bond Resolution, 1814A, same motion, same second; roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
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. LOSQUADRO:
Yes.

LEG. CARACAPPA:
(Not present).

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

LEG. EDDINGTON:
List me as a cosponsor.

MR. LAUBE:
Yes, sir.

LEG. BROWNING:
Same here, Tim.

MR. LAUBE:
Gotcha.

P.O. LINDSAY:
IR 1815-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with the reconstruction of Shinnecock Canal Locks, Town of Southampton (CP 5343)(County Executive).

LEG. LOSQUADRO:
Mr. Chairman, I apologize but this is the third of the three 30 year bond items.

P.O. LINDSAY:
Okay.

LEG. LOSQUADRO:
I would ask that we table this as well until we can get an answer from Bond Counsel.

P.O. LINDSAY:
I'll second the motion. All in favor? Opposed?

LEG. SCHNEIDERMAN:
On the motion?

P.O. LINDSAY:
Abstentions?

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
What?

LEG. SCHNEIDERMAN:
This isn't a new project. This is a project that's under way, they've run out of money, it went over budget, they're trying to finish up the project. So I'm concerned about delays, 20 years versus 30 years; yes, there will be more interest, but --

P.O. LINDSAY:
But Legislator Schneiderman, with all due respect, we just tabled two other resolutions; because this one is in your area, you don't want to table it?

LEG. SCHNEIDERMAN:

I'm just saying, this one is a project that's in the middle of being done and if they need to finish these locks -- I just would like to know the consequence of delaying.

P.O. LINDSAY:
I can't answer you. I don't know why there's a 30 year bond, we think it's a mistake, but there's a motion on the floor to table and a second. I mean, you want to make -- you made a motion to approve?

LEG. SCHNEIDERMAN:
I'll -- on this one I'll make a motion to approve.

P.O. LINDSAY:
Do we have a second?

LEG. ROMAINE:
I'll second it.

P.O. LINDSAY:
Second by Legislator Romaine.

MR. LAUBE:
No, you didn't take a vote yet on the tabling.

LEG. SCHNEIDERMAN:
Tabling takes precedence.

P.O. LINDSAY:
Yeah, but I'm getting all the motions down. We have a tabling motion and we have a motion to approve, the tabling goes first.

LEG. LOSQUADRO:
Through the chair, if I may?

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
And I apologize, I know these are all probably very worthwhile projects, but this is a $200,000 project with $155,000 in interest. I see no reason to have a 30 year bond and we just need to get an answer from Bond Counsel on this. And hopefully we can move forward as expeditiously as possible and hopefully it won't delay the project, but I can't in good conscience vote to approve this at this time.

LEG. ALDEN:
I'm willing to come back tomorrow and get these answers.

LEG. SCHNEIDERMAN:
You know, I mean, I think we have --

LEG. EDDINGTON:
Tell me how it works out.

LEG. SCHNEIDERMAN:
The numbers, when you talk about the interest, I think it's somewhat deceiving. It's kind of like a house, when you borrow 200,000 you end up paying 400 back, it's a 30 year loan. And it sounds

bad, we're actually stretching it out further so the payments are longer.

P.O. LINDSAY:
Legislator Schneiderman --

LEG. SCHNEIDERMAN:
Thirty years is --

P.O. LINDSAY:
-- you didn't say one thing about the other two resolutions, because this is in the your district you object to it.

LEG. NOWICK:
You've got to give him credit.

LEG. SCHNEIDERMAN:
If it's a 30 year improvement, then 30 years, maybe it wouldn't be so bad, but we don't have that information.

LEG. ROMAINE:
Pay-as-you-go.

LEG. KENNEDY:
Give it a rest.

LEG. SCHNEIDERMAN:
Come on, guys, you could be holding up the project. Come on, it's eleven o'clock at night.

P.O. LINDSAY:
What is that movie? Is that movie Shallow Hal or something.

All right, we have a motion to table and a motion to approve; the tabling motion goes first. All in favor? Opposed? Abstentions to table it?

LEG. SCHNEIDERMAN:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Schneiderman - Not Present:
Legislator Caracappa).

P.O. LINDSAY:
IR 1829-07 - Authorizing the filing of an application with the Federal Transit Administration, an Operating Administration of the United States Department of Transportation for Federal transportation Financial Assistance for Mass Transportation Projects for Suffolk County authorized by 49 USC, Chapter 53, Title 23, United States Code and other Federal statutes administered by the Federal Transit Administration (Upgrade Diesel Engine)(County Executive).

D. P.O. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

D. P.O. VILORIA-FISHER:
Cosponsor.

LEG. LOSQUADRO:
Tim?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
Ways & Means:

1598-07 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Thomas J. Haynia (Schneiderman). Legislator Schneiderman, do you want to make a motion on this?

LEG. SCHNEIDERMAN:
Motion.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro.

