

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**FIFTH DAY**

**MARCH 18, 2008**

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

**MINUTES TAKEN BY**

**ALISON MAHONEY AND LUCIA BRAATEN, COURT STENOGRAPHERS**

*(\*The following was Taken & Transcribed by  
Alison Mahoney - Court Stenographer\*)*

*(\*The meeting was called to order at 4:02 P.M.\*)*

**P.O. LINDSAY:**

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

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Present.

**LEG. BROWNING:**

Here.

**LEG. BEEDENBENDER:**

Here.

**LEG. VILORIA-FISHER:**

Here.

**LEG. LOSQUADRO:**

Present.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Here.

**LEG. ALDEN:**

(Not present).

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

(Not present).

**LEG. HORSLEY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

(Not present).

**D.P.O. MYSTAL:**

(Not present).

**P.O. LINDSAY:**

Here.

**LEG. NOWICK**

here.

**MR. LAUBE:**

Fourteen (Not Present: Legislators Alden, Kennedy, Cooper & Mystal).

**P.O. LINDSAY:**

Could everyone rise for a salute to the flag, and please remain standing for our visiting Clergy. The salute will be led by Legislator Romaine.

***Salutation***

And Legislator Romaine will introduce our visiting Clergy.

**LEG. ROMAINE:**

Thank you, Mr. Presiding Officer. It's indeed my pleasure to present our visiting Clergy who hopefully his words of wisdom will produce a peaceful and amicable meeting. With me today -- it's a hope.

**LEG. LOSQUADRO:**

That's a tall order.

**LEG. ROMAINE:**

Tall order. With me today is the Reverend John Fleishman who is the Pastor for the last 17 years of the Christ Lutheran Church in East Moriches. Someone that I know for many years, a friend, someone that also serves as a New York State Paramedic, is the Chaplain for the Center Moriches Fire Department and the Patchogue Ambulance Company and an Associate Member of the East Moriches Ambulance Company.

Since 1996 he has also served as the Director of the Suffolk County Emergency Services Critical Incident Street Management Team which is a division of the Suffolk County EMS. He is married, he lives in, I believe, Center Moriches, right down the road from me, and he is suffering from two daughters in college, at least financially. But he is blessed by God and he is a blessing to our community and he brings a spirit of peace with him; and without further ado, Reverend Fleishman.

**REVEREND FLEISHMAN:**

Thank you very much. Let us pray.

Blessed are you, oh Lord, our God, King of the Universe. You created the world in which we live and provided it with order. You have declared to us that all authority comes from you and that you have given authority to governments to rule your people with peace and justice. And so we pray today that you would be with and bless Steven our supervisor, Bill our Presiding Officer, all governmental executives, the Suffolk County Legislature and all who may govern and administer the laws and policies of our County. Grant wisdom to them in times of decision and bless the public by their actions and rulings. Be with our State at this time of transition and bless our new Governor as he takes the reins. Be with our country, uphold the President and all leaders. Watch over our military

personnel at home and abroad who ensure our freedom, take from us the temptation to believe that our freedom is free, and help us always to give thanks for the sacrifices made and the blood shed so that we might meet here today in freedom.

We bless you, Lord, for the freedom of religion that we have been afforded as Americans. And as we enter into this wholly time of year, we pray that you would uphold and bless those of us who celebrate your deliverance in our lives. Bless all who prepare to celebrate Passover and bless our land with freedom from all oppression, bondage and prejudice. Watch over and guide the church as it celebrates the death and resurrection of Jesus and fill us all with your eternal faith, hope and love. And now, oh Lord, as your servants here begin another session, guide them in all that they do and say, that our County might benefit from their action and your peace, truth and justice might prevail. All honor and glory are yours, All Mighty Father, now and ever and on to ages of ages. Amen.

*(\*Amen Said in Unison\*)*

**P.O. LINDSAY:**

Thank you very much, Reverend. I appreciate that.

I'm going to recognize Legislator Beedenbender for a moment of personal privilege about an incident in his district.

**LEG. BEEDENBENDER:**

Thank you, Mr. Presiding Officer. Before we do our traditional moment of silence in this chamber, I just wanted to mention two unfortunate incidents that happened in my district over the weekend.

A young woman named Lauren Fennel, she was 21 years old, she was a 2004 graduate of Newfield High School, the same high school that I graduated from; she was killed by a drunk driver. She was a religion teacher, she was a young woman who was going to school and it was a terrible tragedy that happened to my community. Unfortunately, there was also a young man name Ryan Colvin, he was 25 years old from Centereach, and in circumstances the police haven't been able to figure out yet, he drove his car off a pier into the Nissequoque River and he passed away. And also, I would ask that we also keep in our minds the owner of the car, his name is Robert Ungerer, he was 24, also from Centereach, and the police haven't been able to find him yet; they don't know if he was in the car and they don't know where he is. So before we do the moment of silence, I ask that we keep all three young -- their families in our prayers.

**P.O. LINDSAY:**

Thank you, Legislator Beedenbender. And please, as a normal course of procedure here, please keep in your prayers and your thoughts for all of our young people who place themselves in harm's way every day to protect us.

***Moment of Silence Observed.***

Please be seated. First up is Legislator Losquadro will acknowledge and present congratulatory certificates to students who participated in the Shoreham-Wading River Student Exchange Program.

**LEG. LOSQUADRO:**

Thank you, Mr. Presiding Officer. That was very descriptive, I don't know if I need to do anything else. The Shoreham-Wading River School District, of which I am a graduate myself and I have the pleasure of representing now as a Legislator, has had a long history of participating in cultural exchange programs and this year is no different. This year the students from our district just completed their exchange in Madrid, Spain, and right now they are hosting students and some chaperones, some parents, from Spain who are here with us this evening. So if I could just ask all of them, everybody from the Shoreham-Wading River Exchange Program, if you could just stand up, please, and I would like everyone to just say hello to our guests from Hispania.

### ***Applause***

And I think it's very important, especially in times as these, that young people be exposed to different cultures and different ways of life and things outside of their norm as early as possible. And I really applaud the Shoreham-Wading River School District, the parents who are volunteered to take part in this; and I would really be remiss if I didn't point out the young lady in the gray sweatshirt there, my niece Elena who is participating in this program this year and my brother Steven who is one of the chaperones. Everyone who is involved in this has done a wonderful job over the years and this year is shaping up to be another great success.

So I have certificates here for everyone, I'm just going to ask everyone to join me outside. And again, thank you for participating in this and really not only doing our community proud but our country as well. Thank you very much.

### ***Applause***

#### **P.O. LINDSAY:**

And Elena really appreciates that special recognition --

#### **LEG. LOSQUADRO:**

I'm sure.

#### **P.O. LINDSAY:**

-- you could tell by the color of her face. Next is Legislator Montano.

#### **LEG. MONTANO:**

Thank you, Mr. Presiding Officer, Members of the Legislature.

This evening I have a special privilege to recognize members of the Brentwood Wrestling Team, the district I represent; I represent Brentwood and Central Islip.

A while back before this Legislature we had the CI Choir which won a national recognition, last year we had the Green Machine who were State champs. This year I'm proud to say that we have the Brentwood Wrestling Team which is the 2008 New York State Championship Team. So Brentwood, would you stand up?

### ***Applause***

State Champs. I'd like to recognize Mr. Kevin O'Reilly -- Kevin, would you come forward -- he is the Coordinator of Health, Physical Education and Recreation. The coaching staff, I'll read their names; Ralph Napolitano, Joe Gallagher, Jason Spahn, K.C. Beach, Carlos Restrepo, Jeremy Salinger, Jason Rivera.

The Brentwood Team began in 1958 and continues to be one of the most storied programs New York State. It has 24 Dual-Meet Championships, eleven First Place Winners, the first Section Eleven Team since 1977 and three-time undefeated League I Championships. This year Ricardo Gomez, Michael Hernandez, Jose Mendez and Joshua Marsh won the New York State Championship in their respective weight classes; I want to congratulate all of you.

If I may, just one more moment, read into the record the names of those individuals; David Chevarra, Humberto Garcia, Jonathan Murry, Alex Gomez, Ricardo Gomez, Wilson Cardoza, Travis Calderon, Mario Calderon, JJ Larkin, Troy Williams, Jesse Cabrera, Michael Hernandez, Jesus Mendez, David Manzuetta, Joshua Marsh, Caleb Peirre, and I believe Raymond Larkin and Jesus Cartagena.

Thank you very much, Mr. Presiding Officer, Members of the Legislature. I would like you all to give the Brentwood Wrestling Team/First Place a Legislative round of appreciate.

*Applause*

We'll take it outside. Thank you very much.

**P.O. LINDSAY:**

Legislator Stern for the purpose of a proclamation.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. I recently had the opportunity to appear on WBAB-WBLI Radio with Superintendent of Babylon Schools as well as outstanding representatives from Allstate to talk about a very important program that will, I believe, have a tremendous impact not only on our young drivers, but really for all of us who use our roads throughout Suffolk County. So it is my pleasure to introduce Jacqueline and Krista to give us some information on a very important program that Allstate is conducting throughout Suffolk County that should also serve as an invitation to all of us to participate in this important program.

**MS. CONTE:**

Thank you, Legislator Stern. And thank you very much for taking a few minutes just to hear from me on behalf of Allstate about Allstate's Safe Teen Drive, Long Island.

For those of you who don't know, Nassau and Suffolk Counties, during the calendar years of 2002 - 2006, lost 120 of its teen-agers on the road; it's simply too many teens. It's an epidemic on Long Island that we need to do something about, we must address it. We're here today to speak to you as business leaders, as influencers in our communities, to reach out to your school districts and encourage them to participate in Allstate's Safe Teen Drive Long Island.

The program offers every public and private high school in Suffolk County the ability to apply for and receive a \$1,000 grant. The grant is to be used to coordinate and fund activism programs and awareness projects to encourage safe driving by teens; all they need to do is apply for the grant, that's it. Our superintendents and our principals all have their application packages. At the request of Legislator Stern, I have provided here packages for each one of you. I encourage you, in your conversations with your constituents, to remind them about this grant opportunity and to encourage them to apply for the \$1,000. I'm open to accept questions if you have any.

**LEG. ALDEN:**

That might work well with our DARE Program; oh, we don't have that anymore.

**MS. CONTE:**

Thank you very much for the time.

**LEG. STERN:**

Very good. Thank you.

*Applause*

**P.O. LINDSAY:**

That concludes any proclamation. Before I go into the public portion, I'm going to recognize like whose our attorney and pending litigation and I don't think it's necessary that we go into extension here what Mr. Like has to say but we do have a procedural motion in our packet. Having to do with our consultants, so Mr. Like.

**MR. LIKE:**

Good afternoon and thank you. The County has a claim of \$26 million against LIPA which is based upon the following events that took place LIPA made an unauthorized rebate of \$25 million to non Suffolk ratepayers which violated the Shoreham settlement agreement. It also made a total of \$25

million in grants to Nassau County which had been earmarked for clean air program but which Nassau County used and said to reduce its budget deficit. Those two claims amount to \$26 million in damages. We thought we had the case settled last year when Mr. Kessel appeared and publicly endorsed a settlement for \$18 million even expressed confidence that he thought his board would go along with it but as it turned out it did not. So we're back in the litigation and what we need to do now is to prove our claims with expert opinion evidence. The expert opinion evidence will be furnished by the consultants whose contract your being asked to renew. We are also very interested in determining whether the so-called Shoreham surcharge factor has been accurately calculated the equation is the total bond proceeds that we used to fund the settlement divided by electric revenue that yields a ratio which Suffolk County ratepayers have to pay as a surcharge every year until the debt is paid off. We suspect that denominator the electric revenue has been understated up to now, it has not been possible because of LIPA's I'll say sloppily record keeping to be able to reconcile their numbers to determine whether the denominator is accurate. If the denominator which is understated which we believe it very well maybe then the County is paying too high surcharge factor. We have moved now to certify a class that motion is before the court the next step will be taking the deposition of the Chief Financial Officer and the former Chairman. I will need the consultants to assist in framing the questions particularly if they involve technical matters of accounting and record keeping I will also need them because they themselves will probably be deposed in the future as to the basis of their audit report. If you have any questions to ask, I'll be happy to answer.

**P.O. LINDSAY:**

Does anybody have any questions for Mr. Like? Seeing none, I thank you for coming down, Mr. Like, and explaining that the procedural motion to before us later when we get to the agenda.

**MR. LIKE:**

Thank you.

*(\*The following was Transcribed by  
Lucia Braaten - Court Stenographer\*)*

**P.O. LINDSAY:**

To the public portion. Each speaker has three minutes. First speaker is Mayor William H. Kelly. On deck behind Mayor Kelly is Cliff Clark.

**MAYOR KELLY:**

Good afternoon, Legislators. I am William H. Kelly, the Mayor of the small, but powerful, Village of Asharoken. I have been Mayor for 26 years, and I am past President of Suffolk County Village Officials Association, and also the New York State Conference of Mayors.

I believe this is the third time I have testified on the allocation of sales tax revenue before the County Legislature. However, it was not the same Legislature each time I testified. That's one of the problems you have with term limits. You lose good people, but more importantly, you lose your institutional memory, so much so that the stated Legislative Intent of your proposed law tonight is factually wrong. You say, and I quote, "This Legislature further finds that beginning in 1994, the County began sharing its public safety sales tax revenue with towns and villages located outside geographic boundaries of the Suffolk County Police District, even though the County had no legal obligation to do so." That statement is wrong, wrong and wrong. There would be no sales tax revenue to share had you not worked out an agreement with the towns and the villages. Absent that agreement, there would have been no sales tax. You compromise -- you engaged in an historic compromise, which went from year to year, and then you tried to abolish it, and we came back and testified again. And then, finally, in order to avoid that, you codified it into law, which was proper.

We're currently in court trying to determine what that codification says. If the Legislature's interpretation is correct, fine, life will go on. If our interpretation is correct, fine, life will go on, adjustment will be made. When the school board some years ago sued the Supervisors over timely

remission of school tax funds, the school boards won. The school boards collected their money and life went on. That's what you should do here, wait for the Judge's decision.

And, lastly, I agree with you, that any revenue sharing restricts the County Executive's budgeting powers, but so what? In New York State, State Law mandates that cities preempt 1% of sales tax. The City of Binghamton, for instance, gets 2%. Do these County Managers or Executives feel restricted? No, because sharing is mandated for cities and is optional for other municipal entities. Most counties in New York State share their sales tax revenue with villages and towns. Sullivan County even shares it with the school districts. Suffolk took the historic position, unique among Downstate counties, that public safety is something we're all interested in, until tonight.

**P.O. LINDSAY:**

Mayor, Kelly, could you wrap up? Thank you.

**MAYOR KELLY:**

Thank you very much.

**P.O. LINDSAY:**

You're welcome. Cliff Clark.

**MR. CLARK:**

I have copies for the Clerk.

**P.O. LINDSAY:**

Thank you. Mr. Presiding Officer Lindsay and Legislature, my name is Cliff Clark. I am the President and owner of South Ferry Company. And before you this evening, you will have the vote for South Ferry's proposed rate increase. I've been before you a couple of times and I just wanted to come, this very important evening to us, to just ask for your support in that.

Just by way of review, South Ferry is a privately-owned company by the Clark Family. It's been in our family since 1797, same family line of father-to-son since that time. I'm the fifth generation. I have in the room with me, my nephew is sixth generation involved in the business. We do enjoy a very positive reputation in the community for integrity, for service and for our generosity and give-back to the community.

We have been before all the various levels of consideration for the rate increase, including a public hearing on Shelter Island, attended by the residents of Shelter Island, and the turnout was almost without exception people who came to support the legislation and support the request. Mr. Romaine was at those meetings or that meeting. I've met with the Transportation and Public Works component, chaired by Mr. Beedenbender, and we've answered all their questions to the best of our ability.

We have entered into the record a letter from our Supervisor, James Dougherty, who was at all these meetings and has met with me on several occasions to go over the details of our request, and his letter was entered into the record in support of the application as we have presented it.

The customers, on many occasions, thinking the rates have already gone in, have had extra money available for us in the mornings, thinking the rates had already gone in, and we're getting no complaints from them. This is only our second rate increase in eleven years, so we don't come back after every couple of years, we only come back when we absolutely need it. It's something we hate to do, but it's inevitable with the fuel increases, plus we're building a two million dollar ferry boat to be able to provide the service. It is necessary for us to keep Shelter Island open. We are part of the emergency evacuation route. We are the only access to the South Fork from Shelter Island. There is another ferry company called the North Ferry. Their service is to Greenport, and there is no intercompany connection whatsoever between those two organizations.

We very much would appreciate your support. We need your support. We really are up against it at this point and we do need it. The application that we put in is before you exactly as we put it in, with the exception that we have removed the COLA provision, which is a Local Law 10 that this Legislature enacted in the mid 80's, and that law had a COLA provision for increases. But after meeting with -- or speaking to Mr. Nolan and Mr. Romaine, both have offered to work with South Ferry to craft better language, so that it is more acceptable to both the Legislature and to the ferry companies where in emergencies it will be possible to use that COLA. That will be in the future, but we've withdrawn that from the application.

Thank you very much for your consideration and your favorable support.

**P.O. LINDSAY:**

Thank you, Mr. Clark. Supervisor Linda Kabot, followed by Bill Jones.

**SUPERVISOR KABOT:**

Good afternoon. Thank you. Once again, I am here to speak in opposition to I.R. 1064, and urge you to put equity and fairness ahead of politics.

I am opposed to the Legislative Intent and retaliatory nature of this bill with -- which repeals a section of Charter Law entitled C(4)6-J. This Charter Law section had been vigorously supported in 1998 by all of the East End Town Supervisors and Mayors, as well as nine villages in Western Suffolk supporting their own police forces.

I find it troubling that the Legislature would call up a bill out of the Budget and Finance Committee in what appears to possibly be a political power play. I find it disconcerting that the Legislature would support giving the County Executive full discretion over the allocation of sales tax revenues, which are whole County funds, in order to artificially reduce the taxes for a Part-County Special Assessment District in a disproportionate manner. Such sentiments are contrary to the good-faith agreements going back to the 1990's between the County and the towns and the villages that are not part of the County-run Police Department.

Since 1999, the County Police District taxpayers have received over \$395 million in tax relief while the towns and villages outside of that particular Special Assessment District have received a total of 37 million. It is your duty as the Legislature to maintain equity and fairness in the distribution of sales tax revenues earmarked for public safety purposes County-wide.

If this law is approved today, the Legislature has broken good faith and can no longer be trusted to oversee the millions of dollars in sales tax revenues authorized under the State Statute for public safety. This battle will immediately move on to Albany, where codification will be sought at the State level in Section 1262-J of Tax Law, and upon reauthorization of the sales tax component in 2009. It is time to require equitable distribution in the State Law expressly stated, as was done for the Counties of Westchester, Monroe, Ontario, and others.

As Chief Financial Officers, Supervisors and Mayors require budget stability for their jurisdictions in order to prepare our budgets and set our tax rates. On behalf of the residents and taxpayers of the Town of Southampton, I urge you to withdraw, table, or vote no on IR 1064. Please put fairness and equity ahead of politics and do the right thing. Thank you.

**P.O. LINDSAY:**

Bill Jones, followed by Anton Borovina.

**MR. JONES:**

Thank you, Bill. I'd like to make two points this afternoon. The first point goes to the question that was raised at the last meeting about whether or not the withdrawal of this part of the Charter would at any way impact the lawsuit currently being -- that's currently in court. And I was happy to see that Legislator Montano raised that issue at the committee level. And there is a serious question

about whether or not the withdrawal or the passage of this resolution today would, in fact, negatively affect the ability for the East End and the villages outside of the Police District to get its day in court. And I hope that that issue was resolved or at least spoken to today, because I think it is an important issue, that at the last Legislative meeting, the impression was given that if this section is withdrawn, that it would have no impact on the present lawsuit. And I think that we deserve our day in court on this issue.

My second point goes to the issue that I think I heard last time around when Cameron and Elie raised the issue with regard to fairness between the distribution of revenues and resources between the East End and the West End. And I want to reiterate what Supervisor Kabot just said. Since 1999, the West End Police District, the five towns of the West End have received over 400 million dollars in revenue for tax stabilization in the Police District. That is absolutely critical to each one of you Legislators, absolutely critical. And I feel, standing here, that it was the East End that has provided that revenue to each one of you.

I was there in 1993. Legislator Schaeffer at the time, Legislator Jim Gaughran and Legislator Caracciolo were three of the Legislators who were going to -- who were going to vote and, at the last minute, changed their minds, for whatever reason, not to vote for the sales tax. I had not declared at that point in time. Finally, I came down on the side of doing what I felt was right for the people of Suffolk County, for this County Government and for the East End, and that was to vote for the extension and the increase of the sales tax to include the monies going to the Police District, but I certainly wasn't going to, as anyone of you here would not have voted for that sales tax increase without getting your fair share for your district, and that's exactly what I did. I got my fair share for the district, and it's not me personally, but for the East End. That's what the East End gave to the West End, tax stabilization in the Police District since 1993. I think that should be appreciated here. And when I hear Elie or Cameron, or anybody else, try to divvy up what is the appropriate proportion of what the East End gets versus the West End, it disturbs me a little bit.

And I'll end with this: This is from the Budget Review Office's review of the 2008 budget. If the sales tax distribution remained the same as it was in 2007, not increased, by the way, from 72 million to 87 million dollars, an increase of 15 million dollars, and I don't have to tell any of you that understand the budget, that means that's 15 million dollars coming out of the general fund sales tax revenue, that has to be made up somehow over on the General Fund side. That's now coming over here into the Police District that then jumped up to 87 million dollars for 2008. But, if it had remained the same as it was in 2007, the 2008 Police District property tax increase would be 24 million dollars, or 5.71% higher than in 2007. And if no sales tax were distributed to the Police District, in other words, if an East End Legislator had not voted for that increase --

**P.O. LINDSAY:**

Could you wrap up, Mr. Jones?

**MR. JONES:**

Two seconds. Had not voted for that increase back in 1993, the true tax warrant needed to support Police District Operations for 2008 would require a tax increase of 22%. That's for one year, cumulatively since 1993. The number would be astronomical of an impact to property taxpayers in the Police District. Thank you very much.

**P.O. LINDSAY:**

I made a mistake before when I called Mr. Borovina. Your card got misplaced. You're 20, all right? I'm sorry about that.

**MR. BOROVIDA:**

No problem.

**P.O. LINDSAY:**

Chief Donald Dally. Chief Donald Dally? I think I'm pronouncing it correctly. Village of Amityville?

No? Not here?

**LEG. SCHNEIDERMAN:**

He's in the hall.

**P.O. LINDSAY:**

All right. I'll hold his card in abeyance until he comes in. Lieutenant Jerri Gralton, also Village of Amityville. Okay. Mayor Peter Imbert, Village of Amityville. I guess Amityville is outside. Commissioner Ettinger, Village of Asharoken, is he here? No? Oh, here he goes. And let me just -- Commissioner, before you go, it looks like Police Officer James Cox is on deck. He's not here?

**UNKNOWN AUDIENCE MEMBER:**

No, he's here. He's not going to testify.

**P.O. LINDSAY:**

Oh, okay. Go ahead, Commissioner.

**MR. ETTINGER:**

I'm the Commissioner of the Village of Asharoken. As our Mayor said before, the small but powerful Village. We definitely need the support of the revenue from the sales tax. We strive to supply and provide our citizens with excellent police work, and it's really a burden for us to continue to support this on our own taxes. So I would ask the Legislature to, please, consider all of the other comments that were made and give credit where credit is due. Thank you.

**P.O. LINDSAY:**

Thank you, Commissioner, and for your brevity, I appreciate that. And, Police Officer Cox, you're not going to testify, right?

**MR. COX:**

No.

**P.O. LINDSAY:**

Mario Posillico, followed by Mayor Mark Epley.

**MR. POSILICO:**

Legislature, my name is Mario Posillico. I'm Administrator of the small, but sandy, Village of Saltaire on Fire Island. I'm here to speak about Resolution 1064 as well.

The Village of Saltaire urges the Suffolk County Legislature to table or defeat, if brought to a vote, Resolution 1064, and to work towards a solution that provides in law for the equitable allocation of revenues from that portion of the Countywide sales tax intended for the enhancement of public safety across the entire County. The repeal of Section C(4)6-J of the County Charter, without having in place, an alternative or methodology for the guaranteed distribution of sales tax revenues leaves the various public safety agencies in Suffolk County, including the Suffolk County Police District, subject to the political climate at the County level and exposed to potential annual funding shortfalls. This seems a draconian measure, most likely made in response to the litigation recently initiated by some of the towns and villages outside of the Police District. We feel that legislation that provides for the equitable distribution of sales tax revenue is the preferred method, hence the villages decisions to oppose the repeal of Section C(4)6-J of the County Charter.

Additionally, the Village of Saltaire requests that the Legislature address what we believe to be an inequity in the current formula that bases distribution of public safety funds strictly on census population. We feel that this system under-represents Suffolk County's seasonal communities in comparison to its more traditional communities. That procedure of the official census population of a seasonal community will be very low in comparison to a similarly sized year-round community. And those comparatively low census numbers do not accurately reflect the extreme influx of seasonal

population, nor the very real public safety issues associated with that influx.

Fire Island communities, for instance, most certainly have a higher population per square foot during the summer than anywhere else in Suffolk County. There are real public safety concerns that must be addressed during this intense seasonal environment, and the current system -- the current system of distribution does not adequately reflect those concerns and its formula. Therefore, we request that the future distribution methodology allow for seasonal adjustments for population figures to better represent the concerns of the seasonal communities in Suffolk County. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Posillico. And Mayor Mark Epley.

**MAYOR EPLEY:**

Mr. Presiding Officer, Legislature, Mark Epley, Mayor of the beautiful Village of Southampton. We're getting our shots in for our village. Home of the number three most beautiful beach in the country, Cooper's Beach, so come to it.

On behalf of the taxpayers of the Village of Southampton, I'm asking the Legislature to withdraw, table or vote no a resolution introduced by Legislators Lindsay and Browning, to repeal a section of the Charter Law --

**P.O. LINDSAY:**

Quiet, please. Could I have quiet over there?

**MAYOR EPLEY:**

Which requires equitable distribution of sales tax funded revenue sharing for public safety purposes. I respect the position that we've all been placed in. As public officials, we have a responsibility to our taxpayers, for public safety, and also to maintain and monitor our budget.

In 1958, it was a decision to create a policing district. The Village of Southampton chose not to be part of that. In 1993 and 1998, and then most recently, in 2005, there was an agreement that was made, and that agreement, and I was part of that agreement, it was that we were going to be fully funded after a five-year phase-in period, and was very happy with that, and now to find out that that's going to be taken away and we could lose all of our revenue. And last week, we deposited a check for \$168,000 into the Village of Southampton for this -- for our sales tax revenue sharing. We should have received \$292,000. That \$130,000 would supply two new police officers on the streets.

Ninety-five percent of all law enforcement situations that are created, criminal activity or policing is generated by individuals who do not live in the Village of Southampton. They're not taxpayers. They come -- East End of Long Island is very important to Suffolk County, because we generate a lot of sales tax revenue, and almost 25% I think is the number. We also generate jobs. And look at the widening of County Road 39. The reason why we had to widen County Road 39 is because people from the West End of Suffolk County came to the East End of Suffolk County to work, to earn a living. And we're part of a team here, and that team had agreed upon revenue sharing at variety of times throughout the entire -- the course of history here, and we would like to be respected. We'd like to ensure that -- you know, that we get our appropriate portion. And I would just like to take a moment and thank you guys for listening to this. I'm hoping that when it comes up, that you will either table it or vote no on it. Thank you.

**P.O. LINDSAY:**

Thank you, Mayor Epley. Mayor Teller, followed by Bill Williams.

**MAYOR TELLER:**

Presiding Legislator, Legislators, I'm Conrad Teller, Mayor of Westhampton Beach. As everybody else says, we're the "First Hampton".

I'm here to speak against I.R. 1064, which would repeal a funding formula concerning special payments dedicated for public safety under Section C(4)6-J of the Suffolk County Charter, which contains a clear codified agreement made by the County Legislator, the Town Supervisors and the Mayors years ago, that would distribute these funds in a fair and equitable manner to the towns, villages that maintain their own respective Police Departments.

While the so-called intent of this law to eliminate the confusing and arbitrary revenue provisions from the Suffolk County Charter, any confusion that exists could clearly be clarified in a Court of Law. The real purpose of this law, I.R. 1064, is my belief is to substantially reduce, if not eliminate, public safety revenue sharing to Police Departments which are not part of Suffolk County Police Department organization.

It is clear that the towns and villages now receive only 6.4% of the total public safety sales tax revenues of Suffolk County. There is a tremendous disparity between what the western portion of Suffolk County receives in public safety revenues versus the five eastern townships and the villages.

You, as Legislators, have a duty to representative all of Suffolk County residents to resolve this matter, and this duty should be to clarify the law, not eliminate it. Your duties should be to consult with municipalities outside of Suffolk County Police District to diplomatically reach a reasonable agreement, not to enact legislation which is high-handed and unreasonable while there is a lawsuit pending respecting this issue. My personal suggestion is that we stay the prosecution of the pending suit, as well as table I.R. 1064. That way there can be a fair and equitable discussion of issues and negotiations similar to what occurred with the Legislators, Town Supervisors and Mayor when Section C(4)6-J was enacted. Thank you.

**P.O. LINDSAY:**

Thank you, Mayor. Bill William, followed by Pete Quinn.

**MR. WILLIAM:**

Good evening. I'm here to express my thoughts about what happened in the -- with the bill that Mr. Beedenbender and Mr. Eddington, and a few other people that must have cosigned, that had to do with the licensed contractors and businesses in this County.

I do not understand why the Legislators have a tool at their hand that the Supreme Court has said is legal and not implementing it. They're going to increase sales tax, by the way, and they're going to increase property taxes, because people that are here not paying taxes are going to have to pay. If we do not enforce the laws of this country and make sure that the people here that are here legally and working legally, they're putting people that are in this country out of work. Contractors and businesses see the opportunity to hire somebody at a cheaper rate, they will take it, and it's up to us to put the checks and balances in, and we're allowing that to go without any, you know, recourse. You know, we're not redressing anything, we're just going around saying politics as usual. We're allowing the public in Suffolk County to absorb the millions of people in this County that are here illegally.

