

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRTEENTH DAY

SEPTEMBER 20, 2007

***MEETING HELD AT THE EVANS K. GRIFFING COUNTY CENTER
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE, RIVERHEAD, NEW YORK***

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

***(The following was taken and transcribed by
Lucia Braaten - Court Stenographer)***

[THE MEETING WAS CALLED TO ORDER AT 9:34 A.M.]

P.O. LINDSAY:

Mr. Clerk, would you call the roll, please?

MR. LAUBE:

My pleasure. Good morning, Mr. Presiding Officer.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Present)

LEG. CARACAPPA:

(Present)

LEG. LOSQUADRO:

(Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(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:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fourteen. (Vote Amended to 18)

P.O. LINDSAY:

Could everyone rise for a salute to the flag, please, led by our Deputy Presiding Officer, Legislator Vivian Viloria-Fisher.

(*Salutation*)

I'd like to call Legislator Kate Browning to the podium for the purpose of introducing our visiting Clergy.

LEG. BROWNING:

Good morning. I have today with me Father McHugh from Saint Joseph the Worker in East Patchogue. Saint Joseph the Worker is a great parish. They're in the North Bellport area also, and they have a phenomenal outreach program, and not to miss Joan McGay who also works with them, and she does a great job with the needy families in Patchogue.

Reverend John P. McHugh is with the Capuchin Order. He's from Yonkers, New York, and in '61, he entered the New York - New England Province, the Order of Friars Minor Capuchin and was ordained a priest in 1969. He received a B.A. Degree in Philosophy from Saint Anthony's College Seminary, a Bachelor of Divinity Degree from Capuchin Theological Seminary, a Master of Theology Degree in Mary {Nolls} Seminary, and a PhD in Philosophy from the University of Notre Dame.

He's a wonderful gentleman. I'm very happy to have him here today. And he's also opened up his doors to Sustainable Long Island, because we're doing a visioning in the North Bellport area. So I do want to say thank you also for being so accessible to your community. So with that, Father McHugh.

FATHER MC HUGH:

Thank you for inviting me this morning. Let us pray.

Lord God, supreme sovereign of all people whose statutes are good and whose truth is -- whose law is truth, guide and direct our Legislators in their work, so that through just and prudent ordinances, they may promote and protect the well-being of all your people. May all that they do begin with your inspiration, be guided by your wisdom, and be brought to completion with your aid. You have charged us with the task of building on this earth a home where all your people may dwell in safety, unity, liberty and justice. Give us strength of purpose to understand the problems of the poor, the unemployed, the marginalized, immigrants and refugees, the sick and disabled, and all in need of assistance anywhere. Help us to form our conscience properly and give us the courage to act on what we believe to be true and good. Preserve us from selfishness, fear and greed. When we face complex issues, remind us of our simple roots. We are here because you have loved us into being. You expect us to love and to treat one another as sister and brother. You long for us to live so as to be with you forever. In that spirit and with your servant, Francis of Assisi, may each of us say, "Lord, make me an instrument of your peace." Where there is hatred, let me so love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. And where there is sadness, joy. Oh Divine Master, grant that I may not so much

seek to be consoled as to console, to be understood as to understand, to be loved as to love, for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

P.O. LINDSAY:

Thank you, Father.

FATHER MC HUGH:

Thank you.

P.O. LINDSAY:

All right. While everyone is standing, I'd like to recognize Legislator Jonathan Cooper for the purpose of remembering someone that passed.

LEG. COOPER:

Thank you, and good morning. After a long battle with cancer, a good friend, Quentin Sammis, died earlier this month. Quentin was a dedicated family man and a tireless public servant. As a lifelong Huntington resident whose family traced their roots back to 1654 in Lloyd Harbor, it was his true passion to serve his community. While many knew him as founder of the Sammis Group, which later became Coldwell Banker Sammis, he served on the Huntington Town Board in the '60's as a Councilman, and later as a Town Supervisor, and then again as a board member in the '80's. Quentin Sammis gave not only through his government service, but also is one of the founders of the Townwide Fund of Huntington. In addition, he did a great deal of charitable work for the Huntington Arts Council, the YMCA, Kiwanis, the Family Service League, Huntington Hospital, and the Visiting Nurse Service. A true giver to his community, Quentin will be sorely missed.

P.O. LINDSAY:

Also, we have a couple of other people that passed this past month. One from our Legislative family, Legislator Kate Browning lost her brother, her younger brother about two weeks ago, so I would also like a moment of silence for him as well. And Tim Ryan, the former speech writer for County Executive Gaffney. He was an employee of the County for more than 12 years.

And as, unfortunately, we do every meeting, I'd also like a moment of silence for the men and women who have lost their lives in their pursuit of defending this country, and pray that those that are in harm's way come back to us safe and sound.

(*Moment of Silence*)

Before we get into presentations, I'd like to welcome everybody to Riverhead for our periodic meetings in our County Seat. This will be the last meeting here for a short period of time, because the auditorium is -- I think tomorrow they're going to start ripping it apart. It's due to be renovated as part of the overall renovation of this complex. So it's always a pleasure to be here. And when we come back here, we'll have a new, more modernized facility to work out of.

First, I'd like to recognize Legislator Ed Romaine for the purpose of a proclamation.

LEG. ROMAINE:

Actually -- is this on? Actually, Mr. Presiding Officer, I have two proclamations.

In August of this year, the County Legislature, when they met, we recognized volunteer firefighters for 2007 from each of the 18 districts, and at that time many of them were present, but some weren't. And I chose to hold mine off to this meeting, because it would be a meeting in Riverhead. And the person I would be honoring as our Volunteer for the Year for the First District in 2007 lives out east, and rather than have him make the trip, I thought it would be appropriate to present it here. So, at this point, I'd like to ask Edward Boyd to come forward.

(*Applause*)

I did this proclamation first, because I know Mr. Boyd would be surprised, and I chose him before another proclamation for a unit that he serves is going to be honored here today. Mr. Boyd has served, I believe, as Chief of the Southold Fire Department. He is -- operates the EMS Rescue Squad. He has been, I believe it's President of the North Fork Chiefs Council. He has been very active in everything, and he presents a judicious temperament, having served as a Town Justice in the Town of Southold. He is a type of leader that every fire department aspires to. He is the type of leader that gets things done, that brings people together, and handles emergencies promptly and dispassionately, and he is capable of going in and getting the job done. For the Firefighter, Volunteer Firefighter of the Year chosen before the other proclamation was drafted, Ed Boyd -- Edward J. Boyd is named for the First District, and in the First District, this is -- August 21st, it's a little after the fact, was his day. Ed, thank you.

CHIEF BOYD:

Thank you very much.

(*Applause*)

LEG. ROMAINE:

And I'm going to ask Ed to stand with me, because I'm going to ask other members of the Southold Fire Department Rescue Squad that are here to come up at this time. Guys, come on up.

This rescue squad is staffed by 46 volunteers that are medically certified, 40 of which are certified as EMT's, and the remaining six have achieved the next level of training in critical care. This rescue squad has been in operation for over 65 years, operating two ambulances, a full-time responder vehicle, two rescue boats, and they've answered over 600 calls last year alone. They serve a district that spans 15 square miles and covers over 25 miles of coastline in Suffolk County. And in 2006, competing against, I guess it was more than 50 other departments, they were recognized as the rescue squad -- the Suffolk County EMS Agency of the Year for 2006 for their service, chosen amongst all the departments of Suffolk County. And it is my pleasure to recognize them, each of their members.

I'm going to ask the Chief if he would be so kind to give that to all the members. And I'm also going to ask the Head of the Rescue Squad, who I believe is Mr. Boyd, to come and accept this proclamation from Suffolk County on behalf of all of those who serve in this squad. Thank you.

CHIEF BOYD:

Thank you.

LEG. ROMAINE:

Thank you very much.

(*Applause*)

P.O. LINDSAY:

Under proclamations and awards, we just have one other piece of business.

In 2001, Legislator Angie Carpenter and myself cosponsored a resolution to recognize the dedicated years of service of our County employees. Day in and day out, they do their jobs to the best of their ability, and it is fitting that we honor them here today.

There are currently more than fifteen hundred employees who have 25 or more years of service with the County, and I'd like to place in the record the list of the County employees who have served for 25, 30, 35, or more, and there's a couple of 40-year employees. They represent all employees in the County who provide important services to the people of Suffolk County, and we thank them for

their efforts.

Every department is represented, Audit and Control, Social Services, Board of Elections, Suffolk County Community College, and Police, Sheriff, just to name a few. Our longest serving employee again this year, with 45 years of service, and who, in fact, once worked at the Legislature and is now with the Department of Labor, is Carl Beybom. The Legislature currently has ten employees with more than 25 years of service, including Diane Dono in the Budget Review Office, who this year marked 30 years for the Suffolk County government. The Executive's Office also has an employee who marked 30 years and that is Deputy County Executive Paul Sabatino. I'm sending all employees who have worked in the County for 25, 30, 35 and more than 40 years a certificate, and will place their names on the record at today's meeting. And on behalf of the entire Legislature, our heart-felt thanks for your years of dedication and service for the people of Suffolk County.

(*Applause*)

I'm sorry, I'm being reminded, we have two other proclamations or awards that I missed on my notes. First, I'd like to call on Legislator Schneiderman for the purpose of a proclamation.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Good morning, Ladies and Gentlemen, Legislative colleagues and friends. I'm glad to see some familiar faces from the Second Legislative District here today, particularly because the individuals that I'm going to introduce in a few moments are here. Can I ask the family of Pearson Potts to step forward, and Pearson, as well as Richard Simmons and his father. Accompanying me today are two exceptional young men that I am proud to have as my constituents. One is an accomplished athlete, and the other one is one of South Fork's most dedicated volunteers.

I'm going to start here with Pearson. Good morning, Pearson. Pearson Potts, Jr., of East Hampton is 14 years old. He's a student at the Ross School. We are honored to have him here today, because Pearson has established himself as one of the best young sailors in the world. He possesses a great deal of experience with the multitude of wind and sea conditions, as well as extensive knowledge concerning sail boats.

From May 2nd to 6th, he completed the United States Optimist Dingy Association Team Trials in Miami, taking second place among more than 200 sailors, ranging in age from nine to fifteen. The strong showing put him on the U.S. National Team and qualified him to compete in the North American Team Championship in Puerto Vallarta, Mexico. Also finishing in the top five in the Regatta in Miama, he earned a spot on the U.S. World Team for the second year in a row, and earned a chance to sail in the International Competition in Italy from July 20th to August 2nd. Once in Italy, he became the leading American Sailor in the 2007 World Championship, and now is ranked 50th in the world.

His ability is all the more impressive, considering the circumstances his family has faced over the past two years. Pearson is not originally from East Hampton, he is from Pass Christian, Mississippi. After Hurricane Katrina in 2005, his dad, Pearson Potts, Sr., and his mom, Marissa Potts, both of whom are here now, found their way to the East End through a combination of fortunate coincidences and good timing. The biggest reason they chose the East End is so Pearson could continue his sailing.

So I'd like to congratulate Pearson and offer him a proclamation, and ask for a round of applause.

(*Applause*)

Thank you. Congratulations. It's great to see young people making the County proud.

The other person I'd like you to meet is Noyack resident, Richard Simmons. He is joined by his

father and Sag Harbor Fire Department Chief Peter {Garappy}.

Richard is the current member of the Sag Harbor Fire Department -- is a current member of the Sag Harbor Fire Department. Like Legislator Romaine, who held off until we were in Riverhead to do the Fireman of the Year, I am doing similar, he has served as, among other positions, head of the Dive Team for five years, kindly described Richard's tenure at the post as one marked by integrity, professionalism, and superb efficiency. During that time, he distinguished himself and the Squad through numerous successful Water Rescue Operations and by raising the profile of the organization. Most recent is an effort that many of you may have heard about.

Mr. Simmons and the Dive Team coordinated with representatives from Southampton Town Police, the Suffolk County Police Department, and Dive Teams from the Fire Departments of Southampton Town, North Sea, Hampton Bays, Bridgehampton, and the Suffolk County Sheriff's Department. After an extensive two-day search of Mill Pond in Water Mill, rescuers located a kayaker who went missing after he and another capsized on the water. Previous to that, Mr. Simmons led an underwater rescue mission in an effort to save a man from a submerged vehicle. The heroic deed helped Richard be recognized as the Sag Harbor Fire Department's Fireman of the Year Award for 2007. He is also a former Southampton Town Bay Constable, and a significant benefactor to the Sag Harbor Whaling Museum. And with that, I'd like to congratulate Mr. Simmons and present him with a proclamation.

(*Applause*)

Thank you for your time.

D.P.O. VILORIA-FISHER:

I'd like to ask Legislator Kate Browning to go to the podium for a proclamation.

LEG. BROWNING:

Good morning again. Excuse me. Legislator Romaine and I share the Center Moriches Fire Department, and I would like the Legislator to join me. Also, if we could have the Center Moriches members and the Sheehan Family, Mr. and Mrs. Sheehan.

Too often we hear the negative things in the paper about our volunteers, our fire departments and our ambulances, and again, last time we were in session, we recognized some police officers for going above and beyond the call of duty. And today we're here to honor the Center Moriches Fire Department members for their heroic efforts, their professionalism and what they have done.

Mrs. Barbara Sheehan, who is standing right here, says she refuses to speak, I know was going on vacation and too busy to go to the doctor and take care of herself. Then she finally decided to go to the doctor. When she got to the doctor's office, the doctor's office called the Emergency Services. They said she was having a heart attack.

And we want to say thank you to the Center Moriches Fire Department for responding so quickly. They had just purchased a defibrillator, and thanks to them and their quick actions and their professionalism, Mrs. Barbara Sheehan is standing here today, so we want to say thank you.

(*Applause*)

Mr. Sheehan would like to say a few words on behalf of Barbara.

MR. SHEEHAN:

Since I've married Barbara 40 years ago, I always seem to be her mouthpiece, so thank you for giving me some time. I'd like to make two points. One, what Barbara went through was very dramatic. She was a very healthy woman. In an instant she was dead, she was dead for seven minutes. These gentlemen behind me, and ladies, resurrected her and got her to the hospital in

time, otherwise she wouldn't be standing here.

My involvement was obviously after the fact, but I spent eight hours at Brookhaven Hospital emergency room and I watched crew upon crew come into that emergency room, all volunteers, all professional people, young, bright, and something we should be very proud of as Long Islanders. So that's one thing I'd like to say.

Second thing is these people behind me saved my wife's life. I can't tell you how much and how important it is to me, my children, my grandchildren and a neighborhood that my wife keeps together. So thank you very much for honoring them.

(*Applause*)

LEG. ROMAINE:

As a longtime resident of the Center Moriches community, I've known the Fire Department and the men and women that serve there. I had a mother myself that was very ill, she's since passed away. They were always there for her, as they are for the lady behind me, as they are for everyone that lives in that community. They are a wonderful fire department that will respond to emergencies, that will control accident scenes, that will do the things that are right to protect the lives of their fellow citizens, and they deserve a pat on the back every opportunity we can give it to them. They serve as volunteers to do the right thing for their community. God bless them.

(*Applause*)

LEG. BROWNING:

And I guess we'll -- I will read the names of each of them.

(*Applause After Each Name Was Read*)

William Renzetti. Maureen Bohleber. Tom Speed. And like we said, look how young they are. Rocco Panetta and Jessica Passie. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much. We will now move through the public portion. The first speaker is Janalyn Travis-Messer.

MS. TRAVIS-MESSER:

Good morning. My name is Janalyn Travis-Messer. I am the past President of the League of Women Voters of Suffolk County and Shelter Island, and I'm the current Education Chair of the League of Women Voters of Shelter Island. I'm here to talk to you about alternatives to incarceration.

Several members of the League of Women Voters of Suffolk County and the local Leagues of Huntington, Smithtown and Brookhaven made two presentations at the County Executive's public Budget Review meeting on August 27th on positions which the League advocates. We are distributing copies of those presentations to you.

In 1993, after much study and reaching consensus, the League of Women Voters of New York State determined that in the Criminal Justice System, there is need for a broad range of punishments less restrictive than incarceration. Prisons and jails must be viewed as a scarce and expensive resource to be utilized only when necessary. The current system wastes time, money and human resources.

The League of Women Voters of New York State strongly supports the use of alternatives to incarceration for nonviolent offenders. There is a need for earlier, more effective intervention and, if applicable, treatment. Sanctions should be more innovative, constructive and less restrictive. It is appropriate here to introduce a study done in Washington State. It's summary states these facts.

Under current long-term forecast, Washington State faces the need to construct several new prisons in the next two decades. Since new prisons are costly, the 2005 Legislature directed their Institute for Public Policy to project whether there are evidence-based or statistically proven options that can reduce the future need for prison beds, save money for state and local taxpayers, and contribute to lower crime rates. A systematic review of all research evidence was conducted to identify what works to reduce crime. Five hundred and seventy-one rigorous comparison group evaluations of adult juvenile and prevention programs were conducted. Benefits and costs were estimated and the results were projected as they could affect future construction needs, criminal justice costs and crime rates in Washington. Ultimately, they found that if Washington successfully implemented a moderate to aggressive portfolio of evidence-based options, a significant level of prison construction could be avoided, taxpayers would save multi-millions of dollars, and crime rates could be reduced. This reinforces our own County's position.

We know that the Legislature has approved the needed positions in the Probation Department. Our specific concern is the Probation Officers needed to run the ATI programs have not been hired closer to the level of need.

D.P.O. VILORIA-FISHER:

Excuse me, Ms. Travis-Messer, your time is up.

MS. TRAVIS-MESSER:

Oh.

D.P.O. VILORIA-FISHER:

If you could just wrap it up, please.

MS. TRAVIS-MESSER:

We appeared at the public budget meeting to ask County Executive Levy to give his approval to filling of those positions. We see his not doing that as being penny wise and pound foolish. Thank you for your support on this vital issue.

D.P.O. VILORIA-FISHER:

Thank you for coming down. Our next speaker is Nancy Marr.

MS. MARR:

My name is Nancy Marr and I'm President of the League of Women Voters of Brookhaven, and I'm continuing Janalyn's discussion of alternatives to incarceration, particularly in reference to people with mental illness or drug problems.

There's currently -- can you hear me? There's currently \$700,000 in the discretionary section of the 2007 omnibus resolution. The money was included by the Legislature to implement the recommendations of the Correctional Facility Review and Oversight Committee and the Criminal Justice Coordinating Council to reduce recidivism and expand existing alternatives to incarceration.

Community Mental Hygiene, the CJCC, District Court, the Probation Department, and the Coalition of Mental Health Service Providers have created a pilot program that would divert persons with mental illness and/or co-occurring substance abuse disorders from the jail into safe and supportive housing built for that purpose.