LEG. ALDEN:
Explanation?

CHAIRMAN EDDINGTON:
Explanation.

LEG. SCHNEIDERMAN:
It's a pretty routine redemption, they've paid their taxes now.

LEG. ALDEN:
No, it's not pretty because this is a reconveyance.

LEG. ROMAINE:
It's a 215.

MR. NOLAN:
It's a 215 Resolution, the Statute lays out two or three grounds which allows us to convey the property to the former owner. In my opinion, they've met one of the grounds, I forget which one, but that it satisfied the Statute that we could reconvey the property to them.

P.O. LINDSAY:
Mr. Brown, you can shed more light on this?

MR. BROWN:
Yes. Originally it was a corporate/natural person owner, so there was a conveyance between the

corporation and the natural person, so now the conveyance is only to the natural person, and that would be then legally valid.

LEG. ALDEN:
Wait a second. Through the Chair?

P.O. LINDSAY:
Legislator Alden.

LEG. ROMAINE:
A corporation owned half and a person owned the other half.

LEG. ALDEN:
How did the County end up with the property?

MR. NOLAN:
We took this both through a tax deed.

LEG. ALDEN:
Right, and there's only one -- we lost the lawsuit to Caputo, so there's only one or two --

MR. NOLAN:
He made the application within the timeframe allowed under Chapter 27 of the Code for a 215.

LEG. ALDEN:
So this is an as-of-right redemption?

MR. NOLAN:
It's not as-of-right, the applicant has to -- there has to be a medical -- an illness, a medical reason or one or two --

LEG. ALDEN:
I thought the medical got thrown out?

MR. NOLAN:
No, it's valid.

LEG. ALDEN:
The medical, that's still in there?

MR. NOLAN:
That's still a proper thing if you apply within the two years and six months that you're allowed to, after the six month period on a Local Law 16 expires. So it was made timely, it fits within the statute, the grounds, it's legally viable to do this.

LEG. MYSTAL:
Cameron, then he can send it back to the corporation.

P.O. LINDSAY:
Don't add fuel to the fire.

LEG. ALDEN:
The corporation probably went bankrupt and screwed all its creditors and this is a --

MR. NOLAN:

The corporation was -- this individual is the only officer and stockholder in that corporation. It's same person, Hanyia is the corporation, the corporation was him and the corporation conveyed whatever interest they had on the property to the individual; this was all vetted with the Division of Real Estate.

LEG. ALDEN:
Not through a bankruptcy or anything like that, right, proceeding?

MR. BROWN:
No.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

MR. LAUBE:
Sixteen (Abstention: Legislator Alden - Not Present:
Legislator Caracappa).

P.O. LINDSAY:
1674-07 - Adopting Local Law No. 2007, a Local Law correcting technical error contained in Suffolk County Code, Section A42-4
(County Executive). Let me get a motion first. Motion by Legislator D'Amaro --

LEG. LOSQUADRO:
I'll make a motion for the purpose of discussion.

P.O. LINDSAY:
Okay, second by Legislator Losquadro. Legislator Losquadro wants an explanation.

MR. NOLAN:
This is actually really just to correct a typographical error in a recently enacted Local Law in order to properly reflect the amounts of people that may be deducted from payments made to applicants eligible to receive funds upon disposition of property acquired by the County through the Suffolk County Tax Act, and there was just a reference to the wrong paragraph in the earlier law.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1700-07 - Amending Resolution No. 2-2007, to bar the introduction of Memorializing Resolutions (Cooper).

LEG. COOPER:
Motion to approve.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga.

LEG. MYSTAL:
From the king of Memorializing Resolutions, Cooper.

P.O. LINDSAY:
Well, I'm going to --

LEG. COOPER:
No, king of Sense Resolutions.
P.O. LINDSAY:
I'm going to make a motion to table this and --

LEG. MYSTAL:
I'll second.

P.O. LINDSAY:
-- the reason why I want to table it is really two-fold. First of all, I think Memorializing Resolutions, unlike Sense Resolutions, serve a purpose; we get them from the towns all the time and I happen to read them when a Town Board passes a Memorializing Resolution to us. And the second thing is, again, I think this is something that should be done at the Organizational Meeting in January when we set our rules for the year.

LEG. HORSLEY:
Second to table.

P.O. LINDSAY:
I have a second on the table. Okay, tabling comes first.
All in favor? Opposed? Abstentions?

LEG. COOPER:
Opposed.

LEG. BARRAGA:
Opposed.

LEG. BROWNING:
Opposed.

LEG. D'AMARO:
Opposed.

P.O. LINDSAY:
Roll call.

(*Roll Called by Mr. Laube - Clerk*)

P.O. LINDSAY:
Tabling, yes.

LEG. MYSTAL:
Yes.

LEG. COOPER:

No.

LEG. D'AMARO:
No.