And, you know, I see someone smiling and they think it's pretty chuckling, you know, but, you know, it's my country, I served it, I served in this country, and I believe that this is a country of laws, and we are allowing something to continue. And the bill that he had presented has been put to the side. And shame on you, shame on you all for allowing this country to recognize that there's a law being broken and continue to let it happen. Shame on you.

**P.O. LINDSAY:**

Thank you, Mr. Williams. Pete Quinn, followed by Robert Coughlan.

**MR. QUINN:**

Good afternoon, Members of the Legislature. My name is Peter Quinn, Energy, Environment and Education critic. I've heard some big money addressed already today, but here's some bigger ones.

The other day, Stephen Schwartzman of Blackstone Group took 350 million dollars as a pay-out for the year 2007, despite the fact that the stock went from 31 to 15. Then there's William McGuire, United Health Care, when he retired, took 1.4 billion out of United Health Care, which is Empire Blue Cross. So, those of you who are struggling with health care benefits, think of him. And Bear Stearns, of course, lost over 200 billion dollars in its hedge funds. And as a result, we heard yesterday that J.P. Morgan took over Bear Stearns for \$2 a share to avoid -- help them avoid bankruptcy. The Feds gave 400 billion dollars to the financial institutions to keep them afloat, whereas our subprime mortgagees on Long Island haven't received anywhere near any kind of benefit them.

We understand that the State has a 4.4 billion dollar revenue shortfall between revenues and expenditures. And I went to the State budget hearing held here in December and I proposed two things. One, there were 39 billion dollars in bonuses on Wall Street that were announced back in December, January, and I suggested why don't we tax them at 20%? Well, the Republicans in the Senate are opposed to that kind of thing, and, frankly, so was Spitzer. When he was there, he called for no new tax increases. And what would it do? It would wipe out the revenue, the gap between revenues and expenditures, and would provide for additional money for public schools, and the State's responsibility, constitutional responsibility to fund the public schools, not the local property tax owners. That would have resolved the problem and reduced our local property tax substantially.

And the second thing I proposed was, given the nature of the economy, that we call for a moratorium on how much money we accommodate businesses through government, through the State Economic Development Agency, the Suffolk County Industrial Development Agency, all the towns. Everybody is looking for a handout and government is providing it. So I would urge that this County Legislature consider a moratorium on providing these benefits to business. If we expose the truth, we'd discover they're betting billions, and many of them aren't complying with the law to create jobs. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Quinn. Robert Coughlan, followed by Joseph Carabott?

**MR. COUGHLAN:**

Thank you. I'm Bob Coughlan, the Police Chief of Quogue Village Police Department, and I was also going to comment on the sales tax distribution issue.

I was disappointed to see that this was what had come out of the Legislature, tried to amend the County Charter, rather than work within the current limitations. The towns and villages were looking for nothing more but fair and equitable distribution of the monies that we feel were being underfunded for. We're certainly not looking to interfere with the County Executive's right regarding his budget. However, we all have budgets, and we're trying to receive our fair share, no more, but no less. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Coughlan. Mr. Carabott, followed by Neal Lewis. Go ahead, Mr. Carabott, have a seat. The mike is on, time is running.

**MR. CARABOTT:**

I'll wait until the maps are distributed, because pictures speak louder than words.

**P.O. LINDSAY:**

We'll get to see it. Go ahead, start talking.

**MR. CARABOTT:**

Okay. The Department of Public Works wants to spend taxpayers money for a problem that they

created. If you look at the map where the green line meets the purple line, that used to be an open intersection. In 2001 or 2000, I don't know what it was, they closed it. So all the traffic that used to use that road now fall up where the yellow line is and they made it unsafe. They created it unsafe and congested, so they are going to use taxpayers money now to solve the problem that they created.

What's happening now, people are, instead of heading further south to get to that green line, they're coming down to the yellow line, going through all those intersections that is -- that are residential roads and making right turns to head to those -- to that green line. All those intersections, I don't know how many accidents have been on them. So rather than staying south on a County road, they're heading north, east and then south; waste of energy, unnecessary pollution, unnecessary roads and on residential roads, rather than staying and using a County road. Instead of using a County road, they are using residential roads, and that's what the Department of Public Works did to us. I don't know how much money they spent to close that road, and I don't know how much money they need to solve the problem that they created, which they call it your Resolution Number 1132.

Please, either table this resolution, get rid of it, and open what used to be in 2001 the intersection of Linden, so traffic can have another avenue to go, not butted in one area.

**P.O. LINDSAY:**

Are you done?

**MR. CARABOTT:**

Yes, sir.

**P.O. LINDSAY:**

Thank you very much.

**MR. CARABOTT:**

Thank you.

**P.O. LINDSAY:**

Neal Lewis, followed by Tom McNamara.

**MR. LEWIS:**

Good afternoon Legislators. My name is Neal Lewis, Executive Director of the Neighborhood Network.

I'm often here speaking about energy or environment issues. Today, I would like to speak in favor of Vilorio-Fisher's legislation, 1148. One statistics I'd like to share with you is that approximately 86.5% of all plastic water bottles end up not being recycled. So, stating it the other way, less than 15% of the millions of plastic water bottles that we see being generated and consumed are not being recycled. That number compares to approximately 70% of the bottles that have deposits on it.

So, while water is exempt from the deposit law and efforts have been unsuccessful to extend the deposit law to water, what we see is a tremendous amount of waste. Now, that waste also takes the form of energy. Energy is a major concern with the -- and I want to give another statistic to you, the 500 million bottles of water being consumed on Long Island every year. That's just for Long Island. It's approximately a half a billion bottles a year. Our goal is not to outlaw them, our goal is simply to reduce. We believe that government can lead by example.

One of the statistics I want to share is that 41 million barrels of oil every year in the United States is going for the purpose of generating, transporting, filling up, keeping cold, and delivering to the homes, business and stores plastic water bottles. One way to look at that is, you know, this is typical water bottle and I would encourage you to envision it as being filled a quarter of the way with

oil, because that's essentially what this half a billion bottles on Long Island every year represents. Every one of these bottles is essentially filled a quarter of the way with oil. So that's the waste of energy that this legislation seeks to address. And I'm going to reserve the balance of my time.

**P.O. LINDSAY:**

Okay. Thank you very much. We've got Tom McNamara, followed by Giovanni Arteaga. The only thing, you know, I have several speakers here on 1105. 1105 isn't before us today. I mean, you have a right to say anything you want --

**MR. MCNAMARA:**

Sure.

**P.O. LINDSAY:**

-- but I just to let you know.

**MR. MCNAMARA:**

Right.

**P.O. LINDSAY:**

Okay.

**MR. MCNAMARA:**

Yeah. I work with the Hispanic Apostolate in the Town of Brookhaven, and we just wanted to say thank you for not allowing that resolution, 1105, out of committee, and, again, not trying to solve a national situation with a Local Law.

Again, thank you, and a blessed Passover and Holy Week to you all.

*Applause*

**P.O. LINDSAY:**

We've got Giovanni, followed by Anton Borovina.

**MR. ARTEAGA:**

Hello. My name is Giovanni Arteaga. I came here today -- well, I came here the last time. I'm very happy that I am here today, because I want to thank all the Legislators who didn't sign the proposed 1105. I'm really happy that people like you see that there -- they have hearts and they think about these people. I appreciate it. Many people in Coram, in Brentwood, they are appreciating this, too. Thank you very much.

*Applause*

**MR. BOROVINA:**

Mr. Presiding Officer, Members of the Legislature, my name is Anton Borovina. I am the attorney who represents various municipalities that have brought a lawsuit in connection with the enforcement of the County Charter Section C(4)6-J. I have been asked to speak to have this body either table or reject the adoption of I.R. 1064. I just have essentially two points to make.

First, I do want to make it clear that the adoption of this proposed amendment would impact the current lawsuit. It would not eliminate it, but would impact it. Some Legislators here may very well be happy to know that news. I would ask that as you know vote for or against this resolution, that you keep in mind that it is the end product of a promise that was made in 1960 when the Police Districts were created, when various municipalities were asked to forfeit their local police jurisdictions under the promise that was then made that each municipality would pay its own way. That promise was maintained. The sales tax revenue came in and to address a fair and equitable distribution of the sales tax throughout all of Suffolk County, not just your own individual districts,

but all of Suffolk County. An allocation was made and was codified in the Charter.

There's another important point I'd like you to consider, too, is that there's no reason for you to adopt this resolution today. We could await the County's -- the Judge's decision. You are free as a legislative body thereafter to visit this issue and, in your discretion, to keep the Charter as is after you've heard what the Judge has to say, or to change it in any way that you see fit. Nothing that this Judge does or any Judge will bind this body in its ability to effect the Charter in connection with this matter. So there is no fundamental reason why you should consider the adoption today and let instead the Supreme Court Judge decide this issue, so that all of you, and, frankly, so the constituents as well who were made promises many years ago, can understand what their rights are with respect to this Charter. Thank you, Mr. Presiding Officer.

***(\*The following was Taken & Transcribed by  
Alison Mahoney - Court Stenographer\*)***

**P.O. LINDSAY:**

Debra Alloncius, and followed by Donald Grauer. Debra.

**MS. ALLONCIUS:**

Good afternoon, Chairman Lindsay, Members of the Legislature. I'm here to speak on I.R. 1137, the resolution requesting approval of a contract with Central Islip appointment system for the Department of Health Services.

The Suffolk County Health Care System, we are -- we're very proud to have eight health centers, eight family centers, and three satellite health centers, yet County employees only work in two of these centers. The County is paying hospitals to run our health centers, yet we're bearing the cost of the scheduling of the appointments in all 11 centers. The EasyCall system is contracted to accompany Medfone in Nassau County. When I attempted to schedule an appointment last week, I spoke to a gal in North Carolina who said that the company does, indeed, have an office down there where they do their scheduling. I then attempted to call the number that would cancel or confirm appointments. I spoke to a gal in Nassau County where that work is being done. So we're not even paying people in our County or keeping that money here in our County.

In 2007, we paid 595,000 to Medfone for two contract, the centralized lines that are open from 8 to 6 daily, and a separate contract for 75,000 for tape referral services that runs overnight. The volume of calls they handle, the total volume of calls in 2007 were \$315,000. In 2008, BRO has allocated 875,000 for that contract; 800,000 would be for the centralized services and 75,000 for the night services.

AME is wondering why we're paying a Nassau County firm for doing work that could more than likely be done and keep the money here in Suffolk County and pay Suffolk County employees, and our tax dollars are going elsewhere. At the least, we should be looking at this service and seeing whether or not we can buy the software and put our AME workers back into the centers as the receptionists to handle these calls. The Department of Social Services already uses a system similar to this in the Employability Unit, where we access Industrial Medicine Associates, we access their appointment system for making our thousands and thousands of calls that we make to do our employability determinations.

So I would request that in the event that this bill can be tabled again, there is a March 31st deadline for this contract to be renewed. I understand from my conversations with Mr. Nolan that if the contract was not renewed, it would still be in force and we would not -- there would be no harm, no foul. But I really think that some -- that this needs to be looked at. It needs to be looked at a little closer, especially in light of the fact that we are -- we might be facing layoffs. Who knows what's going to happen by the time we get to the nuts and bolts of the budgeting system. We need to take a look at this. We need to take a look at all these contracts that we're sending out. The department -- DPW, we're contracting out everything their. J.J. Foley Skilled Nursing Facility, we're

contracting -- we're contracting out everywhere. We need to pay attention to where our tax dollars are going. It certainly shouldn't be going to a company in Nassau County and paying people in North Carolina to do bidding that our County employees could very well do. Thank you.

**P.O. LINDSAY:**

Thank you, Debra. We have Donald Grauer, followed by George Moss.

**MR. GRAUER:**

Good evening. My name is Donald Grauer and I'm the Union President for the Suffolk County Probation Officers Association. I'm here this evening to request your support for Home Rule Message Number 12, requesting that the State of New York amend the Civil Service Law by extending binding arbitration to Suffolk County Probation Officers as a means to settle protracted contract disputes.

I'll be available throughout the evening as this item on your agenda comes up, and, hopefully, if you have any questions or concerns, I'll be here to address it. Thank you very much.

**P.O. LINDSAY:**

Thank you, Donald. George Moss, followed by John, looks like Zaher.

**MR. MOSS:**

Thank you, Suffolk County Legislature. I appreciate you letting me speak today. I'm here because of the proposed ban on Salvia Divinorum. I believe that the substance should not be criminalized. I also know for a fact that it's a completely nontoxic substance and that people use it as a religious sacrament, and that the proposed ban by the Suffolk County Legislature is based on pure paranoia. They really don't know what the herb is or what it does. I personally think everyone should try to smoke some and see for yourself.

**LEG. BARRAGA:**

We don't need it.

**MR. MOSS:**

You know, and I appreciate the laugh, you know.

**D. P.O. MYSTAL:**

We're already high enough.

**LEG. BARRAGA:**

We don't need it.

**MR. MOSS:**

I think it is kind of funny to say that, but that's exactly what I believe. And, you know, the way this whole thing started was because a Delaware teen in Delaware, who claimed that he smoked Salvia Divinorum, supposedly killed himself by getting run over by a train down in Delaware. But the autopsy reports that there was no Salvia found on this person. There was also no Salvia found in this person's blood. So how do we know for sure that this person was even using Salvia Divinorum before he died? I think, you know, basing it on that is quite injustice, because the person didn't have anything on his body or his person.

And I urge the Legislature not to ban the substance, because it's a nontoxic substance. And I think there should be more studying on this substance by medical people to realize that, you know, maybe this may be a useful substance. And, who knows, maybe it can cure cancer for all we know, and here we are making this stuff illegal. I don't think that -- I think that's downright wrong.

**P.O. LINDSAY:**

Thank you, Mr. Moss. John Zaher, followed by Kevin Gershowitz. Both John and Kevin, the bill you want to talk about tonight, you're perfectly welcome to talk under public portion, but it's the subject

of a public hearing later in the meeting as well. I mean, you could talk under both portions if you want, but --

**MR. ZAHER:**

Sure. We just had a couple of brief statements to make.

**P.O. LINDSAY:**

Okay, go ahead.

**MR. ZAHER:**

I'd like to defer --

**P.O. LINDSAY:**

Go ahead.

**MR. ZAHER:**

-- my time to Mrs. Demateo first, followed by Kevin. She's the next person after Mr. Gershowitz on your list. She's Number 26, I believe.

**P.O. LINDSAY:**

Okay. So Mr. Gershowitz isn't going to speak?

**MR. ZAHER:**

Mrs. Demateo. Mr. Gershowitz will speak.

**P.O. LINDSAY:**

But why don't you guys speak first? I mean, go ahead, make your statement and everybody stay in order. No, stay in order. Stay in order.

**MR. ZAHER:**

I don't have a statement otherwise.

**P.O. LINDSAY:**

You don't have a statement.

**MR. ZAHER:**

No, I don't.

**P.O. LINDSAY:**

So you'll pass. Mr. Gershowitz, you want to say something?

**MR. GERSHOWITZ:**

Sure. Mrs. Demateo wanted to go first before me, so I told her that would be fine. It's up to you, Mr. Lindsay.

**P.O. LINDSAY:**

Go ahead, go ahead.

**MS. DEMATEO:**

Good afternoon. I'm Amalia Damateo from Damateo Salvage Company, a recycling company since the year 1924. We've been serving the community, the State, the nation for almost 85 years buying scrap paper and scrap metal from individuals and industrial and commercial accounts, thereby recycling and reusing items to save our natural resources and to keep from inundating our landfills.

Yesterday, we were visited by two Suffolk County Detectives. They asked if we had Internet

connections at our facility, realizing that we are still the old mom-and-pop type facility. They told us that we -- that they are set up for a site for us to go on to report the metal purchases that we make each and every time that we buy metal at our door. Presently, we are copying photo ID's, documenting what type metal and amount paid to the customer, transporting that documentation to my office in another building to be placed in a folder for our record-keeping. I must now be forced to employ another worker to facilitate this procedure, and I asked who would pay for that cost. Bad enough recycling is a cyclical market. We cannot predict if a profit will be made in a year or not. We can only put aside money to hold us over when the bad times come and the recyclables cannot be sold. Only because we have been in the business this long do we know how to manage our business and the bad economic times.

Ask the municipalities how expensive it is to recycle. They all tried and found that they could not afford to hire people and pay wages needed to have the real estate to hold the items before a sale, to accumulate enough for trailer loads to be shipped out, to pay for the freight, the cost of disposing the residue also. Does the Police Department realize the cost to Suffolk County businesses? Do they realize the danger of delving into our customer's right to privacy?

Today, the scrap dealer is considered the bad guy, but we are only the guys doing our part in helping promote recycling, which is a State Law. The local scrap metal dealers in many cities and towns across the country have become the "boogymen" responsible for metal thefts, because they brought -- they bought a truckload of metal from someone who pulled onto the scale. We have little or no idea where the metal came from. And, by the way, the thieves are smart enough to cut up the metal and remove any markings, I'm sure.

When the DEC came to monitor our site, we're a 360 facility, which we need to be monitored, I told them that I will not clean up the outside of my fence where -- we're located across the street from a den of inequity where all used condoms were strewn. The State DEC Inspector told me to hire a cleaning service. When I told them that it would only happen again, he answered me to hire a security guard. Well, this is what I'm suggesting to all. To prevent theft at the source, hire security guards to protect your belongings. This way the police won't be looking like they can't or won't do anything about the problem of scrap theft, and thereby penalize innocent businessmen and women like myself.

So I just wanted to make that statement, to think of other ways, because the police don't look too good, but that doesn't mean that we have to be penalized for it.

**P.O. LINDSAY:**

Thank you.

**MS. DAMATEO:**

Thank you.

**P.O. LINDSAY:**

Kevin Gershowitz, followed by Phil Faya.

**MR. GERSHOWITZ:**

Good evening. Thank you, Gentlemen and Ladies. Commenting on the proposed scrap metal legislation, I'd like to bring to the attention that the legislation's imposing, impractical and onerous. The intent of the legislation is to prevent theft and to recover stolen goods, which is exactly what the legislation will not accomplish. It will not prevent theft, nor will it recover goods of any value to law enforcement or the victims of the actual theft.

Two components of this -- of the legislation specifically are extremely difficult. Tagging and holding products, and the web-based Suffolk County Police Article Tracking System, otherwise known as ATS, are two requirements the industry simply cannot comply with. It's not a choice that's made

that they -- that we choose not to comply, it's a choice the industry cannot comply.

The legislation, if forced upon industry to attempt to comply, will add a minimum of seven to ten million dollars a year in labor costs to the actual Suffolk County industry to attempt to comply year upon year after year. The legislation will also have a significant cost to the County in terms of its computer programming, but this cost is undetermined.

Scrap metal is not isolated to Suffolk County. Anyone of us in this room can simply call one of over 35 companies from outside of Suffolk County to come and pick up scrap at your home, office, or anywhere. You can see companies advertising on the T.V., such as the Yankee games. City Scrap is one of the well-known advertisers who will come all the way from New York City to Suffolk County.

There currently is a State Law to deal with scrap metal theft. This law became effective on January 14th. It requires specific record-keeping that, if it was enforced, would prevent scrap metal theft from occurring. I respectfully ask that this Legislature not allow this proposed legislation to go forward. Thank you.

**P.O. LINDSAY:**

Thank you. Phil Fava, followed by David Rush. Phil Fava, you're here?

**LEG. LOSQUADRO:**

Fava.

**P.O. LINDSAY:**

Fava? Maybe I'm pronouncing it wrong. Fava. Is Mr. Rush here? Please come forward, Mr. Rush. And if Mr. Fava comes in the room, then we'll let him go after you.

**MR. RUSH:**

Okay. Thank you for taking the time to listen to our position. As in -- we were robbed three times, our business, Arrow Scrap. I'm one of the partners. My partner, Rob, is over there. I'm speaking for both of us. We have day/night cameras, infrared. While not in color, they're crystal-clear. And we have actual footage, almost like a movie, of people robbing us. We called the cops each time and they took a report. When we offered up the hard drive with the evidence, so to speak, they were like, "Well, if you know where they are, you know, let us know. Okay. That being said, I just wanted everybody to know that it's not our position to encourage theft, to facilitate it. We're not fences. The same people that rob us are the same people, you know, robbing other people. We're not a big fan of them.

We instituted a system where we scan licenses right into the computer. We will not, absolutely not buy metal if somebody can't produce photo ID with an address. We have been inundated with requests from law enforcement, local cops, Nassau cops come in, all kinds of detectives. We cooperated with them fully. Sometimes the demeanor has been less than friendly. I have to tell you, it's almost sort of like an inquisition. I just want to convey, we really don't encourage this, we cooperate. We hand over the information when it's there.

Tagging and holding is just logistically impossible. I don't even think the biggest of the yards, with all their acreage, could actually have enough room to put all of this material and segregate each load and tag it. It's going to put us out of business. Furthermore, we're a commodities-based business. We like to sell when the markets are favorable. Being forced to hold something, you know, is tantamount to telling P.C. Richards when to sell their televisions. It's just, you know, unfavorable to us from a business position. It's also logistically impossible. It's not even that we don't want to comply. I don't know how we possibly could.

Notifying the cops of every purchase by -- via e-mail is also equally logistically impossible. If people can't do -- make some basic effort to safeguard their own material, and if the cops can't patrol and, you know, catch people doing things they shouldn't be when it's blatantly obvious, the onus

shouldn't be on us to have to spend even more money to do things that -- you're looking for, you know, stuff that's so generic, how are we to know -- how do I describe aluminum siding off someone's house, by color? I mean, you know, it's the same as everyone else's house. Your copper looks the same as everyone else's copper, and that's basically the bottom line. So by putting major systems into place to create all kinds of --

**P.O. LINDSAY:**

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

**MR. RUSH:**

-- paperwork. Okay. I don't think it's going to solve the problem. I think by enforcing the law and making the other scrap dealers that aren't taking people's ID, making them all comply will give thieves less of a place to run with their material and solve some of your problems. Thank you.

**P.O. LINDSAY:**

Phil Fava again. Last time, Phil Fava. No? I don't see him. Okay. Is there -- I don't have anymore cards. Is there anyone else in the audience that would like to address us? Seeing none, I'll make a motion to close the public portion.

**D.P.O. MYSTAL:**

Motion to close.

**P.O. LINDSAY:**

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

**MR. ORTIZ:**

Seventeen.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Alden & Schneiderman).

**LEG. ROMAINE:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Yes, Legislator Romaine.

**LEG. ROMAINE:**

I'd like to make a motion to take 1029 out of order, that's for the South Ferry rates. Ferries stop running at a certain hour on Shelter Island and I'd like the gentleman from Shelter Island to at least have an opportunity to see how the vote goes before he leaves.

**P.O. LINDSAY:**

Legislator Romaine, would you permit me to take a vote on the Consent Calendar and then I'll take up your motion?

**LEG. ROMAINE:**

Absolutely. Thank you, sir.

**P.O. LINDSAY:**

Okay. Could I have a motion on approval of the Consent Calendar?

**LEG. LOSQUADRO:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, seconded by Legislator Beedenbender; it's on page three. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen

**P.O. LINDSAY:**

And Legislator Romaine has --

**D.P.O. MYSTAL:**

What page?

**P.O. LINDSAY:**

-- made a motion to take 1029 out of order.

**LEG. ROMAINE:**

Page seven, 1029 out of order.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Okay. And who made the second? Legislator Beedenbender. All in favor? Opposed? Abstentions on taking 1029 out of order?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, 1029 is now before us; ***1029-08 - Authorizing alteration of rates for South Ferry, Inc. (Presiding Officer Lindsay)***. Do I have a motion on 10 --

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine on 1029, seconded by Legislator Losquadro. On the question, does anyone want to speak on 1029?

**LEG. ALDEN:**

Yeah, I didn't even find it on my agenda yet, so.

**P.O. LINDSAY:**

Okay, we'll take our time.

**LEG. ALDEN:**

Oh, this is the South Ferry.

**P.O. LINDSAY:**

Right; it's page seven, by the way.

**LEG. HORSLEY:**

Page eight.

**LEG. ALDEN:**

The pages are out of order.

**P.O. LINDSAY:**

Okay, we're working on two different -- do you have any comments or questions about it, Legislator Alden?

**LEG. ALDEN:**

No, I'm good on that.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Mr. Clark, have a nice ride home.

**MR. CLARK:**

God bless you all. Thank you so much.

**LEG. ALDEN:**

Do the right thing.

**P.O. LINDSAY:**

Unless you want to stay here for the rest of the night.

**MR. CLARK:**

No, I have to catch the ferry.

**P.O. LINDSAY:**

Okay.

**Resolutions Tabled to March 18th, 2008**

***0011-08 - Designating two alternating newspapers as one of the official newspapers of the County of Suffolk (Presiding Officer Lindsay).***

**LEG. LOSQUADRO:**

Motion to table, Mr. Chairman.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Motion to table, seconded. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

He seconded it, Kennedy.

**LEG. KENNEDY:**

I did.

**LEG. ALDEN:**

Not me.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1006-08 - Adopting Local Law No. 2008, a Charter Law to streamline the process by which resolutions and Local Laws are introduced (Alden).*

**LEG. ALDEN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Alden. Do I have a second?

**LEG. KENNEDY:**

Second for the purposes of discussion.

**P.O. LINDSAY:**

Second by Legislator Kennedy for the purpose of discussion. Is there any questions? Maybe, Counsel, you could refresh our memory on what this legislation actually does.

**MR. NOLAN:**

This law would do two things. First, it states that laws, resolutions can be filed electronically with the Clerk; when you're just filing a bill, you may do so electronically. Second of all, the law states that after bills are filed, the electronic transmission of the bills to the Legislators is the equivalent of laying the bills on the table. That's what the bill does.

**P.O. LINDSAY:**

Okay. Before I recognize anybody else, though, following up on my question. Mr. Clerk, could you -- I mean, could you please tell us how that would impact on your office; can you do this without any problem?

**MR. LAUBE:**

Well, the first part is whether it's legal to accept resolutions from the County Executive's Branch. Currently when a bill is brought over to us, it's brought in hard copy form and it's also e-mailed over; it's brought over in hard copy form and we clock it in, that's the official documentation that we've accepted and it started the process to go before you. They also -- it's also e-mailed to us. Now, the reason that was started is because before I got here it was so this department wouldn't have to retype in the resolution so it could be made available electronically for the Internet and any other reason, e-mailing. To eliminate the hard copy, it would save us some effort in that we have to compare the electronic copy and the hard copy, so it would eliminate that part of the process for the Clerk's Office. Where I'm unclear is whether it's legal for our office to accept it electronically. It would be e-mailed over to us and would that constitute the timestamp as of when we actually physically clock it in?

**P.O. LINDSAY:**

Well, I mean, I'll let Counsel weigh in on that, but if we change the Charter, we're the ones that make the law.

**MR. LAUBE:**

Then that would be acceptable then.

**P.O. LINDSAY:**

Counsel, do you disagree with that?

**MR. NOLAN:**

I think it is legal to allow people to file a bill electronically. You know, frankly, my concerns are more of the practical variety the Clerk's Office might have, but I think electronically it would be sufficient. I think some details have to be worked out, I think Tim has raised a potential question, but those are the working out after we adopt this bill.

**P.O. LINDSAY:**

But you think, Mr. Clerk, that you can do this?

**MR. LAUBE:**

Well, there's a second part of this. When bills are submitted to our office often there's backup, that backup comes over in hard copy. For example, the County Executive's side, when they submit to us, would have to find a way to digitally supply that to us which would mean scanning in all the backup to submit --

**P.O. LINDSAY:**

Well, let me ask the sponsor something. Is it -- would you -- you know, if we had trouble with the backup, would you object to the backup being in paper form?

**LEG. ALDEN:**

No, and I don't think that this legislation would prohibit a hard copy as far as the backup being filed with any legislation. And that -- the same would go for any Legislator, if they felt a need to supply the backup in hard copy then so be it. And right now, Tim, do you -- any of the backup for the legislation, you have to scan it in anyway, right?

**MR. LAUBE:**

We scan it in anyway to make it available to you.

**LEG. ALDEN:**

Right. So we are digitalizing all the documents anyway.

**MR. LAUBE:**

It would be logistically difficult when the backup would come over, they would still -- by they I mean the County Executive's people would still have to bring over some type of document that would break down the backup and how it lines up with every single bill. I mean, say there were 30 different resolutions that came over with backup for each of them, we still need a way to keep that organized so we can put it through the process before it comes before you.

**LEG. ALDEN:**

So you would prefer when they file that they brought it over in hard copy, the backup.

**MR. LAUBE:**

As of right now -- as of right now, the system which we're using works best. In the future, if it could all be done electronically it would definitely speed things up, but the problem is when a bill is submitted to us electronically it's done so in Microsoft Word, which we can edit, we have to make typographical corrections and put numbers on the bills. When backup is -- if backup was submitted to us, it would come over as a PDF which is basically a picture of a document, in a sense. Those two -- those two electronic formats don't -- they don't work well together in terms of you can't marry them together like you would a Word document; you could just cut and paste something from one document into another in Microsoft Word, you can't edit as easily in the PDF form.

**LEG. ALDEN:**

Okay. But if this would pass and the requirement would remain in place that legislation coming from the County Executive's Office, the hard copy, it would have to be hard copy on the backup, then it works until we get the technology straightened out that would allow the integration of those.

**MR. LAUBE:**  
That's correct.

**LEG. ALDEN:**  
Okay.

**MR. LAUBE:**  
If bills submitted to us still -- as long as the backup was broken down where we could see where it goes with each resolution, but it still -- that --

**LEG. ALDEN:**  
That I'm going to look at as more a requirement that the Clerk's Office could give to any one of us. This goes to just the heart of the matter where Presiding Officer Lindsay and I both have been trying to go for almost like a paperless existence, and I think that really we owe it to the constituents to try to, you know, not waste the money on paper. And in so doing, this is like one more step that would legitimize our going paperless. So if you still want to keep in place a rule or a requirement that backup has to come over in hard copy, that's fine with me and I don't think it is in contravention of this legislation.

**MR. LAUBE:**  
Well, that would work well. I just want to make note, we started this process of eliminating paper and scanning and e-mailing the Legislators all the documents, I'll give you an example; with the Late Starters that we had put before you today, you're going to get, what, three or four?