The League has been a participant on the Criminal Justice Coordinating Council because of our position of support for alternatives to incarceration. We became acutely aware of the need for appropriate housing for people suffering from serious mental illness and often concomitant substance abuse. Without the availability of such housing in the community, people must find places in shelters, in unsupervised quarters where they are often victimized, living on the streets, dependent on emergency rooms, and whatever accommodations they can find. When these people

are arrested, incarceration in a jail setting surely increases their problems and reduces the possibility that they will be stabilized.

There are many facilities available for mentally ill people, but when the Directors of these facilities are pushed to provide the numbers of people they must routinely turn away, it is staggering.

The \$700,000 is in the omnibus budget. It could readily be utilized to implement the Forensic Mental Hygiene Housing Program, which is the aforementioned pilot program. We ask that the County Legislature use the \$700,000 for that purpose. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Marr.

P.O. LINDSAY:

Thank you. Katherine Hoak.

MS. HOAK:

I'm Katherine Hoak, Co-President of the County League of Women Voters. We request that programs of alternatives to incarceration and initiatives to provide appropriate housing for our citizens suffering from mental illness and substance abuse be given stronger support than they have received previously, especially from County Executive Levy, but also from the Legislature. We know that you will be receiving the 2008 budget tomorrow. We ask that you continue the support you have been giving to the Probation Department and to increase it significantly.

As you know, Suffolk County is living with the dilemma of providing services for a larger than average population of people with mental illness because of the closing of three exceptionally large mental institutions within our borders that housed around 33,000 patients. Many former patients now reside with aging parents or in some form of housing inappropriate to their needs. Many nonviolent troubled defendants circulate within the criminal justice system for want of the adequate placements with supervision, which they require. We ask, therefore, that if the County is unable to move forward with the \$700,000 in the 2007 omnibus resolution, that you make certain it is reinstated in the 2008 budget.

We thank you for your support that you've already given to the Probation Department, especially, and to the funding you provided in this year's budget.

P.O. LINDSAY:

Thank you, Ms. Hoak. Steven Burgdoerfer.

MR. BURGDOERFER:

Good morning. We are very disappointed that the County Executive vetoed Resolutions 1510 and 1293. His written reasons are severely flawed and are inaccurate. We need your continued strong support.

I have signed letters from parents representing over 120 children in the districts of Legislator Lindsay, Caracappa, Montano, and Kennedy. If this bill is not made into law, the efforts given by everyone will soon disappear, because the pressure will be off the gas pedal, and we all know what happens, the car stops moving, and children and parents will be harmed, and so then will Suffolk County. Our businesses, which operate on razor-thin margins, need to be paid in 30 days from billing. Remember, that's 60 days from when the expenses were incurred. We are counting on your continued support. And I also have the signed letters for those Legislators.

P.O. LINDSAY:

Phyllis Benedetto.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

MR. BURGDOERFER:

You're welcome.

MS. BENEDETTO:

Good morning, and thank you. I haven't got a whole lot to say, except that I'm extremely disappointed, more so because I fought to have Suffolk County use my day-care facility 27 years ago and it was a long and hard struggle, and that was our purpose for being open. Twenty-seven years we've been doing this. We can no longer do it. I'm getting tired, and the young people coming up, they want to get paid. They don't care if you're a not-for-profit, they don't care what's going on. Where are these children going to go? When I was on public assistance, my children had to go to places that you wouldn't believe for day-care, and it's just wrong, and I struggled and I went back to school and I did everything I had to to make a difference. I need you now to make that difference, too.

Please, do not let this be political. Please, understand these are children with names and faces. And the reason there aren't a lot of people here isn't because they don't care, it's because they don't have the time, because they don't get paid if they don't come, because they're entry level people, for the most part. I need you to vote, not only with your head, but with your heart, so that we don't have to worry about alternatives to incarceration. Day-care makes a difference and you can help make that difference be lifelong. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Adelaide Czerwonka.

MS. CZERWONKA:

I'm from East Quogue. I'm from East Quogue, I will be 75. I've addressed the Legislators before and I will not talk too long, but the issues are still the same. We still have to worry about working, former working senior citizens who have contributed in whatever they could contribute, but cannot keep up with the electricity. I'm going to make it short. They can't keep up with -- social security doesn't cover it, housing, no matter how you try. You have to go to a lotto and through the town, and the pricing of housing is not quite what it should be. Food stamps, forget it, what they've done there. What I went through for that, how they chopped it when they gave me ten dollars more the first of year, they chopped off \$20. You don't want to hear this, but these are issues that you have to live with. And the electric is -- no matter what you cut off.

And the headlines in itself, they tell you to go to KeySpan. KeySpan isn't going to help me. My water heater, electric, is 20 gallons, this is only for 40 gallons. These people are getting money, and I just don't know. You know, that's all I'm going to say. Just kind of keep us in mind. And I'm going to make it short, because I've talked and talked and talked, but I'm here just to let you know I'm still here, and thank you.

D.P.O. VILORIA-FISHER:

Thank you.

LEG. COOPER:

Thank you.

(*Applause*)

P.O. LINDSAY:

Kathy Liguori.

MS. LIGUORI:

Thank you. I hope I, too, do not get emotional, but if I do, please understand, it's my compassion to the child care industry and my passion for the child care industry.

My sincere gratitude is the vehicle that carries my words of appreciation for your support of votes toward the passage of I.R. 1510 and 1293 at the last General Meeting. I'm looking forward to today, because I can finally put an end to this battle.

You have all read the child care industry reports. Our government and economy receives a decent return on its money when it's spent on child care; two and ten dollars, like no one -- no other industry does this. The odds are better than OTB. That being said, this law should be viewed as an investment and not as an expense to our County.

It is said that we're only 4% of the monies paid out of the Department of Social Services. Well, when you look at the odds, we're really 40%.

We've talked about constructive dialogue. I was invited to attend a meeting the evening before the last Legislative meeting. The next day I was called to say the meeting was cancelled for constructive dialogue, only to find out they had the meeting anyway without me or the Child Care Council.

I consider myself a child care champion, and as a visionary, I have invested time away from my business for the benefit of the child care industry of Suffolk County, so much time I was called a Legislative groupie by an administrator. I was also told I have been very respectful during the process, but the administration does not want to be backed into a corner and told what to do. Well, without the past seven to eight months of public testimony, the child care industry would not have come this far. Yes, the department is functioning more efficiently, with more work to be done. However, this crisis could have been avoided and it should have never, ever occurred.

I've started the new system for the August services for September 1st at the beginning of our new school year. It is supposed to be much easier, and I believe it will be, but just send in your attendance and the department will calculate how much they owe you. Okay.

So, today, you're debating the why's and why-nots to override these vetoes. Overall, I do believe the system will help reduce the processing time, and if they institute the auto back-filling of vacant positions or the other promises that they make, can we really depend on that? They have come here and performed a political magic show to this Legislature, a political magic show of smoke and mirrors. Some of you caught on to their tricks. This pass-through money from the Federal and State government allocated to pay for welfare reform to keep people working, should these people lose their child care, they will not be able to work, thus causing the taxpayers well over \$250,000 when they must reapply for public assistance. We just want to be paid in 30 days.

P.O. LINDSAY:

You're out of time, Kathy, if you could wrap up.

MS. LIGUORI:

I understand. I feel like the Rosa Parks of child care. Child care has not given up their seat on the bus. You can either be a courageous community champion for your Legislative district or a champion. Rosa Parks and Dr. King were giraffes. Ask yourself before you cast your vote, are you going to be an ostrich or a giraffe? The child care industry needs you to override these vetoes. Thank you.

(*Applause*)

P.O. LINDSAY:
Kevin Kundmueller.

MR. KUNDMUELLER:

Good morning. I also am here concerning the 1510 and 1293 legislation, and the bill that was vetoed by the County Executive. First of all, I would just like to thank our Deputy Presiding Officer for even bringing the bill to the forefront and actually sponsoring the bill and then putting it in. It took a lot of, as I would say in the Bronx, well, I can't say that, intestinal fortitude, let's put it that way, to bring such a bill against her own party's County Executive. Now, this was not an issue that just popped up within the last few years, it was -- it's been around for 15, 20 years.

The accounting system of DSS Suffolk County is antiquated. It's green bar accounting paper. I know, I'm the CFO at Little Flower Children's Services, I know how antiquated it is. You have a problem, you need to fix it, and it should not be fixed on the backs of the providers of the voluntary agencies and the not-for-profits that serve the needy people of this County.

Again, it is my opinion that the father who's -- who opened the prayer spoke about doing the right thing, protecting -- having justice, and the Legislators here using that justice and the feeling of justice to then hand out justice. I ask that you would hear that prayer that we spoke this morning, because I know some of you may be feeling the pressures of -- political pressures, because you're being supported by certain County people in your reelection bids, and you know who they are, and I can look at you right down in your face and you know who you are. And no, I'm not always the nicest person in the world, but we will remember you, and we hope that those political pressures do not squeeze down your intestinal fortitude to keep this bill in place. Thank you.

(*Applause*)

P.O. LINDSAY:
Reverend Katie Roche.

REVEREND ROCHE:

Good morning. I have copies of my testimony, if that's something you'd want to take. Thank you.

One month ago, this Legislative body voted to approve I.R. 1293 and 1510, both dealing with payments to child care providers. You believe that these resolutions would bring relief to child care providers who went from being paid 21 to 28 days after submitting vouchers, to at least 10 to 11 weeks after care is started to get paid. For almost all providers, it still takes 45 days to be paid. For many awful and sad reasons you have heard before, we agree that this is much too long for providers to wait for payment. Since you already know that subsidized child care is paid for with State and Federal pass-through money, and that child care industry directly generates \$1.92 back into the local economy for every dollar earned, you also understand that supporting child care services could be considered a very wise and prudent investment, rather than an expense to the County. No other County service vendors can make these combined claims.

Mr. Levy states that there are two reasons why you should sustain his veto. He claims that paying child care providers within 30 days will cost at least \$250,000 for additional personnel, but how can this be? If already budgeted-for workers were actually in place, staffing would be at the level it was when child care providers were getting paid in three to four weeks. Extra personnel to calculate the late interest costs would then never be needed. Moreover, full regular staffing per the budget would eliminate costly overtime. And if Mr. Levy is so certain that the new KinderTracking, Kinder Attend measures will reduce late payment, he shouldn't be contending that any extra personnel costs will ever be needed.

Mr. Levy also claims that paying the child care providers on time will lead to other vendors demanding the same thing. He is worried about setting a precedent when he should be worried that

the County is getting a shoddy reputation for not honoring its obligations. Look, the child care industry pumps back twice its fund generation into the local economy, and for that reason alone we should be paid on time. Moreover, if Mr. Levy was truly concerned about setting a precedent, then at any time during this long process of coming here to speak to you, he could have issued an Executive Order directing that child care providers be paid on time. That would have been the end of this problem, and there certainly is precedence for doing that, as Pat Halpin could have told him. Instead, it has fallen to this Legislative body to do what Mr. Levy should have done.

Perhaps a more ominous kind of precedent is actually being set, and we are worried that child care providers are being forced into submission, so that Mr. Levy can move on to the next service provider group and make them subject to extra late payments also. Who is next, we wonder? Home health care agencies? Handicapped services organization? Mental health programs?

A month ago you acted. To undue that act by sustaining the County Executive veto would bring further misery onto the child care providers and loss of slots for needy families. My center had already stopped accepting new DSS subsidized children, and the 70 others enrolled from Legislator D'Amaro, Cooper and Stern's district know that we may have to cut back further.

P.O. LINDSAY:

Could you wrap up? You're out of time, Reverend.

MS. ROCHE:

Thank you very much. Please override those vetoes. I have the letters, some of the letters for my Legislators.

D.P.O. VILORIA-FISHER:

Thank you, Katie.

P.O. LINDSAY:

Louis Liguori.

MR. LIGUORI:

Good afternoon. I also have some letters from my parents of some of my centers that I'd like to distribute to you all.

P.O. LINDSAY:

Could an Aide, please, get the letters?

LEG. LOSQUADRO:

Please lift the microphone up a little, sir. Thank you.

MR. LIGUORI:

Also, forgive me for my not knowing the full process of everything before I started, I just thought it was a public forum here and that all the Legislative people need to be here or suggested to be here, so they can listen to what all these people have to say, and I just noticed that there's a very large portion that are not here.

P.O. LINDSAY:

There's microphones in the back.

MR. LIGUORI:

Oh, is it? Okay.

P.O. LINDSAY:

They're back there doing probably some kind of business; okay?

MR. LIGUORI:

Okay, thank you. I'd like to read, start off by reading these letters -- the letters that were distributed to you and just remind you all that there are over a hundred letters from all the districts, many of the districts throughout the Island that are parents in our schools.

"I am writing to you today as a constituent, taxpayer and registered voter. I am also writing to you as a working parent, the importance of quality child care services and what it means to me and my family."

"Without child care, I cannot go to work. I am greatly indebted to the child care service providers that I have chosen, as my child has an early childhood education offering that has set up success for learning in the future. For that I am very proud and grateful. Each and every day I am amazed by my child's educational experience. I thank our government for my parental freedom of choice and the opportunity afforded to my child, perhaps a future County Executive."

"I am greatly disturbed to learn of the recent need of passage of 1510 and 1293, both which are related to payments for child care services already provided and the burdens that have been brought upon my child care center due to delayed payments by the Department of Social Services. I've also read recent articles in Suffolk Life where the County Executive has already vetoed the passages of 1510 and 1293. It is no secret that child care is another mortgage payment for some parents. Like affordable housing, it's another impending crisis that needs your constant attention."

"When child care providers need to take out loans to manage cash flow to meet payroll, these are increased expenses that only add to the price of tuitions, which will come out of the same taxpayers' wallets. How else can the taxpayers continue -- how else can the providers continue to adhere to quality and reduced turnover, let alone State mandates and avoidances of liability in our litigious society. We are not looking to penalize the County, we are taxpayers, too. However, this pass-through money from the Federal and State government allocated to pay for welfare reform and keeping people working, should these people lose their child care, they will not be able to work, thus causing the taxpayers well over \$250,000. The hours of overtime spent in the Department alone should reduce the" --

P.O. LINDSAY:

Louis, could you wrap up? You're out of time.

MR. LIGUORI:

Sure. "Child care generates \$1.92 back into the economy for every dollar earned. For every dollar of government money spent towards child care, it generates up to \$7 back in the economy. Fifteen days means a lot to the child care providers. It means paying the workers, it means paying a mortgage, heat, light, power. Those 15 days will stop the providers from suffocating financially. These are small "mom and pop" operations keeping the mothers and fathers of Suffolk County working."

The final thing that I just would like to say is, with respect to politics, by definition, "politics" is one skilled at giving or scheming and maneuvering, and I hope that today we don't really look back and play this -- and make this vote on politicking, and basically make this vote on what is the right thing to do and look at these bills for that matter in itself.

D.P.O. VILORIA-FISHER:

Thank you, Lou.

P.O. LINDSAY:

Tatyana Reyes.

MS. REYES:

Good morning to all of you. Many of you know my story. Just a quick reminder. Due to late

payment, my house went into foreclosure. Now the only thing I'm asking you is to please help us on this.

As Mr. Levy said, everything will be running correctly, so I don't see a reason why, if we have a 30-day law payment, it will affect anything. As it is, he is promising us to pay this. The only thing we are asking you is, please, we want something that helps us, something that it's there, that whenever stuff is lost in DSS, we're still going to be paid in 30 days. She should not be -- we're not turning anybody with this law when that is what is promised to be doing. We're going to -- we are promised to be paid in 30 days, so if this law passes, it's not affecting anybody, because that is what is supposed to be done anyway; am I not correct?

So the only thing I'm asking you is you're here for not just you, but for the people outside, for the majority of people that couldn't come. You were voted, you were given a vote to speak for all of us. Now in here, I'm asking you, please do the right thing for those of us who are working and deserve a payment, we should know when we're getting paid, not just putting at your mercy or at the mercy of those who don't have the necessity. I'm asking you to please consider passing the law. Thank you.

P.O. LINDSAY:

Edna Guarino.

MS. GUARINO:

I'm here today simply because I feel that you're going to veto or sustain his veto. It is discouraging to me, simply because, if you read his statement, he says, at the most, it will shave ten days off of what we're getting paid right now. If we do, in fact, have the Kinder Track Program and the Kinder Care Program, we should be getting paid within two weeks once it's fully installed, not ten days shaved off.

There's something drastically wrong when promise after promise by this person has not been kept. I sat in his office, he made promises to me, those promises were not kept. The children in this County, the poorest, most neediest children in this County are depending on you to turn this around. I'm not going to stand here and beg, I'm not going to plead with you, I'm telling you, do what you're going to do, but know this: I followed the chain of command up until now. If that doesn't work, I will take it a step further. Thank you.

(*Applause*)

P.O. LINDSAY:

That concludes our cards on the public hearing. Is there anyone else in the audience that would like to address the Legislature? Please, come forward.

MS. O'CONNOR:

Hi. We're here to represent Kiddie Academy at Riverhead.

P.O. LINDSAY:

You have to identify yourself.

MS. O'CONNOR:

Oh. I'm Kerri-Ann O'Connor. I'm here to represent Kiddie Academy at Riverhead. We have went through the financial hardships. Basically, we have -- all our 130 parents have signed this letter and just to override the vote.

P.O. LINDSAY:

Thank you.

MS. KOLAKOWSKI:

My name is -- my name is Mary Kolakowski. I'm the mom of two-and-a-half year old triplets that

also attend Kiddie Academy here in Riverhead. DSS does not pay my tuition for my children. I have no financial gain for being here. Just as a parent, I want the best care for my children. I was shocked and appalled to find out how payment of DSS payments are made. I don't see how you could possibly expect small businesses to function under these conditions. Please, keep this in mind when you override the veto. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you. Is there anyone else in the audience that would like to address us? Seeing none, I'll -- oh, wait. Please, come forward.

MS. MARKS:

My name is Alicia Marks. I'm the owner of the Tutor Time of North Amityville. A lot of you heard me speak before. I really wasn't going to speak today. All I'm going say is I'll keep it short.

I've been in business ten years to this month. I want another ten years. I do a great service for North Amityville. It was the largest redevelopment project in all this -- in the State of New York. I'm proud to have been the first business to invest in this redevelopment project. I also run the Universal Pre-K Program for the Copiague School District, of which we have the highest ever, 93 children. This year I also got the contract to do the Farmingdale School District Universal Pre-K Program.

My school is 90% subsidized. I have taken loan after loan after loan to make payroll. My school owes me over \$300,000. My husband retired from the Nassau County Police Department so that we could have a cash flow. I don't think it's right. I didn't get into this business to beg for money for the service that I'm proud to do. I just think it's a crime to have to beg for money for services already rendered. It just makes common sense to do the right thing, common sense. No one in business should beg for money. Children are high maintenance from infancy on up. We have to feed, we have to counsel, we have to get them therapy. North Amityville is a needy community and I service that need proudly, and I want to continue to service that need proudly. Like someone else said, I shouldn't have to beg. I know I do a good job. Thank you.

(*Applause*)

P.O. LINDSAY:

Thank you. Please, come forward.