LEG. STERN:
Pass.

LEG. HORSLEY:
Yes to table.
LEG. NOWICK:
No.

LEG. KENNEDY:
Yes to table.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes to table.

LEG. MONTANO:
Yes to table.

LEG. EDDINGTON:
Yes to table.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
Yes to table.

LEG. ROMAINE:
Yes to table.

D.P.O. VILORIA-FISHER:
Yes.

LEG. STERN:
Yes.

MR. LAUBE:
Twelve.

P.O. LINDSAY:
Okay, 1700 is tabled.

1742-07 - Authorizing -- we did 1737 already.

1742-07 - Authorizing certain technical corrections to the 2007 Adopted Operating Budget for the contracted agency John T. Mather Memorial Hospital (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:
I'll make a motion.

P.O. LINDSAY:
Well, I'm the sponsor and I was going to make a tabling motion at the request of Mr. Kovesdy.

D.P.O. VILORIA-FISHER:
Oh.

P.O. LINDSAY:
There's a meeting coming up with the hospital to -- go ahead, you want to explain it?

MR. KOVESDY:
Yes.

LEG. LOSQUADRO:
The top button, higher up.

MR. KOVESDY:
Thank you. We understand the -- as of now, the full amount of this contract is set up for a chemical dependency program at John Mather Hospital. We understand that $40,000 of this should have been for a cancer program at the hospital, we're going to try to do this administratively. Rather than start a new contract from scratch, we already have an existing contract with John Mather Hospital, we're going to see if we can amend that original contract to do two functions; one, the Alcohol Dependency Program and, two, the Cancer Program. If we can't do that, we will come back to you and have you split it, but we're going to try to do it the easy way, just take an existing contract and modify it.

P.O. LINDSAY:
And being that this is late August, it might be a faster way of getting the money so they could start the program?

MR. KOVESDY:
Yes, sir.

LEG. LOSQUADRO:
Mr. Chairman?

P.O. LINDSAY:
On the question, Legislator Losquadro.

LEG. LOSQUADRO:
Through the Chair, this meeting that's upcoming, just for the record will also address some of the other concerns that the hospital associations have regarding some of the language that they're required to agree to for contracts in excess of $50,000?

MR. KOVESDY:
Yes, that's the main reason for the meeting.

LEG. LOSQUADRO:
Okay, thank you.

P.O. LINDSAY:
But that -- I just have to point out, that language is by resolution, it can't be modified by the

Executive.

LEG. LOSQUADRO:
I understand that, but I know that the hospital associations, not just Mather but all of the hospitals, wanted to meet with the Executive Office regarding that language, I just wanted to make sure that was going to be addressed in that meeting.

P.O. LINDSAY:
Legislator Kennedy?

LEG. KENNEDY:
Yeah, just a point of further clarification, Mr. Chair; is this for an out-patient or in-patient --

P.O. LINDSAY:
Yes, outpatient.

LEG. KENNEDY:
-- detox; outpatient?

P.O. LINDSAY:
No, not detox, this is for a Prostate Screening Program.

MR. KOVESDY:
A hundred and sixty-eight thousand -- I'm sorry, sir.

D.P.O. VILORIA-FISHER:
He's talking about the alcohol dependency program.

P.O. LINDSAY:
Oh, okay.

MR. KOVESDY:
The 168,000 was for chemical dependency services and the other one was for cancer.

LEG. KENNEDY:
Okay, so then I restate my question; out-patient or in-patient, do we know?

P.O. LINDSAY:
The Prostate Cancer is out-patient.

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
I don't know about the dependency.

LEG. KENNEDY:
The drug and alcohol?

MR. KOVESDY:
I don't know, John.

LEG. KENNEDY:
BRO?
P.O. LINDSAY:

We tabled it anyway.

LEG. KENNEDY:
It's tabled anyhow, so you'll let us know next time around.

MR. KOVESDY:
Will do.

LEG. KENNEDY:
Thank you.

MR. KOVESDY:
Thank you, Mr. Presiding officer.

P.O. LINDSAY:
We have a tabling motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
I didn't get the second on that, you haven't announced it.

P.O. LINDSAY:
You didn't get a second.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Motion and a second.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
Okay, it's tabled.

1746-07 - Authorizing certain technical corrections to Adopted Resolution No. 670-2007 (County Executive).

LEG. LOSQUADRO:
Explanation.

P.O. LINDSAY:
I'll make a motion for the purpose of questioning, second by Legislator Losquadro. Legislator Losquadro wants to know what Adopted Resolution 670 is.

MR. NOLAN:
Well, that was amending a Capital Budget & Program, this changes the point number in the Capital Project.

P.O. LINDSAY:
We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
IR 1763-07 - Sale of County-owned real estate pursuant to Local Law 13-1976, Luciano J. Valla and Alisa M. Valla, his wife.
(SCTM No. 0400-275.00-03.00-057.000) (County Executive).