**MS. PASTORE:**  
Thirty-six.

**MR. LAUBE:**  
There's probably -- there's 36 Late Starters, one of which is 120 pages alone.

**LEG. ALDEN:**  
You mean where we have to waive our rules and allow Late Starters to be placed on the table?

**MR. LAUBE:**  
Exactly.

**LEG. ALDEN:**  
Those kind of Late Starters? Okay.

**MR. LAUBE:**  
I mean, we -- many Legislators have eliminated, they're not taking it; they're not taking the documents in hard copy, they're taking it digitally.

**P.O. LINDSAY:**  
It saves a lot of paper, that's the point he's making. And what you're saying saves paper as well.

**LEG. ALDEN:**  
Exactly.

**P.O. LINDSAY:**  
Right.

**LEG. ALDEN:**  
Good.

**P.O. LINDSAY:**  
Legislator Kennedy.

**LEG. KENNEDY:**  
Thank you, Mr. Chair. I have a couple of questions along these lines, I guess. I am one of the ones who did not waive receipt of paper, but I've indicated that I probably would move to that. Would this bill have the same type of an opt-in provision or are we agreeing to go ahead and do this across the board for all?

**LEG. ALDEN:**  
All this does is legitimize what we did originally, so you have an opt-in and that's in our rules, this actually goes to the Charter.  
So we changed our rules, but it didn't change the Charter requirement that paper be placed in front of you at a Legislative session, so that's all this does.

**LEG. KENNEDY:**  
Okay. Now, the other question I have goes to yourself, Mr. Chair, I guess and to Counsel. I understand the Clerk's concerns with items that are presented from the County Executive's Office, however nothing gets filed without your consent; correct? The County Executive doesn't have the ability to file a resolution, the Presiding Officer does it on the behalf of.

**P.O. LINDSAY:**  
Technically, but, I mean, it's something as long as I've been here that's always been done as a matter of procedure.

**LEG. ALDEN:**  
But to answer Legislator Kennedy's question, that goes to the rules that are put forward by the Clerk as far as any outside legislation that would have to come through. And the technicality is a Charter requirement, so that makes it subject to our rules, therefore makes it subject to the Clerk's rules.

**P.O. LINDSAY:**  
Okay?

**LEG. KENNEDY:**  
Yes.

**P.O. LINDSAY:**  
Just -- I have Legislator Mystal and D'Amaro that want to speak, but just to clarify something further, and I just consulted with Counsel. If a bill was filed electronically and the paper backup could come over at a later date, it doesn't have to meet -- the backup doesn't have to meet the same filing deadline as the bill, all right.

**LEG. KENNEDY:**  
Okay.

**P.O. LINDSAY:**  
And just to reassure everybody that at any time, if anybody wants a paper document, we'll make sure the staff here makes a paper document available to you.

**LEG. KENNEDY:**  
Okay.

**P.O. LINDSAY:**  
Legislator Mystal.

**D.P.O. MYSTAL:**

My question goes more to Counsel. The last time we looked at this back in the 90's there was a question that was raised in terms of adhering or meeting State legislation that required that we file paper, a hard copy resolution. Are we going to -- is that a moot question?

**MR. NOLAN:**

This is really complicated, but I'm going to do the best I can. One of the prior counsels to this Legislature, I believe, took the position that the term "Laid on the Table" meant paper, had to be laid on the table at a Legislative meeting in front of all 18 Legislators. That was a position he took for a long time and I believe he based that on an interpretation of a section of the State Municipal Home Rule Law. Our laws -- I mean, our rules for a long time have stated that Legislators could waive their right to receive the hard copy and satisfy the Laid on the Table requirement with a written waiver, and that's been in our rules for a long time.

This one part of this law will say now that explicitly that there is the electronic transmission of the packet out to the Legislative offices constitute being Laid on the Table; it really eliminates that whole idea that you need to give a hard copy of the documents at that Legislative meeting. If prior counsel's interpretation of the State law was correct -- which I don't think it is correct necessarily because it's not clear and a lot has happened with computers and the Internet recently -- this Charter Law would not -- couldn't override a State law. I'm sure that made it completely obscure, so I apologize.

**D.P.O. MYSTAL:**

That's okay, I will take it as it's laid on table because I have a computer on my table so it's laid on the table with the computer; how's that?

**MR. NOLAN:**

When you get the packet at your Legislative office via e-mail, it's laid on at that table and the clock can start to run from there.

**D.P.O. MYSTAL:**

Okay, thank you. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. My question goes to the Clerk. When I received this packet today, is that laying it on the table right here, is that it? Or is it the filing of these bills some time before today with your office and being date stamped?

**MR. NOLAN:**

It's the hard copy, Lou.

**LEG. D'AMARO:**

I'm sorry.

**MR. NOLAN:**

It's not when it's filed, it's when you receive the documents in that form at the meeting; or if this law is passed, when you receive it by e-mail from the Clerk's Office and that's laid on the table.

**LEG. D'AMARO:**

Okay, when I receive it. So the act of filing with the Clerk so it then can be forwarded to each of the Legislators are two distinct actions.

**MR. LAUBE:**

Are you holding up the resolution packet or the Late Starters packet?  
Because they're about the same size this time.

**LEG. D'AMARO:**

These are the resolutions, yeah. Here's my concern. My concern is I'm all for paperless or eliminating waste. What happens when the e-mail system goes down and there's a deadline, how does that impact someone's ability, a Legislator or the County Executive's Office ability to meet a deadline? Or what about, you know, how many times has someone said to you, "I sent you the e-mail," but you say, "I never got it." Do we need to address that?

**MR. LAUBE:**

Well, I think it's the same as if the person delivering the hard copy for the County Executive, he was crossing Vets Highway and was hit by a car and couldn't make it by the deadline, it's the same thing, or a document got lost somehow in transit while crossing the street. I mean, that's a horrible way to look at it but, I mean, it's --

**LEG. D'AMARO:**

Well, those acts are observable by parties more than just the person pressing "send" on a computer and the recipient saying, "I never got it."

**MR. LAUBE:**

In general, when we discuss --

**LEG. D'AMARO:**

By the way, I'm not saying anyone is being disingenuous. I'm just saying what if the system is delaying the delivery of the e-mail or not delivering the e-mail.

**MR. LAUBE:**

If the system goes down before the deadline and they can't deliver it before the deadline.

**LEG. D'AMARO:**

Yeah, I have to file a bill by a certain date and time, I'm working on it right up until the end or maybe we forgot to do it earlier and, you know, we hit "send". If the deadline is at one o'clock, I hit "send" at 12:59; am I filed?

**MR. LAUBE:**

Which there's -- that's probably what will happen. I think if there was some type of breakdown in the electronic system we would have to maybe -- if we could have something in the legislation that indicates that there is either an extension of the deadline just so a hard copy can be delivered physically just as a backup to that incident, if it was to happen.

**LEG. D'AMARO:**

What if you send out the bills electronically to each Legislator to lay them on the table but only 17 of the 18 Legislators receive them; are the bills laid on the table?

**MR. LAUBE:**

Well, we haven't been e-mailing them out, what we've been doing is making them -- we post them on the Internet. And right now if you go to our Legislative home page you have several links on there, there's Late Starters and the Resolution Packet. If you click on the Resolution Packet, that's the complete package that you have in your hand right there and it's there --

**LEG. D'AMARO:**

Bit under this bill -- excuse me for interrupting, but under this bill the formal act of laying them on the table -- which up until this bill was me receiving this packet here today, or at least making it available to me today if I don't show up -- is being replaced by now transmitting this packet to me today or prior to today. And does that include all 18 Legislators? I mean, how do we confirm that all 18 Legislators actually received it, does it matter?

**MR. LAUBE:**

Well, how do we --

**LEG. D'AMARO:**

Is it your act of transmission that constitutes laying it on the table or is it my receipt like it is right now?

**MR. LAUBE:**

I'd have to get Counsel's opinion on that. But when we deliver you the hard copy and our courier takes it in to all the offices, I really -- I have no way besides his word of telling me, "Yeah, Legislator D'Amaro got this." I mean, he could drop it off at the office, how do I know if something didn't happen to it in-between the courier dropping it off and you actually getting it in your hand? There's a certain --

**LEG. D'AMARO:**

Yeah. All I'm saying is I think there's always a level of uncertainty in any act, but I think there's a lot more uncertainty when you start relying on electronic transmission to constitute the formal act of laying it on the table.

You know, the way I run my private office, we try and go paperless, okay, but the rule that I live by is if you are up against a deadline and you want to make sure something is actually done, I don't feel comfortable enough relying on e-mail, you know, I just don't, there's a lot of issues in there. I just -- I don't know if they're important enough or not to delay the bill, I think the bill in concept is a great idea. But I'm just concerned that at some point someone is going to hit a deadline, there's going to be the same old, "Yes, I sent it," "No, I never got it." You know, was it the act of transmission, was it the act of receipt that constituted the official act to meet the standards in the Charter? These are the questions that I have.

**MR. LAUBE:**

Well, right now as I understand, this bill is addressing how my office receives bills from mostly the County Exec's department.

**LEG. ALDEN:**

Well, actually from all of us.

**MR. LAUBE:**

From all of you. We're just replacing a hard copy with an electronic copy and --

**P.O. LINDSAY:**

But, I mean, it's not exclusive. If I'm in the building, I come down and file a bill at the deadline.

**MR. LAUBE:**

Yes, that's correct.

**P.O. LINDSAY:**

Okay, Legislator Alden, I'm sorry.

**LEG. ALDEN:**

Legislator D'Amaro actually raises something that we never looked at in our rules. We did look at -- the first part that you mentioned, we didn't look at that when we reconstituted our rules this year. The second part we did because we actually put the cart before the horse and we adopted rule changes that allowed us to file electronically.

So that's been since January 1st or 2nd, whatever day we met, we've been allowed to file electronically, but we never codified it or fixed the Charter; this fixes the Charter and allows us to do what we said we were going to do in the rules.

But the first part that you mention, that's very interesting because I don't think any of us have looked at that, what would happen if the whole system went down; is it when you press the button in your office to file it, is it when it got over here and it got scrambled or something like that? But we've never addressed that, this doesn't address that either, so that's something that really needs to be looked at. And maybe Tim could actually take a look and give us some suggestions and we'll incorporate them in the rules.

If somebody can bring proof in from their office, you know, and I don't know if it would be incontrovertible, but some type of proof that you tried to send it and you never -- so if the chair is hanging to the left then it would be deemed sent, if it's not punched at all, if it's just dented then it would not have been deemed sent. But we do have to work on something because you raise a very important question, what happens if somebody says that they sent it? Because that exists right now without any of this, without this change before we even tried to go paperless, the question still could be, and there have been arguments -- I'm not going to arguments, but disagreements of whether or not something was filed on time and whether or not someone was here in the office. Because sometimes under even prior administrations -- and I'm not going to say this administration but people that were in this administration and are not there now -- there would be the thought put forward that they were here and we weren't and the time was still correct. So you always have those kind of disagreements and there should be some solid way that we can work out as far as to judge which was correct, whether they were here or we weren't or whether they pressed the button and tried to send it and there was a jumble. But that's a good point.

**LEG. D'AMARO:**

Right. If I may, Mr. Chair, just very briefly to the sponsor. This bill is addressing, as Mr. Laube says, really the County Executive bringing a bill over to be filed with the Clerk's Office; is that correct?

**LEG. ALDEN:**

No, it addresses all of our --

**LEG. D'AMARO:**

No; anyone who wants to file a bill.

**LEG. ALDEN:**

The way we want to file a bill.

**LEG. D'AMARO:**

But there's a difference between filing and laying on the table; filing is not the official act to get it before the Legislature.

**LEG. ALDEN:**

Well, the first part is filing.

**LEG. D'AMARO:**

Okay, it's a two-step process, right.

**LEG. ALDEN:**

Right, but then it's always been interpreted by -- and it was prior Counsel, he always interpreted that you had to physically have paper --

**LEG. D'AMARO:**

Right, I got that, yep.

**LEG. ALDEN:**

-- to lay it on the table.

**LEG. D'AMARO:**

Okay, so it's a two-step process where the bill -- if I wanted to file a bill by a certain deadline, I would transmit it to the Clerk, the Clerk would then transmit it to all 18 Legislators and now it's laid on the table; is that correct?

**MR. LAUBE:**

Yes. Right now laid on the table would constitute -- if you're talking electronically, my opinion is that when you go to the website and you can download it; it's right in front of you now, it's just in electronic format.

**LEG. D'AMARO:**

Your interpretation is that once you post it to the website it is laid on the table.

**MR. LAUBE:**

When the meeting starts, when this meeting started today.

**LEG. D'AMARO:**

Right.

**MR. LAUBE:**

No?

**P.O. LINDSAY:**

No, laid on the table is what we do here at the end of every meeting where we officially lay a bill on the table.

**LEG. ALDEN:**

Actually, isn't it --

**P.O. LINDSAY:**

You meet the filing deadline and then the bill at the end of our meeting --

**LEG. ALDEN:**

It could be at any point in the meeting, but the laid on the table is actual notice.

**P.O. LINDSAY:**

The packet, right.

**MR. LAUBE:**

The resolution packet.

**LEG. ALDEN:**

That's the way you can look at it, that you have actual notice of a bill and what the contents of the bill are. So at some point in time during our meeting, before it adjourns, a Legislator had to get actual notice of what bills would be alive.

**LEG. D'AMARO:**

And the Clerk is taking the position that that actual notice constitutes posting it to the website, the Legislative website.

**D.P.O. MYSTAL:**

Right, when we start the meeting.

**MR. NOLAN:**

Well, right now --

**LEG. D'AMARO:**

When we start the meeting. Okay.

**LEG. ALDEN:**

Or at some point in time during the meeting.

**LEG. D'AMARO:**

So if I go on to the website today and I say, "Wait a minute, I sent you a bill and it's not posted on the website," and you say to me, "I never received it;" that's the scenario that I'm a little concerned about.

**LEG. ALDEN:**

And this doesn't address that, Lou.

**P.O. LINDSAY:**

I got you. Okay, Legislator Losquadro.

**LEG. LOSQUADRO:**

Every e-mail that's sent through the County system is backed up on the server. So if it ever did come to a he said/she said as to whether or not an e-mail was sent and not received or deleted out of the system, it can be viewed on the County server; every e-mail we sent is backed up. In fact, we just had to go through a rather expensive process recently --

**P.O. LINDSAY:**

Very expensive.

**LEG. LOSQUADRO:**

-- to recover some old e-mails when we did not have that new system in place and moving forward, we wanted to make sure that didn't happen again. So we do have the ability to view any and all e-mails sent through the County system, so I don't think that's a problem.

You know, I hate to keep going back to my experience in the private sector, but this has been something that has been done in the private sector for quite a long time. Insurance companies have entire electronic claim files. All correspondence, all legal documents go to a central location where they are verified and scanned in and the end user only would use an electronic copy of that; there's no sense in making dozens of copies to send to offices all over the place.

In this case, you have a central scan station, I think we could certainly do like we're doing now with backup material, the Clerk's Office holds that backup material where it is available for viewing if anyone wanted to ever view the original, but we can view the electronic copies. I see this as a very simple measure and I think the sponsor is really moving us into the present, not into the future -- even a little bit into the past, I would venture to say -- that we're just playing catch-up with this.

So I don't think people -- I think some of the concerns that are being raised are very easily addressed, especially that in terms of being able to verify whether or not something was sent in the specified time period because everything is backed up on our servers and is very easily verifiable.

**D.P.O. MYSTAL:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Legislator Mystal and then Kennedy.

**D.P.O. MYSTAL:**

I don't think that's the theme or at least the gist of what Legislator D'Amaro was addressing. What

he was addressing was what happens in the event that I am in my office, I work on a bill, I press the button "send" and the system crashed? Not that he sent it and you say, "We didn't receive it," or he said/she said; what happens in the process if the system crashed?

**LEG. ALDEN:**

Can I just.

**D.P.O. MYSTAL:**

And the system crashed and I don't have the time. You know, let's say it's a quarter of one and I am in Amityville, I'm trying to send you a bill before the one o'clock deadline, my computer -- and my computer in my office crashes all the time, by the way, I think everybody's computer has crashed. My computer crashes and I don't have the time to travel from Amityville to the Legislature to give you a hand copy of the bill because I can't even get it out of my computer because it crashed; what happens in that process and I miss the deadline?

**LEG. ALDEN:**

I know what Professor {Seigal} would say about that and he would say, shame on you or the lawyer that waits to the last second and tries to file something because -- but again, I'm not addressing that with this legislation, that's something that Legislator D'Amaro points out and it really is a very important point that we're going to have to work out something that would actually take care of that, but this absolutely does not take care of that. And it didn't take care of the past practices when you made a phone call to Legislative Counsel and asked him to file something for you or however, you know, you've done it in the past or any of us have done in the past, it never -- this doesn't address that.

**LEG. D'AMARO:**

If I may, just very briefly. I'm going to support the bill today. I think Legislator Losquadro makes a valid point, when we need to move forward, we need to come into the last century, let alone this century, with this type of paperless effort. But I'm sure our Clerk's Office will keep us apprised when we implement if there's any tweaking that needs to be done or concerns that you have.

**MR. LAUBE:**

If I could just add, our concern in the Clerk's Office is the -- is how the backup is delivered to us with each bill.

**P.O. LINDSAY:**

The backup isn't part of this legislation.

**MR. LAUBE:**

But every resolution that comes to our office is accompanied by backup and it's how we're going to deliver that to you.

**LEG. ALDEN:**

That's subject to your rules and regulations as far as the way I drafted this, that's up to you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And I guess I'm just going to try to go through it one more time so that I understand it with the Clerk, because I think, you know, the issues of time and the issues of actual functionality are -- actually, they are important for us. So if I'm sitting in my -- Tim, if I'm sitting in my Legislative office, our filing deadline is what, twelve o'clock I guess, one o'clock?

**MR. LAUBE:**

One o'clock.

**LEG. KENNEDY:**

Okay. So 1259, if I'm sitting in my office and I've got a bill that I've worked on and I hit "send" to send it over to you and for whatever reason it doesn't make it to you by one o'clock. Now, it should be instantaneously but, you know, we could have the cross-town traffic, we could have all kinds of stuff going on. We actually, believe it or not, when we were out in Riverhead had a fiber optics line that routinely did go down, and actually the communications between Yaphank and Riverhead were compromised on a regular basis.

Am I timely filed or did I miss the boat? You know, that's --

**MR. LAUBE:**

Well, I would think if you're at 12:59 and you're -- and there's a concern that the message didn't get through, you could just call us up and say, "Did you receive this?" I mean, this week I believe Legislator Cooper submitted -- there was one resolution that came to us electronically in which we filed in that manner.

**LEG. ALDEN:**

But also the answer --

**MR. LAUBE:**

If it was 12:59 and you were worried that maybe your system crashed, you could call us up and say, "Hey, we might have a technological issue here."

**LEG. ALDEN:**

But even if your clock is wrong, you still have the ability to waive the rules and lay it on the table as -- how many bills do you have tonight -- 30, 40, 50 bills? We have 40 or 50 of them that probably similar things happened, at 12:59 they had a problem getting it over.

**LEG. KENNEDY:**

To the sponsor, I appreciate that for you reminding me and you're correct. Of course, that's assuming that I stay in the good graces of the Presiding Officer and that he wants to continue to allow for Late Starters.

**LEG. ALDEN:**

Well, that's true.

**P.O. LINDSAY:**

It depends if you wanted to purchase an underwater piece of property.

**LEG. KENNEDY:**

Well, there you go, because I'm working on another one.

**LEG. ROMAINE:**

Where's the man with the flippers and goggles?

**P.O. LINDSAY:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

In the hopes of maybe clarifying this and bringing this full circle around. The very topic we're talking about, before I was here this was my job. And we're concerned about timing and getting things done in the proper fashion; every disaster imaginable happened when I was trying to deliver bills to the Clerk.

**LEG. VILORIA-FISHER:**

They should have gotten a more -- (Inaudible). Kidding, kidding, kidding, kidding.

**LEG. BEEDENBENDER:**

That's okay, that's okay; we'll deal with that later. But we faxed bills, we drove at high speed across Vets Highway to get it here. So I think the biggest thing that this addresses and the biggest benefit is that one of the biggest concerns we always had is when you're trying to transmit a paper document and an electronic document at the same time, very often even in your best interest they end up different. And in the Clerk's Office, the Clerk has to have a team of people review the hard copy versus the electronic copy to make sure they're the same before they post the electronic copy to the website and that's really labor intensive. So I think one of the things that this bill addresses is that and that's a really big benefit.

So I know that there are concerns, legitimate ones about getting things filed in time and what if the e-mail doesn't work, and there were times where our e-mail didn't work, everything didn't work, but we faxed it over, we called, we ran it over. And I think just the practical -- it was a really complicated process and if there's any other suggestions on how to simply it, because it's overly complicated, unnecessarily so. I think this is a step forward to helping it out. I mean, that's kind of how it addressed some of the concerns that we had because we really dealt with all of the problems from the Legislative and Executive Branch and I think this is a step forward to make it easier.

**P.O. LINDSAY:**

Okay. I'm going to take the last word and I'm going to ask Legislator Alden a question. Do you think that we need to table this to work on a situation in case of a breakdown in the electronic system?

**LEG. ALDEN:**

No because that's separate and apart from what's going on here. That's something that always existed and there was always a difference of opinion on whether something was filed on time.

**P.O. LINDSAY:**

No, but would you want a provision in case of an electronic breakdown that it can be filed manually?

**LEG. ALDEN:**

Well, actually what I'd like to do, I'd like to pass this and then I'd like to call Legislator D'Amaro, as Chairman of Ways & Means --

**P.O. LINDSAY:**

All right.

**LEG. ALDEN:**

-- and see if there's something else we can do, maybe look at the way the courts do it as far as electronic filing and something along those lines that would eliminate that problem. Because that problem existed before this legislation and I never addressed it in this legislation, so it's a separate issue.

**P.O. LINDSAY:**

So I'll support this, Legislator Alden, but if you would work on this with the Clerk and Legislator D'Amaro on what-if scenarios that will probably never happen.

**LEG. ALDEN:**

Okay.

**P.O. LINDSAY:**

Okay. We have a motion and a second on 1006. All in favor? Opposed? Abstentions?

**LEG. SCHNEIDERMAN:**

Tim, I'm here.

**MR. LAUBE:**

Seventeen. Eighteen.

***1137-08 - Requesting Legislative approval of a contract award for Centralized Appointment Scheduling Services for the Department of Health Services. Division of Patient Care Services (Presiding Officer Lindsay).*** I'm going to make a motion to approve for the purpose of discussion.

**D.P.O. MYSTAL:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Mystal.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

Well, I know that we've had -- yeah, they're at -- some people from the Health Department have been waiting patiently to talk about this. I'll recognize you first, Legislator Alden, knowing that you have a representative of the Health Department at the table.

**LEG. ALDEN:**

Oh, if they can come up and give a presentation on this because no one ever got back to me and I did ask it on the record and then I called to try to get an answer to it. Because my last inquiries to the people that actually supplied the service to the County were pretty bizarre, to say the least. They actually gave me an appointment at the Bay Shore Health Center that's been closed for six years, or seven years, and that was -- I did that because I had five or ten calls, I think about five calls and three or four people came in to the office, so probably about seven or eight people all together had come in complaining about their ability to make an appointment. And then we found out it's in Nassau County and they were not very reliable as far as I'm concerned. So if you could address, you know, have some changes been made to the system, are there assurances that they're going to perform in a good manner? How many calls do they get? How many appointments do they actually set and has it been looked at whether we can actually do that less expensively by doing it in-house rather than farm it out to somebody in Nassau County. Because I understand this is approximately a half of million dollar contract.

**MS. BERMEL:**

That's correct.

**LEG. ALDEN:**

Okay.

**MS. BERMEL:**

Well, you have an -- Margaret Bermel, for the record, Department of Health Services.

**LEG. ALDEN:**

But also keeping in mind that in our Parks Department we went through a system where you can make reservations and I know that was a little bit -- you know, there were a few bumps in the road, but we actually put in an electronic situation, we created an electronic situation where people can call in and they'll get their appointed tee times or tennis times or whatever other types of things that we offer in the County in the Parks, Department of Parks. So I would have hoped that we had looked at all the different alternatives.

**MS. BERMEL:**

Legislator Alden, I know you have quite a few questions that you had just enumerated. I'd like to go over the key points in which I will answer each one of those questions.

The key points on 1137. Medfone; funds have been budgeted in the 2008 budget, \$750,000. The reason for the resolution is the fact that there was a sole respondent to the RFP, so in compliance with Local Law 3 of '96, a resolution must be adopted by the Legislature if there's a sole respondent to an RFP. If there are other respondents we wouldn't be considering this piece of legislation. We probably went through the bid process, the contract itself turns on March 31st and that is with a three month extension; it originally terminated on 12/31, it was extended by an RFP waiver request and in compliance with that waiver request, the contract will terminate on March 31st and there will be no contract in place on April 1st. Audit & Control will not make any payments to a vendor without a contract. And consequently, the EasyCall number will be disconnected April 1st.

***[THE FOLLOWING WAS TAKEN & TRANSCRIBED BY  
LUCIA BRAATEN - COURT STENOGRAPHER]***

**MS. BERMEL:**

The volume of calls in 2007, there was a very high volume of calls. Appointments, 138,000; confirmation-out calls were 173,000; confirmation-in calls were 16,000. There are 22 agents assigned to Suffolk County, with 33 lines.

We looked at the Green Key System used by the Parks Department. Our requirement is for a health-related system. It's a very specialized appointment system. There were three vendors on the vendor list. They were all in Nassau County. There were no Suffolk County respondents to the advertised RFP. There was one company in -- there was one company in Babylon, Long Island Message Center, which had been acquired by American Medical Alert, which was one of the companies on the RFP vendor list.

**LEG. ALDEN:**

Would you permit me to just get some clarification as you go along?

**MS. BERMEL:**

Sure.

**LEG. ALDEN:**

You said in '07 there was 138,000 appointments that were made through this system?

**MS. BERMEL:**

Correct.

**LEG. ALDEN:**

And then the other two figures that you gave us?

**MS. BERMEL:**

Confirmation-out calls, 173,000, and confirmation-in calls 16,800.

**LEG. ALDEN:**

Okay. What's a confirmation-in call?

**MS. BERMEL:**

If a patient feels that they can't remember exactly when the appointment is, they would call in the appointment to the EasyCall number and just say, "I would like to confirm my appointment" for such and such a date. That's a confirmation-in call.

**LEG. ALDEN:**

Okay. And then you said that you looked at different companies that supply this, and there's a specialized type of, whatever you want to call it, service?

**MS. BERMEL:**

It's a very specialized appointment service. The person has to be trained in the Health Center Information Services System, which we have at the health center. They have to be sensitive to patients calling in asking for medical appointments.

**LEG. ALDEN:**

Okay. Well, a number of years ago, when I contacted your office and told about my experience and some of my constituents' experience, no one ever got back to me. And the person I talked to, and I made at least five phone calls, all five people that I talked to, they were not specialists, I can guarantee you that. So was that ever looked into? And what are the assurances, because this is quite expensive. And the other thing, and the hours that they set these back then was only like a Monday through Friday, 9 to 5, that's all they were operating. Because, if you called outside of that --

**MS. BERMEL:**

Actually, it's Monday through Friday, 8 to 6 p.m.

**LEG. ALDEN:**

Okay. So that changed a little bit. But for \$750,000, we can hire a lot of -- a lot of people in Suffolk County that we can make sure that they're trained and that they provide this service.

**MS. BERMEL:**

Well, they do --

**LEG. ALDEN:**

Was that option ever looked at?

**MS. BERMEL:**

To provide the service in-house? Previously, prior to Medfone, the service was provided at the health centers by hospital employees, and we had paid the hospitals through our hospital contracts to operate the health centers for this service. And, at that time, we received many, many complaints from patients. They were not able to get through. The phone company could not provide enough trunk lines at the health centers to accommodate the volume of calls. The persons answering the phone were also assigned to other tasks. They were busy intaking patients, actually walking to the window and trying to juggle a phone call to make an appointment. So it was a very inefficient system which was fraught with a lot of complaints from the patients. So, at that point, in 2003, a determination was made to contract this system out.

**LEG. ALDEN:**

Did we get 750,000, or whatever it was at that time, worth of concessions from the hospitals from them being relieved of the duty to do this?

**MS. BERMEL:**

Well, now, instead of paying the hospitals for this service, we're paying a vendor.

**LEG. ALDEN:**

We didn't specifically pay them for this service, we paid them for a bundle of services. So did we receive 750 or 500,000, whatever it was at that time, of concessions from the hospitals?

**MS. BERMEL:**

Not to my knowledge.

**LEG. ALDEN:**

No. Okay. So this is an additional cost to the County. But now, go ahead with -- really, you have to -- I'm putting forward that I still have a fear that this is going to be operated the way it was in the

past.

**MS. BERMEL:**

Well, if there are complaints, there is a call logger, which we can review if we have the date and the time of the call. So, if you make a call and if you are indicating that you're given incorrect information, if we have the date and the time of the call, then we can log -- we can check back to the call logger.

**LEG. ALDEN:**

Okay. But, in the past, when you were given that information, no one even returned a call. And I wasn't just a constituent, I was calling as a Suffolk County Legislator on behalf of myself and of constituents. So I did give the date and the time, and I gave the response that I was given each one of those times I called. And those -- like I said, those responses were off the wall, they were never looked into. So what assurance do I have today -- if I vote for spending \$750,000 of the taxpayers money, what assurance do I have today that they're going to operate any differently than they did in the past, which was, as far as I'm concerned, a total waste of taxpayers' money?

**MS. BERMEL:**

Well, if you have the date and the time of specific complaints and calls --

**LEG. ALDEN:**

You actually have it, because I sent it over to your office and I --

**MS. BERMEL:**

To my office?

**LEG. ALDEN:**

Well, not your office, I sent it to the -- it might have been the Commissioner's Office, but it's in the Health Department's Office and I'm still awaiting a response.

**MS. BERMEL:**

Okay. I will make it my business to look into that.

**LEG. ALDEN:**

Well, it's a couple of years old now, but --

**MS. BERMEL:**

Well, I wasn't there at the time, so it's probably --

**LEG. ALDEN:**

No. That's why I said not you.

**MS. BERMEL:**

It would need to be resubmitted. You know, if you wanted to resubmit it to me, I can certainly look into it.