MS. ROCCHETTA:

My name is Joan Rocchetta. I'm the Director of Educational Services for Child Care Council of Suffolk, and I'm here to support the child care providers for prompt payment. But on a more personal note, as a former child care provider, I think it's important to understand that child care is not like every other business. There is a very little profit margin, so it's really important that the providers be paid on time. Thank you.

P.O. LINDSAY:

Thank you. You want to speak, ma'am? Please come forward.

MS. NOWACOSKI:

My name is Rena Nowacoski and I work for a nonprofit that runs a child care center, also in North Amityville. I'm here -- I wasn't going to speak, but I just am so struck by how honorable you people were for passing this legislation. It was finally something that the government was speaking to all of the people who use and work for this service.

I couldn't believe when I was here at the last hearing when a representative from the County

Executive said that, well, this has been common practice for over 30 years that he has been involved in government. As a taxpayer and all, I couldn't believe that this is considered common practice to go 40, 45 days to paying the bills. We thought we had finally -- maybe we'd be able to see black ink. And the only reason why we're in existence anymore is because we are heavily subsidized. But when we go for grants and things like that, when they look at our financial record, I could only tell you what our auditors say, he says, "you're still here?" So I would hope that you people would continue to help support us all and do the honorable thing and make government responsible. Thank you.

(*Applause*)

P.O. LINDSAY:

I'll ask one more time, is there anyone else in the audience who would like to address us? Seeing none, I'll accept a motion to adjourn the public portion.

LEG. ROMAINE:

So moved.

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

Motion to close the public portion, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. (Seventeen) (Not Present: Leg. Kennedy)

P.O. LINDSAY:

The Consent Calendar, do I have a motion on the Consent Calendar?

LEG. CARACAPPA:

Motion, Mr. Chairman.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Motion by Legislator Caracappa and seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. (Seventeen) (Not Present: Leg. Kennedy)

RESOLUTIONS TABLED TO SEPTEMBER 20, 2007

P.O. LINDSAY:

Turn to the Resolutions Tabled to September 20th, 2007. ***(2022) Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton.*** Do I have a motion?

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. (Seventeen) (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1894 - Electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York in a fiscally responsible and prudent manner.

LEG. MONTANO:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Just a quick inquiry. Since we do have people here that had have spoken on the override, would it be appropriate to waive the rules, take that out of order, so that they can get back to their businesses, because they seem to have --

P.O. LINDSAY:

Well, our agenda isn't that long, and I know that I've had a request for a caucus that I haven't called yet.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

I would like to get through some of the agenda. *1952 - 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. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Excuse me, Mr. Clerk, if you'd list me as recusing myself from that vote.

MR. LAUBE:

Yes, sir. Sixteen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

J.R. 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.

P.O. LINDSAY:

Motion to table by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1120 - Amending the Adopted 2007 Operating Budget and transferring funds in connection with the provisions of mercury-free vaccines.

LEG. STERN:

Yeah. Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1166 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Zoumas Property, the Town of Riverhead.

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Romaine.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1359 - 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 Nissequoque Tributary headwaters north of County Road 76, Townline Road --

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

-- *to Miller's Pond, Smithtown, Lake Ronkonkoma, Old Nichols Road, Corridor, and the surrounding areas (CP 8710).*

MR. NOLAN:

There's no bond.

P.O. LINDSAY:

Counsel's telling me there's no bond for --

LEG. ALDEN:

Motion to table, because there's no bond.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Alden to table, second by Legislator Cooper, which makes 1359 moot -- A, 1359A. That's the bonding resolution.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

J.R. 1433 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with traffic signal improvements at County Road 111 and Halsey Manor Road (CP 5054).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper. Do I have a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. CARACAPPA:

Opposed.

P.O. LINDSAY:

Abstentions? Get all the oppositions, one, two. Okay, you got it.

LEG. CARACAPPA:
Thank you, Mr. Clerk.

MR. LAUBE:
Fifteen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:
Okay. *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, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:
1700 - Amending Resolution No. 2-2007, to bar the introduction of Memorializing Resolutions.

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second. I'll make a motion to table.

LEG. CARACAPPA:
Second.

P.O. LINDSAY:
Seconded by Legislator Caracappa. And I'll renew my appeal to -- we're going to change the rules, we should really wait for the Organizational Meeting. The tabling motion goes first. All in favor of tabling?

LEG. LOSQUADRO:
Table.

P.O. LINDSAY:
Opposed?

LEG. COOPER:
Opposed.

P.O. LINDSAY:
One, two.

MR. LAUBE:

Fifteen. (Not Present: Leg. Kennedy) (Opposed: Legs. Cooper and D'Amaro)

P.O. LINDSAY:

Okay, tabling carries. *I.R. 1742 - Authorizing certain technical corrections to the 2007 Adopted Operating Budget for the contracted agency John T. Mather Memorial Hospital.* I'm going to make a motion to approve. I think this is ready to go. Oh.

MS. BIZZARRO:

Presiding Officer Lindsay.

P.O. LINDSAY:

Yes.

MS. BIZZARRO:

May I say a word, please?

P.O. LINDSAY:

Please.

MS. BIZZARRO:

Thank you. Yes, I had made a comment in committee that there might have been a problem with this bill, and the problem that I brought up does not exist; we looked at it. But I just might caution moving forward with approving the bill, because by doing that, you're going to have to start a new process, a contract process over again for this amount of money. The way we can handle it right now is we have an already existing contract that we are just working on amending, and it will be quicker if we just do it that way, because it's the same organization, it's the same hospital.

P.O. LINDSAY:

Okay.

MS. BIZZARRO:

So all we have to do is really amend the language in the contract so it's a little easier. So I might just suggest that you don't move to approve this.

LEG. ALDEN:

Question on that.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

Do you need a resolution to amend the language that was already approved?

MS. BIZZARRO:

No, we don't. It's just a move, it's in the same department, it's just going under another code. It's not going to be much of a problem, and the Health Department is already aware of it.

P.O. LINDSAY:

Okay. With that in mind, I'll make a motion to table.

LEG. LOSQUADRO:

I'll second that.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. MYSTAL:

It's tabled again?

P.O. LINDSAY:

Yeah. *1748 - Establishing an affordable Housing Task Force for Land Trusts.*

LEG. LOSQUADRO:

Mr. Chairman, I just met with Mr. Morgo yesterday and we are working on a few different plans and amended piece of legislation, so I'll make a motion to table.

LEG. CARACAPPA:

Second that.

LEG. COOPER:

Second.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

A motion by Legislator Losquadro to table, and then second by Legislator Vivian Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1786 - Amending prior Capital authorized appropriations for fire sprinkler infrastructure - construction (CP 2129.310) to fire sprinkler infrastructure (planning) (CP 2129.110). Why did we table this; do you know, Counsel?

MR. NOLAN:

I believe it was tabled the last time, because there was concern about the length of the bonds. That was in the bonding resolution.

P.O. LINDSAY:

Okay. Legislator Losquadro, do -- I mean, you were the one that raised this issue.

LEG. LOSQUADRO:

I was, unfortunately, not present when the, I believe --

P.O. LINDSAY:

Yeah, there was a full report at committee on this.

LEG. LOSQUADRO:

There was -- was the Comptroller present?

P.O. LINDSAY:

Yeah.

LEG. LOSQUADRO:

Could I just get an explanation as to what was discussed? Unfortunately, I'm not a member of that committee.

P.O. LINDSAY:

Can you explain that, Robert?

LEG. LOSQUADRO:

I was hoping it would be discussed before the full Legislature.

P.O. LINDSAY:

Robert Lipp from Budget Review will explain the presentation of the Comptroller.

MR. LIPP:

Okay. Basically, what the County Comptroller and his staff stated was that, as part of the bonding resolution, it's sort of pro forma that the period of probable usefulness is included in the language, and that's just determined by State Law. That gives you the maximum years you could borrow for, but that's not what the intent is in terms of the actual borrowing that they will go out for a shorter period.

LEG. LOSQUADRO:

Did he give an explanation as to why that length is different in -- for some resolutions than for others? Because we saw in the agenda last time that some roadwork projects were 10 years or 15 years, in fact, most of them were, yet there were a couple of these that were 30. So I understand that point, but we saw a discrepancy between very substantively similar resolutions.

MR. LIPP:

To the best of my recollection, from the dialogue, he didn't specifically go into a comparison of the different resolutions, but he -- they did discuss and basically said that the State Law isn't necessarily something that they -- that has a logic that they could describe. In fact, they had our financial advisor there even and they didn't really -- they really said that it was -- these laws were created like 30 years or more ago, that it wasn't clear.

P.O. LINDSAY:

Okay. Counsel, has something to add to the explanation.

MR. NOLAN:

Yeah. What the Comptroller and his people were saying is that, and it's correct, that the Local Finance Law lays out what the PPU is for all the different types of projects. It's over 100 different types of projects, and that's straight out of the law. But he also said, even if a project has a PPU of 30 years, they generally do not bond anything for longer than 20 years. When they actually go in and borrow, they pay it back within 20.

LEG. LOSQUADRO:

Okay, thank you.

P.O. LINDSAY:

With that in mind, I'll make a motion to approve.

LEG. ALDEN:

Just one other quick point on this.

P.O. LINDSAY:

All right. Let me see if I can get a second. Do I have a second to approve?

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Legislator Alden.

LEG. ALDEN:

Is this for construction or this is for planning? And how much would it be for each?

MR. NOLAN:

It's actually -- it's for planning and for construction. This was previously approved, and it's just reconfiguring the money between the planning and construction, both with the County serial bonds and with the State Aid we're receiving.

P.O. LINDSAY:

Okay. We have a motion and second to approve. All in favor? Opposed? Abstention?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

On the accompanying bonding resolution, 1786A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. *I.R. 1804 - Appropriating funds in connection with the intersection improvements on County Road 16, Smithtown Boulevard@ County Road 93, Lakeland/Rosevale Avenue, Town of Smithtown (CP 5118).* I think it was the same problem with this, why we bottled this up. So I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. On 1804A, one of the bonding resolutions --

LEG. LOSQUADRO:

Why are there two bonds?

P.O. LINDSAY:

Let's use the same motion, the same second. And before you do roll call, there's a question by Legislator Losquadro.

LEG. LOSQUADRO:

To counsel.

MR. NOLAN:

Because the reason there are two separate bonding resolutions is they're two distinct components. One is land acquisition, and then separately is the improvements.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. 18 --

D.P.O. VILORIA-FISHER:

Did you call my name?

MR. LAUBE:

Viloria-Fisher.

D.P.O. VILORIA-FISHER:

(Nodded Yes).

MR. LAUBE:

Now it's 17. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1804B, the other bonding resolution for this resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. *1808 - Appropriating funds in connection with the improvements to water supply systems in County Parks.* I think, again, it was the same issue. I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. 1808A, the accompanying bond resolution, same motion, same second. Roll call.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. *1815 - Amending the 2007 Capital Budget and Program and appropriating funds in*

connection with the reconstruction of the Shinnecock Canal Locks, Town of Southampton.
I think this was the same issue. I'll make the motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. And the accompanying bonding resolution, 1815A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. SCHNEIDERMAN:

Tim, list me as a cosponsor, please.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Procedural Motion Number 10 (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). I think there's still some questions. I know --

D.P.O. VILORIA-FISHER:

I would like to make a motion to table.

P.O. LINDSAY:

To table. Motion to table by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

LEG. SCHNEIDERMAN:

Opposed.

MR. LAUBE:

Opposed?

LEG. SCHNEIDERMAN:

Opposed.

MR. LAUBE:

Check that, 16. (Not Present: Leg. Kennedy)

INTRODUCTORY RESOLUTIONS FOR SEPTEMBER 20, 2007

P.O. LINDSAY:

Okay. If you turn to Page 8, the Budget and Finance, there is a mistake there. It doesn't require bonds, so you can strike 1831A. A. But 1831 is eligible to be voted on.

1831 - Resolution delegating the County Comptroller the powers to authorize the issuance of not to exceed 55 million dollars Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes to -- or returned to the County for collection for the fiscal years commencing January 1, 2004, 2005, 2006, 2007, to prescribe the terms, form and contents and to provide for the sale and credit enhancement of such notes.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1699 - Adopting a Local Law to enact Consumer Protection in connection with musical concerts and performances a Truth in Music Bill. Didn't we -- wasn't this tabled. Didn't we table it?

LEG. ALDEN:

No. We passed it out of committee, but I'm going to table it now --

P.O. LINDSAY:

Okay.

LEG. ALDEN:

-- because I didn't hear back from the Attorney General, how he's going to enforce the New York State Law, so --

P.O. LINDSAY:

Okay. Motion to table by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1847 - Amending landing fees at Francis S. Gabreski Airport. Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve, I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1856 - Accepting and appropriating a grant proposal to 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.

D.P.O. VILORIA-FISHER:

Motion.

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Horsley, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Lindsay)

P.O. LINDSAY:

1857 - Accepting and appropriating a grant proposal to the State University of New York for a Community College Workforce Development Training Grants Program for J. Kings Food Service Professionals, Incorporated, 90% reimbursed by State funds at Suffolk County Community College.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1858 - Accepting and appropriating a grant proposal to 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.

Legislator Nowick makes a motion, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1866 - Amending the 2007 Capital Budget and Program, and appropriating funds in connection with retrofitting a section of the Health, Sports, Exhibition Complex as an --

MR. REINHEIMER:

Excuse me.

P.O. LINDSAY:

-- Anatomy and Physiology Laboratory - Grant Campus (CP 2193).

MS. VIZZINI:

Mr. Presiding Officer.

MR. REINHEIMER:

Excuse me. That resolution has been withdrawn.

P.O. LINDSAY:

I can't --

MR. REINHEIMER:

That resolution has been withdrawn by the sponsor.

P.O. LINDSAY:

Was withdrawn. Okay, I'm sorry.

LEG. ROMAINE:

What's that?

D.P.O. VILORIA-FISHER:

What's that number?

P.O. LINDSAY:

1866.

LEG. SCHNEIDERMAN:

1866.

LEG. ROMAINE:

Okay.

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. LINDSAY:

Okay. Environment, Planning and Agriculture. *1777 - Donation and dedication of certain lands now owned by Riverhead Estates, Incorporated, to the County of Suffolk.* I have a motion?

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher. Nobody from Riverhead wants to second that motion, I guess.

LEG. ROMAINE:

It's in Southampton.

P.O. LINDSAY:

Oh, it's in Southampton, okay.

LEG. SCHNEIDERMAN:

Oh, I'll second it.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1835 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program - farmland - for the Caracciolo property - Shade Tree Nursery - Town of Riverhead.

LEG. ALDEN:

Now there's a name I haven't heard in awhile.

P.O. LINDSAY:

Yes, I know.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Okay. That one's in, okay, Riverhead.

LEG. SCHNEIDERMAN:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. ROMAINE:

Would the Clerk, please, list me as a cosponsor on that resolution?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1836 - Authorizing the acquisition of land under the new Suffolk County Drinking Water Protection Program - open space component - for the Melamed property - Pine Barrens Core - Town of Brookhaven.

LEG. BROWNING:

I'll make a motion.

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1837 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the estate of Herbst property - Pine Barrens Core - Town of Southampton.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstention?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1848 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for the estate of Edna Capurso property - Montauk Downs State Park addition - Town of East Hampton.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. SCHNEIDERMAN:

Mr. Clerk, list me as a cosponsor --

MR. LAUBE:

Yes, sir.

LEG. SCHNEIDERMAN:

-- if I'm not already on the last two.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

1849 - Authorizing the acquisition of farmed land development rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - farmland component for the Jarzombek property - Town of Riverhead. Which one of you two is going to sponsor this, Town of Riverhead?

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. ROMAINE:

Would the Clerk, please, list me as a cosponsor?

MR. LAUBE:

Gotcha.

P.O. LINDSAY:

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.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1851 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the estate of the Dittmer property - Mastic/Shirley Conservation Area II --

LEG. BROWNING:

Motion.

P.O. LINDSAY:

-- *Town of Brookhaven.* Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1862 - Appropriating 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 Glover property - Town of Brookhaven.

D.P.O. VILORIA-FISHER:

Motion.

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

On the accompanying bond resolution, **1862A**, we'll use the same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1863 - Amending Resolution Number 449-2007, to authorize the appropriation of funds in connection with the New 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.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Gotcha.

P.O. LINDSAY:

1863A, the accompanying bond resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy).

LEG. ALDEN:

Just an observation. For a County that was accused of doing nothing or having a dead program, this sure looks like it's alive and well.

P.O. LINDSAY:

Who said we're dead?

LEG. ALDEN:

At the last meeting, there was accusations that we were dead, or the program was dead, anyway. I don't think they were referring to us, as Legislators.

P.O. LINDSAY:

Oh, I thought they were referring to us.

LEG. ALDEN:

No, no, no.

P.O. LINDSAY:

I'm sorry, I misunderstood.

LEG. ALDEN:

I mean, you could make that mistake and assumption.

D.P.O. VILORIA-FISHER:

Just mostly dead.

LEG. ALDEN:

Just, you know, if you look around, we're not moving a lot, but otherwise.

P.O. LINDSAY:

I.R. 1825 - Establishing a "Be Pool Smart" public education campaign to promote pool safety.

LEG. COOPER:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Eddington. And Legislator Alden has a question.

LEG. ALDEN:

Yeah, a question through the Chair to the sponsor. Are you withdrawing the other legislation, so we're just going to try to educate people?

LEG. COOPER:

Yes, I'm withdrawing the resolution that would mandate pool alarms.

LEG. ALDEN:

And how much is this going to cost to do this educational program?

LEG. COOPER:

It's a nominal expense. It would be similar to what we have done in the past for the "Adopt a Pet" Program, and "Dump the Water". It will be a poster campaign through the Legislative offices, Department of Health, who will also be printing up a pamphlet annually outlining 14 steps that can be taken to promote pool safety.

LEG. ALDEN:

Are you going to work with the pool companies?

LEG. COOPER:

We've already got -- we've reached out to the Northeast Spa and Pool Association. They're very strong supporters, and they've offered to work with the Department of Health in preparing the pamphlet.

LEG. ALDEN:

Good, because I did something similar for the SUVs, so they wouldn't back over people, but good.

LEG. COOPER:

Yes, they're very excited and they've been very supportive. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. SCHNEIDERMAN:

Cosponsor, please.

P.O. LINDSAY:

J.R. 1820 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Economic Development and Workforce Housing (Airport Business Manager). Is -- anyone from the County Executive's Office, is this ready to move, or you want it tabled?

(Affirmative Response)

Okay. I'll make a motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Who seconded it?

MR. MONTANO:

I'll second.

P.O. LINDSAY:

Legislator Montano seconded. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1832 - 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 purposes. Town of Babylon? Town of Babylon, over here, someone. Legislator Mystal makes the motion, Legislator D'Amato seconds the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1852 - Authorizing the sale of County-owned property pursuant to 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amato, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1853 - Authorizing the sale of County-owned real property pursuant to 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes. Motion by Legislator Mystal, second by Legislator Horsley. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Now, you notice in the west end, we do affordable housing. In the east --

LEG. MYSTAL:

We buy the land.