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro was that?

LEG. COOPER:
Second.

P.O. LINDSAY:
Yep; second by Legislator Cooper?

LEG. COOPER:
Yep.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1779-07 - Sale of County-owned real estate pursuant to Local Law 13-1976, John J. Amicucci, Lois Amicucci, Nicole Amicucci, Kathryn Amicucci and John Joseph Amicucci, Jr. (SCTM No. 0300-120.00-03.00-017.001) (County Executive). Do I have a motion?

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
And I thank Legislator Viloria-Fisher for the help in pronunciation.

1781-07 - Accepting and appropriating a grant in the amount of $153,770 from the New York State Division of Criminal Justice Services to provide enhanced defense representation for cases referred to the Legal Aid Society of Suffolk County by the Sex Offender Court with 90% support (County Executive).

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro, seconded by Legislator Viloria-Fisher.
On the question? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1798-07 - Authorizing use of Deer Park Train Station property by the Salvadoran Alliance of New York, Inc., for the Central American Festival (Montano). Legislator Montano?

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga.

LEG. LOSQUADRO:
On the motion?

P.O. LINDSAY:
On the motion, Legislator Losquadro.

LEG. LOSQUADRO:
I just wanted to inquire, I see that there was no fee for this and the only reason I raised it is there was just a story reported about Sunken Meadow State Park, and obviously there's going to be significant cost incurred with the clean-up after a festival there. Was there any consideration for staffing that would be necessary, for cleaning up after this event or anything of that nature, or are we going to have to absorb that?

LEG. MYSTAL:
Day laborers are coming in.

LEG. MONTANO:
What was that, Elie?

LEG. ALDEN:
Oh, nice, Elie.

P.O. LINDSAY:
Does Legislator Montano want to try to answer that? Because I don't know?

LEG. MONTANO:
Well, I don't have the answer to that. This is simply for permission to use the --

P.O. LINDSAY:
Do you know when the festival is?

LEG. MONTANO:
Yes, it's September 18th, so we have --

P.O. LINDSAY:
We have to approve it now.

LEG. MONTANO:
We have to approve it now, this is something that the County Exec's Office would have to resolve with the organization.

LEG. LOSQUADRO:
The Deer Park Train Station property?

LEG. MONTANO:
It's like every --

LEG. LOSQUADRO:
Why do we --

LEG. MONTANO:
It's like every other one that we've approved, the same agreements apply.

LEG. LOSQUADRO:
But it's not -- this isn't a County park, though.

LEG. MONTANO:
But it's actually County-owned property which we didn't know that.

P.O. LINDSAY:
The County owns most of the parking lots of the railroad stations.

LEG. LOSQUADRO:
So it's for the parking lot for the Deer Park Train Station, that's what it is?

LEG. MONTANO:
Right, that's what it is.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
And when we enter into this -- I don't know, when do agreements and we authorize the use of different parks and beaches for all of these different fund-raisers, is there an agreement that says who cleans up? Do we have agreements?

LEG. MONTANO:
I believe that -- I don't know specifically, but I assume and I believe that there's a standard agreement that every organization would have to sign.

P.O. LINDSAY:
Mr. Brown, can you shed some line on this?

MR. BROWN:
I can't answer that question specifically, to address that specific issue. But in general, yes, we do enter an agreement; yes, there has to be some type of consideration; and yes, it contains usual

provisions such as indemnity and insurance requirements, you know, that annure to the benefit of the County. Whether or not there's a specific clean-up provision, I can't specifically answer that question.

P.O. LINDSAY:
Okay, is everybody okay? Oh, Legislator Alden.

LEG. ALDEN:
If we approve this, it goes to you then to draft some kind of a document?

MR. BROWN:
Some type of an agreement, yes; we would review it, yes.

LEG. ALDEN:
And you -- well, you'd have to draft it, actually.

MR. BROWN:
Yes, yes.

LEG. ALDEN:
And then you could review it after you draft it.

MR. BROWN:
Maybe, but maybe before and after.

LEG. ALDEN:
Good, all right.

LEG. MONTANO:
And then after you review it, you have to sign it.

LEG. ALDEN:
You take care of us.

MR. BROWN:
Well, it is getting late, but I think we would do that too, yes.

LEG. MONTANO:
Okay. Really it's your issue now is what the --

LEG. ALDEN:
Yeah.

LEG. MYSTAL:
We're getting punchy.

P.O. LINDSAY:
All right, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:
1826-07 - Authorizing the issuance of a Certificate of Abandonment of the interest of the County of Suffolk as to a one-half interest and the sale of the remaining one-half interest in County-owned real estate, Peter Carter (SCTM No. 0900-139.00-01.00-022.000).

Legislator Schneiderman, you want to make a motion?

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro.

LEG. ALDEN:
Explanation.