**LEG. ALDEN:**

Well, I was entitled to an answer within ten days under the law, so --

**MS. BERMEL:**

I understand that.

**LEG. ALDEN:**

So the Health Department, as far as I'm concerned, they're in probably the same category as these guys.

**MS. BERMEL:**

Well, I have to apologize, Legislator Alden, but that really predates myself and the current Administration -- which is why we're now in place.

**LEG. ALDEN:**

I know.

**MS. BERMEL:**

-- which is why we're now in place.

**LEG. ALDEN:**

But you still didn't answer my -- you know, you didn't answer my inquiry, so -- oh, wait a minute. So, you're saying that the prior Administration in the Health Department was found to be inefficient and maybe not in the best interest of the people in the County of Suffolk?

**MS. BERMEL:**

That's not what I said, Legislator Alden.

**LEG. ALDEN:**

Oh, okay. Then I didn't want to put words in your mouth.

**MS. BERMEL:**

Thank you, I appreciate that. I'd like to just continue to make a few more key points on this issue. The contract does terminate on March 31st. On April 1st, our concern at the Health Department is that we will have chaos in the Health Centers, because no one will be answering the phone to make appointments for patients, and this is really critical. We have almost 60,000 patients annually coming through 11 Health Centers. If we don't have someone to schedule the appointments, who will these patients call? Who will they call to make appointments?

**LEG. ALDEN:**

Can I just interrupt you one more time for a clarification?

**MS. BERMEL:**

Yes, certainly.

**LEG. ALDEN:**

When I went to the Health Center, and I had to go up to the Brentwood one to observe it, because Bay Shore is still closed, but, anyway, when I went there, I noticed a lot of patients or the majority of patients on their way out were making their next appointments. So most of the appointments that I saw were made at the time of the visit, and then they were making the appointment for the next visit. So these are new visits, or new patients, or what are these?

**MS. BERMEL:**

They can be new patients, they can be new visits, combination of both, but --

**LEG. ALDEN:**

So how many total -- you know, that's what you'd have to look at. You'd have to look at the total number of visits and how many actual, or what percentage are these people handling for us, because if the majority of the patient visits are scheduled at the time or by walk-in, then I'm not so sure that this is a valid expense.

**MS. BERMEL:**

About half of the appointments are scheduled through this EasyCall System. One hundred and thirty-eight thousand appointments were made in 2007, and we had 260,000 visits during that same time period.

**LEG. ALDEN:**

This is very expensive, then, for only half the --

**MS. BERMEL:**

Well, it averages about \$54,000 per health center, if you want to average it out. And, as I said, it's 22 agents. We're reimbursed at a State Aid reimbursement rate of 36%. We don't pay fringe benefits. You know, we feel that the service has been very effective and efficient. There may be some complaints, which I will be happy to personally look into, but our concern is that, you know, it is budgeted. The contract does terminate. There are no County employees who are affected by this contract, and we will have a chaotic situation on April 1st.

**LEG. ALDEN:**

Well, you'd have the same situation -- and I hate to be argumentative, but you'd have the same situation that you had on January 1st. If they would agree to an extension, then you could do an extension until you could actually --

**MS. BERMEL:**

Well, we would have to go through the RFP waiver request again in order to extend the contract. We would first need to go through that process, which given we have less than two weeks to April 1st, that would be a very tight timeframe to secure an RFP waiver and the contract extension.

Now, the contract can be terminated at any time with 30 days notice for a convenience; we have a Termination for Convenience Clause in the contract. So if for any reason the Legislature would feel that the vendor is not providing an appropriate service or, as Ms. Alloncius from AME had indicated, she may be looking to find jobs for County employees at a future time, the contract can certainly be terminated with 30 days notice.

**LEG. ALDEN:**

I don't have a lot of confidence that anything would be looked at after we pass it and you're allowed to, you know, go on with status quo.

And just one other point. The DARE Program was fully funded through 2008 and that was cut right out of the budget, too, so -- or not out of the budget, it was just cancelled.

**P.O. LINDSAY:**

Legislator Mystal.

**D.P.O. MYSTAL:**

Thank you. This is for Budget Review, Gail and Lance. If we were to -- let's say we cut that in half, we have 22 agents right now answering the phone, and I must also tell you that the agent that we have speak different languages, they can answer people in different languages. If we were to hire, let's say just cut it in half, eleven employees, you know, to do that work and the added cost of the equipment we also would have to -- what would it cost us? Let's say we hire them at the lowest grade that we probably could hire them with benefits, what would it cost us in a year, ballpark figure?

**MS. VIZZINI:**

We're assuming a Neighborhood Aide, Grade 13?

**LEG. KENNEDY:**

How about a Grade 9 Clerk Typist?

**MS. VIZZINI:**

Salaries and benefits entry-level would be \$555,000.

**D.P.O. MYSTAL:**

For half of that.

**LEG. ALDEN:**

To do the job.

**D.P.O. MYSTAL:**

To do the job, plus the equipment. What I'm trying to get at is --

**MS. VIZZINI:**

Well, this is just salaries and fringe.

**D.P.O. MYSTAL:**

That's salary and fringe. What I'm trying to get at, Legislator Alden, you were saying that we could force the hospital to hire a receptionist; I was around when the hospital was making the appointment, and as anyone knows, I have two health centers in my district and it was the most chaotic --

**LEG. ALDEN:**

I have none.

**D.P.O. MYSTAL:**

-- inefficient -- I know, they cut yours out, they cut yours out. You know why? Because you complain too much.

**P.O. LINDSAY:**

But they're still making appointments.

**D.P.O. MYSTAL:**

That's right.

**LEG. ALDEN:**

That's a good one.

**D.P.O. MYSTAL:**

Because Alden kept telling them to call their health centers. But I was there when the hospitals were handling the appointments, the scheduling, and it was complete chaos. You know, even you might say to them, "Okay, hire a receptionist," but that person eventually would get transferred to another department, they have to do all the work for the hospital because the hospital is trying to save money themselves, so whatever money you give them they're going to try to do.

I am not advocating for Medex, but, at this point, it's the only thing we have and to -- we've been haggling over this for the past two months and we still don't have a contract. If -- I'm all for employing more people in Suffolk County. I think what we need to do is to look at it with AME and see if we can provide the service at a cheaper price. In the meantime, as we've heard, the contract can be terminated at any time; in the meantime, let's approve this and move on.

**LEG. ALDEN:**

Let's find the Chairman of the Health Department -- the Health Committee and we'll get him to do something.

**P.O. LINDSAY:**

Are you done, Legislator Mystal?

**D.P.O. MYSTAL:**

I'm done.

**P.O. LINDSAY:**

Okay. Legislator Romaine?

**LEG. ROMAINE:**

Thank you. I have no questions for the Health Department or any representatives of the Executive Branch; instead, uniquely enough, I'd like to address my colleagues.

On this issue, first of all, I know there's a definition that this would create chaos if this is not adopted, but there is provisions to allow this contract to continue without interruption with a 30-day notice if it's going to be cancelled. So this contract will continue in force, regardless of what we do, until we come up with a substitute.

Secondly, if this was so chaotic, why did we not address this issue at the end of last year, since the contract expired as of December 31st? We did not. We are addressing it now because the Executive didn't feel it would be chaotic, he would just extend it for three months which is what he did and I'm sure it would be extended again.

Then we take a look at hiring a firm that right now, if you call, you're getting someone from North Carolina. There is no provision, as I understand it, in their agreement that today North Carolina, tomorrow India; they can contract out anywhere they want for these answering services. I know when I go to my doctor, and I go fairly regularly, that before I leave his office, or my dentist or whoever, they say, "Okay, when do you want to have your next appointment," or "Your next appointment is due in three months or six months," or whatever and they usually schedule it there.

Lastly, I would point out that right now, if you have a complaint, a legitimate complaint such as Legislator Cameron Alden had, you have no way of getting it readdressed as a Legislator because there's a contract. The Executive makes no effort to help Legislators get answers to questions. So instead, I'd rather have County employees do this. They don't have to be scattered throughout every health center, they can be centralized. We can do the same thing on a centralized basis with County workers that are responsible and that can report to us, that can address our questions that we can ask to come forward.

I do not wish to deal with this type of a company. I think that we should allow this contract to be extended. There's a 30-day good-bye clause in it for either party and so far the other side isn't saying good-bye and we should continue it and we should work with AME to see if we can come up with a cost effective alternative to do this in-house. I don't believe that contracting out this system at this time is the most beneficial, either economically for us or in terms of our management of the Health Department. I would urge a "no" vote on this. Thank you very much.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yeah, I want to echo what Legislator Romaine said. This is -- was my concern, that if they are contracting out to North Carolina now, I'd like to see a provision that we don't do what Legislator Romaine suggested, it could go somewhere else. I'd like to make every effort to do this area, if possible, and certainly not out of the country. So I'd like it to be a provision in this, if we do approve it.

And I haven't heard how Legislator Alden's concerns are met. In other words, I'm hearing there's a problem and I don't hear any possible solution. How is this company improving? Because what I'm hearing is if we approve this we'll get the same as we got, and I don't think what we've been getting is -- everybody's happy with.

So before I can approve this, I need to know how they are going to improve the service, not keep

going with what we're hearing is not adequate. So I don't see why I would want to vote for something that we're saying right here is not adequate. Thank you.

**P.O. LINDSAY:**

Would you like to address that?

**MS. BERMEL:**

Thank you, Presiding Officer. Yes, Legislator Eddington, I would like to indicate that we could, at this point in time, certainly add a clause to the contract which would address that concern in terms of not contracting out to other states or other countries, that it would remain -- the vendor's office is in Nassau County and we would expect that that's where the call center would be. So we can certainly address that in the contractual process.

And on the issue of complaints, the company does do a QC, they do listen in to the calls, they do monitor the calls. Our own Health Department does also request reports on any complaints that they receive. I know the State Department of Health does a secret shopper at times and they have their staff call the EasyCall System to ensure that they can get through, they can make an appointment. But we can also put into place a more formalized complaint procedure so that if we do receive complaints on a call, we will certainly follow-up on that and we can formalize that process.

**LEG. EDDINGTON:**

I'd like to see that. Thank you.

**MS. BERMEL:**

Thank you.

**P.O. LINDSAY:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

I just had a question; I guess it's for you, Margaret. I know we're having debate on whether we should contract it out or not, but one of the things that concerns me about if we brought it in-house, or at least a question I have is I would assume that this service has some sort of language capability, so if somebody calls in and they speak -- well, any number of languages, that this service can either -- has somebody that speaks the language or can get them on the phone with a translator so they can make the appointment; is that correct?

**MS. BERMEL:**

That's correct, they are -- they must offer both English and Spanish-speaking staff at all times, and if there's another language they have access to a language line which they can contract and they will have a translator who can speak virtually any language, so that is available to our patients.

**LEG. BEEDENBENDER:**

Well, the concerns that my colleagues have expressed notwithstanding, I guess my concern would be if we talk about -- I mean, I think we should look at bringing it in-house, but one of my concerns would be what is our capability of fulfilling that role that I think is essential at the health centers, especially when we know that for any Spanish-speaking throughout the County we've had trouble recruiting throughout all departments, not just the Health Department, but especially in the Health Department, in the health centers for nurses and situations like -- and even receptionists.

So I guess my concern to my colleagues would be that yes, I think we should look at it about whether we could bring it in-house, but I just don't know what sort of capability we have to meet that need of the client population.

**P.O. LINDSAY:**

Okay. Legislator Stern. No? Okay.

**LEG. STERN:**

No.

**P.O. LINDSAY:**

Legislator Kennedy or Nowick, which one? Nowick.

**LEG. NOWICK:**

Just I'm listening to Legislator Romaine and he's really making me think. Wouldn't it be great to have it in-house and give some jobs out in this economy to people who need jobs, in this economy that every day that job market plummets. And I can't believe, with all of the legal immigrants that we have, that we couldn't train Spanish people, Spanish-speaking people, to do these jobs and perhaps employ a few people. I mean, it really -- I mean, he really has me thinking now; that would be much better than a machine. You know, it's --

**MS. BERMEL:**

Well, it's --

**LEG. NOWICK:**

Can we do it? Can we possibly do it? Can we give -- that's what we're here for, to help people with jobs; rather than pay Medicaid, rather than do that, let's get people employed.

**LEG. ALDEN:**

Just not out of 477.

**LEG. NOWICK:**

No, not out of the 477 account.

**MS. BERMEL:**

Is that a question to me, Legislator Nowick?

**LEG. NOWICK:**

Yes, yes; is it possible --

**MS. BERMEL:**

Okay, I'd like to respond to that.

**LEG. NOWICK:**

Before I vote for this, is it possible?

**MS. BERMEL:**

I think it's a valid concern when you're talking about hiring staff to take over this service. But it's not taking over the service from a machine, these are live bodies, these are live people who are predominantly Nassau County employees who are stationed and staffed to do this service. So --

**LEG. NOWICK:**

Well, then let me reword it. How about live bodies that live and pay their property taxes here in Suffolk County, they need work -- to me, and I feel for Suffolk County, but we really are elected officials and we represent Suffolk and I think that's something that we really have to think about. Go ahead.

**P.O. LINDSAY:**

Okay. Legislator Kennedy and then Alden. We're approaching 6:30 where we're going to have to go into public hearings, so.

**LEG. KENNEDY:**

All right, Mr. Chair. I -- like my colleagues, I have concerns about this because I also do believe that this is a function that could be done in-house and not necessarily be contracted out. And as a matter of fact, I guess I'll be looking at Local Law 3-1996, it's somewhat fortuitous that we have -- how much is being appropriated for this now; what did you say, Margaret?

**MS. BERMEL:**

Seven hundred and fifty thousand dollars is in the 2008 Adopted Budget.

**LEG. KENNEDY:**

Can I ask Gail from BRO, that's what you're looking at for -- dedicated to this contract?

**MS. VIZZINI:**

At least that.

**LEG. KENNEDY:**

At least?

**MS. VIZZINI:**

Yes.

**LEG. KENNEDY:**

Okay. So we're approaching a million dollars that, but for the fact that there were no other vendors, would have gone on by department execution without us ever having had an opportunity to look at it. So I'm --

**MS. BERMEL:**

Actually, it wasn't -- I'm sorry, Legislator Kennedy, but it was in the backup to the adopted budget, it was on the Form 5-C so it was clearly indicated in the adopted budget and the Legislature, this body did vote on that adopted budget. It was in the budget.

**LEG. KENNEDY:**

We voted on \$2.6 billion; yes, Margaret. As a matter of fact, I will admit that I did not see this one in there and I guess I should be looking for that. Nevertheless, we are still talking about almost \$800,000 that's going to a private entity when, in fact, we might be able to go ahead and look at having people come in-house to perform this function. Many, many complex hospitals, doctors offices work on scheduling and they use the benefit of computerized scheduling and routines on a daily basis.

My other question goes to many of our personnel in the Health Department are offset as far as both State and Federal funding for a variety of different tasks that they wind up doing. Our clinics, I know the clinic out in Riverhead where we operated, where we have County personnel, we have offset there. Many of our mental health clinics, upstairs in Riverhead, in Farmingville, where we have direct County employees, are offset. So I would take issue with some of the calculations that we did before. Not that BRO didn't do it properly, they did, to calculate maybe eleven Grade 11's at 550 grand. I would say we could probably have Grade 9's at a cheaper price and still be able to do the function and do the function well, for what it's worth. I'm not inclined to vote for this.

**LEG. BARRAGA:**

What's her opinion?

**LEG. KENNEDY:**

Well, what's your opinion on that, Margaret?

**MS. BERMEL:**

My opinion on which particular point, Legislator Kennedy?

**P.O. LINDSAY:**

He's asking, can you get Grade 9's that are multi-language, have some medical background and computer skills to do this job?

**LEG. STERN:**

All within a month.

**MS. BERMEL:**

I would say it would be highly unlikely.

**LEG. KENNEDY:**

And I would take issue because when I interviewed in the Clerk's Office I interviewed individuals with Master's-level degrees for Grade 9 who wanted to come to work for the County specifically because they were second wage earners and because of the medical benefits. So I do disagree, Mr. Chair, having done it before.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Margaret -- and again, don't -- this is not a personal --

**MS. BERMEL:**

No, I understand.

**LEG. ALDEN:**

Okay, good. When was the last time anybody did any compliance checks on the company that is actually operating right now? When did we look to see if they had bilingual? When did we look to see that they had 22, or whatever number you said before, people actually working? When did we do compliance checks?

**MS. BERMEL:**

Monthly. Our Patient Care Division is in contact with this company monthly, they're reviewing the calls, they're reviewing the reports. So there's a pretty close relationship there.

**LEG. ALDEN:**

Have we had anybody go to the site and look and see what they're doing on a daily basis?

**MS. BERMEL:**

I can't answer that.

**LEG. ALDEN:**

Walk in unannounced and count heads?

**MS. BERMEL:**

I can't answer that.

**LEG. ALDEN:**

Okay. Because if we're paying for something, that would make sense to go out there and actually count heads; if we're paying for 22 we'd want to see that. And we'd also want to see -- if we're relying on a paper trail, of course the company's going to say, "Okay, on every day I had five, seven people that were bilingual and I've never been in noncompliance with the contract." So if we're relying on the contract vendee to give us a report of what they're supplying to us, then we're nuts. But --

**MS. BERMEL:**

I'll be happy to do that tomorrow. I can't say that that has been done or it hasn't been done, I know I personally have not done that, but I would certainly be happy to do that.

**LEG. ALDEN:**

But if we're doing it just on paper, we're not doing -- you know, we're really not verifying that we're getting what we're paying for. That's my point.

**MS. BERMEL:**

I understand. And also in response to Legislator Kennedy's concern, it's possible that we could get Master's Degrees to work at a Grade 9 salary level, it's possible, but I don't think it's possible that this could be geared up within a two-week period so that we have this in place for April 1st.

**LEG. KENNEDY:**

But that's --

**P.O. LINDSAY:**

John, it's getting close to 6:30.

**LEG. KENNEDY:**

She's addressing the issue that --

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

I think that we've heard already, and I guess I would defer to Counsel, that there is a continuation provision associated with the contract here. I'm not saying that I want to promote chaos, but I'm also saying how else do we go ahead and encourage you, Margaret, to go ahead and look at the alternative in a viable, meaningful way to go ahead and bring this in-house? We did not force this deadline issue. If this was extended in January, there is an issue at that time for the Department to go ahead and raise it. So I hear the sense that, you know, the Department's concern that these contract vendees are now going to be somewhat overwhelmed.

**MS. BERMEL:**

No. I'm sorry, and I hope that's not what was conveyed because the Department does not feel that the vendees would be overwhelmed. The Department's concern is that on April 1st, if this contract is not executed, that there will be no contract in place and that's our concern, that our patients will not be able to call and make an appointment.

**LEG. KENNEDY:**

Okay, let me do it this way, Margaret. How long has this system been in place?

**MS. BERMEL:**

Since late 2003.

**LEG. KENNEDY:**

Since late 2003. Before Medfone came along, how did people make appointments at clinics?

**MS. BERMEL:**

They were calling the health centers directly or they would walk in to the health centers and make an appointment, and there were numerous, numerous complaints. It was very inefficient, it was a system that did not work and that's why it was addressed and that's why back in 2003 it was RFP out and it was contracted out to an outside vendor.

**LEG. KENNEDY:**

I'll yield, Mr. Chair, but I still have a lot of concerns.

**P.O. LINDSAY:**

Okay. I don't have anybody else and we've got like two minutes before we go to Public Hearings, and I'm going to make a suggestion to the group. I'm suggesting that because of the urgency of this resolution, that we approve it, but I am asking that Budget Review do an analysis on this system to see if it is possible that we take it back in-house and the costs related to that. Could Budget Review do that?

**MS. VIZZINI:**

Certainly.

**P.O. LINDSAY:**

Okay. Okay.

**LEG. ALDEN:**

Motion to table.

**P.O. LINDSAY:**

All right, we have a motion to table. Do I have a second to the tabling?

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second to the tabling. Anybody on the tabling resolution? On the tabling resolution takes precedent; all in favor? Opposed? I'm opposed. Roll call; we'll call a roll.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. ALDEN:**

Yes to table.

**LEG. KENNEDY:**

Yes to table.

**LEG. ROMAINE:**

Yes to table.

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. BROWNING:**

No.

**LEG. BEEDENBENDER:**

No.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

Yes to table.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

Yes to table.

**LEG. BARRAGA:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

No.

**D.P.O. MYSTAL:**

No.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Eight.

**LEG. ROMAINE:**

It fails. Motion.

**P.O. LINDSAY:**

A motion to approve is before us and I remind everybody that this is a 12-vote resolution. Roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**P.O. LINDSAY:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**MR. LAUBE:**

Eleven.

**P.O. LINDSAY:**

Okay. It's 6:30, if we go to Public Hearings. Do I have any cards? Is anybody collecting -- I don't have any cards.

**MR. LAUBE:**

There's got to be cards.

**P.O. LINDSAY:**

Would you check to see if there's anybody outside that wants to speak? Kara, would you check to see if the fellas have any cards for the Public Hearings?

Mr. Clerk, has all the Public Hearings been properly advertised?

**MR. LAUBE:**

No.

**P.O. LINDSAY:**

Okay.

**MR. LAUBE:**

IR 1216 was not run in the Smithtown News, they inadvertently ran IR 1184 twice.

**P.O. LINDSAY:**

Okay. So 1216 would have to be tabled because of a lack of proper advertisement?

**MR. LAUBE:**

Correct.

**P.O. LINDSAY:**

And everything else was properly advertised?

**MR. LAUBE:**

Everything else was properly advertised.

**P.O. LINDSAY:**

Okay. All right, the first one up is *Public Hearing on IR 1027-08 - A Charter Law to promote accountability and transparency in government by requiring an Agency Oversight Report*. I don't have any cards on this subject. Is there anyone in the audience that wishes to speak on this subject? Please come forward, Debra. Let's go, Debra.

**MS. ALLONCIUS:**

Excuse me. Legislator --

**MR. LAUBE:**

Your microphone, Debbie.

**P.O. LINDSAY:**

Your mike isn't on.

**MS. ALLONCIUS:**

Good evening, Members of the Legislature. My name is Debbie Alloncius, AME's Legislative Director. I'm here to speak to you on the Agency Oversight Report. We do believe at AME, Cheryl Felice is a strong supporter of giving you the tools in which to really assess your departments and how they're functioning. We all know that you do not get the correct case numbers, the case counts. We've seen it with the Department of Social Services, we've seen it in the Department of Health where they're hemorrhaging for -- with a 20% loss in people, in staffing, 25% of the nurses are missing out of the John J. Foley Skilled Nursing Facility.

We're asking you to pass this resolution and we're asking you to close this Public Hearing tonight and then pass this resolution, because we want you to have the best tools available to show you how your employees are being saddled and they can no longer do more with less. The work loads are atrocious, as you very well know, and the staffing is always a problem. We wish you to look at the workloads that the staff is carrying versus the vacant position reports. We know the vacant position reports are available to you. We understand that there are things available to you under the C drive with certain provisions of contracts, etcetera; whether or not they're accessed is a different story. We want something in writing that comes to you, shows you DPW, what your engineers are handling, why you're having to contract out, why you can't make ends meet because you don't have the employees available to do the work that's necessary.

At this point, AME is very supportive of the Legislature because they have given us an ear and we're

asking that this -- that you hear our plea with getting you the tools that you really need. If the County Exec had said that this report, he would have to make a unit to get you this information, but then again he's willing to give you the information when Legislator Cooper would request it. Well, if he's willing to give it to you, then why don't we adopt the resolution, why don't we pass the resolution, adopt it and get that report so that you're really aware of what's going on? Thank you.

**P.O. LINDSAY:**

Thank you, Debra. Is there anyone else that wants to speak on 1027?

**LEG. D'AMARO:**

Bill, can I ask a question on that very quickly; are we permitted to do that?

**P.O. LINDSAY:**

To ask Debra a question? Absolutely.

**LEG. D'AMARO:**

Yeah, is that all right?

**P.O. LINDSAY:**

Absolutely.

**LEG. D'AMARO:**

Thank you, Mr. Presiding Officer. Ms. Alloncius, just -- I'm looking at a copy of the bill and it would, as she said, require on a quarterly basis certain reports regarding staffing levels. This is information that would only be provided to each of the Legislators, is that correct?

**MS. ALLONCIUS:**

Correct.

**LEG. D'AMARO:**

Okay. So you're supporting that we receive that type of information, but I often find that I'd rather rely on the information coming from my Budget Review Office, which has this information already and all I need to do is request it.

**MS. ALLONCIUS:**

Does Budget -- I'm not aware that Budget Review can give you the exact caseloads that the CPS workers are carrying.

**LEG. D'AMARO:**

Well, I've seen Budget Review memoranda, I've seen it in their report around the budget time where they know not only what authorized positions there are, but what's filled, what's not filled, what's going to be filled, and I found Budget Review very effective in providing this information. And I'm just wondering why you feel the need to do this to the Legislators from the Executive, where it's information that might come from the Executive Branch that we choose to discount, and I'd rather rely on BRO.

**MS. ALLONCIUS:**

If you would rather the Legislative Budget Review Office prepare the report instead of the Budget Office under the County Exec, I'm sure that we would be amenable to that also. We want you to have a tool in place, not looking at the vacant report -- not looking at the vacant positions, but looking at the caseworkers again. We went in Newsday the other day as saying the caseworkers in Suffolk County, in Child Protective Services, are carrying 15.5 cases per worker; that's not true. It is not true. We have said --

**LEG. D'AMARO:**

Where did that information come from?

**MS. ALLONCIUS:**

I'm sorry?

**LEG. D'AMARO:**

I'm sorry. Where did that information come from; that's not true?

**MS. ALLONCIUS:**

The 15.5 was quoted by Dennis Nowak. Not this -- maybe this past Sunday in the article in relation to Nassau County regarding how many cases they were carrying. Nassau County caseworkers are said to be carrying a caseload of 23, and Suffolk County a caseload of 15.5.

When we sat with Commissioner DeMarzo and went over how they're counting the cases, they're getting the numbers straight from Albany and this is part of the problem. Albany is giving -- is only counting what they're calling the primary referral. However, they're getting ancillary reports from out of state, out of County, worker to worker. We might have a -- you might have a referral on a family in the town of CI, yet there's a perp who might be out in Riverhead, so we have case workers in Riverhead who are assigned duty on that case, they're responsible for answering any paperwork; the State doesn't count those cases, they don't count the court referrals, they don't count -- there are so many cases that are not counted. To say that a -- we have been collecting numbers and there -- what's coming out of the caseworker's drawer. They're going through the drawers, they're counting at the end of the month or the end of the week and they're giving you a count of the cases that they are responsible for. If something happens on that caseload, that worker goes down with that caseload. So they might have 15.5 original referrals but they have 28 cases because they have thirteen other cases that they have responsibility for.

**LEG. D'AMARO:**

I understand that and I --

**MS. ALLONCIUS:**

And that's what we need you to see.

**LEG. D'AMARO:**

Right. And I don't disagree with you, that we always need to focus on caseload and that there may be some issues there, so that's not where I'm questioning here today. What I'm questioning here today, though, is -- the information I would prefer coming, number one, from BRO as to staffing levels and what positions are there, vacant, funded, not funded, that type of information. And then further to that, as far as caseloads go, isn't that a function really that has to come from an audit? Wouldn't that come from either the Comptroller or, in this case with --

**MS. ALLONCIUS:**

Caseloads are counted all the time.

**LEG. D'AMARO:**

Well -- but they also come from the State as well.

**MS. ALLONCIUS:**

I would -- I directed units in DSS. You had stats that you handed in once a month.

**LEG. D'AMARO:**

Yeah. My only point here is, and it's a rhetorical question in effect, because my point really is that, you know, it's not a matter of getting information, it's about getting information that we can rely on with confidence. And I'm not saying that's -- we can't with the County Executive, but what I'm saying is that we have an obligation to also turn to our own Budget Review Office and take a, you know, critical look at that.

**MS. ALLONCIUS:**

I would have no problem at all with Budget Review -- with the Legislative BRO. I think that everything I see that comes out of here is excellent.

**LEG. D'AMARO:**

Right. But we don't need a bill to do that, because I can just ask Budget Review for that information any time.

**MS. ALLONCIUS:**

Are you willing to?

**LEG. D'AMARO:**

Sure, absolutely.

**MS. ALLONCIUS:**

Then perhaps, then, there can -- we can make an accommodation, and perhaps we should open up dialogue, or you can open up dialogue with President Cheryl Felice and get that working. This tool was a recommendation, again, out of the \$80,000 report that we had prepared by Abrams, Herde and Merkel, and, you know, who are very, very professional people who ran New York City -- who ran the Budget Office out of New York City. They know what they're talking about. They know how to hide the numbers and they know how to not hide the numbers, so -- and we're only asking you to get the tool, because everything is in such a mess, you've been -- I've sat here in the past year and seen you lambasted because you don't have the correct staff available to perform the services that are necessary.

**LEG. D'AMARO:**

Okay. I appreciate your time.

**P.O. LINDSAY:**

Thank you, Debra.

**MS. ALLONCIUS:**

You're welcome.

**P.O. LINDSAY:**

I don't have any other cards on 1027. Is there anyone else that would like to address us on 1027? Seeing none, where is Legislator Cooper? What's your pleasure, Legislator Cooper?

**LEG. COOPER:**

Recess, please.

**P.O. LINDSAY:**

Motion to recess on 1027, I'll second that. All in favor? Opposed? Abstention?

**MR. LAUBE:**

Fifteen. (Not Present: Legs. Alden, Kennedy and Mystal)

**P.O. LINDSAY:**

***1033 - A Local Law to establish a Prompt Contracting Policy for not-for-profit organizations.*** I have one card, Erica Chase. Erica, if you could please come forward.

**MS. CHASE:**

Good evening. My name is Erica Chase. I am the Director of the Smart Government for Strong Families Coalition, a program of the Health and Welfare Council of Long Island.

Early in 2007, the Coalition was started by ten not-for-profit Executive Directors that came together

to examine the current contracting processes and to work with County Government toward a more efficient and effective contracting process in Suffolk County. Today, this Coalition consists of eighty-nine not-for-profit agencies that are all -- that all have one thing in common, they all contract with Suffolk County to provide services for the most vulnerable. Collectively, the Coalition represents more than 50 million dollars in County contracts.