LEG. ALDEN:

-- we want vacant land.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. ALDEN:

Dichotomy.

P.O. LINDSAY:

Do you know where you are?

LEG. EDDINGTON:

He's in the middle.

LEG. ALDEN:

I'm in the middle.

P.O. LINDSAY:

No, you're in the east end.

LEG. ALDEN:

I'm not on the east end, I'm on the west end.

PARKS AND RECREATION

P.O. LINDSAY:

1838 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc., for it's --

LEG. MYSTAL:

Did you skip 53?

P.O. LINDSAY:

-- Walkathon Fundraiser.

LEG. HORSLEY:

Motion.

LEG. MYSTAL:

Did you skip 53?

P.O. LINDSAY:

No, we just approved it. Motion by Legislator Horsley on 1838. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1839 - Applying for a grant from New York State Department of Parks, Recreation and Historic Preservation for the restoration of Sagtikos Manor. I'll make --

D.P.O. VILORIA-FISHER:

I'm going to make the motion.

LEG. SCHNEIDERMAN:

Second.

LEG. ALDEN:

Tom, Tom and I will make the motion and the second.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

LEG. ALDEN:

Cosponsor.

MR. LAUBE:

Seventeen. (Not Present: Leg. Lindsay)

PUBLIC SAFETY

P.O. LINDSAY:

1690 - A Local Law requiring registered motor vehicle dealers to release vehicles only to licensed drivers.

LEG. EDDINGTON:

Motion to approve.

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Eddington, seconded by Legislator Caracappa.

LEG. LOSQUADRO:

Tim, cosponsor, if I'm not on it.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

PUBLIC WORKS AND TRANSPORTATION

P.O. LINDSAY:

1830 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the installation of guide rail and safety upgrades on County Road, Patchogue-Mt. Sinai Road, Town of Brookhaven. Legislator Losquadro?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying bond resolution, 1830A. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1843 - Amending the 2007 Capital Program and Budget and appropriating funds for the acquisition of land for intersection improvements, County Road 35, Park Avenue, Town of Huntington. Town of Huntington?

LEG. CARACAPPA:

Going once, twice.

LEG. D'AMARO:

Motion.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper?

LEG. COOPER:

Sure.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

On the accompanying bond resolution, 1843A, same motion, same second, roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1844 - Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for the reconstruction of County Road 67, Motor Parkway Bridge at the Long Island Expressway, Town of Islip, Suffolk County, New York.

MR. MONTANO:

Motion to approve.

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Montano, second by Legislator Alden. All in favor? Opposed?

Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1854. Yeah, Islip's awake over here, we're awake.

MR. MONTANO:

We're awake, we're awake.

D.P.O. VILORIA-FISHER:

This side, we're awake, that side, not so much.

LEG. HORSLEY:

We're dulled out over here.

P.O. LINDSAY:

1854 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the rehabilitation of various bridges and embankments.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Who made the motion? Motion by Legislator Schneiderman, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

On the accompanying bond resolution, **1854A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy).

LEG. EDDINGTON:

List me as a cosponsor, please.

WAYS AND MEANS

P.O. LINDSAY:

1738 - Adopting Local Law -2007, a Charter Law to strengthen and streamline the process for adopting local legislation. I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

This is the bill that would allow us until the next meeting to address vetoes, so we don't have to come back during the middle of a break.

LEG. ALDEN:

That's a good one.

P.O. LINDSAY:

And we didn't have the time, because they vetoed it right when we were in the middle of a break, and I didn't want to call a special session.

LEG. ALDEN:

That's good. Okay.

P.O. LINDSAY:

Okay?

D.P.O. VILORIA-FISHER:

I'll second that.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

I'm the second, Tim.

LEG. BROWNING:

Cosponsor.

D.P.O. VILORIA-FISHER:

I think.

MR. LAUBE:

Seventeen.

LEG. LOSQUADRO:

No, I was Tim.

MR. LAUBE:

No.

P.O. LINDSAY:

Losquadro.

D.P.O. VILORIA-FISHER:

Oh, were you? I'm sorry.

MR. LAUBE:

I have Legislator Losquadro as the second.

D.P.O. VILORIA-FISHER:

I didn't hear you, sorry.

LEG. ROMAINE:

Cosponsor.

D.P.O. VILORIA-FISHER:

I thought there was no second. Sorry, Dan.

P.O. LINDSAY:

Okay. *Memorializing Resolution --*

MR. LAUBE:

Seventeen, in case I didn't call it. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

-- *39 - Memorializing Resolution in support of legislation to create the Fire Island Beach Erosion Control District.* Legislator Eddington?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve, second by Legislator Alden. All in favor? Opposed? Abstentions?

LEG. COOPER:

Abstain.

LEG. ALDEN:

Cosponsor.

P.O. LINDSAY:

Okay. We have oppositions, Legislator D'Amaro.

LEG. COOPER:

Abstain, abstain.

LEG. BARRAGA:

Abstain.

P.O. LINDSAY:

Okay. Two abstentions, one opposition, you got that?

MR. LAUBE:

Who was the second abstention? I have --

P.O. LINDSAY:

The two, Legislator D'Amaro and Cooper abstain, Legislator Barraga --

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

-- opposed.

MR. LAUBE:

Fourteen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

MR 56 - Memorializing Resolution in support of the Plastic Bag Reuse and Recycling Act.

Legislator Horsley?

LEG. HORSLEY:

Motion to approve.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. LOSQUADRO:

Cosponsor.

LEG. ALDEN:

Cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. SCHNEIDERMAN:

Cosponsor, please.

P.O. LINDSAY:

We have one opposition. Did you get that?

LEG. EDDINGTON:

Me also, cosponsor.

P.O. LINDSAY:

Oh, wait, two oppositions.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

LEG. ALDEN:

No.

MR. LAUBE:

Who was the second opposition.

LEG. LOSQUADRO:

No, just one. You wanted to cosponsor.

MR. LAUBE:

Oh.

P.O. LINDSAY:

Oh.

LEG. HORSLEY:

Oh, he wants in.

P.O. LINDSAY:

Just one opposition.

MR. LAUBE:

Just one opposition, no abstentions.

P.O. LINDSAY:

You raised your hand at the wrong time.

LEG. ALDEN:

I asked to cosponsor before he did.

MR. LAUBE:

Sixteen.

LEG. SCHNEIDERMAN:

Tim, I'll cosponsor.

LEG. ROMAINE:

Cosponsor.

LEG. COOPER:

Oh, yes, I'm sorry, abstain. Tim, abstain, please.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. You caught up?

MR. LAUBE:

Yeah, I think so.

P.O. LINDSAY:

Okay. Before you, you have *Procedural Motion Number 16 (Procedural Resolution authorizing funding for Community Support Initiatives (Phase VII))*.

LEG. CARACAPPA:

Motion.

P.O. LINDSAY:

Motion by Legislator -- it's been passed out and it's in front of you. It has to do with the CSI grants. It's just about at the end of them.

LEG. HORSLEY:

Doesn't matter, I got -- yeah, I know what it is.

LEG. SCHNEIDERMAN:

Okay. So we have a motion by Legislator Caracappa, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

And with that, that concludes our agenda.

LEG. MONTANO:

Put me on the vote.

P.O. LINDSAY:

I'm going to call a very short recess and then we'll come back and vote on the vetoes.

[The following was taken and transcribed by Alison Mahoney, Court Stenographer]

*(*The meeting was recessed at 11:17 A.M. and reconvened at 11:44 A.M. *)*

P.O. LINDSAY:

Mr. Clerk, you want to call the roll, please? All Legislators to the horseshoe.

*(*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:

(Not present)

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not present).

LEG. MYSTAL:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. HORSLEY:

I'm here.

LEG. MONTANO:

I'm here.

MR. LAUBE:

Fourteen ****AMENDED VOTE: Fifteen (Not Present: Legislators Schneiderman, Kennedy & Cooper).**

P.O. LINDSAY:

Okay, we have three overrides, three bills that were vetoed to address whether we can sustain or override them.

The first one is ***IR 1293-07 - Authorizing payments to day-care providers in advance of audit.*** Legislator Mystal, what is your pleasure?

LEG. MYSTAL:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Mystal.

LEG. ALDEN:

I'll second that.

P.O. LINDSAY:

Second by Legislator Alden. Any discussion? Hearing none, roll call.

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

LEG. MYSTAL:

Yes to override.

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

No.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes to override.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Yes to override.

LEG. HORSLEY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. MONTANO:

Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

The override fails.

Next up is ***IR 1816-07 - Amending the Classification & Salary Plan and authorizing a fee schedule for the Suffolk County Board of Elections Inspectors.*** Is that right? I'll make a motion --

LEG. LOSQUADRO:

I'll second that.

P.O. LINDSAY:

-- to override.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any discussion? Roll call.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

Yep.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not present).

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 (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay, next up is ***IR 1510-07 - A Local Law to establish Prompt Payment Policy.***

D.P.O. VILORIA-FISHER:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Viloría-Fisher.

LEG. MONTANO:

Second.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Seconded by Legislator Alden.

D.P.O. VILORIA-FISHER:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I'm going -- I've made a motion to override this veto. Because although someone just said to me that we've achieved the goal, that the County Executive has made the changes which will make it possible for child care providers to be paid promptly, indeed we have not achieved the goal that we started out to achieve and that is to create a codified law that would ensure those people who are small mom and pop businesses, those entrepreneurs who are providing a service to the most vulnerable amongst us, to ensure that those people be paid on time so that they don't have to have foreclosures on their homes, so that they don't have to use their retirement monies in order to fund their businesses.

This is simply moral and ethical business practice; services rendered, services paid. That's what we're asking for. We do not want to have a compromise before us that says after you've passed a law, then we unfroze positions and hired the people. That in itself gives us the message that unless the administration's feet are held to the fire, the right thing will not be done. We need to have a law that says that this County does business in good faith and that this County pays its bills.

We have heard hours and hours of testimony and there are some who will say that it's only a handful of people, but you've also received quite a number of letters indicating the numbers of providers who are affected by this. There are child care centers that have had to close their doors and whenever a child care center closes its doors, it means that there are people out there who have no safe, secure place to which they can bring their children in order to earn a living. It's not easy to earn a living in Suffolk County.

And for the people who are moving from Welfare-to-Work, child care is an integral and critical transitional service and we have made a commitment to provide those transitional services to the people who are moving from Welfare-to-Work. If we cannot provide these transitional services, they will fall back into the welfare rolls and then what is the costs benefit? We cannot continue to be penny-wise and pound-foolish in Suffolk County. We have to be willing to make an investment in our people and these, the smallest of our people, deserve an investment, deserve our investment.

And when we look at the veto message, it's very generous to call it disingenuous at best, because there is no real proof that this will cost the County \$250,000, particularly when you look at the element of the veto message that say that the KinderCare -- KinderTrack rather and {KinderAttend} have already started to be implemented. So where is the additional cost? The veto message tells us that positions have already been filled, so where is the additional cost? If we were approaching this in good faith, then there should be no problem with a concern about paying interest because we plan on paying on time. By the way, these small mom and pop businesses have been paying interest for years and years, it's part of their business plan is having to figure out how much interest they're going to have to pay each month in order to meet their payroll.

With regards to the argument that this will be a slippery slope because it will include all other contract agencies -- by the way, we should be paying all of our contracts on time. However, child care is different from many of the other businesses, as has been testified to earlier. In the child care industry, you have very strict standards with regards to the ratio of children and teachers. If a child care provider does not receive payment and cannot meet payroll, they can't just give people pink slips, they have to keep the people there if they're going to have children. They can't tell the kids under their care, "Well, we're not going to feed you today while you're here for nine hours," they must continue to feed those children. So these are costs that they bear. And often, these small mom and pop businesses are bearing these costs for 60, 90, 180 days before they see one penny from Suffolk County. And this is pass-thru money, this is TNAF money, it's pass-thru money, it's not County money. We're holding their money, we're floating it while they're taking out loans and paying interest, that's not fair; that's not fair.

We also have to understand that the study that was done a few years ago by the State Department of Education indicated, as Kathy LaGouri mentioned earlier, that every dollar that is put into child care is put back into the economy two to one; there is no other industry on which we have that kind of local return on our investment.

My third point is that although we make every effort to work with the administration, we work cooperatively, we work collegially, but we must always keep before us that we are a separate and equal branch of government. We represent first and our allegiance first is to the people who we represent. And as Legislators, we must codify the promises that we make to the people who vote for us, and this legislation codifies the promise that we have made that if they provide a service, we will pay them. And this is not something new; an Executive Order was signed by Pat Halpin in 1999 that payments would be made in 30 days, and he was able to keep that promise.

LEG. ROMAINE:

Eighty-nine.

D.P.O. VILORIA-FISHER:

1989, sorry.

LEG. ALDEN:

It's non-binding in '99.

D.P.O. VILORIA-FISHER:

Well, he wrote a letter and he was able to keep that promise without the computer tracking systems that we have now at our disposal; if he could do it then, we could do it now. I'm asking my colleagues to think hard, think carefully about the testimony that we've heard, think about our authority, our responsibility as Legislators to override this veto.

LEG. ROMAINE:

Mr. Presiding Officer?

Applause

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

First of all, I think my colleague has eloquently laid out the case of why this veto should be overridden.

I want to say, first of all, I want to commend the County Executive for his efforts or assurances that he's going to work on this. But overriding this veto is not aimed and I don't view it as being aimed at the County Executive, I view it as my colleague had said, stating a law that will bind all future administrations to prompt payment.

This is an issue, when boiled down in its simplicity, is does the government pay its bills on time. These are bills that we get State aid for and we're a pass-thru for; do we pay our bills on -- in a timely fashion? It's a simple, simple question, for services that are so in need of prompt payment to continue their operation. I understand the County may, from time to time, have cash flow problems, it is our obligation to pay our bills on time. This is a very simple issue.

We have the technology. This law we're told, "Oh, give us two months. Give me two months and we'll work on this." Look, by the time this law takes effect -- and there's no guarantee, even if we override the veto, that it will be properly enforced. Although this Legislature, if we do, should monitor that -- but by the time we do, there's plenty of time for the administration to do what's needed.

And again, this is not aimed against Mr. Levy or people in his administration, this is our statement of policy that we wish and demand in this modern age with its technology that the funding that we get to provide these services are passed-thru when these services are promptly provided and we pay in a prompt fashion. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just to pick up on one point and then I have an additional point, but one point that Legislator Romaine made that we have or we could possibly have a cash flow problem. We heard testimony to the opposite and basically it went back in time and it predicted going forward in time that we have

tons of money; maybe it might not be in a certain account that is allocated for this or dedicated to this, but we have money that we actually borrow from other accounts to keep government going. So as far as the cash flow problem, I don't believe that that's the sticky point here.

This gets back to something that Legislator Vilorio-Fisher touched on before, and it's a basic business premise. You have to be able to trust the people you're doing business with, and that means you render a service, you get paid. I don't know where in the course of time -- and Legislator Vilorio-Fisher mentioned that Pat Halpin tried to do something where he paid within a very short period of time, well, that's the minimum that people that do business with government can expect; you know, if you render a service you should get paid for it. And I think all of us in our daily lives, you know, we expect that courtesy and that respect.

And again, this is not bashing the County Executive, but there's someplace in his administration, and he is the chief financial officer, fiscal officer of the County of Suffolk where there's a problem and he should dedicate the resources and he should dedicate the time to fix that. And actually, when you look at the date that this was -- this legislation was introduced in May, that as far as in my calendar, that's not yesterday, that's a couple of months that it could have been worked on, it could have been fixed by now. Because as far as I'm concerned -- and even in the timeframe between 21 of August and today, August 21st is when we originally passed this and now we're looking at a veto; there's still enough time to fix something.

You know, you're talking about people here that really should exist in Suffolk County. We've got the brightest people graduating from our colleges, Suffolk Community College; go there, pick up a few people that have majored in accounting, majored in some kind of economics and put them to work on fixing this problem or actually doing the paperwork to get these payments out. To me it's a simple fix. And in the past, I've done business with Suffolk County, I had a bus company that actually had contracts and we demanded to be paid and we were paid on time. That goes back a number of years and it might even predate Mr. Halpin as far as being the County Executive, but we were paid on time, we were paid within a very reasonable period of time. So this is not -- and it's not a 30 day delay because service is rendered, 30 days later the bill is sent in and then some time after that -- and we heard testimony that some of it might even transpond the fiscal year, it might even be later than that.

So this is a fairly simple business proposition, fairly simple. As far as the fix, if you need a couple of clerks or if you need processors, that's really what should be dedicated to fixing this problem.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

On the question. On the question, I love when I hear a Republican invoke the name of Pat Halpin because what they did to him was because he was doing certain things that were right, they hounded him, named him "High Pat Tax Halpin" and threw him out of office. Thank you.

P.O. LINDSAY:

Anybody else?

LEG. LOSQUADRO:

What does that have to do with the bill?

LEG. MYSTAL:

It has to do with taxes.

LEG. ALDEN:

Well, let me just say --

P.O. LINDSAY:

Legislator Alden, you want to --

LEG. ALDEN:

Yeah, in response, I have to correct that. I didn't praise Pat Halpin, I just mentioned that Legislator Vilorio-Fisher had mentioned him, so I'm using that as a point of reference, that's all.

LEG. MYSTAL:

I understand that, that's cool.

LEG. ALDEN:

I didn't vote for him, I'll tell you that.

P.O. LINDSAY:

Legislator Barraga.

LEG. HORSLEY:

Oh, come on, Cam.

LEG. ALDEN:

I might have, but I didn't.

LEG. BARRAGA:

I just wanted to make one comment with reference to this issue, and I think was pointed out by several of my colleagues. This has been going on for months and months and months. How many sessions have we had, Legislative sessions where I've sat here, as well as the rest of the folks in the horseshoe, and listened to child care people explain very serious problems that they have?

It would seem to me that, you know, if I was the head of DSS and all of a sudden after the first session I was told there were 15 or 20 child care people down here complaining about the lack of prompt payment, as the head of DSS, I'd move right away; I'd make sure those people never came back to the Legislature. I'd have to move people in my department, I'd make sure whatever that problem is, it's corrected.

The same way with reference to the County Executive's Office. We have very capable people from the County Executive's Office, they attend every session; why isn't this problem solved? Why weren't all of these child care people swept up by the County Executive or the head of Social Service and this problem solved so we never get to this point? Maybe it's a question of management skill, or a denial on the part of certain people that this problem even exists, to their own embarrassment; that's what this is, this is an embarrassment to the County.

There is no way that people doing business with this County shouldn't be paid within a reasonable time -- 30 days. But certainly with reference to this whole situation, it should have never come to this; this should have been acted on forcefully four or five months ago.