P.O. LINDSAY:
Explanation; do you want to explain this, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I'll try, but Counsel will probably need to help. This is an individual in the Riverside area, apparently he was not capable of reading -- illiterate, I guess; I don't know how to say this -- the bills, the taxes were not paid on his house, he continued to live there as a rental. It turned out that the property was actually -- there were two-halves and the County took them both, this is basically he gets his half back for back taxes and improvements and he has to purchase the other half of it. And if the County Attorneys want to provide any more detail or Mr. Nolan, that's basically the situation.

LEG. ALDEN:
So his excuse was that he couldn't read the notices or the tax bill?

LEG. SCHNEIDERMAN:
Apparently he's -- I can't really go into the details, I'm afraid to talk too much about what the individual's capabilities are, but maybe the County Attorney can. But this is a person of limited income, we can say, this is a house that would have ended up as a 72-h type of parcel for affordable housing, we would have been kicking out a person who actually needs affordable housing to give it to somebody else and --

LEG. ALDEN:
Didn't we -- we lost the lawsuit in -- we lost the ability to do this kind of stuff.

LEG. SCHNEIDERMAN:
No, we didn't. I'd rather let the legal questions be answered by the lawyers, if you don't mind.

MR. BROWN:
I'll do my best. What's the question?

LEG. ALDEN:
Do we have the legal ability, under the Caputo decision, to do this exact transfer?

MR. BROWN:
I can tell you that we did look at this resolution and we do not feel that we -- that there was any legal impediment to this resolution.

LEG. NOWICK:
Just a comment.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I thought that whether or not you receive a tax bill in the mail, it doesn't matter whether you receive it or not, that's what I thought, you are still obligated to pay the tax bill. Now, I'm not saying this person doesn't deserve, I'm just trying to think of the legality of how this person who just couldn't read it --

LEG. KENNEDY:
He couldn't understand the notice.

LEG. NOWICK:
I don't know, I thought that that doesn't -- I thought that the Suffolk County Tax Act says it doesn't matter whether you get a tax bill, whether you don't get a tax bill, whether it never comes in the mail, you're still liable.

MR. BROWN:
There is --

LEG. NOWICK:
And I'm not saying I want this changed, but that's what I thought the law was.

MR. BROWN:
There is a period of time after which the defenses which a person may have to the taking of his property, that they're no longer valid to recover the property; that any objections in connection with the process, after a period of time those objections are deemed waved.

LEG. NOWICK:
Okay.

P.O. LINDSAY:
The person had limited understanding, this former Legislator. Legislator Alden.

LEG. ALDEN:
Just to point out to the Legislative Body that a couple of weeks ago, a resolution that I put in, which is kind of similar as far as the re -- or deeding, yeah, redeeding back to the owner was defeated and actually was beat up quite well here. So, you know --

LEG. MYSTAL:
That's 25 years, Alden.

LEG. ALDEN:
What?

LEG. MYSTAL:
Twenty-five years you were talking about.

LEG. ALDEN:
So it actually should have been more compelling for us to get it back on the tax rolls in that instance. So I don't see the distinction between acting on this and passing this as opposed to like killing the last one, but whatever your wishes are.

P.O. LINDSAY:
I think we're tired.

LEG. ALDEN:
No, I agree.

P.O. LINDSAY:
All right. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain. These are all rookies, they're not used to going all night.

P.O. LINDSAY:
I know, I know.

LEG. MONTANO:
Yeah, I'm fading fast.

P.O. LINDSAY:
1827-07 Authorizing use of Old Toll Building at Smith Point Bridge (Browning).

LEG. BROWNING:
Motion.
P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
Use it for what?

P.O. LINDSAY:
Yeah, to use it for what?

LEG. ROMAINE:
And to whom?

LEG. ALDEN:
And for how long?

LEG. BROWNING:
The William Floyd Community Summit has been using this as a visitor center, information center for tourism and it's renewing the license.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Caracappa).

LEG. LOSQUADRO:
He had another question.

P.O. LINDSAY:

Ed, I'm sorry, you have a question?

LEG. ROMAINE:
Yes. Is this the Smith Point Organization down there?

LEG. BROWNING:
No, the William Floyd Community Summit is the ones who have been -- who have had this since the get-go, since the beginning.

LEG. ROMAINE:
Just a question for the record; was this offered to other community organizations?

LEG. BROWNING:
This is a continuation of the contract they had. We did talk to the Smith Point Beach Property Owners.

LEG. ROMAINE:
Did they have an interest?

LEG. BROWNING:
They did not have a 501(C)3.

LEG. ROMAINE:
Oh.

LEG. BROWNING:
They do not have insurance.

LEG. ROMAINE:
Okay, thank you.

LEG. ALDEN:
Did you call the vote? I abstain.

MR. LAUBE:
I did call the vote.