As you are aware, the contracting process is broken. Legislator Montano and Legislator Romaine have responded to address this issue with Resolution Number 1033, a Prompt Contracting Policy for not-for-profit organizations. The Coalition wants to thank the Legislators that support this bill, and I am here to submit a formal response from the full Coalition.

The Smart Government for Strong Families Coalition supports the spirit of IR 1033, and will support it going forward with one exception and a few minor changes to the language. The present bill would require the County to deliver executed contracts by March 1st. This is not an acceptable date. The Coalition wishes the date to be changed to January 1st.

A few examples why March 1st doesn't work: As of March 1st, one of our members of the Coalition was due \$140,000, and on March 5th had to take money out from their line of credit to meet payroll. Another agency has \$855,000 due for services provided, and last week reported to me that her payroll checks bounced. Another member is busy signing and notarizing 30 duplicate forms that are necessary for her contracts, and she is waiting for \$1,045,000 that is due her January and February. If you have any questions about these forms, I'll be happy to report out on them.

As you can see, if IR 1033 were to be passed as is, these agencies would face these problems year after year. Again, the Coalition is grateful to the Legislators that support this bill and support the not-for-profit sector, but feel that January 1st would be the most appropriate date.

The Coalition right now is finalizing objectives and recommendations, and we have been asked to present them to the Executive Offices. Many of these recommendations have been -- came out of meetings that I had with Nassau County, Westchester County and New York City. Their systems are not perfect for all of their agencies. However, they have contracts in their agencies' hands by January 1st. New York City has a very interesting contingency plan that this Legislature may be interested in learning more about that they could replicate here.

The Coalition is aware that some of the recommendations could need Legislative action to be implemented, and the Coalition hopes that this Legislature will be supportive when the time comes. I look forward to working with you in the future. If you have any questions, I'm happy to answer them.

**P.O. LINDSAY:**

Ms. Chase, Legislator Viloría-Fisher has a question for you.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. And to the Clerk, I thought I had asked to be listed as a cosponsor, perhaps I didn't.

Erica, thank you for being here. It sounds like you're fighting a cold. You mentioned at the beginning of your comments that the Coalition began with less than ten people, and now -- less than ten organizations, and now you're up to eighty-nine. Would you say that that growth came from -- what would you attribute that growth to? I don't want to put words in your mouth.

**MS. CHASE:**

That's okay. I started in -- the Coalition started early in 2007. I got on board September of 2007. And I really reached out to the members -- the not-for-profit agencies, because I had worked in the not-for-profit sector, and all along I've been hearing -- and I worked with the contracting process

myself. One of the reasons that Coalition members weren't coming forward was because they would -- they feared retaliation if they brought issues to either you or to the County themselves. I, coming as the Director of this, I took the stance that the Coalition is a body. We can stand together, but I can be the voice for everyone, for their needs, really. So they feel there's a safety net there. I only quote members' issues by name when they give me that permission to do so.

**LEG. VILORIA-FISHER:**

Now, you mentioned a couple of cases where the lateness of the contract has resulted in very extraordinary circumstances for the not-for-profits. What percentage of your eighty-nine members are very late in receiving their contracts, let's say more than three months? Or after March, because you're saying March is unacceptable. But how many of them haven't -- don't have a contract yet?

**MS. CHASE:**

As of last week, only one of my eighty-nine agencies had a signed executed contract. Today, I put out a full report to them telling them that I was coming here to give you a report and I did not want to give false information. And I will -- in defense of the Department agencies, this year is better than last. And I was reported to today by a handful of my agencies that they have executed contracts in their hands. Now, the voucher will now go in, and basically forty-five days for payment. Agencies do not have the payment issues that the child care providers faced and you had taken that bill up. So it's really not the payment issue so much, because they have cash flow that they could handle. As you can see from most of my agencies, they can handle up until March 1st without payment. It really starts becoming a major issue March 1st. And if the legislation was to be passed with the March date, you're going to have the same problems. We have agencies, as I said, 855 due the one agency and her payroll bounced. She was floored and embarrassed. Another agency reported today that she's going into a line-of-credit. She's maxxed out on her line of credit and she has owed -- she has paid eighteen hundred dollars in interest.

**LEG. VILORIA-FISHER:**

I'm confused about the one whose payroll bounced, because you're talking about a contract being executed, not the payment being late, so I got a little -- I was a little confused about that.

**MS. CHASE:**

I'm sorry. When the County enters into a contract with a not-for-profit, they will not get payment until they have an executed contract.

**LEG. VILORIA-FISHER:**

Okay.

**MS. CHASE:**

There are -- there are some contracts that payment will roll, and those contracts are multi-year contracts. Their payments will roll with, you know, minor issues. One of the recommendations that the Coalition has brought to the County is to expand their use of multi-year contracts and they are willing to look at that. Their multi-year --

**LEG. VILORIA-FISHER:**

Okay. You anticipated my next question, which is have you suggested ways to streamline the process so that, you know, the County can try to reach the goal of having -- of having a more timely contract?

**MS. CHASE:**

Yes, we have. We had a meeting with the County Exec's Office two weeks ago. The temperature there is a lot warmer than it ever has been, and I think part has to do with this bill looming, which I'm grateful for. We -- like I said in my report, we are working on objectives and recommendations. We're finalizing them within the next two weeks, and we were asked to bring the full report. We gave them a snippet of some of our recommendations. For instance, Nassau County, they have a local Living Wage Law. It is not tied to -- specifically to the contract process, where our living wage

law here in Suffolk County, you have to fill out all of the paper. It has --

**LEG. VILORIA-FISHER:**

Each time.

**MS. CHASE:**

Each time for every contract, then it has to be approved, signed off. It's a huge amount of paperwork to get through. Nassau County, what they do, within their contract, it states, "I am in compliance with the living wage law," and if I go into this contract, I know that I have to continue to be, period. Their Comptroller's Office handles the rest of it during an audit process, which makes a lot of sense, where it takes it out, you can contract, and then do -- you're complying with the law on paper, and then following through with the paperwork backup and audit procedures.

Another recommendation would be insurance verification. To have insurance with the County -- you need to have insurance to do business with the County. We're not suggesting we shouldn't. We're suggesting that that verification is shown once and checked off. This agency is certified to do business with the County. Also, with the 501(c)3 --

**LEG. VILORIA-FISHER:**

Well, you know what, you don't need to go through all of it. We get what you're saying, that the -- a lot of the paperwork can be done once by the contracting agency and not have to be replicated every time that contracting agency is working on a different contract.

**MS. CHASE:**

Yes. And the --

**LEG. VILORIA-FISHER:**

And so that file can be there, that you are a 501(c)3, you are registered, you are -- you are working within the Living Wage Law, you are also working within that 2025 Law requirement with your I-9's, that you are -- also, that you're insured. So all of that can be part of your permanent file, so to speak, and then the individual contracts could be treated on the --

**LEG. BROWNING:**

The contract agency?

**LEG. VILORIA-FISHER:**

Yeah, they have to do it, too. So we understand. I think that's a good idea and I think we all would support that.

**MS. CHASE:**

I just want to end with, all of these recommendations, they were heard by the County Exec's Office. They were asking appropriate questions. They were not giving the typical answer of, "We can't do that." They wanted to see a full report of how Nassau does it, how New York City does it. Like I said, I think there's a lot -- good promise, and they want to work with this Coalition going forward.

**P.O. LINDSAY:**

Legislator Browning has a question for you as well, Ms. Chase?

**LEG. BROWNING:**

As a question, but more of a favor. You say you have eighty-nine contract agencies that are in support of this resolution --

**MS. CHASE:**

I'm sorry, how many?

**LEG. BROWNING:**

Eighty-nine, you said?

**MS. CHASE:**

Yes.

**LEG. BROWNING:**

Okay. I am making a request. If I could get a list of all of those organizations and as much information, addresses, contact information on each of those contract agencies, I would appreciate it.

**MS. CHASE:**

Absolutely.

**LEG. BROWNING:**

Thank you.

**P.O. LINDSAY:**

Legislator Kennedy --

**LEG. KENNEDY:**

Thank you, Mr. Chair.

**P.O. LINDSAY:**

-- has a question, Ms. Chase, as well.

**LEG. KENNEDY:**

Ms. Chase, similar to what Legislator Browning has asked, you represent eighty-nine agencies, but those eighty-nine agencies provide a range of services to maybe hundreds, maybe thousands of individuals in a variety of different things, whether it's child care or mental health, or whatever it is. I think that's equally important. I have an interest in that. So, when you compile the information that you're doing, as far as the member agencies in the Coalition, if you can just get a general head count on how many individuals each agency is touching for a composite for me, I would have an interest in that.

**MS. CHASE:**

Absolutely.

**LEG. KENNEDY:**

Thank you.

**P.O. LINDSAY:**

Okay. Legislator Montano, you want to --

**LEG. MONTANO:**

Yes.

**P.O. LINDSAY:**

-- as a question?

**LEG. MONTANO:**

Well, just very briefly, I want to thank you for coming forward and testifying. I'm going to make a motion to close the Public Hearing.

**LEG. VILORIA-FISHER:**

Second.

**LEG. ROMAINE:**

Second.

**LEG. MONTANO:**

Well, I'm not making it yet.

**LEG. VILORIA-FISHER:**

Okay.

**LEG. MONTANO:**

I'm going to make a motion, but it's conditioned on my conversation with Counsel that said, even if we closed the Public Hearing and I changed the date, we don't need -- if I amend it later to change the date by which a contract has to be executed, we don't need to reopen the Public Hearing, so that's why I'm going to make the motion. And we will talk further. I'm sorry that I wasn't able to make that appointment with you yesterday. We'll follow up on this. With that, I will make a motion to close.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Okay. We have a motion by Legislator Montano to close the Public Hearing on 1033, and seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Sixteen.

**P.O. LINDSAY:**

The hearing stands closed.

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

I'm sorry, I didn't give you a chance to announce the count.

**MS. ORTIZ:**

That's okay.

**P.O. LINDSAY:**

What was the count?

**MS. ORTIZ:**

Seventeen. (Not Present: Leg. Cooper)

**P.O. LINDSAY:**

Okay. Thank you very much, Ms. Chase.

**MS. CHASE:**

Thank you.

**P.O. LINDSAY:**

Next up is **1046 - A Local Law to prohibit text messaging while driving**. I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Schneiderman, what's your pleasure?

**LEG. SCHNEIDERMAN:**

Motion to recess.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen. (Not Present: Leg. Cooper)

**P.O. LINDSAY:**

1046 stands recessed. ***1054 - A Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers.*** I don't have any cards on 1054. Is there anyone in the audience that would like to address us on 1054? Seeing none, Legislator Eddington?

**LEG. EDDINGTON:**

Motion to recess.

**P.O. LINDSAY:**

Motion to recess by Legislator Eddington.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen. (Not Present: Legs. Cooper and Montano)

**P.O. LINDSAY:**

***1094 - A Local Law amending the Suffolk County Empire Zone boundaries to include Bactolac Pharmaceutical, Incorporated.*** I don't have any cards on this, on this particular subject. Is there anyone in the audience that would like to address us on 1094?

**LEG. HORSLEY:**

Motion to close.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Okay. Seeing none, who made the motion to close? By Legislator Horsley, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen. (Not Present: Legs. Cooper and Montano)

**P.O. LINDSAY:**

Eleven --

**LEG. LOSQUADRO:**

Did you get me, Tim?

**MR. LAUBE:**

I got you.

**P.O. LINDSAY:**

Okay. Everybody up to speed? 1129, I got a lot of cards. I could eat my doughnut. **1129 (A Local Law establishing crime prevention requirements for scrap metal processors)**. First up is -- looks like Mr. {Hassard}. If I'm -- {Hassard}. {Hassard}. Am I mispronouncing it? I'm sorry if I am.

**MR. HUBBARD:**

Hubbard?

**LEG. ROMAINE:**

Hubbard.

**P.O. LINDSAY:**

It don't look like Hubbard, but it sounds good. Come on forward. East Northport, right, Mr. Hubbard?

**MR. HUBBARD:**

There you go. Sorry about that.

**P.O. LINDSAY:**

No. I apologize, I --

**MR. HUBBARD:**

That's all right. My name is Trevor Hubbard. I'm 39 years old and I'm a partner in a 30-year-old family business, plumbing and heating. And last summer of 2007, we were in a situation where we were under siege every day for five days. They came and they broke into our place of business, they stole our copper tubing, they stole our valves, our fittings, our scrap, thousands of pounds of stuff. I don't know whether they had a chain gang. We slept in the yard for hours. We did everything that we could to prevent the breaking and entering. It went on for two months. It was an eight-day siege to my place. I live -- my shop is in Kings Park in a light industrial area adjoining the railroad tracks. We had the MTA Police, Suffolk County Police, K-9 Detectives, everybody on the case for eight days straight. They came, 12 o'clock my alarm went off, the police showed up, they came at one o'clock; broke down the doors, stole my copper tubing. Long story short, in two months, I lost \$15,000 in copper tubing and plumbing supplies, brand new. That does not include my scrap loss, which is nothing more than cut-out tubing, valves, fittings, etcetera. They also stole diesel fuel and anything else that wasn't nailed down. They broke into my vans. I have \$3,000 in van repairs, locks that had to be changed. I spent \$5,000 on security upgrades.

I don't -- I don't feel that there's anybody out there who can disagree with supply and demand. The reality is that the price of scrap has gone through the roof. An honest person makes an honest living in an honest manner. We're not talking about honest businessmen, we're not talking about honest people, we're talking about dishonest people. We're talking about people who come and take from you what you've worked hard for, but they have to fence it somewhere. It's disappearing at an incredible rate. They're cutting live wires off the third rail from the railroad station and the tracks while it's hot, pulling hundreds of feet of cable from commercial job sites, and they're bringing it somewhere.

Now, I'm not going to sit here and point a finger and say that this person is doing something wrong and that person is doing something wrong, but the reality is things are going wrong. And like a jewel thief, if you've got no place to fence it, perhaps you won't steal it in the first place. Of course, we all know that we're only going to stop a certain percentage of the bleeding. But the reality of the situation is, as other people will testify when they come up here, that it's not just me. I've got a list of five businesses just in my area that were hit for thousands, \$20,000. Lewisy Fuel Oil, Engelmann Plumbing and Heating, Northport Plumbing Supply, Aiello Plumbing Heating, Hubbard Plumbing is myself. There's really something -- it would be great if something could be done.

Now, the people that are making an honest wage and running an honest business in the scrap industry, I do not point my finger at you. I'm not looking to make enemies. I sell my scrap to these very same people that the thieves are selling my goods to. If there's a way that we can -- that we can keep this to a minimum, that would be extremely helpful for me, so I don't have to continue to pay out of pocket for somebody else to come in the middle of the night, take from me what I've worked for and then bring it to somebody else and sell it. I know that there are a lot of scrap places that are open to the wee hours of the morning, some 24 hours a day. Now, there's not a person that I know who's selling scrap, legitimately taken, at three o'clock in the morning, not to my knowledge.

I know a lot of guys who are hardworking Americans, taxpayers who make their living and subsidize themselves by doing scrap, pulling dishwashers off the curb. I had a guy, came and took a cast iron tub right off the front lawn on a job I was renovating the bathroom. Didn't ask, didn't do anything. Walked up on the lawn, took a 600 pound tub, through it in the back of his truck, "Thank you, see you later, bye." Didn't bother me. I didn't feel like lugging it, but the fact of the matter is there's people out there that are working hard, and I'm not pointing my finger again at those that are doing honest things, but I would like to see something done to try and stem the tide and to make things fair for those of us who are working hard and honestly.

**P.O. LINDSAY:**

Thank you, Mr. Hubbard, for coming forward. Legislator Viloría-Fisher has a question for you, though, if you don't mind.

**LEG. VILORIA-FISHER:**

Okay. Don't laugh. Actually, Mr. Presiding Officer, maybe you could answer this, as well as Mr. Hubbard. They take live wires? How do they not get electrocuted?

**P.O. LINDSAY:**

Very carefully.

**LEG. VILORIA-FISHER:**

Do they wear insulated --

**MR. HUBBARD:**

I'm not an electrician --

**P.O. LINDSAY:**

Very difficult, very difficult.

**MR. HUBBARD:**

I'm a plumber by trade, but I believe that the whole trick of it is to not touch more than one thing at a time.

**P.O. LINDSAY:**

Well, first it goes bang. You just hope it don't bite you when it bangs, and then, if it blows the breaker, it's dead, you know.

**MR. HUBBARD:**

There's a lot of job sites that are under construction that have hundreds of feet of cable laid in the conduit, stubbed up at either end.

**P.O. LINDSAY:**

Right.

**MR. HUBBARD:**

They'll come, throw a rope around it --

**P.O. LINDSAY:**

Yep.

**MR. HUBBARD:**

-- hook it up to their truck, and they'll tow 2,000 foot of cable right out of the conduit and wrap it up, and then it's got to be going somewhere. It's not being shipped out in containers.

**LEG. VILORIA-FISHER:**

I never heard of that, wow.

**P.O. LINDSAY:**

Thieves are very imaginative.

**LEG. VILORIA-FISHER:**

And stupid. I mean, you can really get zapped, right?

**P.O. LINDSAY:**

Yeah, yeah.

**MR. HUBBARD:**

It would be -- unfortunately, it doesn't happen enough.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. VILORIA-FISHER:**

Instant retribution.

**LEG. D'AMARO:**

Sir, right here.

**MR. HUBBARD:**

Oh, thank you.

**LEG. D'AMARO:**

Hi. You know, I'm considering the bill, I'm considering your comments and I appreciate them. And I appreciate that you're doing business here in Suffolk County and that you experienced that problem. I mean, it was your own place of business that was ripped off?

**MR. HUBBARD:**

It's a family business. We've been in that location for 25 years --

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

-- without a lick of trouble, never a trespass, never a broken window, nothing.

**LEG. D'AMARO:**

Okay. So -- you know, one of the prior speakers, during the public portion that we had earlier this evening, was talking about, you know, where do we place the burden of this problem? In other words, do we place it on the scrap metal collectors where they have added costs to comply with a law that we're considering, someone had suggested earlier during the public portion that perhaps

you need to increase security at the place that the theft is originating. Do you have any opinion on that? What kind of security do you have?

**MR. HUBBARD:**

I do. The reason -- I just found -- I didn't know that there were other Public Hearings regarding this issue.

**LEG. D'AMARO:**

There was a -- we have a public portion at the beginning of our meeting where anyone can speak for a few minutes and that's when it was raised.

**MR. HUBBARD:**

One of my main reasons for being here is not to do this, but to do this.

**LEG. D'AMARO:**

Okay.

**MR. HUBBARD:**

Because I run an honest business, I work hard at it and it keeps me at my desk until 7:30 at night. And I know that there's gentlemen here from Arrow Scrap and hopefully other scrap yards and I'd like to hear where their problems are, because there's not a business that runs without a problem; you can ask the ex-Governor. The reality -- the reality of the situation is this. I do --

**P.O. LINDSAY:**

Was that scrap metal?

**MR. HUBBARD:**

I do believe that a certain portion of the burden --

**LEG. ROMAINE:**

Sparks are flying.

**MR. HUBBARD:**

-- should be placed on the people who are collecting the scrap and reselling it for profit; that's their business, that's their job. Nobody goes out in the morning with a dollar and wants to come home with a dollar, okay. So there should be some sort of rules or mechanism in place that gets triggered when people show up with brand new copper fittings, rolls and rolls of wire that's brand new on the spool. Listen, I don't know what they see every day, I only know what I see when I go to the scrap yard and it makes me -- it hurts my heart because that could be my very -- that could be the stuff they took from me this morning when I walk into the scrap yard and there's a dumpster full of brand new copper fittings and 20 foot lengths of three-quarter inch copper pipe that I pay 53 bucks a stick for, it's sitting in a dumpster, it's going either to be remelted, shredded or resold as is, but I can't -- you know, I can't engrave each piece of pipe and say, "That's mine."

Even the lot numbers that they have the bar codes on, that's not -- that doesn't work either unless you have all of that technology to go there. And like I said, if you can turn away the people that are bringing the stuff illegally and they have no place to sell it, then maybe they won't steal it.

**LEG. D'AMARO:**

Well, nothing in the bill would require turning anyone away. I just want to ask you this, because I don't want to take up a lot of your time either. But do you think that having this bill in place, which would still require if there's a theft, an investigation, do you think this bill would have prevented the theft at your place of business?

**MR. HUBBARD:**

I believe that once the mechanism is in place, the trickle down effect, it's not going to be immediate.

**LEG. D'AMARO:**

Uh-huh.

**MR. HUBBARD:**

And it's going to need the support of the scrap industry and the hard working and honest individuals in that industry, because they're becoming the target of a lot of derision. Now, I have a very tight personal relationship with the scrap people that I deal with, they come to me.

**LEG. D'AMARO:**

Sure. Yeah, I'm just getting information myself.

**MR. HUBBARD:**

Right.

**LEG. D'AMARO:**

When you had your theft -- again, very quickly, when you had your theft, what did you do, did you call the Suffolk County Police?

**MR. HUBBARD:**

I called the Suffolk County Police Department.

**LEG. D'AMARO:**

Okay.

**MR. HUBBARD:**

I called the MTA.

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

I called the Suffolk County Department of Public Works because they came through a sump and cut through the fence to get into my yard.

**LEG. D'AMARO:**

Okay, just let me stop you there. Did the Police Department open an investigation?

**MR. HUBBARD:**

Absolutely.

**LEG. D'AMARO:**

Do you know if they visited the local scrap yards to determine -- you know, as part of their investigation?

**MR. HUBBARD:**

When they came and we spoke to detectives, we asked them if they had done that, we assumed it had to be, you know, taken from point A to point B, you're talking about thousands of pounds of stuff.

**LEG. D'AMARO:**

Right. Did you give a description to the PD of what was stolen?

**MR. HUBBARD:**

Yes.

**LEG. D'AMARO:**

So the PD could go to the local yards and say, "This is a description, you know, has this come in in the last three to five days," right?

**MR. HUBBARD:**

Absolutely, sure.

**LEG. D'AMARO:**

Okay.

**MR. HUBBARD:**

And unfortunately, when you go to the scrap yard and you see an antique brass ashtray that somebody threw out that you could say, "Hey, that looks like mine," but when you're talking about generic -- it's like pills.

**LEG. D'AMARO:**

Right, you don't know.

**MR. HUBBARD:**

You know, you see a pile of pills on the floor, you don't know what they are; they're all white, they're all round, they're oval.

**LEG. D'AMARO:**

Okay.

**MR. HUBBARD:**

How do you identify what is mine and what is somebody else's?

**LEG. D'AMARO:**

But would this bill change that?

**MR. HUBBARD:**

Well, I think that if people had to answer as to where they got certain materials -- when you come in with five foot pieces of wire, cut up into five foot pieces --

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

It didn't come off a roll, it's not a brand new roll.

**LEG. D'AMARO:**

But people could lie; people could lie on that.

**MR. HUBBARD:**

Well, if people want to take the time --

**LEG. D'AMARO:**

I mean, if you're going to steal, I don't think you're going to be truthful, "I stole this from, you know, down the road."

**MR. HUBBARD:**

The whole idea is that it's a very quick turnover.

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

This used to be a trade for drug addicts, booze hounds and things of that nature, that's how everybody looked at it.

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

But the reality of the situation is --

**LEG. D'AMARO:**

It's a big business now.

**MR. HUBBARD:**

-- clean copper, these gentlemen will be able to tell you, clean No. 1 copper, three bucks a pound, four bucks a pound maybe going in. I mean, a hundred pounds, that's 400 bucks and all you had to do is pick up a couple of bags of somebody's fittings --

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

-- throw them in a wheelbarrow, what they did to me, used my own tools to get it up and over the fence after they cut my locks. So having to answer to somebody or have to say, "Where did you get this," so that when the Police do show up and say, "Hey, have you seen 500 three-quarter-inch copper elbows?"

**LEG. D'AMARO:**

Right.

**MR. HUBBARD:**

"Well, yeah, they just came in, along with a thousand half-inch, two thousand one-inch and here are the people's names that delivered them."

**LEG. D'AMARO:**

Right. And I don't know if you know this, but State law already requires that for every drop-off that a copy of the person dropping off the scrap, a copy of their driver's license must be made and they're scanned.

**MR. HUBBARD:**

Is that in place?

**LEG. D'AMARO:**

It's required by State law.

**MR. HUBBARD:**

Right, and is it a -- is it something that is checked? I mean, if you were to -- let's just say that you were to --

**LEG. D'AMARO:**

Well, any system needs to be checked.

**MR. HUBBARD:**

Right.

**LEG. D'AMARO:**

But I'm just making the point -- this is the only point I want to make, that I want to enact a bill that's going to stop the theft at your place of business, and I'm just trying to determine whether or not this is the way to go and this bill would actually stop that theft.

**MR. HUBBARD:**

Okay.

**LEG. D'AMARO:**

Okay? That's where I'm coming from.

**MR. HUBBARD:**

Okay. I've got to be honest with you, I'm with you. I don't really -- the scrap people work hard, they deserve to make a good living. I don't care what happens as long as the theft stops. And there's plenty of other people -- because from here, it's just Hubbard Plumbing, it's just me and my five families that I'm feeding when it comes to -- somebody else comes up here to speak and you find out that they're robbing churches, it becomes a whole big thing, now it's a community issue, and whatever can be done to stop it hopefully can be done.

**LEG. D'AMARO:**

I really appreciate your dialogue and it's helpful to me. Thank you.

**P.O. LINDSAY:**

Mr. Hubbard, before you go, Legislator Eddington has a question for you, but I just want to back up something that you said to Mister -- Legislator D'Amaro about the quick turnaround of this stuff. The slang word in the trade for this, you might know this, is rabbit.

**MR. HUBBARD:**

Never heard of it.

**P.O. LINDSAY:**

Never heard of it? Mongo rabbit?

**MR. HUBBARD:**

Mongo, sure. Absolutely.

**P.O. LINDSAY:**

Yeah, rabbit, too.

**MR. HUBBARD:**

Yep.

**P.O. LINDSAY:**

That shows you how quick the turnaround is.

**MR. HUBBARD:**

Gotcha.

**LEG. EDDINGTON:**

Just as a clarification for yourself and Mister -- and Legislator D'Amaro. What this legislation will do is that under State law, they have to keep a log and a record of what's coming in. The problem is by the time you notice it's gone and you call the Police, then the Police have to start searching all over. This legislation will be sent electronically to the Police Department so that when you call the Police, they can go on their database and say, "Oh, look, the couplings that we just got reported stolen

have been brought to so and so." And with the compliance of the -- with the industry, we'll both be working together now rather than, you know, at odds.

**MR. HUBBARD:**

Right.

**P.O. LINDSAY:**

Mr. Hubbard, you're popular, Legislator Losquadro has a question.

**LEG. LOSQUADRO:**

Just sort of surprising to me that someone who -- sir, over here.

**MR. HUBBARD:**

Sorry.

**LEG. LOSQUADRO:**

Sorry, Mr. Hubbard. Sort of surprising to me that someone who's in the trade, such as yourself, that, you know, a lot of cutoffs, as you said, a lot of extra stuff, stuff you're pulling out on remodel jobs or demo jobs, you obviously have a long history of selling scrap material. So it's surprising to me that someone as yourself wouldn't be aware that the current State law is already in place, that a copy of that government-issued identification is required. That sort of tells me that there are a lot of places out there that are not collecting that information. Have you sold scrap to places that haven't collected your identification? And this is no reflection on you, it's a reflection on --

**MR. HUBBARD:**

No. To reiterate what I had said earlier, I have a very personal relationship with my scrap person, they supply me with the drums --

**LEG. LOSQUADRO:**

Right.

**MR. HUBBARD:**

-- they deliver the drums and I fill the drums, they come to my shop, they weigh my stuff. I don't truck my stuff around, I don't shop from one guy to the other, I do keep an eye on my prices. He does have all my information on file--

**LEG. LOSQUADRO:**

Right.

**MR. HUBBARD:**

-- and it's up to him to provide that information to whomever so asks for it. I was under the impression that this --

**LEG. LOSQUADRO:**

Would you mind if I ask you, is that a dealer in Suffolk County or outside of Suffolk County?

**MR. HUBBARD:**

He's inside Suffolk County.

**LEG. LOSQUADRO:**

Okay, I just wanted to ask. Because I'm sure you're aware there are a lot of dealers outside of Suffolk County that will come and provide that same service.

**MR. HUBBARD:**

Absolutely.

**LEG. LOSQUADRO:**

Okay.

**MR. HUBBARD:**

They're everywhere and I look for the guy that I feel that is going to give me the best benefit on my copper and brass as well as help me out with my steel and cast iron which is heavier, bulkier and worth less.

**LEG. LOSQUADRO:**

And worth much less. All right, thank you very much, sir.

**MR. HUBBARD:**

Very briefly, I just wanted to clarify, now I was under the impression that what we were trying to do was to hold responsible as in the laws that the pawnshops operate under, if you're knowingly taking stolen property then you should be responsible for that property. Once it comes into your hands, if the likelihood is that you've got a guy coming to your shop with stolen goods, you've got to make a decision as an honest citizen and an honest business owner, is it worth the money for me to put my family in jeopardy to take this extra five grand that I know 85% sure is hot? Eighty-five percent goes a long way in the court of law.

**LEG. LOSQUADRO:**

Well, I can't speak --

**MR. HUBBARD:**

If you think it's hot, turn it away.

**LEG. LOSQUADRO:**

I can't speak as to whether or not, you know -- when someone brings something --

**MR. HUBBARD:**

Right. My point is this, if you believe that there's a very good likelihood --

**LEG. LOSQUADRO:**

-- in whether or not -- sir, we're debating the bill. I understand your point completely. But I can't speak to, you know, what a dealer is or isn't doing.

**MR. HUBBARD:**

I just wanted to make sure that I was following the right path here through the bill. I just want to make sure that if there's people out there that are knowingly taking stolen goods, that they should have to answer for that when the axe falls.

**LEG. LOSQUADRO:**

Well, those laws already exist, sir. Those laws already exist on receiving stolen property.

**P.O. LINDSAY:**

Okay. Okay, I'm going to cut this off. Thank you, Mr. Hubbard, for your testimony.

**MR. HUBBARD:**

Thank you very much for the time, I appreciate it. See you again.