P.O. LINDSAY:

Mr. Sabatino, did you want to comment on this issue?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I would just like to make a few observations. Number one, with reference to what Legislator Romaine said, we don't view this as being personal, so that's not even in the equation. This is purely an issue, as I said from day one at the threshold, I think there's a slightly different perspective in terms of philosophy, and that's okay, that's what debates are all about.

The Levy Administration thinks that 45 days is a reasonable period of time to get the processing of a payment; I think that's a very reasonable period of time in the real world, in the private world. But notwithstanding that, you know, we've heard the message from Legislators who have sponsored the

legislation and who have pushed for changes and pushed for reforms and what we're trying to do, through the meetings that I've been holding since last October, is to make the process work better.

And I just want to correct a statement that's been made on the record and an impression that's been left which is that people are not being paid. Now, there's a huge difference between people not getting paid and people getting paid within a timeframe that we may disagree upon in terms of whether it's reasonable. So first of all, people are getting paid.

The good news, from the meetings that we've been holding, is that as I had indicated a couple of meetings ago, one of the things that the Office for Women came up with, because we have these, I call them milestone meetings with various departments, was a suggestion that two people, in addition to the one person already designated at Social Services, be assigned the responsibility of expediting those claims from organizations that are delayed in excess of 45 days. And I'm happy to report that just as recently as last week, over 30 individuals, 30 providers who had delays in the processing of claims of more than 45 days were able, through the Office for Women Services and Social Services to address that. And I give the Legislature, you know, partial credit from the standpoint of you've heightened everybody's sensitivity. But it's not, as Legislator Barraga just said, like we've been doing nothing; I have not been sitting on my hands since last October when it first came to my attention, we really have been trying to get things accomplished.

With respect to the cost estimate that was discussed by one of the Legislators, the reason it will cost you \$250,000 of additional funds if you want to get to 30 days is that you would have to add additional people. Now, again, I agree that reasonable people can disagree in terms of priorities. Is the priority of this particular, you know, time to get people into the department to process payments down from 43 days or 42 days to 30 days, or is it a higher priority to try to get people in there to directly deliver services? And again, I think that we can have a reasonable disagreement about that. But to the extent that you believe the higher priority is to get from 43 days or 42 days down to 30 days, there's a cost associated with that. We personally believe that, you know, our goal to try to get it down to 37 or 38 days is meeting you halfway, it's meeting the concerns that are out there, but I don't think we're going to get to 30 days even with the things that we're proposing.

Now, how are the days going to be chipped away? The computer technology is going to help from the standpoint on two different ends. The KinderTrack at the front end will help the providers get the information for the claims to the Department of Social Services faster, so that will probably shave off, in my estimation, about two days. The second part, which is the {KinderAttend} really comes down to the mailing of documents back and forth, and there I think you can probably save six days just given the nature of the mail from one entity back to other entity back to the other entity, you figure that's about six days. So I'm thinking that's eight days you can take off the 43, and I think we might be able to get to 35 or 36 or 37. But again, to get to 30, I think you're going to have to make a quantum leap.

The next important consideration I think we all have to think about is that 4%, okay, 4% of all of the claims that are processed by Social Services, only 4% are day-care. So there are 96% of other providers out there who are delivering important services to the people of Suffolk County, but they're not going to be covered by this law. So to the extent that you commit resources and you codify day-care providers, 4% of the totality are going to be in 30 days, you're then going to be passing -- you're going to have to pass another law and another law and another law to pick up all the other vendors because I don't know how you make the argument that 4% of the people processing claims to the Department of Social Services should have one standard and all the other vendors should be held to a different standard. So we view that as being the cascading effect of trying to codify this.

In addition, I think there's also a perception out there that everybody, everybody in the day-care community supports the legislation. Well, we were at a meeting as recently as a couple of weeks ago where the head of one of the organizations, which is Latina -- Voices Latina which represents over 300 people does not support the legislation. They have been satisfied with the meetings

they've been holding us, you know, brainstorming and having ideas go back and forth in terms of some of the things that we've done and they're very pleased with the progress that we've made. My only point there is that sometimes there's a tendency to believe that because ten people show up on a repeated basis that the ten people now represent all 718. There's a divided community out there in terms of what they want to see, administration action versus legislative action.

So in closing, you know, I just wanted to make it clear that it's not a confrontation, it's not a personality dispute, in my mind, it's purely philosophical. You know, I personally believe, I know the County Executive believes that 45 days is reasonable, but we're going to try to shorten that. In the private sector, 45 days with reliability of payment from an insurance company or a government is considered gold, and -- but we are going to strive with the things that we've mentioned in the veto message to chew that period of time down.

And one last point before I go. A comment was made about the SCIN forms and the filling of positions. What had happened was in June the two positions that were associated with or linked to the computer equipment had, in fact, been released, but because of the \$300 million brouhaha that we had with the State, over the summer time there was a freeze put on the release of those positions. But again, the County Executive I think heard the voice of speaking to individual Legislators and last week decided to, at least with respect to the two that had previously been held for the \$300 million sales tax dispute, to be released. So again, I think there's a case where Legislators did have an impact on that particular individual decision. And the other two positions that were released are positions that are in the claims section, that's different from the computer processing section.

And again, I know there's this perception out there that somehow misstatements are being made that positions are released but they're not filled. What happens is in the normal ebb flow, maybe that unit's got 20 people, so if you sign three SCIN forms in March, those positions get filled a few weeks later but then we can't control the fact that two other people get a promotion or transfer out, then those two SCIN forms come forward and now we're in the process of signing those. I know it looks as though somehow the first three SCIN forms that were signed really weren't signed, but they were, they were signed, the positions were filled, then two other people leave so you have to then sign those two SCIN forms.

So that was the last observation I wanted to make with respect to things that were said. And I believe that if the veto is sustained we're going to make progress; I don't think we're going to get to 30 days, but I think that we can get to some period of time between 43 days and 30 days. So, thank you.

LEG. ALDEN:

Paul?

P.O. LINDSAY:

Legislator Alden, you had a question?

LEG. ALDEN:

Paul, one statement that you just made, I want to just touch on that. The people that say that they don't support this legislation; they're happy with getting paid 45 days plus?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

They consider the 45 days to be a great accomplishment. I mean, obviously if it becomes less than 45 days they're going to be happy, but those people are satisfied that we got it down to the 45 days.

LEG. ALDEN:

Okay, I just wanted to clarify that. Because to me, you know, somebody that didn't care about getting paid, you know, I'm not sure I want to do business with them either. Now, going back to process a little bit, who actually set up the way that these forms or whatever it is that gets

processed, a request for a payment; that's done in-house, right, in the DSS?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Unfortunately, the actual processing of the claims is a function of two things; it's the State and the County, which goes to a point that I made a couple of meetings ago which is that somebody -- at one of the meetings that we held, somebody from the day-care providers made what I thought was a very intelligent suggestion, it sounded like a potential solution which is why don't you just change the technology and make direct deposit payments? So I didn't sit on it, I didn't say, "Oh, just because the idea came from somebody in the child care community, we're not going to look at it." We brought the County Comptroller's Office in with the County Treasurer's Office, we sat down and we said, "Can we do it?" You can't do it because of the incompatibility with the State computer system. So as a result, as a result, unless you can get the State to overhaul its entire system, you couldn't do something which makes as much common sense as trying to do direct deposit. So that's just by way of anecdote, is to --

LEG. ALDEN:

But primary --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's not a one step process, it's not just the County itself, you've got to deal with the State.

LEG. ALDEN:

Primary responsibility, though, is not the County Executive's Office, it's in DSS; right, they set up with the system?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, they do it in conjunction with the State, yes.

LEG. ALDEN:

Okay. Now, when the problem came to the County Executive or your attention, you went over there, did they have a proposed solution to how they could fix this and get the payments out faster? And what was that proposed solution, if they did have one?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Social Services talked about the very things that we're talking about, except for the new ideas that came forward. They talked about, you know, the need to have the automatic backfill of the positions, which we had no problem with. They talked about -- they were working on the computer system, but at that particular juncture they had projected -- when I had the meetings in October -- the first meeting was October, probably the second meeting was in November, they had projected that the rollout could be I think at the end of June, but that fell back by -- it would have fallen back by a month, but now it's falling back by three months because we had the delay with the technology positions.

LEG. ALDEN:

Would it be fair to characterize their response as manpower; that if they had more manpower they could actually get the -- they could process?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, if you want to get to -- I mean, this is a universal answer. If you want to get to 30 days across the board, you have to not just fill positions, you have to create new positions. I mean, that's why when we did the analysis -- the original prompt payment bill was for all County departments. If you remember, we came up with a cost of about \$2.9 million if you wanted to do it for all departments, because to get to 30 days for every County department, you have to increase personnel; and that's not a criticism, it's just an observation.

LEG. ALDEN:

Okay, but they didn't say that they have X number of empty slots that have been in the budget but haven't been filled; they didn't come up with that?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The only thing that was discussed was the comment I made before was it's very frustrating, they said, to have the ebb flow of where -- let's say you have 20 people that are assigned to the claims unit, so you get two vacancies because something happens to two people, they move on, you get the SCIN forms signed, it takes four weeks to get the positions filled, you think you've now caught up, they have to train those people, of course, after they come on board, so you're a little behind, and then two other people get a promotion. So what they were saying was that what's frustrating to them, and I can appreciate this, is that the ebb flow of managing a unit, everybody's got a different station in their lives in terms of what they're doing, you can never guarantee that you've got those 20 people every day, you know, of every week because people are looking to move on and they get promotions, they get better assignments in the County, they take Civil Service exams.

LEG. ALDEN:

But were they able to identify vacant positions that existed?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

At that particular time, I think they were just talking about -- like there were just the one or two positions.

P.O. LINDSAY:

They're in the budget. They're in the budget, there's vacant positions.

LEG. ALDEN:

I know.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I just wanted to touch on one point when speaking about priorities and it tied into what Legislator Vilorio-Fisher said; it talked about whether the priority should be administrative action or legislative action. And I just wanted to point out, rightfully so -- sorry, I'm being distracted over here.

LEG. CARACAPPA:

Sorry.

LEG. LOSQUADRO:

That we are a separate and equal branch of government and legislative action dictates policy, so therefore, our action should dictate what administration -- what administrative action should be. So by us passing this, I don't see where the difference would be. If we pass this -- if we override it, I should say, then it becomes law and that's the policy that the -- that's what the administrative policy has to be. So I don't necessarily see it as, you know, one or the other; if we make that decision and we set that policy, that is what the administrative policy must follow and that's a decision that we have to make as a body.

I understand your point about, you know, that there -- we can disagree about what costs are associated with that, but I think, you know -- and I don't want to belabor the point, but we have a decision to make about how we want to do business in this County and the people who do business with us, how we're going to treat them.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. I've listened to all the testimony of the day care providers and I certainly have been moved by that testimony, and nobody wants to see these organizations close or suffer, people lose houses. A lot of that testimony from the beginning was, you know, the stories of six month delays, nine month delays, now we seem to be arguing about 30 days versus 45 days. I did see the County Executive over the weekend, he also said he thought he could get it accomplished within 45 days. So my question to you, Mr. Sabatino, is that the fundamental problem with this bill; if this bill said 45 days and not 30 days, would the administration support this?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, I think the problem with putting -- I think the problem with putting a statutory deadline for one organization is going to create the cascading effect of having to then pass a bill for everybody.

LEG. SCHNEIDERMAN:

This is kind of a multifaceted problem. We have -- we're a separate branch of government, separate but equal I still maintain, we have passed all kinds of bills, you know, particularly asking for more employees in certain areas, and for whatever reason those employees, the SCIN forms don't seem to exist.

Now, there's a flaw in this bill in a sense, too, because there's a certification period, and if you're telling me, "Look, you can't do 30 days," all right, so my fear is that you're going to delay the certification period somehow and they're still not going to get paid in time. So I want to see these guys get paid, I do, very much, and I'd like to -- if you're saying that it's impossible to pay within 30 days but 45; to me, 45 is not unreasonable. But in good faith, I would think the administration would say, "Okay, if we're going to do it in 45 days, then we will accept the mandate or the legislative bill that will require that these payments be made in 45 days." So I'm a little disappointed to hear you saying that even if this bill is changed to 45 days you guys are going to fight against it, because to me that's absolutely reasonable.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, I think the problem is, though, that because -- you're talking about a Local Law that has a long-term, binding effect. And for example, reference was made to something that County Executive Pat Halpin wanted to do. So if you had codified, you know, his initiative at 30 days back in 1989 and now you're saying 45 days is okay, you'd have to go back and repeal the law, so it really makes no sense.

LEG. SCHNEIDERMAN:

You're arguing about this cascading effect and I'm -- let it cascade. I think all social service providers ought to be paid within 45 days; what's wrong with that? These people, we need them, they're providing a vital service to the County, and 45 days is reasonable.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, again, I say this respectfully, I just think it's a difference in philosophy. I don't -- me personally, I don't think the starting point, you know, of County government is -- the starting point should be to deliver services, the starting point shouldn't be the number of days it's going to take to make the payment, as long as you're being reasonable. And again, it's the gold standard in the private sector to have reliability of payment, reliability of payment means that you know you've got a party with the funds to make the payment. So third party payments from an insurance company, from the Federal government, from the State government, from local government makes your life as a business person a hundred percent easier than for those people in business who have to deal with running around trying to collect payments from primary parties that can't make the payments.

So having said all of that, I think the starting point should be to commit resources to delivering the actual services. To get caught up in a debate over whether, you know, 45 days or 43 days or 36

days, you know, should be the statutory standard for vendors I think just turns the process upside down.

P.O. LINDSAY:

Mr. Sabatino, I'm going to try and cut you off.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Okay.

P.O. LINDSAY:

I want to move this bill before we adjourn at 12:30 and I have one other person on the list.

LEG. SCHNEIDERMAN:

But this is very -- this is fundamental and important to me. Look, the County Executive is saying that he thinks --

P.O. LINDSAY:

I don't want everybody to have to come back at 2:30.

LEG. SCHNEIDERMAN:

If I may. The County Executive is --

P.O. LINDSAY:

You're not going to get the bill done.

LEG. SCHNEIDERMAN:

I'm sorry, I'm being told they can do it in 45 days but they're unwilling to be forced to do it in 45 days; is that correct?

P.O. LINDSAY:

It's been said and over said three times, Legislator Schneiderman. He just told you that he's opposed to the 45 days being mandated.

LEG. CARACAPPA:

Three times today.

P.O. LINDSAY:

How many times you want them to say it?

LEG. SCHNEIDERMAN:

Is that correct, Mr. Sabatino? I'll say it one more time.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

He's opposed to any mandate; shocked and amazed.

LEG. ROMAINE:

Right, that's right. You got it.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We would not support legislation to establish a statutory deadline for making payments.

P.O. LINDSAY:

Okay?

LEG. LOSQUADRO:

Okay, let's move on.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Okay, just to wrap it up. Because it has been said that there was an unwillingness to sit down and speak with the administration about this, and clearly --

MS. MAHONEY:

Your microphone.

D.P.O. VILORIA-FISHER:

-- when I made the original change --

P.O. LINDSAY:

Is your mike on?

D.P.O. VILORIA-FISHER:

When I made the original change which required this law to go back into public hearing, it was because I was willing to compromise.

And actually, Legislators Schneiderman and Losquadro Segued into precisely what my last question was going to be, is that there was an unwillingness to sit and compromise with me on this bill because the basic tenant of the bill, which is that this Legislature has a right to set policy by which the administration administers programs -- was the point on which we disagreed, and that's what you've just indicated, that you don't agree that this Legislature should be setting the policy on how payments should be made.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, I did not say that.

D.P.O. VILORIA-FISHER:

I thought that was your answer to Legislator Schneiderman.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, I did not say that. No, what I --

D.P.O. VILORIA-FISHER:

That it wasn't the number of days, as you've been asserting, but rather the authority of this Legislature to set policy on mandating that we pay promptly.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I did not say that. I said reasonable people can have a difference of opinion philosophically about what the starting point should be. Legislator Schneiderman asked me if we would support --

P.O. LINDSAY:

You've got a half of question, that's what you've got. Go ahead, Legislator Kennedy.

LEG. HORSLEY:

You have no party.

LEG. KENNEDY:

Yeah, that's true. As a matter of fact, my comment is just that I guess we've been doing this now for the better part of nine months, and I see one woman in the audience that kicked off a lot of this awareness for us back in January when she was wrestling with a Federal tax lien.

There may not be a desire on the part of the administration to embrace any particular mandate. We've spoken about 30 days, we've spoken about 45 days. The reality, when we look at the other side of the equation, Paul, is none of these people out there get to go ahead and talk about differentiation as far as paying their credit line, paying LIPA, paying any of the things that we all have to live with; that's their reality, that's what they live with day in and day out. So the fact that we may be the gold standard or the platinum or whatever else is irrelevant. We are contracting for a service, we're receiving a service, we've got to pay it.

You know, I recall two decades ago when I was in business school, it was 210 net 30, that was the standard, that's what happened. You solicited a service, you procured a service and you paid for a service. I think that what has to happen is all 18 of us who got elected are communicating that's what we want the County to be doing, so I'm prepared to override.

LEG. ALDEN:

That's not a question.

P.O. LINDSAY:

I didn't --

LEG. ALDEN:

That was just a statement.

P.O. LINDSAY:

I didn't need a question, we're debating the issue.

LEG. ALDEN:

No response, let's go.

P.O. LINDSAY:

Okay. Before we vote, though, I want to have the last word and I've got three minutes.

First of all, the child care industry is different than normal industries; you pay up front. In the private sector, if you contract for child care, you pay in advance of your child going, it's not after the fact. So the gold standard in terms of paying bills might be the norm in business, but with child care it's different and that's probably what caused a lot of the people upset out here from the child care industry.

I disagree about it being a cash flow issue; it isn't a cash flow issue, it's about administration. It's about having enough people to process the paperwork and we obviously don't have enough people to process the paperwork. And it's a shame that we didn't hire the four or five people that we needed last October or May or spring, that we had to wait to come to this step in order to get the people hired, which I've been assured that the SCINS have been signed, they're going to be hired, the four people, and that they will be on an automatic backfill list so if someone is promoted we don't have to go through this again.

I disagreed with the bill, both bills initially, and I still do because I don't -- I think they're just feel-good legislation. I think the administration is going to find a way of not paying the fines. I want the people on the job to process the claims faster.

LEG. MYSTAL:

Call the vote.

P.O. LINDSAY:

And that's about it. Roll call; this is to override the County Executive's veto.

MR. LAUBE:

Correct.

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

D.P.O. VILORIA-FISHER:

Yes to override.

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

Pass.

LEG. CARACAPPA:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes to override.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

Yes to override.

LEG. BROWNING:

No.

MR. LAUBE:

Eleven.

LEG. ROMAINE:

Eleven, it failed by one?

P.O. LINDSAY:

Okay, *the override fails.*

Being that it's 29 after, I'm going to accept a motion to --

LEG. ALDEN:

Motion.

P.O. LINDSAY:

-- recess for the morning session. Motion by Legislator Alden, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We are recessed to 2:30 PM.