LEG. ALDEN:
If this is an extension of an old contract, I voted against it the last time, so.

P.O. LINDSAY:
Go ahead.

MR. LAUBE:
Sixteen (Abstention: Legislator Alden - Not Present:
Legislator Caracappa).

P.O. LINDSAY:
Sixteen, okay.

[The following was taken and transcribed by Lucia Braaten - Court Stenographer]

P.O. LINDSAY:
Sixteen, okay. Okay. ***MR 47 - Memorializing Resolution in support of legislation to prohibit***

the use of mobile telephones text message while driving. Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion to approve, I'll second it. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
Opposed.

LEG. COOPER:
Abstain.

LEG. ALDEN:
Abstain.

LEG. EDDINGTON:
Opposed.

MR. LAUBE:
Hold on, let me go around the side here. Just raise your hand if you're opposed.

[OPPOSED: LEGS. EDDINGTON, BARRAGA AND NOWICK]

MR. LAUBE:
And abstained?

[ABSTAIN: LEG. ALDEN]

LEG. ALDEN:
My Ex-Assemblyman told me they don't even read these.

MR. LAUBE:
Thirteen -- excuse me, 12. (Not Present: Legs. Caracappa and Montano)

P.O. LINDSAY:
Okay.

LEG. BARRAGA:
That's why he's the Ex-Assemblyman.

P.O. LINDSAY:
If you go to the red folder, Certificate of Necessity, ***1864 - Authorizing the relocation of the Big Duck to its former location in Flanders, and authorizing a license agreement with the Town of Southampton.***

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Who made the motion.

LEG. SCHNEIDERMAN:
I did. Thank you.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:
I'll second it.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:
Quack.

LEG. ALDEN:
Big Duck returns.

LEG. SCHNEIDERMAN:
Cosponsor, Mr. Laube.

MR. LAUBE:
Sixteen. I got you, Jay. (Not Present: Legs. Caracappa and Montano)

LEG. ALDEN:
I want to cosponsor, too.

P.O. LINDSAY:
1865 - Accepting and appropriating 100% funding from the New York State Office of Children and Family Services for improving the staff-to-client ratios in the Department of Social Services - Child Protective Services Bureau.

LEG. LOSQUADRO:
Motion.

LEG. EDDINGTON:
Yes, yes.

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. EDDINGTON:
Cosponsor.

LEG. MYSTAL:
Are they going to hire them?

LEG. ALDEN:
We have to hire somebody, that's great.

D.P.O. VILORIA-FISHER:
Right, now we have to spend the money.

MR. LAUBE:
Sixteen. (Not Present: Legs. Caracappa and Montano)

LEG. EDDINGTON:
Cosponsor.

LEG. BROWNING:
Cosponsor.

D.P.O. VILORIA-FISHER:
Cosponsor.

LEG. ALDEN:
Cosponsor.

LEG. SCHNEIDERMAN:
Cosponsor. Why not?

LEG. LOSQUADRO:
Cosponsor.

LEG. ROMAINE:
Cosponsor.

P.O. LINDSAY:
Did you call the vote?

MR. LAUBE:
Sixteen. (Not Present: Legs. Caracappa and Montano.

P.O. LINDSAY:
Okay. And **I.R. 1846 -** ***Adopting a Local Law enhancing the ability of the Wireless Suffolk County Local Development Corporation to develop a WI-FI network in Suffolk County and Nassau County.***

LEG. HORSLEY:
Motion to sustain.

D.P.O. VILORIA-FISHER:
Approve.

P.O. LINDSAY:
Do I have a motion?

D.P.O. VILORIA-FISHER:
I'll make it.

LEG. HORSLEY:
Motion.

LEG. MYSTAL:
Motion to what?

D.P.O. VILORIA-FISHER:

I thought Wayne was going to make it. I'll make a motion.

LEG. MYSTAL:
To override or what?

P.O. LINDSAY:
Legislator Horsley?

LEG. HORSLEY:
No, no, no, no, you don't override this, you let it go.

LEG. COOPER:
No, Wayne. Wayne.

MR. NOLAN:
It's not an override.

P.O. LINDSAY:
It's not an override.

LEG. MYSTAL:
You don't override.

LEG. COOPER:
Wayne, you're making a motion to approve?

P.O. LINDSAY:
Come on, wake up, guys. Jesus.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
You had a motion?

LEG. HORSLEY:
Yes, motion.

D.P.O. VILORIA-FISHER:
You're making the motion, Wayne?

LEG. HORSLEY:
Yes.

D.P.O. VILORIA-FISHER:
Okay.

MR. NOLAN:
This is a CN, Wayne.

D.P.O. VILORIA-FISHER:
No, this was the CN. We overrode the other one that had --

LEG. HORSLEY:
We're not overriding this.

D.P.O. VILORIA-FISHER:
No, we didn't have to do anything to the other one.