**P.O. LINDSAY:**

Peter Cris? Hi ya, Peter.

**MR. CRIS:**

Hi. How are you?

**P.O. LINDSAY:**

Good.

**MR. CRIS:**

Good evening, Chairman, Members of the Legislature. I am here representing the Town of Brookhaven as I am employed by them as the Deputy Commissioner of Parks, Capital Projects. I'm imploring you to pass this bill and the reason for it is that we are recently being vandalled at a larger rate than normal and because of raw materials being at a higher value, we are now experiencing a new kind of vandalism where we find our buildings vandalled, radiators missing, wires removed. I don't want to repeat the same stories that you just heard, but we are a rather large town, we have 172 facilities and 38,000 acres to police. It is impossible for us to man all of those facilities and to maintain vigilance on a 24/7 basis. We are imploring you to help us, help us with the Police Department and the local scrap metal dealers so that we can register erroneous sales or whatever may come of this. Thank you for your help and I'll answer any questions you may have relative to that.

**P.O. LINDSAY:**

Thank you, Peter. Legislator Romaine has a question for you.

**MR. CRIS:**

Yes, sir.

**LEG. ROMAINE:**

Quick question. Hello, Peter, how are you? My concern is I'm going to take one Capital Project, probably the biggest Capital Project to come under scrutiny of recent; the Mastic Pool. That's a pool that started off costing I think it was 86 or \$89,000 and wound up costing 7.1, \$7.2 million, still has some problems, hopefully will be open soon. My understanding is that a lot of copper was stolen from that pool?

**MR. CRIS:**

That is correct.

**LEG. ROMAINE:**

Okay. Can you tell me how much you security you provided to a \$7 million project, the Town provided? Did they have security guards there, was this protected? This is a massive project. And I believe, if I'm not mistaken, there were large periods of time that the Town failed to employ a \$10-an-hour security guard or park police or whatever they're called for the Town of Brookhaven to guard this facility, particularly during the nighttime hours when most of these thefts occurred. And these thefts, if I'm not mistaken, did not occur once but they recurred repeatedly.

**P.O. LINDSAY:**

Okay. Legislator Romaine, is this germane to this bill?

**LEG. ROMAINE:**

Well, I'm asking if there were security guards --

**P.O. LINDSAY:**

Do you know, Mr. Cris, about --

**MR. CRIS:**

My tenure with the Town has been only in the last 14 months. I could respond to the 14 months I'm aware of; prior to that, I'm not aware of anything.

**LEG. ROMAINE:**

Thank you.

**P.O. LINDSAY:**

Okay, so you don't know. Thank you.

**MR. CRIS:**

Anything else?

**P.O. LINDSAY:**

No. Oh, Legislator Kennedy.

**LEG. KENNEDY:**

Yeah, just so that you -- you're talking about the fact that you're experiencing vandalism in your facilities.

**MR. CRIS:**

Yes, sir.

**LEG. KENNEDY:**

Specifically what are we looking at? Are vandals going in to, let's say, ball field bathrooms, are they ripping out sinks, are they ripping out copper, are they ripping out bronze? What do you see specifically; what's being taken?

**MR. CRIS:**

Right now we're finding a number of facilities, both in our marina and our ball fields, comfort stations, restaurant facilities that we sublease have been broken into and copper pipes and wiring have been removed, as well as sinks and other hot water heaters, anything that is sellable under the scrap metal laws. A lot of our facilities are old and have heavier gauge metals that are being employed in the copper way, so that they are valuable, even more so than the new stuff.

**LEG. KENNEDY:**

Okay. When you encounter a theft, do you contact the Suffolk County Police Department?

**MR. CRIS:**

Yes, sir. We contact our own code enforcement and the Suffolk County PD and we are here on behalf of our sales and I think we are speaking with the recent Precinct Commanders that we've met with to ask that this legislation be passed to help us pursue an active investigation so when, as the previous gentleman said, a number of items are deposited at a scrap metal dealer, that would be registered and that would give the police a lead to go after those people. Hopefully that would recover some money for the taxpayer and the rest of the people in the Town of Brookhaven.

**LEG. KENNEDY:**

In the 14 months that you've been there as Deputy Commissioner and you've had some of these incidents, have you had any successful types of investigations or prosecutions to date yet?

**MR. CRIS:**

Only two, and both of those were vandalism, and we've had employed a security system and picked it up on a camera.

**LEG. KENNEDY:**

So you had evidence actually that you were able to turn over and then that resulted in an arrest and a prosecution?

**MR. CRIS:**

Yes, sir.

**LEG. KENNEDY:**

Okay. Thank you.

**P.O. LINDSAY:**

Thank you very much, Mr. Cris. Next speaker is Peter Engelmann. Mr. Engelmann, if you would come forward.

**MR. ENGELMANN:**

My name is Peter Engelmann of Engelmann Energy in Northport. I came here tonight to ask for your support of Resolution 1129. I believe that it's the beginning of legislation that we've needed for a long time, and I certainly think we need more legislation and more enforcement of the State laws that are already in effect, because that's one of the problems, is that we have -- we have laws, as you pointed out, in effect by the State, but they're very loosely regulated.

I think that this resolution is going to help bring an end to some of this, because it's going to make the guy that's stealing from Hubbard Plumbing and Engelmann Energy nervous about the fact that immediately their deposit is going to be able to be reported to the Police Department. So, if somebody should have a robbery of a new construction home or a cable and it's reported to the police, they have the ability to quickly scan through and find what scrap yard may have just taken product in like what was missing. And the fact that, you know, legitimate guys like these, and I was just in their yard the other day and they scan the driver's license and you've got someone's license before they're getting the money, you've got an easier chance of catching the culprit. And that's one of the problems with this, is it's too easy to steal, quickly cash out and walk away. And we've got part of what we're looking for there. This brings us to the next step. And then I think it has to be taken into consideration at some point with further legislation that it's not being prosecuted fairly, because the dollar amount being stolen is much greater in damage and in destruction and in value than what is actually seen in the end.

It's also, in my opinion and my own personal experience, it's also poorly reported to the police. I was small-time stolen from and stolen from, and sometimes we weren't sure if something got stolen or if it was misplaced or got thrown out, and it gradually got worse and worse. And I estimate, as I was sitting back here, twelve times that we were clearly robbed and only three times that we reported, because it seemed so petty. I had no idea that this was such an epidemic. And the more I've looked into it and the more I've talked about it, it's a national epidemic, it's not just a Suffolk County exclusive.

One of the other issues to this is the State Law is great, and we're going to step it up possibly here, if you guys -- you guys pass this. But that's just going to drive the thieves right over the County line. I mean, we're right here at the border of Nassau, and if Nassau is not in concert with what we're doing, you know, they're just going to go there. And then, if they're in Nassau, they can go to Queens, and, you know, and where does it end? You know, you're going to make a State Law and then they'll go to Jersey, you know.

Clearly, this has become an epidemic. It's a quiet epidemic that's finally being dragged out into the light a little bit. Like Trevor, we've lost thousands of dollars of raw material that's being sold for pennies on the dollar. The new construction industry has been hit real hard, because every new house is being plumbed in copper by code. They're not watched at night. Little cul-de-sacs, individual spot building, they're being ripped off. I mean, what started off -- and I'll give you the quick progression of this. Years ago, when copper really wasn't worth anything, we would bring it back to our yard. You put a heating system in, you would rip plumbing out, you'd take a hot water heater out, a condenser for air conditioning. You'd bring it back to your yard, because it was part of the deal, you don't leave it at the customer's house. We had a little scrap area by our dumpster, and some guys would come by and they would take it away. Quite frankly, I was thankful to have the service. I mean, at Christmastime, we were out there giving them bottles of wine to thank them for coming, and sometimes even throwing them a little bit of money, because they were cleaning up and taking the stuff out of there. That quickly progressed to where the stuff started to have value and they had competition, and I had to pick which scrap guy I wanted in my yard. Very quickly, it's

turned into where my scrap area is locked down, because they went from taking scrap to ripping my buildings open, to breaking into the vans, to -- I mean, they broke into my vans so many times, that we backed the vans against the building so they couldn't get the back doors open. Now they go to the tubes, which are also close to the back of the building. They take the tubes out, and they pull the copper out eight inches at a time and cut it just to get the copper out. I mean, in a lot of cases, what I've seen, I think it would be easier to go out and get a job than it would be to steal all this copper all night long, but that's another whole issue.

One of the reasons that I'm here tonight is that I've kind of quietly accepted this. I put cameras in. We've got people stopping by the office. We also are a family business. We've been in the place that we're at since 1982. I have never had a police report filed for a break-in, for an issue in all the years that we were there. Like I said, I've had three in the last year, twelve that I probably should have called the police on. So where the problem really wasn't around all that long ago, it is an absolute monstrosity of an issue.

And I recently woke up on a Saturday morning two Saturdays ago, logged onto the internet, and the opening story was about a local church that had been pillaged of its copper. And as I sat there and read it, it punched me in the stomach, because now, you know, I've heard my industry, the plumbers, on new construction, I have a friend who owns a boatyard, they stole the props off the boats, they've stole all of his welding extension lines. I heard about the cables being pulled down. I heard about all the veteran --

**P.O. LINDSAY:**

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

**MR. ENGELMANN:**

I'm out of the time?

**P.O. LINDSAY:**

Yeah.

**MR. ENGELMANN:**

Okay. So the church -- the church, they broke into the church, they ripped all the copper out, they left the water running, they ripped this church apart on Straight Path. And we went up there and donated our services to put it all back together again. But right down the road happened to be our scrap, and that's how I wound up down there. And it was the first time I had ever been to a scrap yard, first time I'd ever been in it. And I can see how what they're doing is legitimate. They're putting a license in, the person's got to cash it in. But when guys come in with broken copper or even new material and it's thrown in a dumpster, who's ever going to know two to three days later what pile of copper? I mean, you can't go back and then fingerprint the entire dumpster to find where that copper went. And we're now leaving our industry and breaking into vacant buildings and houses of worship in our township.

**P.O. LINDSAY:**

Thank you.

**MR. ENGELMANN:**

They got maybe \$200 worth of copper --

**P.O. LINDSAY:**

Thank you, Mr. Engelmann.

**MR. ENGELMANN:**

-- and did \$10,000 worth of damage.

**P.O. LINDSAY:**

Thank you, very much, Mr. Engelmann.

**MR. ENGELMANN:**

Okay.

**P.O. LINDSAY:**

I appreciate you coming down.

**MR. ENGELMANN:**

No problem.

**P.O. LINDSAY:**

All right.

**LEG. EDDINGTON:**

Presiding Officer.

**P.O. LINDSAY:**

Wait. Legislator Eddington has a question of you, so you still can talk further.

**LEG. EDDINGTON:**

I just wanted to actually publicly thank you for -- I met you this morning at that church.

**MR. ENGELMANN:**

Right.

**LEG. EDDINGTON:**

And you're doing this at your own expense. And I want to thank you, and I'm sure Legislator Stern, who is the Legislator of that area, would also take the opportunity to thank you for what you're doing. You're a good citizen. Thank you.

**MR. ENGELMANN:**

Well, thank you.

**P.O. LINDSAY:**

Thank you.

**MR. ENGELMANN:**

Okay.

**P.O. LINDSAY:**

Thank you very much.

**MR. ENGELMANN:**

Thanks.

**P.O. LINDSAY:**

All right. We have two cards from the Suffolk County Police Department. We have Chief of Detectives Varrone and Bradley Lanser. You want to come together or you want to talk separately, or -- they're going to do a presentation. Okay. So why don't you come up together and sit at the table. And, Tim, make sure these fellas have enough chairs here, all right? Sit over here, fellas, and you have a mike and you can --

**CHIEF VARRONE:**

You want us all to sit down there?

**P.O. LINDSAY:**

Yeah, I think you're probably better off, no?

**CHIEF VARRONE:**

Okay with that?

**P.O. LINDSAY:**

It's up to you guys. You want to --

**CHIEF VARRONE:**

He'd rather -- the "Big Guy" would rather stand.

**P.O. LINDSAY:**

Okay, that's fine, that's fine, however you want to do it.

**CHIEF VARRONE:**

Brad Lancer is actually going to be our tech.

**P.O. LINDSAY:**

Okay.

**CHIEF VARRONE:**

Good evening. My name is Dominick Varrone. I'm Chief of Detectives, Suffolk County P.D. Tonight I'm accompanied with Detective Sergeant John Capute, he is the Commanding Officer of our Property Recovery Section; Detective Brad Lanser of the Property Recovery Unit. I also have Matt Jones, our Director of our Information Technology Section, and Peter Frank, our Data Base Manager, in case there are any issues or questions regarding Information Technology and the computerization of the issue.

As was mentioned, the problem of scrap metal crimes, it's becoming worse, not only in Suffolk County, but across the country, due to the economic conditions and the price of some of the nonferrous metals, in particular, copper. Nationwide, thieves are stripping copper, brass, and other metals from power lines, cell phone towers, public parks, cemeteries, and just about anywhere else where the metal is to be taken. Some examples, in April of last year in Riverside County, California, 20,000 feet of copper was stolen from a park. In October of 2007, copper thieves actually caused a power outage for about 14,000 Southern California Edison customers by ripping off grounding wire from a substation.

Scrap metal yards are operating in a largely unregulated market. Farmers in Columbia, Missouri, after paying thousands to replace stolen copper wires from irrigators, have pled to their lawmakers for help. In Suffolk County, as has been articulated by some of the speakers, the problem is growing. For sake of comparison, I only used the first two months of each year, so this is not -- these are not annual totals, but it does underscore from 2006 to 2008 the fact that these scrap metal thefts, in the two-month period for each year, have gone from 16 to 52 last year, to doubling this year, 109, clearly indicating that the problem is increasing representing almost a 700% increase. Again, largely, these are the metals that are stolen. Copper is the big one. It's gone up in price significantly. Two years ago, it was about a \$1.40 a pound. Now the price range is right up around 3.50 or \$4 a pound. It's aluminum also. Go ahead. We're going to kind of fly through some of these things. I realize everyone's been -- go ahead, go on.

Hamlets. This is a representation of the Hamlets for just the two months of this year. It kind of shows you that the crime is not restricted to any particular area. There has been an inordinate number in the Wyandanch area, in the First Precinct area, largely due to a lot of homes that are up for foreclosure. It's come to the point now that as soon as a sign goes up for sale, the thieves are going into these houses in the middle of the night.

I should note that despite the fact that all our major crime categories have gone down last year, as well as the first two months of this year, residential burglaries have actually increased. For the first two months now, they've gone up from 342 to 399, 399 total, representing a 16.7% increase.

I'm going to ask Detective Sergeant Capute to identify some of the recent thefts with some crime scene photos. And one important point I want you to realize is that the value of the stolen property is not the only loss suffered by the victims of these crimes. Many times the extensive damage to real property caused by the thieves far outweighs the value of the stolen scrap metal. This results in substantial economic loss to the victims. John, you want to show them some of the crimes?

**DETECTIVE SERGEANT CAPUTE:**

Members of the Legislature, Presiding Officer, thank you very much. Believe it or not, these crime scene photos are some of the crimes that were described by several of the previous speakers.

This one here is the Brookhaven Town Pool in Mastic. In November of 2006, it was broken into. If you look right here, this is the point of entry. The subjects entered the yard, busted through the front door, entered. They removed all the copper from the ceiling, or a large portion of copper from the ceiling. They created a lot of damage or did a lot of damage to these -- this location. It was all half-inch, one-inch, two-inch and three-inch copper. It was recently installed and it's fairly new. For this particular crime, as with most crimes that the Detective Division handles, we use the traditional methods of investigation. Many, like this particular case with the Brookhaven Pool, there was examination done for fingerprints. The area was checked for surveillance cameras. A neighborhood canvas was completed. A list of subcontractors was interviewed, and certain items from the crime scene were sent for DNA analysis. Unfortunately, we don't have any further leads with this. We do know that, for the most part, this material that was stolen had to have gone somewhere, more than likely, a scrap processing facility within Suffolk County.

Again, this is a vacant home that was for sale in Wyandanch. This is a recent burglary, within the last two months. Again, this is similar to many of the homes within -- can you go back one, Brad? Similar to many of the homes under these circumstances. Right in this front window, right here, is a very prominent "For Sale" sign.

There are a lot of homes in the area that are suffering from the mortgage crisis and the recent economic problems, where they remain vacant, they remain for sale, they remain for rent for an extended period of time, and this becomes now what appears to be a crime of opportunity. Right here, the suspects, obviously, used whatever was available. There was a knife, it was recovered from this crime scene, on the rear stoop of this residence. This was used to gain entry. Once inside, all the copper from the baseboards, all the copper radiator from the baseboard was removed. All the copper from the basement, right back from into the water meter and the main was removed. It appears that this particular crime scene, the suspects may have shut the water off, because it doesn't appear there was any flooding prior to doing the damage and removing the copper.

This is a vacant commercial office building in Commack that was for rent. Go forward. Again, if you look, all the copper baseboard was removed, but, in addition, the HVAC components were pulled from the ceiling. This right here is an overhead lighting fixture. It was pulled from the ceiling and is hanging from a wire.

Again, this is the damage done to the grid of the ceiling tiles and the grid was damaged. All these wires, the communications cables, the electrical wiring, and the acoustical ceiling grid were significantly damaged. This creates -- again, creates a terrific hazard when it's left in this condition, or left in this condition by the people doing these crimes.

In this, the same office building, they removed all the baseboard heat from here, and then damaged the walls in search of more copper. And if you look right here, there's a -- there's an outlet right here where the wiring was, again, left exposed, again, creating a very dangerous situation. In this

very same building, the finished bathroom wall was completely damaged; opened up that wall in search of more copper.

This is another recent theft within the last several months. United Fence and Guardrail in Ronkonkoma is a manufacturing facility that contracts for various municipalities. They contract for many of the signs for New York City, street signs, sign posts, things of that nature. Twice this yard was broken into. The second time, it was not immediately reported to the police. The victim of the crime was able to immediately respond to a scrap metal facility in the area and identify some of his -- some of his proceeds. With the help of the scrap metal facility, the employees were able to locate, identify and recover a significant portion of what was stolen by use of the current State Law, with the identification records kept by this facility. They were very -- they were very good records. We were able to make that identification. This is, again, some of the specific items that were taken, that were brought into there. If those items are brought in without some type of contract or letter of authorization from the business, those are items, that should immediately be suspect. After recovering them, we were able to identify with markings on these items specifically to that business. These are identifiable numbers that were created for that business or that job by that business that was burglarized or stolen from.

Again, this is the church that was spoken of earlier by an earlier speaker, the Half Hollow Community Church in Dix Hills. This was the scene of two scrap metal burglaries within a three-day period. The initial -- the initial burglary, the burglars entered, got into the basement, began cutting away the copper pipes. You can see the end copper piece of pipe here and here. But, if you notice on the floor, they flooded the basement. The water got in, started flooding the basement, and they apparently left. There was approximately \$100 worth of copper stolen from this particular site. The second time they came in, two days later, they entered the basement, tore this entire ceiling grid, all these panels. This is all ceiling grid that was torn down, and all the copper was taken out of what would be the first floor joists or the ceiling of the basement. All the copper was taken right back to a place where they could no longer get access to anymore copper. This is just a small piece of copper that was hanging out. It was, again, pulled right back to -- right back to the radiators. They cut the copper off right at the radiator.

This is a theft that I was personally involved in when I was a Commander of a squad in the Seventh. This is a LIPA/KeySpan County-wide theft. This started back in February of 2007 with the alert actions of two Crime Section Officers from the Seventh Precinct. If you notice this vehicle, the front end is sitting rather high and the back end is sitting rather low. The officers stopped this vehicle, approached the car, looked inside, and this is what they saw, three to four-foot lengths of very clean, very new stranded copper cable, and this is used primarily in commercial applications. The suspect was found to have a suspended driver's license, was arrested by these people, and his vehicle was transported, impounded. After being interviewed by Detectives in my Command, he consented to a search of his vehicle and a search of his home. When we opened the trunk of his vehicle, more copper piping. Three, four-foot sections of stranded copper cable was located in there. Just notice this shiny, new look to this scrap copper. Again, this is commercial application LIPA cable.

We went to his home and began searching his yard. Inside the shed in the backyard were these tools. These are loppers, these are commercial loppers. This is what he used to lop the cable off. And what he would do was -- he was very smart. He must have done some intelligence work on the LIPA yards. He found LIPA yards where trucks returning to the yard would park and not put the cable in the area where they were supposed to, or a more secured area. He actually entered these secured areas and cut these cables into three, four, four-and-a-half foot lengths of cable and slid them through the chain link fence, piling them up, went outside and piled them into his car.

All this here is the sheathing that was removed from the copper cable that he stole over the course of five months. He had developed a technique where he could strip the cable, and instead of going as sheathed cable, he got it -- he was able to sell it at the scrap yards as number one scrap. He was getting somewhere between 240, 260 a pound, I think, for this, if I remember correctly. We

invoiced all this as evidence, and based on the sheathing that was discovered, it's estimated that he stole nearly a mile of this cable over the course of five months. Again, there's more of the cable, photographs of this cable. Each one of these is just pieces of sheathing that we recovered from his yard.

It took awhile to figure out where this came from, because this was not sheathed, it was clear cable that we initially had. This cable we thought may have come from the abandoned Grumman facility in Riverhead. Being in touch with Riverhead Town Police and Detectives out there during the course of this investigation and during this evening, it was discovered that several hundred feet of cable similar to this was stolen from a building in their jurisdiction on the Grumman Property, where thieves would go into the building, cut the cable conduit -- cut the conduits, and actually, like he said, tie a rope to it and pull that -- those 40, 60 foot lengths of copper cable out onto the ground, cut them up and take them away. I'll go back to --

**CHIEF VARRONE:**

Yeah, I think I'll step in. And I'm going to skip some of these things. Just to mention that we've solicited information nationally from the Institute of Scrap Recycling Industries. They offered guidelines, and some of the Legislators who have been involved in the proposed legislation and the Counsel to the Legislature, we've conversed with them regarding some of their recommendations, and nationally, what the issues are. And I will tell you that, looking at the legislation that's been proposed, for the most part, across the country, there's very little of it enacted. So that's interesting, and we could be among the first to really enact a Local Law. We'll skip through some of these.

Basically, the recommended practices and procedures for minimizing the risks of purchasing stolen scrap materials. Go to the next one. Skip. Outreach. Scrap processors should develop a working relationship with their Local Law enforcement, industry, and municipalities to create a mutual understanding of the challenges involved with preventing the inadvertent purchases of stolen scrap. I'm happy to say that this has occurred. Certainly, since I've taken over the Chief of Detectives Office since last May, we've conversed. And there are people in the industry, some of them I think here tonight, Kevin Gershowitz from Gershow, Phil Fava from P and K, who we've been working with and soliciting their opinion. We don't always agree on things, but in many regards, they've cooperated with us in a number of investigations, and also given us a much better understanding of the problem, including myself, personally visiting some of these plants and realizing how the 72-hour hold, in most cases, is an unworkable -- an unworkable part of it. But I think we've -- well, continue, step on. Go to the next slide.

Identifying seller, that's, obviously, the biggest thing. Scrap processors should collect enough information to identify a seller in the event of a subsequent problem with the material purchased. Go on.

Identifying the seller, recording a number from a driver's license or other form of governmental identification, recording the license plate number of the vehicle and the seller that he's driving at the time of the transaction, creating and recording a unique I.D. number for each customer, obtaining the seller's signature for each transaction, some of this is already in the State Law, but I'll point out in the end some of the problems with the State Law.

Colorado is taking it a step further for identifying the seller. They're actually mandating a clear imprint of the seller's right index finger. Obviously, the person who produces the license might not be the person who's so identified. A good guy may come up to the window and a bad guy might be in the vehicle. There's always problems with identification, not to mention phony I.D. and I.D. theft.

I'm going to try to get through this rather quickly. Tracking a transaction, financial. Some states require that dealers should inquire where the scrap metal was obtained. That's not a part of the law. Certainly, in working a partnership with the scrap metal dealers, when they're suspect of something, we would certainly hope and encourage them to ask someone where did they get the items.

Tracking a transaction, financial, pay the seller by check, some states are doing that to dissuade drug users from a frequent source of cash. Some of them actually pay by check and don't allow the check to clear for three days. Again, that takes a little bit of the motivation for some criminals who are looking for ready cash. Go to the next one.

Tracking or a transaction video. Scrap processors should consider adding an additional camera with a time stamp at the scale or cashier. Again, not part of the law, but, certainly, something we would try to work out with dealers, encourage them to either take a digital photo, or have a video going at the point of transaction, like in a lot of other businesses that are victims of crime. Video surveillance becomes extremely useful to us. We would actually also encourage video surveillance in the approach to the building where the vehicles pull up, so that we could get vehicle descriptions and possibly plates. Again, very important in coordinating leads that we get in from the public. They see a green pickup flee from the church, they get a partial reg, it would be nice to go through leads and see if we've got a green pickup pulling up and getting rid of the items. Go on.

Prohibited materials. Scrap processors should consider refusing to purchase certain types of materials, unless the purchase is made in conjunction with a contractor letter of authorization. Presently, the law does not prohibit them from purchasing anything. So I think -- go on to the next one. And that's something that we could discuss at a later date.

Some states prohibit scrap dealers to accept any item that is related to a public utility or service. Go on. I want to go through this quickly. Go on.

Proposed points of consideration for new legislation. This is actually in there. Require licenses -- licensees to report transactions through the use of the Suffolk County Police Department's Article Tracking System. That's a big one. Continue. Provide, identifying information of the seller by use of government-issued photo I.D., again, good. Provide a description and registration, plate number of vehicle used by seller to transport scrap metal items. That is something that is not part of the legislation, but, actually, part of the form that we would like completed, and, again, some very valuable information to Detectives who are looking for leads. Next one.

Something that's very important and not part of the State legislation, provide a specific description of property sold. Most of these -- most of the scrap dealers who are complying with the State Law simply have descriptions by weight. So many pounds of aluminum, for example, so many pounds of platinum mix, copper, aluminum, fin copper. It would be very important for us to know, rather than just aluminum beer kegs. Eight stolen -- eight stolen, no. Eight car rims. Instead of platinum mix, how many catalytic converters? Copper, aluminum, fin, is it from baseboard or AC? Is the copper pipes, is it flex tubing, is it cable? Things, a little added description, which, we admit, is a burden to the scrap dealers, but is something that the State Law doesn't require, but is something that would be important for us in a lead. Continue.

Require the seller to sign the receipt, yes, that's part of it. Continue.

Identify on the record of transaction the name of the employee conducting such transaction. Also, part of that, perhaps screening employees, training employees. Again, not part of the law, but something we would work out in a partnership with the dealers. Continue.

All junk end-of-life vehicles purchased should be included as items required to be reported in the ATS. VIN number, year, make model, VIN, and we all know how valuable the Vehicle Identification Number is. If you're off one letter or one digit, that vehicle is not going to come back stolen. If it's misreported stolen, or if it is reported stolen and a scrap dealer -- a vehicle dismantler chooses to make an error, it's not going to come up as a hit. However, if we have access to records, we could look and we would see items that are very close to VIN numbers that are reported stolen and make a further inquiry. Continue.

The monetary maximum threshold on scrap metal purchases, it should include -- I think the present law reads, "All purchases up to at least fifteen hundred dollars." We're certainly with that. I mean, talking about it and reviewing some scrap metal -- some records recently, we wouldn't -- we wouldn't even mind seeing that higher. The State Law actually is more inclusive. It includes all transactions higher than \$50, so that would include this and beyond. Continue.

Protocols for inspection by members of law enforcement. Obviously, we should clearly be allowed to inspect records. Continue.

New York State General Business Law, I don't think I'm going to go into that, other than to say there are a couple of things and the items I've mentioned. New York State Law, each person is \$50 or more, we went over it. New York State Law does not require the type and quantity -- it requires the type and quantity. I'm sorry. And we, certainly, would like a little bit more information. And also, the New York State Law -- continue -- is a fine of not more than \$200, and we think that has no teeth. That's our opinion. Continue.

The Article Tracking System is already in place and has been functioning in 2004, dealing with our precious metals, and, currently, holds over 419 million transactions. The Article Tracking System -- go to the next one, sorry. This gives you an indication of the gold and where it's gone, and -- continue.

The following graph represents the increase in recovered stolen property. Again, this is with precious metals. Continue.

A significant, significant increase in the value of recovered property, particularly, this is with the precious metals. The one thing I want to point out and why the Article Tracking System is important, as compared to the State Law, this allows not only my Property Recovery Detectives, but every Detective in every Precinct, as well as Precinct Crime Section Officers, to access a data base and look in the computer, particularly after a theft has occurred, for valuable leads. That's what's probably the most important thing. And, of course, that's the biggest problem, how do we easily, without burden, allow these scrap metal dealers to comply with the law. Continue.

We will provide training. We will utilize our I.T. people to help ease the transition and allow them to do the reporting to us. I anticipate some questions on that, and that's why some of my I.T. people will address those. Continue. Any questions?

*(\*The following was Taken & Transcribed by  
Alison Mahoney - Court Stenographer\*)*

**P.O. LINDSAY:**

First of all, Chief Varrone, I'd like to thank you for your presentation, it was very thorough. And I'm sure -- is there anybody -- yes, Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you, Chief. I have a few questions as I was going through this and one of the things -- when Englemann Energy was up before, I thought they touched on something that was very important. He said -- and unfortunately, the laws are, as he characterized it, loosely enforced. And you gave a lot of credit to certain members of the industry who are complying and who I -- you gave credit to, you know, in really working well and cooperating with you to supply information. But unfortunately, and we went over this in committee, I too went and sold some scrap from some remodeling work that I did at my house recently and I just went in cold like you, I really wanted to -- I was interested to see the process myself firsthand.

And it was sort of like define irony, after all of this discussion, to have people around me sitting there complaining and telling me places where I could go where they weren't collecting

identification. And it seems pretty obvious that a lot of people know who's not complying with the law, yet when I inquired last time you told me -- I think at best you said you would try to spot-check. Now, I know staffing and manpower is always a concern and I know, you know, if you know where you can get the information from the guys who are collecting it, that makes your job a lot easier. But if we have a situation where we don't have uniform enforcement of a law currently, if we're going -- if we want to go above and beyond that, how do we hope to ensure compliance on a level beyond the folks that are here and interested and have a large investment in their business and know they have to comply or else they're going to face, you know, significant fines and a lot of attention from law enforcement? How do you plan to address that and really move towards a more uniform enforcement of the laws we currently have?