*(*The meeting was recessed at 12:29 PM and reconvened at 2:37 PM*)*

P.O. LINDSAY:

Okay, Mr. Clerk, roll call.

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

LEG. ROMAINE:

(Not present)

LEG. SCHNEIDERMAN:

(Not present)

LEG. BROWNING:

Here.

LEG. CARACAPPA:
(Not present)

LEG. LOSQUADRO:
(Not present)

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Present.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Present.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. STERN:
Here.

LEG. MYSTAL:
(Not present).

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

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

P.O. LINDSAY:
Here.

MR. LAUBE:
And I see Legislator Mystal.

P.O. LINDSAY:
Do we have any cards, folks? Did you see any cards for a hearing?

MR. LAUBE:
I'll check out front; they didn't bring any in, so I doubt it.

P.O. LINDSAY:

Okay. The first ***Public Hearing is IR 1408-07 - A Local Law to improve pool safety and protect against accidental drowning ("Anthony's Law") (Cooper)***. I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I will make a motion to recess the hearing.

LEG. ALDEN:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Twelve.

P.O. LINDSAY:

IR 1797-09 - A local enacting Social Host Law to deter the consumption of alcohol to minors (Montano). And I have two cards on this subject, first is Jack Jerdan? Jordon is that? I'm sorry.

MR. JERDAN:

Jerdan.

P.O. LINDSAY:

Jerdan. Mr. Jerdan, you have five minutes.

MR. JERDAN:

Good afternoon, distinguished members of the Suffolk County Legislature. Can I be heard?

MR. LAUBE:

It's not on.

MR. JERDAN:

Once again, good afternoon, everyone, distinguished members, Ladies and Gentlemen of the Suffolk County Legislature. My name is Jack Jerdan, I'm with the Long Island Council on Alcoholism and Drug Dependence, Inc. I would like to especially say hello to some local members of my constituency, Legislator D'Amaro and Legislator Stern, two great County Legislators and representing my communities quite well; it's good to see them.

LEG. D'AMARO:

Thank you.

MR. JERDAN:

I speak in favor of the bill. And as I look over again and refresh my memory, which I did numerous times today on 1797-2007, I think the bill is very straight-forward and I'm proud to stand here and support it. Enacting a Social Host Law to deter the consumption of alcohol by minors; I believe this is a life-saving bill that is being proposed here. I'm going to obviously ask each and every one of you to consider voting in favor of this bill because, again, I see it as a life-saving bill for our young people.

You talk about and it's mentioned here in the bill, "The Legislature further finds and determines that the Surgeon General has stated that young people who start drinking before the age of 15 are five times more likely to develop alcohol-related problems in life." My experience and my history in working with young people on alcohol and drug dependence and addiction is that is absolutely

correct. Therefore, the purpose of this law is to deter the consumption of alcohol by minors by holding those over the age of 18 responsible when they permit the consumption of alcohol by minors at their residence.

I would like to give you a few statistics, and I'm sure most of you are aware of the extent of the problem. I would just like to highlight -- first I'll say a few words from Alcohol Alert which is a Department of Human Services publication, I'm sure many of you are familiar with it. "Alcohol is the drug of choice among youth. Many young people are experiencing the consequences of drinking too much at too early an age. As a result, under-age drinking is a leading public health problem in this country. Each year, approximately 5,000 young people, 5,000 young people under the age of 21 die as a result of under-age drinking.

Five thousand young people die as a result of under-age drinking; this includes about 1,900 deaths from motor vehicle crashes, 1,600 as a result of homicides, 300 from suicides as well as hundreds from other injuries as a result of falls, burns and drownings because of under-age drinking.

Research also shows that many adolescents start to drink at a very young age. In 2003, the average age of first use of alcohol was 14 -- we're documenting 14, and I know that many of you know it's a lot younger -- compared to about 17 and a half in 1965. People who reported starting to drink before the age of 15 were four times more likely to also report meeting the criteria for alcohol-dependence at some point in their lives; they're drinking earlier, they're drinking young and, in fact, they're developing alcohol dependency at a much greater rate and at a very alarming rate. In fact, new research shows that the serious drinking problems, including what is called alcoholism, typically associated with middle-age actually begin to appear much earlier, during young adulthood and even adolescence.

I'd like also -- just a quick quote from the New York Times, March 30th, 2007; "Freshman Drinking Death Stuns a New Jersey University.

An 18 year old freshman at {Ryder} University died on Friday, a day after he was admitted to the hospital after drinking an excessive amount of alcohol at a fraternity party." Again, our young people are drinking young, they're drinking often, they're binge drinking and they are dying and they are causing many other health-related problems and other deaths.

Just real quick, from the Surgeon General's Call to Action this past couple of months, in 2007, when a health topic needs special attention, the Surgeon General issues a National Call to Action to everyone in America. The Surgeon General's Call to Action to prevent and reduce under-age drinking explains why alcohol youth is a major public health and safety issue. In any more, more youth are drinking than smoking cigarettes.

P.O. LINDSAY:

Mr. Jerdan, if you could wrap up, your time is up.

MR. JERDAN:

Okay.

P.O. LINDSAY:

And one of our Legislators has a question for you anyway.

MR. JERDAN:

Okay. Bottom line, our young people are drinking young, they're drinking often, many of them are dying, many of them are killing other people. This bill is a great step forward to help us reduce under-age drinking and save lives. Thank you very much.

P.O. LINDSAY:

Legislator Barraga has a question for you.

LEG. BARRAGA:

Mr. Jerdan, you have a lot of expertise in this particular area and I don't. I'm looking -- I have some questions about the legislation and its intent in terms of the enforceability. Let me give you an example.

Let's say my wife and I have a party at our home and we have a teen-age daughter and she invites 30 or 40 young people, and I make it very clear to them, when they come to the house there's going to be no drinking in the house; we will not be serving any liquor whatsoever. And the party goes on for several hours, but I don't realize, for example, somebody has brought in alcohol and they're drinking in the backyard, or we notice or we've been told certain trips to a certain car are being made and there's alcohol being distributed from the automobile to these young people. And then one of them leaves and is pulled over and the cop says, "Where were you? I was at the Barraga's House". I think I have a problem under this bill. I mean, I've done everything I possibly can within my means to prevent drinking -- or someone is not pulled over, they have a serious accident, they have a serious accident; I think I have not only criminal liability, I could well have civil liability from the parents of that person who was just in the accident.

I'm questioning the enforceability. I understand what you're saying about young people, were young people drinking, but in this particular instance I'm not so sure this is a very fair bill for homeowners who have made an effort. I mean, I've known -- someone recently told me everyone who came to his daughter's party, he actually took their car keys away from them until they left, and then found out later that two of them were drinking alcohol in his backyard; they weren't pulled over, others told him. I'm not so sure from a fairness perspective how this thing really works.

MR. JERDAN:

It's a great question. Again, the only thing I can say is that it very specifically says in here, the wording is "knowingly; aware of or having reason to be aware of the consumption of alcohol by a minor." So if you are aware then you're responsible.

P.O. LINDSAY:

Okay, does that satisfy you? Legislator Nowick has a question as well.

LEG. NOWICK:

Thank you for coming down. It's nice to see you again. And I do believe --

P.O. LINDSAY:

I don't know whether you're on, Lynne.

D.P.O. VILORIA-FISHER:

Lynne, your mike?

P.O. LINDSAY:

Are you on?

LEG. NOWICK:

Yep.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

And I do believe there are certain aspects of this bill that are excellent. But when you -- you just triggered something; how do you prove if somebody is aware? Being the mother of two grown daughters, you know, I say just what Tom said, Legislator Barraga said, I always say "Anybody under age, out." They're older, but how do you -- how does the law provide? How do you prove -- is this law more of a conscience-awareness kind of a law, is it a good-feel law? And again, I think it's something we have to deal with, it's something that even if we do make people aware, but how do you prove this? I mean, are the parents going to be so vulnerable here?

MR. JERDAN:

That's a very good question, and that was also raised in Nassau County and that really is a question that must be answered by an Assistant District Attorney. But the bottom line is that they have to prove that, in fact, the person who knowingly knows that alcohol is being served, they have to prove that; it has to be proven in order for it to be prosecuted.

MR. NOLAN:

No, that's not right.

LEG. MONTANO:

No, no, no, you don't prove you didn't know.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. The intent of the bill, you said --

P.O. LINDSAY:

Microphone, microphone, please.

LEG. ROMAINE:

The intent of the bill, which Legislator Barraga clearly pointed out, how -- you know, you mentioned, when he mentioned a case example that he presented you with, you said, "Well, they'd have to know that." Well, don't you think every parent, when confronted with a charge like that said, "I didn't know that that was going on"? So how do you distinguish whether they do or they don't know whether this is going on? Because if I was -- you know, think of the average parent; they might say, "I didn't know that that was going on. I was at the house, I didn't see that, I wasn't aware of that and I would have taken precautions against that"; that's almost like an absolute defense to this.

LEG. EDDINGTON:

It is.

P.O. LINDSAY:

Is there a question in there?

LEG. ROMAINE:

No, I just throw that out for a comment.

LEG. SCHNEIDERMAN:

Isn't it?

LEG. ROMAINE:

How do you contend against that? Because essentially, we would pass --

P.O. LINDSAY:

Do you want to comment, do you want to answer that in any way?

LEG. ROMAINE:

Well, yeah, because essentially we would pass a law in which there would be no -- there's an absolute defense; question mark.

LEG. MONTANO:

Is there a question there, Ed?

LEG. ROMAINE:

That's it.

LEG. SCHNEIDERMAN:

Isn't there?

LEG. ROMAINE:

Is there an absolute defense by saying, "Look, I did my best"?

P.O. LINDSAY:

Mr. Jerdan doesn't seem to want -- you know, have an answer to that. I'm not sure there's a question, but he doesn't have an answer.

LEG. MONTANO:

There is a question, there is.

LEG. SCHNEIDERMAN:

Don't you agree?

P.O. LINDSAY:

But Legislator Romaine -- Montano has a response.

LEG. MONTANO:

No, no.

P.O. LINDSAY:

Oh, then you have a question.

LEG. MONTANO:

If that's the question, the answer is in the question; not knowing is a defense.

LEG. ROMAINE:

Right.

LEG. MONTANO:

It's an absolute defense because the Statute says you must know. For example, if a family, if the parents go out and buy liquor --

LEG. ROMAINE:

Well, that's a different story.

LEG. MONTANO:

And they provide it and it's open and everybody -- if they go out and get a keg of beer and it's in the backyard and all the kids are drinking, that is knowing. You would prove a violation the way you would prove any violation; if someone were cited for a violation, the prosecutor would need to have evidence. Someone would have to come forward and say, "The parent was in the room. I saw the parent there, the parent knew that the kids were drinking." If the parent is unaware, there is no liability. Once the parent is made aware, they have to take corrective action; if they find a bottle, they have to tell the youth, the child, "You have to leave the premises, give the bottle up."

So you're right, not knowing is an absolute defense. No one is going to be prosecuted. And by the way, these are really violations, they're not -- it doesn't become -- unlike the Nassau law which starts at the misdemeanor level, the first two violations here are simply that, violations, it's a fine; if you don't get the message by the third time then you deserve a misdemeanor, so that's the

difference between here and now. But knowledge is critical; it's almost like the parent would have to be a -- you know, you don't want to use the word facilitator of the consumption --

LEG. ROMAINE:

Right.

LEG. MONTANO:

-- of alcohol in order to be liable under the statute.

P.O. LINDSAY:

Now, that was -- these were all questions for Mr. Jerdan.

LEG. MONTANO:

For who?

P.O. LINDSAY:

We're supposed to be able to question under the public not to make -- not to debate the issue, I'm just pointing out these were questions --

LEG. MONTANO:

Those were questions, right.

P.O. LINDSAY:

-- for Mr. Jerdan who's testifying before us.

LEG. MONTANO:

Well, Mr. Jerdan is testifying, but he didn't write the bill. So to the extent that he doesn't have any knowledge, I was just explaining what the bill --

P.O. LINDSAY:

I know, but that's for debate, that's not for questioning under the public hearing.

LEG. MONTANO:

All right.

P.O. LINDSAY:

Okay? Legislator Alden, question; do you have a question?

LEG. ALDEN:

Under "knowingly", did you speak to the issue? Because it does say "aware of", but then it also says "or having reason to be aware of"; how would you interpret that?

MR. JERDAN:

Again, I'm much more coming from the area of the under-age drinking.

LEG. ALDEN:

Okay, then you didn't make a statement on that.

MR. JERDAN:

Right, no.

LEG. ALDEN:

Okay, thanks.

P.O. LINDSAY:

Thank you very much, Mr. Jerdan.

MR. JERDAN:

Ladies and gentlemen, thank you very much, and I urge you to pass this bill. Thank you.

P.O. LINDSAY:

Okay, thank you. Denna Cohen? Donna or Denna?

D.P.O. VILORIA-FISHER:

Denna.

P.O. LINDSAY:

Denna; I should really put my glasses on.

MS. COHEN:

Okay, I'm ready for my questions. Good afternoon. Thank you for the opportunity of speaking here today. I am Denna Cohen, President of Mothers Against Drunk Driving, the Long Island Chapter. I am here to support the Social Host legislation proposed today. The mission of Mothers Against Drunk Driving is to stop drunk driving, support the victims of this violent crime and to prevent under-age drinking; I am here for the last part of our mission, to prevent under-age drinking.

We as parents are charged with the well-being of our children. However, there are some parents that don't care about the health and safety of their children or anyone else's children; it's those parents I am concerned about. These parents think it's more important to be the popular parent than the concerned parent. If parents serve alcohol to under-age children, they are not only endangering the welfare of a minor, but breaking the law; there is a zero tolerance in New York. By doing that, they're sending a message that the law doesn't matter and that young people can do the same. Even if the host parent takes the keys of the under-age people, there is still danger lurking. Very often police are called because of fights in backyards; these kids walk drunk in the street and get hit by passing cars because they can't get out of their own way.

Having a social host law in Suffolk County will save lives. I have devoted myself to the prevention of drunk driving; I have been doing this for the past 18 years since the death of my own child at the hands of a drunk driver. Yes, it's sad that laws have to be passed so that some parents get the message. Yes, it is sad that fines and the prospect of doing jail time is the only reason that some parents will comply with a law that states that you can't service alcohol to anyone under the age of 21. This legislation makes perfect sense to me. I'm sure that most parents don't want their child consuming alcohol. I agree that a parent can serve their own child alcohol in their own home, but not mine. MADD is not against the consumption of alcohol, but we stand our ground that serving people under the age of 21 is illegal and harmful to our children.

Now, I was at a party this summer, a high school graduation party, by somebody pretty close to me that knows about the loss of my child, that was there with me, and they served alcohol at that party. It ripped me open inside, it really did, because to me it was they forgot what happened, and I thought that person loved my child and cared about my family. So I had to go over to the parents at that party and tell them exactly how I felt and leave. Should I have called 911? Yes, I should have, but I didn't, so I guess I'm remiss in what I should have done as well. But this will save lives.

Children are starting to drink, as you heard before, at a very young age. We just had statistics, children are starting to drink in the 4th grade. What are they, nine, ten years old? In the fourth grade; that is sick. I was just at a MADD National Conference in St. Louis, Missouri two weeks ago and we just found out something new that a lot of you may not know, and a lot of you are sending your children off to college for the first time. There's a new thing going on on college campuses so that they cannot be stopped -- if they are stopped by the police for drunk driving, they cannot get a breath reading because they are taking alcohol enemas.

LEG. MONTANO:

They're taking what?

LEG. ALDEN:

Enemas.

MS. COHEN:

You heard me, enemas.

LEG. MONTANO:

Enemas?

MS. COHEN:

They're enemas; they are not consuming alcohol orally, they are consuming it rectally.

LEG. ALDEN:

That's college kids.

MS. COHEN:

College kids. Now, we all in the room, when we were learning about this, had the same reaction all of you are having now; why? I mean, God only knows why, but this is what they're doing. They get pulled over by the police, they cannot prove alcohol consumption, they can't get a breath reading. So this is very important stuff.

P.O. LINDSAY:

Denna, your time is up, but you've raised some questions from some of the Legislators; I don't know if whether it was about the last statement or not, but we'll find out.

LEG. MONTANO:

It's a question.

P.O. LINDSAY:

Legislator Montano has a question.

LEG. MONTANO:

Denna, I do have a question in reference to -- not so much this bill, but in reference to teen-age alcoholism of youth. I recently interviewed for my screen before one of the newspapers and this issue came up and they asked me the question, because when I was growing up -- and I'm a lot older than some of my colleagues here -- we were allowed to drink legally at 18 and then the age was raised to 21. And they asked me the question whether or not the raising of the drinking age decreased alcoholism among young people, and I honestly didn't have an answer. In your field, do you know whether or not there are any statistics that indicate -- because the argument that's raised is that you're 21, you can -- you graduate from high school, you graduate from college, you know, you can get married, you can join the military, you know, you can wind up being a casualty but you're not allowed to drink, you know, and that's an argument that was used when the drinking age was raised.

So what I'm asking you is do you have any statistics with respect to whether or not the increasing of the age for consumption, legal consumption of alcohol to 21 has had a beneficial effect in terms of lowering the rate of alcoholism or death as a result of drinking and driving; do you have any of those figures within your organization?

MS. COHEN:

Yes, we do.

LEG. MONTANO:

And what do they indicate?

MS. COHEN:

We find that between 900 and a thousand lives are saved every year since the raising of the age to legally drink to 21.

LEG. MONTANO:

Is that a result of drunken driving?

MS. COHEN:

Yes, yes, as a result of drunken driving, 900 to a thousand lives a year are saved. The reason that this was -- that the age limit was raised was not because -- my own son, my oldest son who is now 42 years old -- oh, God, I can't even believe that he's that old because I'm not -- he is 42 years old, he was in the midst of that, he was 18 years old, "Whoa, I can drink. Whoa, I can't drink", because now they raised the age to 21 and he wasn't. The reason that the age limit was raised was a medical, scientific reason; our brains do not fully finish developing until we're in our mid to late 20's.

LEG. MONTANO:

Someone told me that, I wasn't sure.

MS. COHEN:

If you add alcohol to a still-developing brain, you're going to damage it. So that's why the age was raised.

LEG. MONTANO:

Is there any empirical evidence to indicate that having raised the level to 21 decreases the level of alcoholism later or -- if you know; I'm just asking if you know.

MS. COHEN:

You know what, kids are starting to drink much younger. When my kids were young, 4th grade? No. Junior high and high school? Yes, they were drinking. But now kids are starting at a much younger age, so we have to get into the elementary schools, get to these parents of elementary school age children and get them to understand that -- don't say, "It's not my child," because it is and every child is all of our children. They're our most precious resource; it's not the air we breath, it's not the water we drink, it's our children, and if we don't save our children, it doesn't matter how clean our air is going to be because nobody is going to be here to breathe it.