P.O. LINDSAY:
We have a motion and a second on 1846.

D.P.O. VILORIA-FISHER:
If we could figure out what we're doing.

P.O. LINDSAY:
Legislator Romaine, you have a question?

D.P.O. VILORIA-FISHER:
Motion to approve.
P.O. LINDSAY:
Hold it down, hold it down.

LEG. ROMAINE:
1846. The hour is late, so I'll be very quick. One, I don't think we should be setting up a Local Development Corporation. We have too many of these Local Development Corporations and agencies that we give away our power. Two, we're in direct competition with the private market, with Cablevision, with Verizon, with EarthLink, with everyone else that will provide this for a fee. Three, I don't think it's feasible to do WI-FI County-wide, and if there's any section of the county that's going to be left out of it, it's going to be the east end. Four, I think it's possible to do it, certain hot spots, but I don't believe it's capable of doing it County-wide. For those reasons I'm definitely abstaining on this. I have my concerns about this resolution.

P.O. LINDSAY:
Okay. Mr. Sabatino, would you like to answer some of those questions?
Could we just hold it down? We're on the last resolution, come on.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Only if it will be helpful, I can explain it quickly, unless people feel comfortable. I'm happy to respond, but I don't know if --

P.O. LINDSAY:
I'd like to hear some of the answers.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Okay. Well, number one, the Local Development Corporation was created in 2006. If you recall --

LEG. HORSLEY:
Right, which was my --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- we worked out a compromise with the Legislature and part of the compromise at the time was that the Suffolk County Legislature was rightfully concerned, given the fact, at that particular juncture, the project was more of an abstraction than a reality on two issues.

One, you did not want to have equal representation from Nassau County on the Local Development Corporation. So compromise number one was that there would be two Legislative appointments, two Executive appointments, and then the fifth appointment was going to be a joint appointment between the Presiding Officer of Nassau County Legislature and the Presiding Officer of the Suffolk County Legislature. The second compromise, as you recall, was again, because it was more of an abstraction than a reality, the duration of the corporations, which are normally in perpetuity, was limited to a five-year period of time. So that corporation was adopted by Local Law in 2006. In the

intervening period of time, the RFP's were distributed, the Advisory Committee, which was equal representation from Nassau and Suffolk reviewed and evaluated the RFP's that came back, and just recently made a recommendation that E-Path should be the successful vendor to provide the WI-FI program in Nassau County and Suffolk County.

In between, back in May, Nassau County had raised some objections, because the Local Development Corporation didn't give them equal representation. At that juncture, working with Legislator Horsley, who's Co-Chairman of the WI-FI Committee that really got the ball rolling on this from day one, we reached out to Nassau County and indicated to Nassau County that Suffolk County elected officials did not want to have equal representation. So I suggested a compromise at the time, which would be, if Nassau County formed its own Local Development Corporation, they could then be on equal footing with respect to what was going to take place in Nassau County and could then negotiate and contract with a Suffolk County Local Development Corporation. Nassau County back in May said, "Gee, that's an interesting idea," but never got back to confirm anything.

So what we did at the last Legislative meeting with Legislator Horsley's, you know, cosponsorship was we had adopted a modification of the 2006 Local Law to provide for two Nassau County representatives out of a six-member board. In the intervening period of time, Nassau County contacted us and said, "Gee, we liked the LDC idea and they formed their own Local Development Corporation in Nassau County. It just happened that that occurred after we adopted the Local Law at the last meeting.

So what we're going to do tonight is as follows: We vetoed our own bill from two weeks ago, because it's sort of in time warp now. We don't need to have the equal representation from the two counties, and there'll be two changes in this bill. By sustaining the veto, we go back to where we were in 2006 with two changes. One, the five-year duration of the corporation would be extended to 40 years, because the proposed agreement coming out of the RFP process is a minimum of 20 years. So, at a minimum, you're going to have a 20-year agreement with the first vendor. You need to build in time then to have supervision and oversight of all these facilities that are going to be installed during the next several years.

LEG. HORSLEY:
And they're also making -- they're making the investment of 150 million dollars in the system --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
Right. And in addition --

LEG. HORSLEY:
-- which is important to know.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:
-- there's 150 million dollars in private equity financing that's going to be secured by the successful bidder, which you can't get with a five-year agreement and a corporation that's going to expire at the end of five years.

The other change is that the appointment that was going to be the Presiding Officer from Suffolk County and Nassau County will now be a joint appointment between the Presiding Officer and the County Executive. So it will be two Legislative, two Executive, and one joint Legislative/Executive. So that's the history of how we got from there to here. If we want to move to the next step to be able to have an award of the contract and then an agreement with the successful bidder, and then an agreement with Nassau County in how to manage this, we need to pass this Local Law.

LEG. HORSLEY:
Do you want a full briefing other than that?