**CHIEF VARRONE:**

That obviously is the dilemma and challenge that we face in law enforcement in many different areas, and certainly this is one for the reasons you cited.

As best that these places could be identified to us, they're all required to be licensed; if they're not licensed then we could take action. If we know that a particular individual is selling items at a particular location, we will target that place and do stings. We did a sting last year and I didn't -- many of you have already seen it, we did it I think last January or February, so we have it, but I didn't think you wanted me to go through it -- to just show how many actually weren't complying with the State law. But you're absolutely right, if there's no enforcement, then perhaps some of the more legitimate dealers would suffer.

We believe, and we learned from doing this Article Tracking System with the jewelry stores, that our ability to access their data will almost target those that are not complying. We've been able, by using the Article Tracking System with the precious metals, to identify unscrupulous dealers in the jewelry and precious metals and targeted them for further enforcement. So if we're able to look at data, I think we'd be much more effective in enforcement of the State law and/or any other proposed legislation.

**LEG. LOSQUADRO:**

But that goes back to the same point, if they're not complying with the this law now, how are we even -- do we have an accurate number as to how many businesses across the County are going to have to comply with this? And that includes junk yards, too, because you're talking about cars here also as part of this. And having, you know, grew up with my father having a body shop and selling a lot of junk cars over the years, there's an awful lot of junk yards throughout Suffolk County and a lot of them still operate, you know, practically on the Dewey Decimal System with the card catalogs. Do we have any idea how many businesses across Suffolk County are going to have to comply with this?

**CHIEF VARRONE:**

That's a good question and I challenged my staff to give me that number before we came to this meeting and they weren't able to do so, supporting your how many are out there. I mean, we've gotten estimates from anywhere from 35 to 70 scrap metals I believe in Suffolk County.

**LEG. LOSQUADRO:**

That's just scrap, that's not junk yards, too.

**CHIEF VARRONE:**

Right. But most of -- any of the junk dealers that we went to, auto body, auto places, going back to the Dewey Decimal System, I'm surprised to learn that just about every one of them has a computer. And we think it's workable and we think we can enforce it and I think it's another tool. And I think it will make it more difficult for unscrupulous or criminals to offload some of these things and more importantly, just as importantly, provide the Police Department with leads. Ideally, we

would ask or mandate that 72 hour hold where we're going to have evidence and be able to match the pieces of pipe with the church, but that's unrealistic and I learned it as you did by personally visiting some of these scrap metal dealers. Unless the item is clearly distinguishable as something for a public utility, like some of the items they showed with the wiring, we realize that a hold is unrealistic. I saw how these items come in, I saw the disarray and the state that they come in and I saw how they immediately get carted off. And certainly, I could empathize with some of these business people, but we're looking for leads. If we simply knew who was selling the stuff and what they were selling and what vehicles they were utilizing, we may not be able to convict them of that crime of what they actually already sold, the least we'll have an individual who we can target and arrest in another way.

**LEG. LOSQUADRO:**

I actually -- I agree with you and I think that, you know, certainly the more information that you have the better. I just think there's a lot of information missing here. To say that we're ready to move forward with something when we don't even have an accurate number of how many businesses we're going to have to get into compliance -- and that would, you know, beg my next question of you of how many officers are you going to need to go out and even spot-check the number of businesses that you're going to have to see if they're even going to comply, let alone notify them, visit them, provide training to them? There's no way you can give an accurate answer on that because you don't even know what the known universe of businesses is at this time.

**CHIEF VARRONE:**

Physically, after any -- and I'll give you a hypothetical. After any theft, to try to even think about visiting even 30 or 70 establishments to try to figure out where the stuff was sold is an impossible task, particularly with a small number of Detectives. Having the ability to sit down at a computer and look through databases will aid us immensely, I assure you.

**LEG. LOSQUADRO:**

I understand what you're saying, but what I'm saying is to provide for a uniform enforcement to make sure that we wouldn't inadvertently be engaging in selective prosecution, even though we would -- that would never be our intention but, in essence, we would be unfortunately guilty of that, we would need to assure that everyone who was supposed to be complying with this was notified, received the proper information, training and was being checked for compliance and we don't even know what the known universe of those businesses are at this point. I think we need to get a little more information to see what the roll out period for something like this would be, what the time involvement for your staff would need to be, what you would need to set aside; I can think of a host of issues. But without having that number, you know, exactly how many scrap processors, how we plan on dealing with those individuals who come from outside of Suffolk County as we heard before like City Scrap that advertises all over the television; if they come into Suffolk County to make a purchase, how are we going to deal with them? You know, that could increase the potential universe of people we need to have complying here and without that number, I just don't see that this is yet something that we could reasonably move forward with.

**CHIEF VARRONE:**

I share your frustration, not your pessimistic view, though.  
I think --

**LEG. LOSQUADRO:**

I'm a glass half-full guy.

**CHIEF VARRONE:**

I think the sooner we implement something like this, I think the sooner we can solve more crimes and I think we will deter, which is the thing we're trying to do, deter these criminals for so easily committing these crimes.

**LEG. LOSQUADRO:**

Is there a way that myself or members of the Public Safety Committee in particular, perhaps, could get information from your office as to what the dispersement of some of the checks on these current facilities have been? Have we just been unfortunately going to the guys that we know we can get the information from? You know, have we been -- have we been going to these other between 35 and 75 other dealers across Suffolk County? I mean, it's sort of a wide range, we don't know exactly how many there are. Like I said, I'm hearing firsthand when I'm standing in the vestibule of one of the larger scrap dealers guys telling me where I can go where I don't have to give my identification. Have we been following up on that, have we been checking for them for compliance with the State law since January?

**CHIEF VARRONE:**

To some extent we have, certainly --

**LEG. LOSQUADRO:**

Well, what is to some extent?

**CHIEF VARRONE:**

Not to the degree that I think you would like to see, or nor what I would like to see, but that's a matter of manpower and priorities. And most of these establishments now are regulated by New York State and they're ordered to compel with New York State law which means they're supposed to get a license from the town. We're in the process of --

**LEG. LOSQUADRO:**

Well, what would the manpower and what was the -- priority, what would it be under the new law, where would we -- where would you go then to assure that people were on the system and were actually -- that are supposed to be doing what they're doing? I just feel we're going to fall into the same trap of only, you know, going to the people we know that are going to have to comply and giving an outlet to all the bad guys who are doing all this bad stuff to still give them venues where they can go fence this stuff and nobody watches.

**CHIEF VARRONE:**

I understand your point. Right now the most they would face is a \$200 fine for failing to comply with the New York State Law, so there's absolutely no teeth or reason for them to comply. But I understand and I appreciate your challenge and that's something that we would have to deal with.

**LEG. LOSQUADRO:**

And I agree. I mean, if anything, you know, if we wanted to at least start with enforcing the New York State Law, I mean, we as a Legislature, we could always supercede, you know, the State requirements as we're talking about here. Maybe we give the current State law teeth, maybe we just up the fines here and say, "If you don't comply with," -- you know, we mirror the guidelines of the State, maybe in Suffolk County it's \$2,000.

**CHIEF VARRONE:**

But just to repeat --

**LEG. LOSQUADRO:**

But just hypothetically.

**P.O. LINDSAY:**

Legislator Losquadro, I've got about five or six more. I know you're in this and --

**LEG. LOSQUADRO:**

Just my point is I --

**P.O. LINDSAY:**

Being the extent of our budget problems, maybe that's a good idea.

**LEG. LOSQUADRO:**

Maybe it is.

**CHIEF VARRONE:**

But just to remind, to repeat, the State law doesn't report to us, so we have no database, we're not able to access any data. And the State law does not mandate a particular description, so.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. LOSQUADRO:**

Just one more thing. Chief, I just want to say I had spoken to your predecessor at length at about this and I'd love to get together with you and talk about it further. I think we can -- I think we're seeking common ground here and I think something can certainly be worked out. But thank you.

**CHIEF VARRONE:**

Thank you, sir.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. Legislator Losquadro raised many of the questions that I was going to raise, but just a quick question. There's always the law of unintended consequences. When you usually pass a law, you have an objective in mind, you pass it and all of a sudden after it's enacted you look around and you say, "Oh, we never figured on that. We never accounted for that." Do you see anything that this law -- I mean, obviously this law is going to impose an economic burden on the businesses that are going to be affected. What would you estimate the average cost of the economic burden for businesses to comply with this law?

**CHIEF VARRONE:**

What we're trying to do, sir, is -- and that's why we've consulted with our information technology people and I have some of them here. To try to make it as user friendly so that the information that is already -- and some of these businesses have very elaborate computerized systems with IT staff on their staff.

**LEG. ROMAINE:**

But some don't.

**CHIEF VARRONE:**

We don't think it's a heavy lift; you're right, some don't. We don't think it's a heavy lift, and I could be wrong like you suggest. We don't think it's a heavy lift for -- when they're retrieving data, they're simply scanning licenses right now and populating their fields. We don't think it's a big stretch to get them to be able to populate our fields or upload on a daily or every three day basis or weekly basis. On that attack, I have some of them here if we want to get into that a little bit.

**LEG. ROMAINE:**

Well, I also want to talk about the mechanics briefly. This is a County Law, you're not a County Police Department, you're a Police District department, you only cover certain areas of this County. Obviously -- is this law -- what's going to happen to the implementation of this law in the five eastern towns and the nine villages that have their own Police departments; are they going to implement the County Law? Have we worked out the legality of that?

**DETECTIVE CAPUTE:**

Perhaps this will answer your question, sir. My staff of Detectives currently cover the east end departments and the precious metal dealers and second end dealers on the east end; we're

responsible for their oversight.

**LEG. ROMAINE:**

And the towns have given you responsibility for their oversight?

**DETECTIVE CAPUTE:**

I believe --

**LEG. ROMAINE:**

You have an agreement with the towns and villages that have their own Police Departments?

**DETECTIVE CAPUTE:**

I believe it's under the County -- it's through the County Police Department.

**LEG. ROMAINE:**

A County Police Department's jurisdiction ends at the Police District.

**CHIEF VARRONE:**

But they're allowing them access to records.

**LEG. ROMAINE:**

Unless there's some type of cooperative or collaborative agreement.

**LEG. ALDEN:**

There's a whole bunch of cooperative agreements.

**P.O. LINDSAY:**

It's my understanding, Legislator Romaine, the Detective Division covers the --

**LEG. ALDEN:**

But we don't get reimbursed in the west end.

**LEG. HORSLEY:**

I'd charge them back.

**LEG. D'AMARO:**

Hey, what's the value of that service?

**LEG. LOSQUADRO:**

I knew that was coming.

**D.P.O. MYSTAL:**

What's the value?

**LEG. ROMAINE:**

We'll talk about that later.

**D. P.O. MYSTAL:**

All right. Where is Jay?

**LEG. ROMAINE:**

But you don't view this as a major economic burden on the Mom and Pops?

**CHIEF VARRONE:**

The -- some of the smaller establishments may require individual data entries which could be somewhat of a burden, but we think that is workable.

**LEG. ROMAINE:**

And you don't foresee any consequences that you think would have a negative impact on scrap metal dealers? Because, you know, if I were a scrap metal dealer and I found this onerous, I might relocate my business, or if I was a scrap metal dealer from outside of Suffolk County, I might send mobile vans in there and say, "Hey, let me take the business away because I know I can get" -- you know, it's a simpler, easier process.

**CHIEF VARRONE:**

Some of the big dealers already are complying with the State law doing most of the things that they need to do, I think it's just tweaking it a little bit more. I don't think it's too heavy a lift for them, but I certainly can't speak for them.

**LEG. ROMAINE:**

Well, I appreciate your comments. Thank you very much.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Chief, good evening. I've been following, you know, the dialogue here and I want to ask you a couple of questions with reference to -- I always like to follow the money, okay.

Now, let's use myself as an example. Let's say the Barraga Gang goes down to the Brookhaven Pool tomorrow and we rip off another eight or \$9,000 worth of copper and I show up at the Romaine Scrap Metal Processing Company. And the owner of the company is standing outside, he's a good guy, but I'm just better than him, I'm a better salesman, I've got all the proof, I fill out all the forms and I do sell, I give him the copper and he gives me the check, I've got my \$8,000. He turns around and reports it to you people, he's supposed to wait 72 hours before he can do anything with it, but the reality is he's out the eight or 9,000, you may well come in and say, "You know, LEG. ROMAINE, there's the property right there, there's the stolen copper from that pool."

Now, my question is who reimburses Romaine? He's out \$9,000. To me, if you really want cooperation from metal processors, I would think that the metal processors in this bill maybe on a County-wide basis should get together collectively and take out some sort of insurance bond to protect individual scrap processing people from this kind of negative financial impact when they are trying to cooperate only, in essence, being penalized because whatever they've laid out, you're not going to give them back and we're not going to give them back. And if I was in the business, knowing that I might say, "You know, let's take that Brookhaven Pool stuff and split it up into a hundred different pieces throughout the yard, this way if they do come in they'll never be able to identify it. But you know something? I'm going to make some money and I'm not going to be out \$9,000."

**CHIEF VARRONE:**

I don't have the answer to that. That's a dilemma that we would face and a challenge that you would face.

**LEG. BARRAGA:**

But it's a very serious dilemma, from a business person's perspective.

**CHIEF VARRONE:**

Yes, I agree.

**LEG. BARRAGA:**

And maybe, you know, you ought to think or someone ought to think about the industry in Suffolk County getting some sort of collective insurance bond so that as these occurrences happen in a negative way, at least there's some reimbursement through bond insurance. Well, okay.

**P.O. LINDSAY:**

Thank you. Legislator Stern.

**LEG. STERN:**

Thank you. There is this relatively new State law, I'm going to talk about enforcement of the law in just a moment. In doing your analysis, you and your team, in doing the investigation and the research about what laws are already on the books at the State level, what is already applicable, what we should be enforcing here in Suffolk County, did you or anybody else happen to come across any legislative history, any kind of a discussion that went on up in Albany about this issue? What kinds of things were proposed, the kinds of provisions that perhaps were initially proposed and never made it into the final legislation and the debate that went along with that; is there any history that you or the department can point to?

**CHIEF VARRONE:**

I'm not aware of any, sir. Are you?

**DETECTIVE CAPUTE:**

I'm not. This law was initially enacted in 1976 and it was recently updated as recently as January 14th, 2008, simply to include definitions under the junk dealer law and the requirement of government-issue ID .

**LEG. STERN:**

I'm going to as an aside maybe ask our Legislative Counsel, not this evening because we're here for a public hearing, but if maybe we can get some research on some of the Legislative history here so we can see what the State Legislature considered at the time, and what made it end and what didn't and why.

You know, we took a look at the presentation -- which was an excellent presentation, by the way -- and we saw some compelling pictures. And of course, when you talk about the Dix Hills Church, there's no more egregious example than that, but I'm having trouble, I'm having trouble seeing where this law would have prevented that. The purpose of this law as I read it is to prevent this type of activity, and its other purpose is to aid in the recovery of potentially stolen goods. Take me through it, where -- if this law is fully implemented as written right now, where is the prevention part of it? I mean, the criminals are, as the Presiding Officer's point out, they're very creative, you know, a lot of these schmucks are willing to pull it off, you know, a third rail. What in this legislation prevents that kind of criminal activity, from the outset?

**CHIEF VARRONE:**

Prevent is tough. If -- going back to the analogy with the church, if a neighbor observes a green pick-up truck, license plate 67 and doesn't get the rest of it, that's a very valuable lead. And if we can access the scrap metal dealer's databases if they choose, and we hope they choose to include vehicle descriptions, that may lead us to an individual. It might not allow us to solve that crime, but at least we have a very good feeling that this guy is out there doing these types of crimes. It's a valuable lead that could result in the apprehension and arrest of the individual responsible for that crime.

**LEG. STERN:**

Well, sure. But under the new State law, the amendment to the State law, that type of information and record-keeping is required by -- by the purchaser of these goods; isn't that the purpose of the law that's now on the books?

**CHIEF VARRONE:**

There's nothing in there mentioned about vehicle and there's nothing in there requiring a description of the property, other than copper, whatever and the amount.

**LEG. STERN:**

So maybe additional information on the record keeping might be helpful for investigation purposes. But isn't essentially -- I mean, that's the idea here. Whether you get additional information from the dealer or not, I mean, that's just information and the usefulness to you is really going to be based on what that record contains, no?

**CHIEF VARRONE:**

But the biggest issue is that I only have five, six -- how many Detectives am I going to fan out to all of these different places, after the theft occurred at the church, to figure out who may have gotten rid of some of these items or who may have been driving the green pick-up, whereas I can have Detectives at a database simply going there, enter "green pick-up" and pop out all green pick-ups. So it's a matter of leg work and man hours and the ability for us to solve crimes.

**LEG. STERN:**

But if information comes to you during the course of your investigation, isn't the -- isn't the practice of the Police Department to contact maybe local scrap dealers in the area to determine whether or not they have come across the material.

**DETECTIVE CAPUTE:**

I believe I might be able to answer that one, Legislator Stern. We've recently had 14 burglaries or scrap metal thefts occurring in the Wyandanch area. As part of that, this week we were in the scrap metal yards in the Wyandanch area, myself and another Detective. We found most -- all these yards to be in compliance with the State law which means they keep records; those records are not uniform by any means. The records may simply be a slip of paper with a copy of the driver's license placed in a physical folder with the seller's name on it, nothing that is able to be searched easily. I asked for the specific information from seven yards that day, we needed all the copper sales or copper purchases between March 1st and March 17th; I have not received those records as of yet, and these people all keep records.

**LEG. STERN:**

And, I mean, obviously that's going to happen with particular businesses, you know, case by case.

**DETECTIVE CAPUTE:**

This -- I'm sorry. This new legislation, if enacted, will require them to place this information in a uniform database. However it may go in there, whether it's typed in, physically typed in on the Internet or sent to us as an electronic transfer of information, we'll be able to search that very easily. So it what took two Detectives four hours to get zero information, we can look up in less than five minutes.

**LEG. STERN:**

But I guess the -- my concern and I'm sure others share the concern, you're getting that information in what way and at what cost? We take a look at the statistics and the -- everybody understands that there's this significant increase in this type of activity lately and we all share that concern, but at the same time, what are the numbers that we're really talking about here? I mean, the industry will say that they have -- you know, they conduct over a million transactions a year, over a hundred thousand a month, and here we're talking about 150 arrests. I mean, those numbers, it's less than a tenth of a percent. The concern here is in getting that information, at what cost are we mandating now on an industry where the numbers will show that, yes, of course it's on the rise but we're still talking about a relatively significant -- it's a small number, isn't it?

**DETECTIVE CAPUTE:**

Well, just to go to the Article Tracking System statistics for example. Prior to the Article Tracking System, in 2003 there was something like \$22,000 worth of the recovered property. In 2007, the total recovery was over a million dollars worth of recovered property; this was a direct result of using that Article Tracking System.

**LEG. STERN:**

Which those in the industry were utilizing on a voluntary basis to aid the department in your investigations.

**DETECTIVE CAPUTE:**

No, that's mandated by County Law.

**CHIEF VARRONE:**

You're talking about the jewelry, the precious metal stores.

**DETECTIVE CAPUTE:**

Precious metals.

**LEG. STERN:**

Oh, you're talking about the -- you're talking about the pawn shops.

**CHIEF VARRONE:**

Gold jewelry stores.

**DETECTIVE CAPUTE:**

There's certainly over 170 brokers that are entering in the system as we speak.

**LEG. STERN:**

Sure. Well, isn't it true that, I mean, you're talking about an industry where they're logging in specific items. I mean, they're logging in this watch--

**DETECTIVE CAPUTE:**

Correct.

**LEG. STERN:**

-- which, for the most part, remains in the form of this watch.

**DETECTIVE CAPUTE:**

Correct.

**LEG. STERN:**

But when you're talking about, you know, copper piping, as Legislator Barraga pointed out, I mean, if you're getting three large rods they're going to cut it up and it's going to be unrecognizable and that's the information that ultimately they're going to be putting into this system; that's an inherent challenge, isn't it?

**DETECTIVE CAPUTE:**

Well, there's different databases that we can query and match up to this Article Tracking System Database with dates of crimes, locations of crimes, locations of these scrap metal processing facilities. We can profile and run through a database, a separate database and kind of look at this information in different ways and come up with leads, that's the information that this is --

**LEG. STERN:**

I'd like to ask you about the database because you were talking about this system. And the way the legislation is written, if I'm not mistaken, it says that the dealer has to utilize this system or one that is I'm assuming substantially similar and that's going to be up to the department to approve. So I guess my question for you is how do you go about making that determination, what is in substantial compliance and how are you going to be able to implement that uniformly? Because I assume you're going to be looking at a best practice; well, the best practice that a multi-million dollar corporation can comply with is going to be way out of bounds for the Mom and Pop shop. How are you going to determine who is in compliance with the system and who isn't?

**CHIEF VARRONE:**

If I could, I'll ask Matt Jones, the head of our IT section, to perhaps address some of the technical points. But you're right and it's a dilemma and it's a challenge and I'm not sure.

**P.O. LINDSAY:**

I've got a lot of people yet that have questions.

**MR. MATT JONES:**

Just to answer the question, I mean, we would initially look for an electronic transfer of laying out a record layout that would be acceptable to both the industry and both to us, and identify that upfront so that everybody is sending in the same standard information. And then we're going to electronically pull that information into the Article Tracking Database; we're trying to keep it as simple as possible.

**LEG. STERN:**

Two questions, two questions. But that has not been discussed yet with the industry?

**MR. JONES:**

No; not in detail, no.

**LEG. STERN:**

And I just have one more question for Chief Varrone. I just want to -- just one more question. You said that you have concerns about this tag and hold requirement; maybe you can just elaborate on those concerns and have you seen them firsthand?

**P.O. LINDSAY:**

Tag and hold isn't in this bill.

**LEG. STERN:**

Sure it is.

**LEG. D'AMARO:**

Yes, it is.

**LEG. VILORIA-FISHER:**

You took tag and hold out.

**P.O. LINDSAY:**

It's not in here.

**LEG. LOSQUADRO:**

Well, it is; it is.

**LEG. D'AMARO:**

Tag and hold is in the version I have; 72 hours.

**MR. NOLAN:**

They have to hold the material until they enter the data with the Police Department or 72 hours, whichever occurs sooner. So they have to hold it; they don't have to tag and hold, but they cannot dispose of the goods until the information is transmitted to the Police Department or 72 hours, whichever comes sooner.

**P.O. LINDSAY:**

They enter the material in the database and then they can release it.

**MR. NOLAN:**

Immediately.

**LEG. STERN:**

If they don't, if they don't have the manpower, if they don't have the ability, then they're in violation.

**P.O. LINDSAY:**

But they're supposed to -- I don't want to debate the bill. Are you done with your questions? Legislator D'Amaro.

**LEG. D'AMARO:**

Okay, I'll try and be brief. Thank you very much, Mr. Presiding Officer. Chief, thanks for all the information, I appreciate you being here today.

You know, the way I look at this bill is we're kind of taking the scrap metal industry and deputizing. You know, you've stated here over the course of an hour speaking to us that, you know, it's very difficult to enforce this, "We need searchable databases, we need better information. I can't fan out to 70 different locations when anyone reports a crime or a theft." So we're enlisting private industry and private business here in aid of investigation and to deter crime and then we're placing the cost on them, on that private industry, and that's a red flag for me. I want to be sure that we understand exactly what we're doing and what the cost is.

You had referenced in your presentation a lot of this -- or a lot of these recommendations came from a specific study. Did they also give you with that study the costs of implementation?

**CHIEF VARRONE:**

No, not that I've seen. Again, that would vary significantly depending on the jurisdiction and the number of places involved. You know, I think -- and I alluded to the fact that this is a national issue, but certainly for us in the metropolitan area with so many homes and the dilemma of so many houses, 50 years plus that are actually being renovated and knocked down, that there's a tremendous industry and it's --

**LEG. D'AMARO:**

Sure. But it's also a government function to deter crime and to investigate crime and, you know, we have taxpayers that pay for that, and pay handsomely I might add. But what we're now doing is we're trying to decide if we need help, who's going to bear that cost? Is it added security at the place of business so you don't get ripped off or is it going to be the scrap metal industry?

I mean, as Legislator Stern says, my understanding of this is you're talking about this industry entering millions of transactions in a year, so that is an incredible amount of workforce power that's needed just to comply with the bill. And I would just hope that, you know, part of what I have to think about, maybe -- I appreciate the fact that you, from a law enforcement perspective, want every tool at your disposal and I want to give you those tools. But I get a little concerned when we start asking our private business to be the data collection point for police investigations.

**CHIEF VARRONE:**

The only --

**LEG. D'AMARO:**

And one other question I want to ask you. I'm looking at the time form that's attached to the bill. I mean, the system is only -- will only be as good as the information that's given and put in and, you know, we're relying on criminals to come to a site and give accurate information, and to me that just seems wholly unrealistic.

**CHIEF VARRONE:**

I would agree and that's why video digital recordings, along with the transaction, certainly training of employees in identification. My only comment regarding the deputizing, and I think we're seeing this more and more in every community in all my career in law enforcement, I don't see -- I see it more as a partnership. We embrace communities and working in the partnership to solve crime and keep our communities safe, and I see this as enlisting the aid of an industry that is profiting from the sale of these products which like, you know, when a home is burglarized and a TV or a DVD is stolen, that may end up on E-Bay, that may end up with, you know, the thief's relative; we're pretty confident where the stuff is going.

**LEG. D'AMARO:**

Right.

**CHIEF VARRONE:**

So I think that allows us to ask a little back.

**LEG. D'AMARO:**

Well, I don't want to debate the bill either. I just want to close with a comment, that I appreciate the distinction about deputizing, I'm just trying to make a point. But, you know, I'll make a further point that, you know, anyone who goes to a scrap metal yard and drops off material is innocent unless proven otherwise; so maybe you're not deputizing, but maybe we're asking people just to spy.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And thank you, Chief, for coming out and presenting this.

I applaud the sponsor of this bill, but I'm wondering as I sit here and look at this and hear the statistics that you're giving us, and knowing full well two of those sites that you did in your presentation sit in my Legislative District and in listening to the talk about this being a nationwide issue, I've got to ask you, what have we done to appeal to the State to go ahead and amend what is obviously ancient, arcane and antiquated law? Because if Kid Kennedy gets together with Gang Barraga and we have, you know, Romaine now doing the right thing, the new Sheriff in town, we're going to Mineola or we're going to Brooklyn or we're going in to Freeport and we're going to unload and we don't have to deal with it in there. You know, we're talking about maybe, you know, more than 30, 40, 50 minutes on the Expressway.

How is it that we can sit here and acknowledge that we have this serious criminal issue that's burgeoning in our element and at the same time say, "Well, geez, we're going to get the bad guys here, they're not going to go ahead and migrate." Really what we'll do is we'll sterilize what we have within our borders here, but we're going to make it -- I'd encourage all the industry there, open up a branch in Nassau or in Queens because that's where everybody is going.

My point is every year the County Executive goes ahead and does a Legislative presentation in Albany; have you brought this to his attention or have you brought this to our State delegation? All we can do is make this a misdemeanor here. Make this a felony, make it a felony to go into a house of worship and destroy it and rip it apart the way they did here in the Dix Hills area, in Legislator Stern's area. Absolutely positively, I am fully in favor of going ahead and making this as stringent as possible.

**P.O. LINDSAY:**

Do you have a question?

**LEG. KENNEDY:**

Yes, I do.

**P.O. LINDSAY:**

We'll get to it.

**LEG. KENNEDY:**

Okay. From your IT side -- and perhaps maybe I need to have the question with Mr. Jones -- if we really do want to go ahead and have millions of entries into the system, where is the server, where is the computer equipment that's going to support this and what is the cost to us to go ahead and put it in place?

**MR. MATT JONES:**

We already have all these systems in place. Part of the original Article Tracking System, it already has the capacity to handle all this data, so it's really not an issue of computer equipment or what we need to buy.

**LEG. KENNEDY:**

We have more than enough capacity --

**MR. MATT JONES:**

Absolutely.

**LEG. KENNEDY:**

-- to go ahead -- and I don't know how many transactions we are looking at, but you sized it or assessed it and we won't need to buy more equipment?

**MR. MATT JONES:**

Right.

**P.O. LINDSAY:**

That's what he said.

**LEG. KENNEDY:**

Okay.

**P.O. LINDSAY:**

Legislator Browning.

**LEG. BROWNING:**

I'm going to pass.

**P.O. LINDSAY:**

Hey.

**LEG. BROWNING:**

It's twenty to nine, I'm on Public Safety, I'll save it.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Thanks. Thanks for coming down. And I have a couple of questions, but first, you're going to have to be prepared to do this all over again because I actually have a lot of questions but I'm not going to ask them tonight; it would be better when we're debating the bill.

But I do want you -- if you could look and maybe -- you know, so we can get our hands around the problem, tell us a little bit about manpower, whether you guys would need more manpower, what

the caseloads are on the Detectives, if they just handled this type of a crime or if they're handling, you know, a whole bunch of other crimes.

The other thing is before, and you identified the problem yourself, we would like to know how many dealers that are actually affected by this. I think that would help us, if we can get an idea of how many transactions a year, even like a guess at how much, you know, that volume would be.

And then just one final observation. I only watched it twice, but Everybody Loves Raymond; I'm sorry, I'm looking at you, that's not a knock on you or anything, but that's just popping into my mind when I'm looking at you.

**CHIEF VARRONE:**

What are you talking about?

**DETECTIVE CAPUTE:**

Unfortunately I know exactly what he's talking about.

**CHIEF VARRONE:**

All right, good.

**P.O. LINDSAY:**

I guess there wasn't a question there, right?

**LEG. ALDEN:**

No, if they could get us that data.

**P.O. LINDSAY:**

Okay, can you get us that data?

**CHIEF VARRONE:**

Yes.

**P.O. LINDSAY:**

You must know how many scrap dealers there are in Suffolk, right?

**CHIEF VARRONE:**

Well, not definitively.

**P.O. LINDSAY:**

Not definitively.