LEG. MONTANO:

All right, thank you very much.

P.O. LINDSAY:

Thank you, Legislator Montano. Denna, Legislator Barraga has a question as well.

LEG. BARRAGA:

I just wanted to get your opinion. Mr. Montano's bill, let's say I'm the host and Johnny Jones is drinking and he gets pulled over and indicates that, "I was at the Barraga's and, you know, I was drinking there," and they come and they issue a violation to me. Obviously, Johnny Jones is going to get something, he's been pulled over, maybe a DUI. What would you think of further expanding this host bill to make the parent or parents of Johnny Jones also receive a violation; don't they have a responsibility here as well?

MS. COHEN:

Absolutely they do. In fact, I was just at a sobriety checkpoint just before Labor Day and a carload of kids pulls in to this checkpoint. The driver was sober, the kids were 17 and 18 years old they, were so trashed, it was really disgusting, they couldn't even stand up. The police made their

parents come and get them, even though they weren't driving, but their parents needed to see the condition they were in. We must let the parents know what's happening with their children.

LEG. BARRAGA:

And what I'm suggesting is that in this particular case, the parents of those children would also get a violation notice, they would be fined; they have to have some responsibility here.

MS. COHEN:

Yes, they do have to have some responsibility. I believe that --

LEG. BARRAGA:

So that, you know, when Johnny Jones walks out of the house, his mother and father say, "Look, you don't do any drinking otherwise the cops come and see me. I'm going to pay the fine."

MS. COHEN:

Yeah, you're going to -- the parents, Johnny Jones' parents are going to pay the fine and you're going to pay the fine --

LEG. BARRAGA:

Right.

MS. COHEN:

-- because he was drinking in your house.

LEG. BARRAGA:

You don't have a problem with that?

MS. COHEN:

You need to be aware of what goes on in your home. Kids are very inventive in ways they find to hide things from us and we need to see, "Well, gee, this kid made three trips outside the yard or outside the family room; where is he going?" So it is up to you, the host of that party, to find out what that child is doing. We can't go to bed and turn our TV on and just let that party happen; we can't do that.

LEG. BARRAGA:

All I'm suggesting is that I'd like to see it a little more inclusive. I'd like to see some responsibility in terms of the parents of that child, and if they knew they were going to get a violation and pay a fine, I think there would be a double message sent to that one person, one by his parents before he leaves the house and the other by the host as he attends the party. I mean, I don't know if there's a constitutional question, I'd have to ask Mr. Kennedy.
Thank you very much,

MS. COHEN:

Thank you.

P.O. LINDSAY:

First, Legislator Nowick, Denna, has a question as well.

LEG. NOWICK:

Hi, Denna, nice to see you. I might be wrong, but I thought there was some type of a law already that the owner of a home or a business is liable --

MS. COHEN:

The {dram shop}.

LEG. NOWICK:

How does this differ than from serving -- I mean, isn't the owner still liable? What is it?

MS. COHEN:

The {dram shop} is for an establishment.

LEG. NOWICK:

But what about a home?

MS. COHEN:

7-Eleven, a bar, a pub, that's what that is for. This law, the social host law is for the party giver.

LEG. NOWICK:

So this law is if somebody leaves the party, not necessarily gets in trouble or doesn't drive, just has liquor in him. Okay, the other -- what I'm probably thinking of then is as the host, if somebody leaves the party and gets hurt then they're liable. So what this law, how this law differs, and correct me if I'm wrong, is that it doesn't matter, if the young person has alcohol in them the host is liable.

MS. COHEN:

Is responsible, yeah.

LEG. NOWICK:

Okay, I just wanted to clear that up.

MS. COHEN:

You know, there's an under 21 drinking law. So like I said earlier, if you're going to break the law, you're teaching the child that it's okay to break the law. You know, it's like a double-whammy, where does that end?

P.O. LINDSAY:

Denna, before you go, there's a couple of other questions. Legislator Mystal has a question.

LEG. MYSTAL:

Good afternoon.

MS. COHEN:

Good afternoon.

LEG. MYSTAL:

So the law as written is that it doesn't have to be that the person is involved in any kind of accident or anything, if he has a couple of drinks in him then you are responsible.

MS. COHEN:

Right. That child goes home and the parent says, "Whoa, you smell of alcohol," they can go after the other person.

LEG. MYSTAL:

Let me ask you your opinion about this. I have my own nephew who just came back from Iraq, he's 19 years old, he's killed a few people, he's been shot at, so he came home and I gave him a couple of beers; so I'm liable?

LEG. NOWICK:

Yes.

LEG. HORSLEY:

You got it.

MS. COHEN:

His mother could have given him a beer in their home, but you can't give it him in your home.

LEG. MYSTAL:

No, I said my nephew.

MS. COHEN:

Yes, but I'm saying --

LEG. MYSTAL:

He's been shot at, he's killed a few people, his car has been bombed, he survived, he came home and I said, "Johnny, I'm glad you're home, here's a beer"; I'm liable?

MS. COHEN:

Yes.

LEG. MYSTAL:

Thank you.

MS. COHEN:

Yes. You know, getting -- it's a horrible thing, we send our young people off to war; it's a terrible thing.

LEG. MYSTAL:

He can kill but he can't drink.

MS. COHEN:

Yeah, because this is -- the alcohol is not affecting his brain.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Just a little further clarification, I want to understand this bill and this issue. Obviously, right now if you operate a motor vehicle under the influence of alcohol, that's a criminal act. If a parent serves a person alcohol, a minor alcohol under 21 in their own home, serves, actively serves -- it's a verb -- that's a criminal act presently?

MS. COHEN:

Not if it's your own child.

LEG. D'AMARO:

Okay, so there's a distinction made where you can serve --

LEG. MYSTAL:

Your own child.

LEG. D'AMARO:

-- your own child or a person under the age of 21 if they're your son or daughter.

MS. COHEN:

Correct.

LEG. D'AMARO:

And that is not a criminal act.

MS. COHEN:

That is not a criminal act. There are some religious ceremonies that require the consumption of wine --

LEG. D'AMARO:

Okay, but if you serve --

MS. COHEN:

-- so you can't stop that child from having that wine.

LEG. D'AMARO:

But if you serve any other minor under 21 in your home, that's a criminal act.

MS. COHEN:

Correct.

LEG. D'AMARO:

So this bill would then take the next step and say the service or permitting consumption, knowingly permitting consumption, by any person including your own child is -- there's now a civil liability for that.

MS. COHEN:

Not your own child.

LEG. D'AMARO:

This bill has an exemption for your own child,

LEG. MONTANO:

Yes.

MS. COHEN:

Just someone else's child.

LEG. D'AMARO:

Okay. All right, so the distinction --

MS. COHEN:

You can serve your child alcohol but not mine.

LEG. D'AMARO:

Okay, I got you. So the distinction is that presently the law does not -- presently the law penalizes active service, this goes further and just penalizes consumption if there's knowledge of that consumption, and that's the next natural step in trying to curtail minors from drinking.

MS. COHEN:

I don't understand.

LEG. D'AMARO:

Well, in other words, right now if I serve alcohol to a minor who is not related to me --

MS. COHEN:

Right.

LEG. D'AMARO:

-- in my home, that's a criminal act, right?

MS. COHEN:

Right.

LEG. D'AMARO:

There's liability for that. This bill goes further this bill; this bill is more than service, it could just be -- I could never serve anyone --

MS. COHEN:

Right.

LEG. D'AMARO:

-- but as long as it's being consumed and I know or should know that it's being consumed, then I am responsible.

MS. COHEN:

Exactly. If you're --

LEG. D'AMARO:

So what you're doing -- do you view this bill as then -- do you view this bill as then making the parents into the police?

MS. COHEN:

The parents should be the police.

LEG. D'AMARO:

Right, that's what I'm asking you.

MS. COHEN:

Absolutely, the parents should be the police.

LEG. D'AMARO:

So in other words, you want to legislate -- you want to enact a bill that is telling parents, "We are going -- if you're not willing to police the consumption of alcohol in your home, we're going to penalize you."

MS. COHEN:

Uh-huh, we're going to do it for you.

P.O. LINDSAY:

That's the heart of it.

LEG. D'AMARO:

Okay, I just want to understand it. Thank you.

MS. COHEN:

Absolutely.

P.O. LINDSAY:

Thank you, Denna Cohen, for being so patient with our many questions, all right?

MS. COHEN:

You're very welcome. Bye.

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone in the audience that would like to

address us on 1797? Seeing none, Legislator Montano, what's your pleasure?

LEG. MONTANO:

I think we can close this.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

I have a motion to close, seconded by Legislator Viloría-Fisher.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not Present: Legislators Romaine, Caracappa & Schneiderman).

P.O. LINDSAY:

Next, ***Public Hearing on IR 1799-07 - A local Law to establish a notification requirement for consultant contracts (Montano)***. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Montano, what would you like to do on this one?

LEG. MONTANO:

I'm sorry, this is 17 --

P.O. LINDSAY:

1799, you're the sponsor.

LEG. MONTANO:

I'm going to make a motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Romaine & Caracappa).

P.O. LINDSAY:

Public Hearing on IR 1833-07 - A Local Law to establish a Prompt Contracting Policy for not-for-profit organizations (Montano). I don't have any cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, Legislator Montano?

LEG. MONTANO:

I'll make a motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Romaine & Caracappa).

P.O. LINDSAY:

Public Hearing on IR 1867-07 - A Local Law to ban low-efficiency incandescent lamps and to create the Energy Efficient Lighting Task Force (County Executive). I don't have any cards. Please come forward and identify yourself.

MR. BIELANSKI:

Good afternoon, Mr. Presiding Officer. Brian Bielanski from the County Executive's Office.

P.O. LINDSAY:

Is that on?

LEG. LOSQUADRO:

It's on.

LEG. D'AMARO:

Lift the mike up.

MR. BIELANSKI:

It's on, I'm just not speaking loud enough, which is unusual, I guess. I have your thoughts from the Department of Environment & Energy Commissioner, Cary Gallagher, just to be put on the record and I'll give that to the Clerk.

P.O. LINDSAY:

Thank you very much, Brian. Is there anybody else in the audience that wants to speak on this subject? Seeing none --

LEG. HORSLEY:

Motion to close.

P.O. LINDSAY:

Motion to close?

LEG. SCHNEIDERMAN:

Motion to recess.

LEG. LOSQUADRO:

Question.

P.O. LINDSAY:

Motion to recess. Question of who?

LEG. LOSQUADRO:

Well, what is the sum and substance of those comments; are they in favor --

P.O. LINDSAY:

Brian, you want to come back up to the mike, please?

LEG. LOSQUADRO:

-- of closing this or are there changes that Ms. Meek-Gallagher would like to see made that would necessitate a new public hearing if we were to close it, would they be substantive in nature?

MR. BIELANSKI:

I'd be happy to read it if you'd like.

P.O. LINDSAY:

Please, read them into the record.

MR. BIELANSKI:

Sure.

"Purpose: This legislation takes a very important first step in creating a task force to evaluate all issues surrounding standards being set that would create levels of efficiency for all light bulbs to be

sold in Suffolk County. The intent of this initiative is to reduce energy consumption in all households potentially by as much as 15-20% -- this is per EPA estimates -- resulting in reduced dependence on fossil fuels, reduced energy costs for homeowners and decreased emissions from power plants needed to fulfill our ever-increasing demand for electricity in Suffolk County. These benefits are intended to increase the overall quality of life for Suffolk residents, not burden them with reduced options for lighting their homes.

Incandescent lighting is based on a 125-year old technology that is extremely inefficient by today's technological standards, resulting in as much as 90% of the energy used being lost to heat created during the lighting process.

Key Points: In the lighting efficiency standards developed by the task force" -- I'm sorry -- "If the lighting efficiency standards developed by the task force are adopted by the Suffolk County Legislature, they will not take effect in retail establishments until the year 2012. By that time, it is expected that manufacturers will be able to offer incandescent light bulbs that are as efficient, if not more efficient, than the current light bulbs being offered for sale in stores today. This legislation aims to drive the market to provide safer and more cost effective energy options, reducing consumption dramatically in every home in Suffolk County.

This legislation will not eliminate the sale of all incandescent light bulbs in Suffolk County. Rather, it will eliminate the sale of the least efficient bulbs that over their lifetime of use are wasteful and lack energy and sustainability.

A concern over Mercury content in some of the more efficient light bulbs, such as compact fluorescent bulbs, is an issue that needs to be fully addressed by the task force this legislation creates. However, it has been shown that by utilizing more efficient lighting with even low levels of Mercury results in a net reduction of Mercury being released into the atmosphere and an overall improvement in air quality.

LEG. LOSQUADRO:

Bill?

D.P.O. VILORIA-FISHER:

I'll second the motion to close.

LEG. SCHNEIDERMAN:

Can I ask a question?

P.O. LINDSAY:

Wait, we have some questions. Legislator Losquadro, did that satisfy your question?

LEG. LOSQUADRO:

Yes, in the one sense. So I just want it to be clear that we have a department head that's in favor of a task force?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Oh, that's shocking, considering --

P.O. LINDSAY:

That's what the memo is.

LEG. LOSQUADRO:

-- the last task force that I tried to propose.

P.O. LINDSAY:

Okay. Are you done, no?

LEG. LOSQUADRO:

It seems -- well, thank you, I guess when we debate the bill. It seems as though the commentary provided here is sufficient information, I really don't see the need to create a task force then, it seems redundant.

P.O. LINDSAY:

But that would be for the debate of the bill.

D.P.O. VILORIA-FISHER:

I'll second the motion to close, please.

P.O. LINDSAY:

I still have a couple of questions. Legislator Schneiderman, did you have a question of Brian?

LEG. SCHNEIDERMAN:

Yeah, and I did also make a motion to reassess this. You had stated a moment ago that -- and this was a statement from Commissioner Gallagher -- that this would not ban the sale of incandescent lights in Suffolk County, yet the bill itself bans low efficiency incandescent lamps and it doesn't define them, it allows the definition to be set by the task force which doesn't yet exist, so we don't know that what you're saying is true. And I just don't know what the economic impact, -- and maybe you might have some information -- if a lot of people in Suffolk County who want standard bulbs go into Nassau County to get them and we lose all that sales tax revenue, what the impact might be in Suffolk County. Do you have any information?

MR. BIELANSKI:

No.

P.O. LINDSAY:

Wouldn't you think that that would be something that the task force would examine?

LEG. SCHNEIDERMAN:

Except it's not listed as one of the things the task force will examine.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I don't know if you'd have the answer to this, but wasn't Federal legislation just recently introduced to accomplish the same goal as this legislation?

MR. BIELANSKI:

I don't have the answer, unfortunately.

LEG. BARRAGA:

I believe it has been, very recently; I don't know if Mr. Sabatino is aware of that, but I know I read it. I'm just wondering, if that's the case, do we really have to pursue this?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

What happened in Washington was legislation has been bandied about. They've been trying to come up with a standard and what's been frustrating in the Washington legislation is that they haven't been able to come up with the absolute standards of what should be banned or not be banned.

They've got, you know, an Office of Technology and Assessment and they've got the Congressional Budget Office and a whole bunch of other general accounting offices that have looked at it and they have not yet been able to come up with a definition. In the event that the Federal legislation were to actually be adopted with a ban at some point, then yes, the local legislation would not be relevant. But since they haven't been able to do that, if our task force is able to come up with a standard before the Federal government is, ours would kick in at that point.

So it's something that's being debated at the Federal level, you're absolutely right. It's just that they were not able to get consensus from their own experts on what the -- the way to go. California had the same problem, Governor Schwarzenegger was looking at trying to do an absolute ban and he was left with the option of putting together a task force to try to get definitions and standards. So we're not at the point of having the absolute criteria to impose the ban.

LEG. SCHNEIDERMAN:

Can I ask a question?

P.O. LINDSAY:

Wait a minute; Legislator Nowick, Alden and then Schneiderman.

LEG. NOWICK:

Yeah, Paul, and just a quick answer. I'm just curious as to why -- and maybe this is more not for you, maybe it's for Legislator Horsley. If we're creating an energy-efficient lighting task force, I would assume that task force would get together to make some decisions. Why is this all in one legislation, wouldn't we have a task force first, they would examine what was going on, they would make determinations, and then after that -- and maybe it's for you, Wayne -- after that they would make a decision and then you would ban or not ban. Isn't -- what comes first?

LEG. HORSLEY:

The task --

LEG. NOWICK:

That's what I'm wondering, if maybe it shouldn't be separated.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

There's more than one way to skin a cat, and I agree, you can do it in different ways. I think that the sponsor -- well, I can't speak for everyone, but I believe that the goal of the sponsors was to lay down a marker that Suffolk County is serious about imposing a ban at some point when the technology and the criteria and the standards are there. So what's written into the statute in two different places is that once the task force has come up with a definition, not the recommendation -- what the County is saying with this law, the sponsors are saying we want a ban --

LEG. NOWICK:

Either way.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We want a ban, it's just that we don't know how to define it at this point because the experts can't come up with the exact wording. So in the bill itself there are two provisions, I think Section 4 is one, the other one is in the definition where it will take a Local Law of this Legislature after you've got the actual definition to do two things; you'll adopt the requisite definition with another Local Law and then you'll impose the requisite penalties with another Local Law.

So it's just a question of style. In this particular instance, the sponsors were trying to say we're laying down the marker, we are going to ban something, we're not going to study it. It's a little bit different when you have a task force that goes out and says let's study the issue and determine whether or not we're going to ban something; here it's truly more geared towards how do you come up with a definition, the technical criteria.

P.O. LINDSAY:

Okay? I've got a list; you want to be on the list, Legislator Horsley.

LEG. HORSLEY:

Sure.

P.O. LINDSAY:

But just an observation, and everybody can talk as long as they want, but Legislative rule number one is kicking in; we've got nothing else to talk about, we'll find something. Legislator Alden.

LEG. ALDEN:

I just had a point of order question. This is a public hearing --

P.O. LINDSAY:

Yes.

LEG. ALDEN:

-- and didn't that statement just come from a Commissioner?

P.O. LINDSAY:

Yeah, but it was presented under -- I mean, the Commissioner is a citizen too and can --

LEG. ALDEN:

Yeah, but that Commissioner did not present that as an individual --

P.O. LINDSAY:

No, but --

LEG. ALDEN:

-- that was presented as the Commissioner, so that's kind of self-serving. And actually, public hearings are for the public to speak and that statement sounds like it should have been introduced after this hearing was closed when we're debating the bill. Because now what we've done is open up -- like you just said, now we're going to be here under that and your, what is it, Legislative Rule No. 1?

P.O. LINDSAY:

Rule No. 1.

LEG. ALDEN:

Now we're perfectly within our rights to debate, you know, the content of that which means debating the bill.

D.P.O. VILORIA-FISHER:

Cameron, they were asked to read it.