LEG. MYSTAL:

No.

P.O. LINDSAY:
No.

LEG. MYSTAL:
That was long enough.

P.O. LINDSAY:
Thank you, Mr. Sabatino, for answering.

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
I think we already have a motion and a second, don't we?

D.P.O. VILORIA-FISHER:
Yes. Right after I woke you up you did it.

MR. LAUBE:
I was going to ask you to repeat that, because it was kind of noisy and we didn't hear it.

P.O. LINDSAY:
Okay.

D.P.O. VILORIA-FISHER:
Wayne and I did it.

P.O. LINDSAY:
We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

LEG. ROMAINE:
Abstain.

LEG. ALDEN:
Abstain.

LEG. LOSQUADRO:
Abstain.

MR. LAUBE:
Fourteen. (Not Present: Leg. Caracappa)

P.O. LINDSAY:
Okay. I'm going to make a motion to waive the rules and lay on the table the following late-starters:

1845 - To expand the Suffolk County Apprenticeship Training Program. Assigned to Labor, Workforce and Affordable Housing.

1847 - Amending landing fees at Francis S. Gabreski Airport, to Economic Development,

Education and Energy.

1848 - Authorizing acquisition of land under Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for the Estate of Edna Capurso Property - Montauk Downs State Park Addition, to EPA.

1849 - Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space, farmland preservation, Hamlet Parks fund - Farmland component for the Jarzombek Property, EPA.

1850 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Rose Giambalvo Property - Beaver Dam Creek Addition, Town of Brookhaven, to EPA.

1851 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space Component - for the Estate of Dittmer Property - Mastic/Shirley, to EPA.

1852 - Sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes, to Labor, Workforce Housing and Affordable Housing.

1853 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing, Labor, Workforce Housing and Affordable Housing.

1854 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the rehabilitation of various bridges and embankments, to Public Works.

1855 - Adopting the Corporate Emergency Access System for use during periods of restricted public access and execute related agreements as necessary, to Public Safety.

1856 - Accepting and appropriating a grant proposal for the State University of New York for a Community College Workforce Development Training Grants Program for Belco Distributors, 90% reimbursed by State Funds at Suffolk County Community College, to Economic Development, Education and Energy.

1858 -- oh, wait a minute, I missed one. ***1857 - Accepting and appropriating grant proposal to the State University of New York for the Community College Workforce Development Training Grants Program for J. Kings Food Service Professionals, Incorporated, 90% reimbursed by State funds at Suffolk County Community College.*** Assigned to Economic Development, Education and Energy.

1858 - Accepting and appropriating a grant proposal for the State University of New York for a Community College Workforce Development Training Grants Program for the Bank of Smithtown, 90% reimbursed by State funds at Suffolk County Community College, assigned to Economic Development, Education and Energy.

1859 - Accepting and appropriating grant award from the State University of New York for strengthened campus-based assessment 100% reimbursed by State funds by Suffolk County Community College, assigned to Economic Development, Education and Energy.

1860 - Authorizing the sale pursuant to Local Law 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, to Ways and Means.

1861 - Authorizing the Sale, pursuant to Local Law 16-1976, of real property acquired

under Section 46 of the Suffolk County Tax Act, assigned to Ways and Means.

1862 - Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition under Farmland Development Rights under the Suffolk County Multifaceted Land Preservation Program for the Glover Property, Town of Brookhaven, assigned to EPA.

1863 - Amending Resolution Number 449-2007 to authorize the appropriation of funds in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition of Farmland Development Rights under the Suffolk County Multifaceted Land Preservation Program for the Grigonis Property, Town of Southold, to EPA.

1866 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with retrofitting a section in the Health, Sports, Exhibition Complex as an Anatomy and Physiology Laboratory - Grant Campus, assigned to Economic Development, Education and Energy.

1867 - Adopting a Local Law to ban low-efficiency incandescent lamps and to create the Energy Efficient Lighting Task Force, assigned to EPA. And a public hearing is set for 9/22/30 in Riverhead.

1868 - Adopting a Local Law to establish an At-Store Recycling Program for plastic bags. It's assigned to Consumer Protection, and a public hearing is set for 9/22/30 at Riverhead.

And ***Memorializing Resolution Number 56, Memorializing Resolution in support of Plastic Bag Reuse and Recycling Act*** is Consumer Protection. I have -- do I have a motion and a second?

LEG. COOPER:
Motion.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion and a second. All in favor of assigning those late-starters.
All in favor? Opposed? Abstentions? (Vote: 17-1 Not Present: Legislator Caracappa)

LEG. ROMAINE:
Motion to adjourn.

P.O. LINDSAY:
And I accept a motion by Legislator Romaine to adjourn, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions? We stand adjourned. (Vote: 17-1 Not Present: Legislator Caracappa)

[THE MEETING WAS ADJOURNED AT 11:36 P.M.]