LEG. ALDEN:

Yeah, but it was -- no, the point was it was submitted. And number one, we didn't even know what the content was, it was going to be submitted into the record of a Public Hearing by a Commissioner, which I doubt the validity or even, you know, standing to do that.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

A Public Hearing is for the public.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

No, but now what we're going to -- no, you want to debate the bill? Come on up, Paul.

P.O. LINDSAY:

No, no, no, no.

LEG. ALDEN:

Come on, let's debate the bill then.

P.O. LINDSAY:

Please, no, no.

LEG. ALDEN:

Let's stay here all day and debate it.

P.O. LINDSAY:

No. Legislator Schneiderman, what did you have, you have a question for Mr. Sabatino?

D.P.O. VILORIA-FISHER:

No.

LEG. SCHNEIDERMAN:

I did, but you know what, Lynne basically asked my question. This should just be a task force.

P.O. LINDSAY:

Thank you very much. Legislator Horsley, do you have a question?

LEG. HORSLEY:

No, I'll leave it alone at this point in time.

P.O. LINDSAY:

Hallelujah, okay.

LEG. HORSLEY:

2012 is a long ways off. And frankly, these incandescent --

P.O. LINDSAY:

Okay, no statement, no statement.

LEG. HORSLEY:

Wait, these bulbs will be out of --

P.O. LINDSAY:

Question.

LEG. HORSLEY:

Okay, make a motion to close.

P.O. LINDSAY:

Okay. We have a motion to close and a second. We have a motion --

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

-- to recess. Do we have a second to the recessing?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second to the recess. All in favor -- recess comes first. All in favor of recessing this Public Hearing? Opposed? I'm opposed. You want a roll call?

LEG. ALDEN:

Call it.

P.O. LINDSAY:

Roll call on recessing.

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

LEG. SCHNEIDERMAN:

Yes to recess.

LEG. ALDEN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Yes to recess.

LEG. EDDINGTON:

No to recess.

LEG. MONTANO:

No to recess.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. MYSTAL:
(Not present).

LEG. STERN:
No.

LEG. MYSTAL:
I'm here.

LEG. NOWICK:
Just say yes.

P.O. LINDSAY:
No.

LEG. HORSLEY:
Say no.

LEG. MYSTAL:
Yes.

LEG. HORSLEY:
Yes to recess?

LEG. MYSTAL:
I vote with the majority.

LEG. NOWICK:
Yes, recess.

P.O. LINDSAY:
Do you want to recess this hearing on the light bulbs or do you want to close it? We wasted too much time, I don't want to go through this again.

LEG. MYSTAL:
I don't care; just whatever. No.

LEG. BROWNING:
Come on, now.

*(*Roll Call Continued by Mr. Laube - Clerk*)*

LEG. D'AMARO:
No.

LEG. COOPER:
No.

D.P.O. VILORIA-FISHER:
No.

MR. LAUBE:
Seven.

P.O. LINDSAY:

You're so decisive.

LEG. MYSTAL:

I know.

LEG. HORSLEY:

On everything, yeah.

P.O. LINDSAY:

Okay, motion to close. All in favor?

LEG. SCHNEIDERMAN:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. LOSQUADRO:

Opposed.

LEG. ALDEN:

Opposed.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Okay, to closing this, you're opposed to closing this. Okay, roll call.

MR. LAUBE:

I didn't have a second to close.

P.O. LINDSAY:

We have a motion to close.

MR. LAUBE:

I need a second; you never called a second.

D.P.O. VILORIA-FISHER:

You never said my second.

P.O. LINDSAY:

Oh, Legislator Viloría-Fisher seconded the closing motion.

MR. LAUBE:

Wonderful.

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

LEG. HORSLEY:

Yes to close.

D.P.O. VILORIA-FISHER:

Yes to close.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Abstain.

LEG. EDDINGTON:

Yes to close.

LEG. MONTANO:

Sure, yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No to close.

LEG. NOWICK:

No.

LEG. MYSTAL:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yep.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Ten.

P.O. LINDSAY:

Okay; hallelujah, we closed the hearing.

LEG. SCHNEIDERMAN:

With no public input.

P.O. LINDSAY:

Public Hearing on IR 1868-07 - A Local Law to establish an At-Store Recycling Program for Plastic Bags (Horsley). I have no question -- no cards on this subject.

LEG. HORSLEY:

Motion to recess.

P.O. LINDSAY:

Is there anyone else -- is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Horsley --

LEG. HORSLEY:

Motion to recess.

P.O. LINDSAY:

-- made the motion to recess.

LEG. HORSLEY:

I've got people coming down next time that want to talk about it.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

Okay. I was remiss as I did not announce there was a hearing set for the ***Southwest Sewer District Assessment Roll***. I have no cards on that subject. Is there anyone in the audience that would like to talk to us about that? Seeing none, I'll make a motion to close the hearing on Southwest Sewer District --

LEG. COOPER:

Second.

P.O. LINDSAY:

-- assessment Roll. Seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

LEG. MONTANO:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

If I may at this point, I'd like to make a motion to reconsider 1797, the Social Host Law. I'm going to ask to recess that so I can make a change in the "knowingly" statute so that it's clearer.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Can I ask a question on that?

MR. NOLAN:

Well, we've got a motion to reconsider?

LEG. MONTANO:

Motion to reconsider so this way I can recess it and --

LEG. ALDEN:

I'll second that, but the question is does he really have to do that? I think he can make the change because it's not going to be a real substantive change; his intent is "knowingly" and he just wants to change that second part of the definition --

LEG. MONTANO:

It wasn't clear on that.

LEG. MYSTAL:

It's his bill.

LEG. ALDEN:

-- that it's got to be "knowingly". If he just changes that, George, does he need another hearing?

LEG. MYSTAL:

Cameron, it's his bill, let him recess it.

P.O. LINDSAY:

It's about procedure, it's about procedure. He's closed it already.

LEG. MONTANO:

I want to reconsider that so that we can --

P.O. LINDSAY:

And the question -- we know what you want to do. The question is does he need --

LEG. MONTANO:

I'm going to change the language.

P.O. LINDSAY:

Does he need to do that to change the language; is it substantive?

MR. NOLAN:

I believe if you tweak the definition of "knowingly", I don't believe that it would be so substantial that you would have to reopen the public hearing. You could close the public hearing today, make that particular change, if you like --

LEG. MONTANO:

Okay. There are -- I would like an opportunity to look at that section, whether or not we need the -- you know, whether or not we'll have to reopen it, I understand that. There might be another change that's suggested.

P.O. LINDSAY:

Okay, so you still want to go through your reconsideration.

LEG. MONTANO:

So let me -- I still want to go through it, I want to recess it and I'll take a look at it.

P.O. LINDSAY:

We have a second on reconsideration. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

The bill has been -- is before us again, it was reconsidered; go ahead.

LEG. MONTANO:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second to recess?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1797 stands recessed.

Okay. Okay, I'm going to set -- that concludes our public hearings for today.

I'm going to set the dates for the following Public Hearings, October 10th at 10 AM at the Rose Y. Caracappa Auditorium in Hauppauge, New York; the 2008 Operating Budget --

LEG. LOSQUADRO:

It's not October 16th?

MR. LAUBE:

No, there's two.

P.O. LINDSAY:

Wait a minute. We have to have two, it wasn't on your agenda, I added another date.

D.P.O. VILORIA-FISHER:

What's the other date?

P.O. LINDSAY:

October 10th. For Tuesday, October 16th, 2007, at 2:30 PM in the Rose Caracappa Auditorium in Hauppauge, New York; the 2008 Operating Budget; IR 1945, a Local Law to require uniform drinking water district system standards in Suffolk County.

MR. NOLAN:

Set the date for October 10th and then do the ones for the 16th.

P.O. LINDSAY:

Why can't we approve them both together?

MR. NOLAN:

They're separate dates.

P.O. LINDSAY:

All right, Counsel wants the October 10th date set -- approved separately from the October 16th. So I'll make a motion to set the hearing date on the Operating Budget for October 10th at 10 AM.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ALDEN:

That's not during a Legislative session.

P.O. LINDSAY:

No.

LEG. ALDEN:

That's just a separate hearing.

P.O. LINDSAY:

Yes, yes.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

That date is set.

For Tuesday, October 16th, 2007, at 2:30 P.M. at the Rose Caracappa Auditorium, Hauppauge, New York; the 2008 Operating Budget, Southwest Sewer District Assessment Roll, again; IR 1945, A Local Law to require uniform drinking water distribution system standards in Suffolk County; the title is right now?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Okay, and IR 1946, a Charter Law amending the requirements for appraisers who perform services in connection with the acquisition or disposition of real property. Okay, so those dates are set for October 16th.

MR. NOLAN:

You need a motion and a second.

P.O. LINDSAY:

I need a motion. I'll make a motion. Do I have a second? Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

Okay, we've set those dates.

LEG. MONTANO:

We're done with the agenda.

P.O. LINDSAY:

CN's, red folder:

1912-07 - Declaring September 28 through October 5, 2007 as "Homeless Awareness Week" in Suffolk County (Romaine). Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

LEG. MYSTAL:

Okay, let's move it.

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1952-07 - Amending the 2007 Adopted Operating Budget to transfer funding from current appropriations to Family Counseling Services (Greater Hamptons Interfaith Council).

LEG. MYSTAL:

Schneiderman, come on.

P.O. LINDSAY:

Let's go, east end, you want this?

LEG. SCHNEIDERMAN:

Yes, motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do we have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's just a 100% grant, the sooner you accept the money the sooner the contract can be executed.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. ALDEN:

Where did this come from, though?

LEG. LOSQUADRO:

The New York State Office of Alcohol & Substance Abuse.

LEG. ALDEN:

Okay, that's fine.

D.P.O. VILORIA-FISHER:

I have a question.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. Paul, how is it that we're seeing this at this point with this contract agency? Do we have an ongoing -- are they a provider with us doing, you know, community-based alcoholism and substance abuse, or are they new to the process? How do they come to us, you know, late in the year? I thought we have an annual plan that's adopted that actually we do pass-thru funding for a variety of outfits out in the community; do you know anything behind this?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Well, in the Operating Budget you do, in fact, have a whole list of contract agencies that are funded, but during the course of the year, when you get a new grant that wouldn't be in the budget, so you have to accept and appropriate the funds.

LEG. KENNEDY:

So we don't know anything how about how this entity comes forward other than just that there's been application, the money is here and that's it. I guess my question is is it an agency known to us that we have an ongoing relationship with and this is just money that's come?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

I'm sorry, if that's the question, yeah. I mean, I recognize the agency as being someone that's dealt with the County in the past, absolutely.

LEG. KENNEDY:

Okay, so this isn't brand new.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's not brand new, no.

LEG. KENNEDY:

Okay.

LEG. MYSTAL:

Jack, we've got 25 minutes to get out of here; I'm going to hit you in the head.

LEG. KENNEDY:

All right, all right,

P.O. LINDSAY:

Who else had a question; someone else had a question?

D.P.O. VILORIA-FISHER:

Just the offset, I'm just confused by the backup.

P.O. LINDSAY:

Go ahead, ask.

D.P.O. VILORIA-FISHER:

Paul, I'm just confused, a little confused by the backup. What is the offset when it says --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, it's not an offset. When you get a hundred -- this is the Operating Budget.

D.P.O. VILORIA-FISHER:

Oh, it's 100%?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, a 100% State grant.

D.P.O. VILORIA-FISHER:

Oh, I'm sorry.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

We're just transferring the money to the right line item.

D.P.O. VILORIA-FISHER:

I'm sorry, I didn't read that right. Thank you. No problem.

LEG. ALDEN:

To reduce our end of the budget, right?

D.P.O. VILORIA-FISHER:

Okay, thank you.

LEG. MYSTAL:

Move the question.

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 1953-07 - Amending the 2007 Adopted Operating Budget to accept and appropriate 100% additional State aid from the New York State Office of Alcoholism and Substance Abuse Services (NYS OASIS) for Part 822 conversion costs.

D.P.O. VILORIA-FISHER:

Motion to take the money.

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1954-07 - Accepting and appropriating 100% Local Government Records Management Improvement Fund Grant from New York State for Records Management Programs.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1955-07 - Accepting and appropriating 100% State aid from New York State Division of Criminal Justice Services from the Department of Health Services, Division of Medical, Legal Investigation and Forensic Science for the Firearm Lab Capacity Enhancement Initiative and to create one new position.

LEG. MYSTAL:

Motion.

P.O. LINDSAY:

Motion by Legislator Mystal. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor?

LEG. LOSQUADRO:

A quick question on that.

P.O. LINDSAY:

On the question.

LEG. LOSQUADRO:

Only that it says to create one new position. Being that this is 100% State aid money, do we have any idea if that money is going to continue or if this is a position that if we create it, you know, we would be on the hook to pay for in that money doesn't come back through?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

What we did is if you look at the fifth RESOLVED clause, because there is no guarantee that there will be a recurring fund -- the concern that you raise is an important one, so we tried to address it there by saying that if the money runs out the position is gone.

LEG. LOSQUADRO:

Okay, I see that. But being that it was a CN, I wanted -- I didn't have a chance to review this.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Again, the only reason for the CN was that, again, the sooner you get the aid --

LEG. LOSQUADRO:

The timeliness of it, of course. Thank you.

LEG. MONTANO:

Well, I mean -- let me ask a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Paul, I just want to be clear. Was this position, if you know, was it included in the recommended budget or it's not in there at all?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

You mean the recommended budget for 2007?

LEG. MONTANO:

Yes.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, no.

LEG. MONTANO:

No, no, 2008, the one that was --

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, it would not be for 2008 --

LEG. MONTANO:

It would not be in the budget.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It would not be because it would not presuppose the action being taken today to accept the grant.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1956-07 - Amending the 2007 Adopted Operating Budget to accept and appropriate 100% additional State aid from the New York State Office of Alcoholism and Substance Abuse Services (OASIS) for Hope For Youth, Inc.

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Mystal.

LEG. HORSLEY:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. On the question, Legislator Kennedy.

LEG. KENNEDY:

Again, I'm just going to ask the same question as before; is this agency an agency that's known to us, Paul, and this just happens to be --

LEG. MYSTAL:

Yes.

LEG. KENNEDY:

Is it?

LEG. MYSTAL:

I know them very well.

LEG. KENNEDY:

Fine.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, this is an agency we've been dealing with for at least ten years, I recognize them.

LEG. KENNEDY:

Fine.

P.O. LINDSAY:

Okay. We've got a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

LEG. MYSTAL:

Tim, cosponsor on that one.

P.O. LINDSAY:

1957-07 - Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services under Project Impact IV.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

Shouldn't the call at the top conform to all the rest of them?

P.O. LINDSAY:

Huh?

LEG. ALDEN:

Flip it over to the second page, introduced by who?

P.O. LINDSAY:

So we have a motion and a second to take the money. Anybody -- All in favor? Opposed? Abstentions?

LEG. MYSTAL:

Take the money.

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

P.O. LINDSAY:

1958-07 - Amending 2008 Operating Budget to strike \$113,760,967 in excess 2007 Retirement Appropriations and \$12,895,189 in excess 2007 Retirement Reserve Fund Appropriations. I'll make a motion. Do I have a second?

LEG. MYSTAL:

I'll second it.

P.O. LINDSAY:

Second by Legislator Mystal.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion. This is just -- we paid the retirement bill early last year and this is to adjust the

budget. Do you concur, Budget Review, or do you want to comment on it?

MR. REINHEIMER:

Yes, we did this in the past. When we adopted the 2007 Operating Budget, the assumption was that we're going to pay the retirement bill in February. Subsequent to that adoption we decided to pay the bill in December, we created appropriations. This strikes the excess appropriations in 2007 and also the Reserve Funds that were used to pay the bill in December. This makes the 2006-2007 Budgets balanced.

LEG. ALDEN:

My question --

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Were you given this in advance? So you fully agree, you had time to fully analyze the numbers?

MR. REINHEIMER:

Absolutely, and we persuaded the Executive's Office to do this prior to the release of the 2008 Operating Budget.

LEG. ALDEN:

Good. Thank you.

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:

1959-07 - Amending Resolution No. 656-2007, creating an Underage Drinking Task Force.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Thank you very much.

P.O. LINDSAY:

Now, you've got to stick with me just a little bit longer and we'll get out of here.

LEG. MYSTAL:

Do we have to?

P.O. LINDSAY:

Yes. We're going to do the Late Starters and then I am going to have a very, very brief executive session; very brief.

Okay, I want to make a motion to waive the rules and lay on the table the following **Late Starters:**

IR 1947, Authorizing the transfer of six (6) surplus County computers, (6) six surplus County monitors, (2) two surplus County printers and (1) one surplus County keyboard to the Adaptive Aquatics Program at SUNY Stony Brook, it's assigned to Public Works.

D.P.O. VILORIA-FISHER:

Tim, cosponsor.

P.O. LINDSAY:

1948-07 - Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program (Smithtown Boulevard Property) Town of Smithtown, assigned to EPA.

1949-07 - Authorizing a technical correction to Adopted Resolution No. 490-2007, to Ways & Means.

MR. LAUBE:

Mr. Presiding Officer, what committees are these going to?

P.O. LINDSAY:

Ways & Means the last one.

MR. LAUBE:

And 47 went to?

P.O. LINDSAY:

Then one before it?

MR. LAUBE:

Yes.

P.O. LINDSAY:

EPA.

IR 1950-07 - Authorizing transfer of ten (10) surplus County computers, three (3) surplus County printers to the Lighthouse Resource Center, Inc., assigned to Public Works.

IR 1951-07 - Amending the 2007 Capital Budget and Program and appropriating funds in connection with the replacement of Caumsett Radio Tower at Caumsett State Park, Town of Huntington (CP 3215), assigned to Public Safety.

1960-07 - Approving the purchase of vehicles in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County vehicle standard, assigned to Public Works.

1961-07 - Appropriating funds from the Water Quality Protection Program, Fund 475 Fund balance for the acquisition of land in Pine Barrens and Non-Pine Barrens towns and for parkland operating and security expenses in accordance with Local law 21 of 1996, it's assigned to EPA.

1962-07 - Amending the 2007 Capital Budget & Program and appropriating funds in connection with retrofitting a section in the Health, Sports Exhibition Complex as an

Anatomy and Physiology Laboratory - Grant Campus (CP 2193), this is assigned to Economic Development, Education & Energy.

I have a motion and a second.

LEG. MYSTAL:

Motion -- second.

P.O. LINDSAY:

I make a motion, Legislator Mystal makes the second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Caracappa).

If we could clear the auditorium of everybody but Budget Review, Counsel. And I'm going to make a motion to go into Executive Session to discuss the --

LEG. ROMAINE:

Second.

P.O. LINDSAY:

-- the current status of the LIPA lawsuit.

*(*Executive Session: 3:48 PM - 4:02 PM*)*

P.O. LINDSAY:

We're back on the record. I will make a motion to adjourn, seconded by Legislator Eddington. The meeting -- All in favor? Opposed? Abstentions? We stand adjourned.

*(*The meeting was adjourned at 4:01 P.M. *)*

{ } - Denotes Spelled Phonetically