**CHIEF VARRONE:**

But for the most part, we thought there was 30, it's been brought to our attention there's more, it could be closer to 70. We did look at the transactions --

**P.O. LINDSAY:**

Okay, I've got three quick questions.

**LEG. ALDEN:**

But it includes auto dealers, too, because this law -- everything that this law would apply to.

**P.O. LINDSAY:**

Okay, I've got three quick questions for you. If enforcement increases, is there a correlation to prevention of crime?

**CHIEF VARRONE:**

Sure.

**P.O. LINDSAY:**

That was easy. In a sense, this new law, because of the requirement that the data be transferred to the master server, is it much easier on Detectives, you wouldn't need as -- I mean, instead of visiting 30 or 50 or 70 yards --

**CHIEF VARRONE:**

Absolutely.

**P.O. LINDSAY:**

-- you could scan, have somebody scan what's coming in and know and get a pretty good handle on, first of all, who's complying and who isn't complying. I mean, if your universe is 50 dealers and only 35 are complying, you're only getting reports from 35, you know the other 15 aren't and they're the ones you're going to visit, right.

**CHIEF VARRONE:**

Right, sir.

**P.O. LINDSAY:**

And in terms of what's being sold, you have a master list of everything that's being sold if it's in full enforcement, right?

**CHIEF VARRONE:**

Yes, sir.

**P.O. LINDSAY:**

Okay. And for the most part, the requirements, what you're looking for, a lot of it has already been passed by the State law that was just updated in January. I mean, you know, driver's license, identification, you know, how much material was brought, so really what we're asking most is that it be transmitted to our system.

**CHIEF VARRONE:**

Yes, sir.

**P.O. LINDSAY:**

Okay. That's it, I don't have any other questions.

**LEG. VILORIA-FISHER:**

Thank you.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

I want to thank you for coming down. And I promised a year-and-a-half ago that I would work on this and as you can -- I worked all last year with the industry, as you know, and kept taking off the requirements, like all the things that you guys really wanted, I kept trying to make it so that the industry could deal with this. I mean, video pictures and all, I realize that that was going to be cumbersome. So I've been trying to --

**P.O. LINDSAY:**

Question, question; come on.

**LEG. EDDINGTON:**

As the Chair of Public Safety, I appreciate it. Do you think that this law will help you deal with the increases that we're seeing in crime in Suffolk county?

**CHIEF VARRONE:**

Yes, we do.

**LEG. EDDINGTON:**

And is it not true that you have been in contact -- I have been in contact with the Public Safety Committee in Nassau County, so that's another issue that was raised and I'm dealing with them. You have also, I believe, reached out with the Nassau County Police.

**CHIEF VARRONE:**

Yes, we enjoy a very close relationship with marrying our auto tracking system to theirs, and certainly we've discussed what we're trying to accomplish here, but we're ahead of them in that regard, in this regard.

**LEG. EDDINGTON:**

All right, thank you.

**P.O. LINDSAY:**

Okay, thank you very much, fellas, for answering all these questions for us.

**CHIEF VARRONE:**

Thank you.

**P.O. LINDSAY:**

I have one more card, Commissioner Sharon Cates-Williams. Is Commissioner Williams still here? Oh, yes, you are. Thank you very much, Commissioner.

**COMMISSIONER CATES-WILLIAMS:**

Good evening. I'm actually here just as a representative in support of the IT Department, the Suffolk County IT Department, specifically Matt Jones. And Matt gave a brief testimony and he was asked a question about the need for additional hardware and any costs associated with that and as Matt has stated, that with this product, it is a web-based product and it was developed in-house, it's maintained in-house, so there will be no need for any software. If they need to make changes to it they will use their internal people to do that and in terms of their hardware, they have enough hardware. It's data, so they have enough data storage and if they need some data storage they can borrow some from me. Auto data can be archived.

**P.O. LINDSAY:**

Thank you very much, Commissioner Williams.

**COMMISSIONER CATES-WILLIAMS:**

Thank you.

**P.O. LINDSAY:**

Does anybody have a question of her? No. Thank you very much for hanging in there.

Okay, I don't have any other cards. Is there anyone else in the audience that would like to testify?

Please come forward, sir.

Please identify yourself for the record.

**MR. FAVA:**

Yes, thank you. Good evening. My name is Phillip Fava from PK Metals. Mr. Chairman, Members, Chief Varrone and Detective Capute, PK Metals has been in business since 1979. We pride ourselves with the 75 people we employ in the ferris and non-ferris metals that we recycle to conserve energy

and to insure a clean environment. We conform and comply to local and State laws by keeping records, taking photo Id's for all the purchases of scrap metals from individuals who come to our yards and also plumbers like Mr. Hubbard who comes by. We have the opportunity to not just scan their license but we'll scan their business card and when a lot of the plumbers and electricians found out that we were scanning cards, they want to know why we're scanning cards and we say, "Well, it's a State law and this is what we have to do," and they just took the material off the scale and said, "I know you a long time, we've been doing business the past 15, 20 years, but I'm sorry, I can't do business with you anymore," and they end up going to another County. So we lost a lot of business to, you know, the other counties and to Brooklyn and even as far into the Bronx.

Unfortunately, no matter if the price of copper is a dollar or is it \$3 and as long as the cost of living due to, you know, fuel for your house, gas in the car and food, criminals are still going to take full advantage and take every opportunity to gain by stealing from job sites and, you know, construction sites, the railroad, utilities and so on. There was -- we had a lot of phone calls with a job site in I believe it was Commack, Crooked Hill Road, a dealer from the city came out, ended up buying two or three reels of material and they walked away with it and before you know it everyone is all over us trying to find out, you know, if we had anything to do with it or if we knew anything about it. And again, we comply, if we did have information we do always hand it over. But again, that person was able to walk in, not from this County and take business from us. Not that we want that type of business, but it goes to show you that they can go -- if they don't want to come to someone who's complying they can go anywhere. It's not going to prevent any kind of theft.

The industry wants to develop a working relationship with law enforcement and create a mutual understanding of the challenges that we have and with the process of preventing the inevident (sic) purchase of stolen scrap. Last year we were talking with the Legislators and law enforcement and we were trying to get this working relationship, but all of a sudden, as we found out today, it seems that this opportunity that we had has been taken from us without any notice. You know, we welcome any comments to see if we can sit and the industry welcomes legislation. We're up in Albany all the time with the EPA, the DEC, they want to pass certain laws on the way we handle things. And you know, as an industry it's our duty to educate all of you here on what we do, why we do and how we do and maybe why, why we can't comply with a certain thing because maybe it's almost impossible to do. And we've been very successful with the DEC and the EPA and hopefully we can be successful here.

This legislation is not feasible because it does not create a level playing ground for us, it creates an undo cost to us and it will chase business again to different counties. I believe that our industry has supported the community locally, the County, and we deserve the opportunity to sit face-to-face with the lawmakers, yourselves, law enforcement to achieve the mutual understanding and try to find some common ground. That's all I have to say. I welcome any questions.

**P.O. LINDSAY:**

We have one question from Legislator Mystal.

**LEG. EDDINGTON:**

I have a question.

**D.P.O. MYSTAL:**

I was paying attention to what you said and you said two things; one, this law would chase business to other parts and you lose business and as long as they are criminals, it doesn't matter what the price of copper is, they will still steal it.

**MR. FAVA:**

It's always going to happen, no matter what, a dollar or \$3, they would take -- I remember dealing with law enforcement since 1979, the Police Department came in and looked for records that we had for things back then when copper was only 70 cents a pound; so yeah, it's always going to happen.

**D.P.O. MYSTAL:**

So if I follow your analogy, as long as people are stealing cars then I shouldn't do anything about people stealing cars because there will always be people stealing cars and they could always find somewhere to sell it, so therefore I should not do anything to see if I can catch the criminals and also arrest the people who are buying those cars. Because no matter what the car is, they will still steal it, there will still be people stealing cars and if they can't sell it in Suffolk County they can go overseas even, so I shouldn't do anything about that.

**MR. FAVA:**

No, I think it's the duty of this committee to make sure that you do protect people who are getting robbed and things stolen from them. I'm just saying that this legislation here does not work for us. You know, I think we should sit --

**D.P.O. MYSTAL:**

It doesn't work because I keep hearing a lot of stuff about regulating anything, we've been regulating pawn shops in terms of when somebody steals something and the pawn shop dealer buys it and the Police goes in there and says, "This thing is stolen so I'm going to confiscate it," you lost the money. Would not -- if you know something was -- you might lose your money if you buy something that you suspect is stolen, would that not stop you from buying it?

**MR. FAVA:**

If we think -- if something comes into our yard that looks brand new, okay --

**D.P.O. MYSTAL:**

But look --

**MR. FAVA:**

No, no, we wouldn't -- we're not in the business to buy stolen goods, and especially if knowingly --

**D.P.O. MYSTAL:**

But I am hearing from the Police Department, from the plumber who was here before saying that they are walking, maybe not in your shop and maybe not somebody -- but they're walking into scrap metals dealers with brand new stuff and still, you know, they're being bought. So what I'm saying, you know, your analogy to me is that it's not going to work simply because it's not going to stop people from stealing, is like saying I should not do anything about car theft because you're not going to stop people from stealing cars.

**P.O. LINDSAY:**

Okay, get to the question.

**MR. FAVA:**

No, I'm saying --

**D.P.O. MYSTAL:**

I'm done.

**MR. FAVA:**

I'm sorry, go ahead. I'm sorry.

**P.O. LINDSAY:**

I was looking for -- he's supposed to ask you a question.

**D.P.O. MYSTAL:**

I did ask him a question.

**P.O. LINDSAY:**

Okay.

**MR. FAVA:**

The bottom line here is I don't think this is going to be any more effective. The other day two Detectives came in and I did give them -- basically they came in and they said they were looking for something, a house was -- it could have been one of those houses on this presentation, I took those items, I sorted for it, we came up with a common name for all those items, I handed them the record, most likely that's the guy, okay? We did hand the records over. You know, we don't need no tracking system. We have that information there.

I also had a situation where a plumber, I think you mentioned one of their names, that their -- one of their workers came to our yard in their vehicle, in a company vehicle he ended up dropping off a coil out of a boiler, I think he got \$32 for it, and I got a phone call from the lawyer from the plumber, the owner of the company saying that he knows this guy was in my yard, I want that record. And at first I said, "You know, I really don't know what you're talking about," I called my attorney and he said, "You know what, talk to the guy. If the guy has the right name and you think there's something there, hand the information over." We ended up taking the information, sending it to the plumber himself, I said, "How did you find out about this guy being here?", he had a GPS system on his truck, okay, for a lousy \$29. But we also found out afterwards that the guy went to Blackman on the plumbers account, bought new copper, cut it up and went somewhere else and sold it.

Also, I was the yard, okay -- and I'm not proud to say that I was the yard to buy the copper scrap, the wire -- that individual came to my yard for maybe over a five month period, he came in with copper, a \$50 drop, maybe \$120 drop, he never walked in with a \$5,000 drop at one shot. I believe the guy collected over \$120,000, he went to six or seven different yards. I had all the information, they came, they gave me a name, we had it, they got their guy, we have the information. So it's there, I don't know why we have to go and start -- I'm going to have to hire -- you've got over 70 people, 70 companies, there would be 73 people. I know I probably have to hire one, maybe two, you take a larger company, you may have to hire two people, 50,000, 60,000 plus {bennies}, now all of a sudden you're talking about five, \$6 million in cost throughout the industry. You know, we want to work, we don't want to hide anything, but it's out here, we keep records.

**P.O. LINDSAY:**

Okay, thank you. Legislator Eddington has a question for you.

**LEG. EDDINGTON:**

I think the question that wasn't asked with Legislator Mystal is that if this law is passed and it could cost you if you have stolen material and it's confiscated, won't this make you more vigilant when you are purchasing items?

**MR. FAVA:**

Well, I'll tell you, any time in the past if there was material that came in that was -- you know, it was stolen, the cops were following the guy, they took it right back, we never got our money back, we didn't know it was stolen. You can't tell a piece of scrap; that guy who stole from KeySpan, he took that cable and he cut it up into small pieces. An electrician, when they're done doing a building, they have a run of copper they can't use anymore, they strip it, it comes in --

**LEG. EDDINGTON:**

So let me ask you the question then. So if -- you talk about that was a lot of transactions over a long period of time; if that person had come to you the first time and you did what Chief of Detectives Varrone said and sent the information to the Police and then LIPA said that they're losing wire, wouldn't that have prevented the other crimes? Because they would have apprehended the person.

**MR. FAVA:**

That I can't answer. I don't know if that would --

**LEG. EDDINGTON:**

Well, then I can answer, that's what the Chief is telling me, that's why he wants this. And wouldn't it be -- I heard words like you're going to be spies or deputized; isn't it more looking at like this is your civic responsibility to work with the Police? And by the way, for the record --

**MR. FAVA:**

We are.

**LEG. EDDINGTON:**

-- they say you guys are, but this will help them do their job. Isn't it really a civic duty?

**MR. FAVA:**

We are doing our job. We are -- you know, I just finished saying before, if something comes in, we have a lot of industrial customers -- this is the other problem also, you have industrial customers that we pick up and they're uncomfortable to the fact to see that we would have to give their information, turn their information, the business that we're doing with them over to the Police. They saying, "What are you going my information to the Police for, what did I do? What are you doing? That's private business between you and I." You know, it's causing a problem, you know, with everyone involved, it's not just the criminals. It's us, it's our customers, privacy. You know, if it was that easy we could do -- we would love to sit down and see if we could hash out something

**P.O. LINDSAY:**

Okay, thank you. Legislator Losquadro has the last question for you, I hope.

**LEG. LOSQUADRO:**

Yes. Again, I go back to the issue of uniform enforcement. And I know nobody likes a rat and I'm not asking you to name any names, but as one of the larger people in the industry in Suffolk County I'll just ask you, are you aware of dealers throughout Suffolk County who are currently not complying with the letter of the law that New York State has passed?

**MR. FAVA:**

Yeah, I'm sure there's plenty, yes.

**LEG. LOSQUADRO:**

And, I mean, you're aware of some -- individually -- again, I'm not asking you to name any names, nobody likes a rat.

**MR. FAVA:**

There's dealers that don't take any information at all.

**LEG. LOSQUADRO:**

Thank you.

**P.O. LINDSAY:**

Okay, he said yes. Okay, thank you very much. Mr. Gershow.

**MR. GERSHOW:**

Thank you again to this body. I just want to bring out that I think one of the themes that came out of this tonight was that there is a lot of lack of information that PD and this body needs to attempt to understand to try to regulate this industry. And I think we should take an opportunity of that and say let's stop, let's sit down, let's have meetings. We did have some meetings going back over a year-and-a-half ago, Legislator Eddington actually was in my office and some of those meetings -- that meeting was quite productive, but unfortunately that was really the end of the meetings. Meetings that were supposed to continue on with law enforcement did not because law enforcement

had changes in management, from retirees or moving on to different fields, and then this just came up.

The current legislation is not really significantly different at all from a year and a half ago. I feel for Mr. Hubbard whose place was stolen from him and broken into, but there -- and I feel for a lot of the people. But there's a huge responsibility upon ourselves to protect ourselves with our own security, with our own cameras, with our own alarm systems. Industry, Gershow Recycling is not looking to say, "Hey, we don't want any legislation, we don't want to cooperate"; we do cooperate, we are in favor of legislation that makes sense.

And in reference to Mr. Mystal, no, we don't want to say just because a car is going to get stolen they should keep on getting stolen. But to the same respect, business and doing business in Suffolk County is hard enough as it is. It's this government's body -- this body's government also responsibility to make sure that businesses in Suffolk County are competitive. And when you have a tri-state area with over 35 other dealers that will simply come out to Suffolk County with a truck to pick up that scrap, that is a factor that needs to be considered. Even in reference to Mr. Crisp from the Town of Brookhaven, Gershow Recycling who's in the Town of Brookhaven never had a visit from code enforcement looking for copper scrap.

I truly don't believe that the legislation -- I believe the legislation will help to arrest some criminals, but I don't believe the legislation will actually prevent the crime from occurring, especially when we leave the door open for the criminal to simply go elsewhere. I think it makes sense for the Police Department to attempt to try to enforce current New York State standard on all businesses. I think it was a great idea that why doesn't this body enhance New York State standards, make the penalty tougher. Before we go ahead and pass legislation that's never been done anywhere in the continental United States, let's study it. I've opened my door to law enforcement, to the computer crimes people to say, "Come down, let's talk about how this can work," that has not been taken advantage of.

So again, I thank this body for its time. You know, you've got to be careful of the costs you impose. If the County is right that their service can handle it, that's great. I know my business, I would need seven to ten data-entry clerks to comply, that's 70,000 a pop, that's \$700,000 a year in extra costs to my business, when I already do comply with current State standard and I have to compete with out-of-state companies. Thank you.

**P.O. LINDSAY:**

Thank you. Okay, anybody else want to talk on this subject? Seeing none; Legislator Eddington, what's your pleasure?

**LEG. EDDINGTON:**

Motion to close.

**P.O. LINDSAY:**

Motion to close.

**LEG. LOSQUADRO:**

I'll make a motion to recess, Mr. Chairman.

**P.O. LINDSAY:**

Motion to recess. I'll second the closing motion.

**LEG. ALDEN:**

I'll second the recess.

**P.O. LINDSAY:**

Second to recess. I guess you's want more information on this bill?

**LEG. ALDEN:**

I asked the Police for it.

**P.O. LINDSAY:**

All right, recess first; I'm going to call the roll on it.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. LOSQUADRO:**

Yes to recess.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

No.

**LEG. BEEDENBENDER:**

No.

**LEG. VILORIA-FISHER:**

No.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

(Not present).

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

No.

**D.P.O. MYSTAL:**

No.

**P.O. LINDSAY:**

No.

**LEG. KENNEDY:**

This is a motion to recess? Yes.

**MR. LAUBE:**

Nine. No, excuse me, eight. Nine.

**P.O. LINDSAY:**

Okay, motion fails. Motion to close. Roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. EDDINGTON:**

Yes to close.

**P.O. LINDSAY:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

No.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

No to close.

**LEG. MONTANO:**

No to close.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**MR. LAUBE:**

Ten.

*(\*The following was taken by Lucia Braaten  
& transcribed by Alison Mahoney\*)*

**P.O. LINDSAY:**

Okay, it's closed.

*Public Hearing on IR 1177-08 - A Local Law to maintain the integrity of drug and alcohol screening tests (Stern).* I don't have any cards on this subject. Is there anyone in the audience that would like to speak on 1177? Seeing none, Legislator Stern, what's your pleasure?

**LEG. STERN:**

Say it again?

**P.O. LINDSAY:**

It's your bill, Legislator Stern.

**LEG. STERN:**

Yeah, it's a motion to close.

**P.O. LINDSAY:**

Motion to close.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Second by -- who was the second? Legislator Beedenbender.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Losquadro).

**P.O. LINDSAY:**

*Public Hearing on IR 1184-08 - A Local Law to prevent litter by restricting the distribution*

*of plastic-encased advertising matter (Viloria-Fisher)*. I don't have anybody -- any cards. Is there anyone in the audience that would like to speak on this subject? You want to speak, sir? Please go to the mike and identify yourself.

**MR. TUFAREILLO:**

Richard Tufareillo, Publisher and Editor of the Sun of the Beach News.

**P.O. LINDSAY:**

The Sun of the Beach.

**MR. TUFAREILLO:**

Laugh all you want, the lab wasn't laughing after I got through with them, that's for sure.

Okay. The Tribune Company was fined hundreds of millions of dollars in probably the largest circulation fraud in American history. Recently they were taken down for an additional \$90 million, that was the Spanish Newsday. They own the LA Times, the Chicago Tribune, Newsday, the Baltimore Sun, the Hartford Courant, 22 TV's and radio stations. They also own the Chicago Cubs. Now, this is not a question of plastic and newspapers. The company owns Star Communications, they're the owner of This Week, Penny Saver, Yankee Trader both in Nassau and Suffolk, their circulation is well over a million per week. I suggest, when you see these newspapers all over the place, it's another circulation, fraud. There is a lot of advertising that is being dumped. I would suggest that someone get in touch with the Eastern Prosecutor to make inquiry concerning this situation, and that's what I have to say on the issue.

**P.O. LINDSAY:**

Thank you very much, sir. I appreciate it.

**MR. TUFAREILLO:**

You're welcome.

**P.O. LINDSAY:**

Is there anybody else who would like to speak on 1184? Seeing none, Legislator Viloria-Fisher, what is your pleasure? Legislator Viloria-Fisher?

**LEG. VILORIA-FISHER:**

I'd like to make a motion to close.

**P.O. LINDSAY:**

Motion to close by Legislator Viloria-Fisher.

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Losquadro).

**P.O. LINDSAY:**

All right. *Public Hearing on IR 1216-08 - A Local Law to reduce the use of fertilizer near wetlands in Suffolk County (Schneiderman)*, we have to table because of the advertising glitch. So I'm going to reschedule it later on to our April 29th meeting.

**MR. LAUBE:**

Take a vote?

**MS. ORTIZ:**

Recess?

**P.O. LINDSAY:**

1216, it wasn't properly advertised, as the Clerk stated before.

**MR. NOLAN:**

We'll reschedule it in a few minutes.

**MR. LAUBE:**

Just rescheduling it, okay.

**P.O. LINDSAY:**

Okay. I can't take a vote on it, it wasn't properly advertised.

**MR. LAUBE:**

Gotcha.

**P.O. LINDSAY:**

***Public Hearing on IR 1230-08 - A Charter Law to formalize the vacancy procedure relating to boards, commissions and agencies (Presiding Officer Lindsay).*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? I'd be shocked if anybody wanted to speak on this. I'll make a motion to close.

**LEG. VILORIA-FISHER:**

Just be glad.

**LEG. EDDINGTON:**

Second.

**LEG. VILORIA-FISHER:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Public Hearing on IR 1231-08 - A Local Law to prohibit illicit discharges and illicit connections to Suffolk County's Municipal Separate Storm Sewer System (County Executive).***

**LEG. ROMAINE:**

It's known as the Spitzer Bill?

**LEG. SCHNEIDERMAN:**

The Spitzer bill.

**P.O. LINDSAY:**

Who?

**LEG. SCHNEIDERMAN:**

Illicit discharges and connections.

**P.O. LINDSAY:**

Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Who seconded? Second by Legislator Horsley. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Public Hearing on IR 1232-08 - A Local Law authorizing the creation by the County of Suffolk of a Local Development Corporation known as the "Suffolk Tobacco Asset Securitization Corporation" or "STASC" (County Executive).*** I don't have any cards on this subject. Is there anyone that would like to address us on this subject? Seeing none, I'll make -- you want to speak, Mr. Zwirn?

**MR. ZWIRN:**

Yes, I would just ask that this would be closed. We're going to -- Dennis Brown is here from the County Attorney's Office, we're going to come back at the end. This is -- with a CN to try to just get -- it's to do exploratory work on tobacco securitization so that we can have a plan to come back to the Legislature and this would just be the first step.

**LEG. ALDEN:**

Motion to recess.

**LEG. HORSLEY:**

Motion to close.

**P.O. LINDSAY:**

Okay, I made a motion to close; right, Mr. Clerk?

**MR. LAUBE:**

Yes, you did.

**P.O. LINDSAY:**

Did I get a second?

**LEG. BEEDENBENDER:**

Second.

**P.O. LINDSAY:**

Who made the second?

**LEG. BEEDENBENDER:**

I'm over here.

**P.O. LINDSAY:**

Legislator Beedenbender.

**LEG. ROMAINE:**

Motion to recess.

**P.O. LINDSAY:**

Legislator Alden already made a motion to recess.

**LEG. ALDEN:**

I'll second Legislator Romaine's motion.

**P.O. LINDSAY:**

Legislator Romaine is seconding that. Anybody want to talk? Nobody wants to talk?

**D.P.O. MYSTAL:**

Roll call.

**P.O. LINDSAY:**

Roll call on the recess.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. ALDEN:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

No.

**LEG. BEEDENBENDER:**

No.

**LEG. VILORIA-FISHER:**

Pass.

**LEG. LOSQUADRO:**

No.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

This is to recess? Yes.

**MR. LAUBE:**

Recess, yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

To recess? Yes.

**LEG. NOWICK:**

No.

**LEG. HORSLEY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Nope.

**D.P.O. MYSTAL:**

No.

**P.O. LINDSAY:**

No.

**LEG. VILORIA-FISHER:**

No.

**MR. LAUBE:**

Five.

**LEG. ALDEN:**

The bond dealers are happy.

**P.O. LINDSAY:**

Okay. Motion to close. Roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**P.O. LINDSAY:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yep.

**D.P.O. MYSTAL:**

Yes.

**MR. LAUBE:**

Fourteen (Opposed: Legislators Romaine, Montano, Alden & Kennedy).

**P.O. LINDSAY:**

Okay, we go to the regular agenda under Budget & Finance:

Amending Resolution No. 1188-2007 -- come on, come on, no side talk, we're going through the agenda -- implementing budget, staff and taxes for the Fiscal Year 2008 --

**MR. NOLAN:**

We didn't set the Public Hearings.

**P.O. LINDSAY:**

Oh, I'm sorry. I'm sorry, I'm trying to get through too fast.

Okay, I'm going to make a motion to set the following Public Hearings for Tuesday, April 29th, 2008 at 2:30 P.M. at the Rose Caracappa Auditorium, Hauppauge, New York; 2009-2011 Capital Budget and Program; IR 1250, A Local Law requiring placement of consumer deposits in escrow; IR 1251, a Local Law further strengthening protections for residents of planned retirement communities; IR 1272, a Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores; IR 1273, a Charter Law to limit the use of Water Quality Protection Funds for employee salaries; and IR 1216, a Local Law to reduce the use of fertilizer near wetlands in Suffolk County. And I guess -- all right, I need a motion.

**LEG. ALDEN:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Losquadro).

**P.O. LINDSAY:**

And I further set the date for the following Public Hearing of Tuesday, May 2nd, 2008, at 10 AM at the Riverhead Town Hall, Riverhead, New York, for the 2009-2011 Capital Budget & Program. I'll make the motion.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ALDEN:**

We don't go to that, right?

**P.O. LINDSAY:**

Okay, going back to the agenda. Come on, hold on, let's see how we can get through these.

**Budget & Finance:**

***1218-08 - Amending Resolution No. 1188-2007, implementing budget, staff and taxes for the Fiscal Year 2008 (Discretionary) (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1219-08 - Amending Resolution No. 1189-2007, implementing budget, staff and taxes for the Fiscal Year 2008 (Mandated) (Presiding Officer Lindsay).*** I'll make a motion.

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Beedenbender).

**P.O. LINDSAY:**

*1220-08 - Authorizing amending tax warrant for Resolution No.1190-2007 by the Town of Brookhaven to be signed by the Presiding Officer and the Clerk of the County Legislature (Presiding Officer Lindsay). I'll make a motion.*

**LEG. MONTANO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Beedenbender).

*(\*The following was taken & transcribed by Lucia Braaten\*)*

**P.O. LINDSAY:**

*Public Hearing on IR 1064-08 - A Local -- a Charter Law to clarify the budget process and restore flexibility in the allocation of sales tax revenue (Presiding Officer Lindsay).*

**LEG. SCHNEIDERMAN:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Schneiderman. I make a motion to approve. Do I have second?

**LEG. ROMAINE:**

Second to table.

**P.O. LINDSAY:**

Second by Legislator Romaine to approve?

**LEG. SCHNEIDERMAN:**

To table.

**LEG. ROMAINE:**

No, to table.

**P.O. LINDSAY:**

Oh, table, I was confused.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro to approve?

**LEG. D'AMARO:**

To approve.

**P.O. LINDSAY:**

Okay.

**LEG. SCHNEIDERMAN:**

On the motion.

**P.O. LINDSAY:**

On the motion.

**LEG. SCHNEIDERMAN:**

Okay. I've been quiet all night, I guess, so that silence will end now.

I'm distributing some packets to each one of you. Let me first say that although there is a lawsuit by six villages including -- and myself and Legislator Romaine, the villages and towns have been sending you letters which, whether they're in the lawsuit or not, seemingly universally opposed to removing this section of the Charter which they feel provides protection to them, including letters from the Suffolk County Village Association, the East End Supervisors and Mayors Association, Sag Harbor Village, Riverhead Supervisor, Southampton Supervisor, Northport, Huntington Bay, Southampton Village, East Hampton Village, Quogue, Westhampton Beach, Ocean Beach, Saltaire, Asharoken. So if there's any effort to punish those who are participating in the lawsuit, you also are punishing a lot of people who are not -- a lot of municipalities that are not participating.

Let me start out with the packet. This bill is to remove Section C4-6(J) from the Suffolk County Charter, that grew out of a law passed by Legislators Guldi and Caracciolo which codified a good-faith agreement with -- that Mr. Bill Jones, Legislator Bill Jones had made with County Executive Gaffney, and you can see specific language of that good faith agreement. I want to make it clear that although it was one-eighth of 1%, at the time there was specific language that addressed that issue by saying any successor component to that one-eighth and the numbers would be adjusted upward or downward for subsequent years from '97 taking into account any increase or decreases in the revenues generated by the sales tax component.

In the backup for that law, it specifically says that, "This is converting a non-binding agreement between the County Executive and former Legislator Bill Jones into a County obligation to fund public safety revenue sharing for as long as the sales and compensating use tax component remains in effect." And you've heard testimony to what that agreement was, it was for a fair and equitable distribution of sales tax revenues based on population.

The next thing in the packet is from the minutes of the committee meeting when the bill was being discussed, this is back in 1998. Legislator Levy specifically saying, "So this would -- so this would make what is presently a discretionary allocation a mandatory one." Legislator -- and he is -- he says, "So I would recommend that we defeat this bill." Legislator Postal, let me quote, "At the time that we raised the sales tax by a half-cent a number of years ago, it was a very strong feeling that people who live in the East End towns and villages which have their own police departments paid the additional half-cent of the sales tax too, and it would be terribly unfair if those people failed to benefit from paying that additional tax." So it was agreed then that those towns and villages would receive an eighth of a percent for public safety purposes on a prorated basis. "That really is equitable. The people in those municipalities do pay the same eighth of a cent and it would be terribly unfair if we didn't institutionalize it, if we left it to the discretion of any County Executive or any County Legislature in the future," which is exactly what this bill, the bill to remove it would do, leave it at the discretion of the County Executive.

The next thing I want to point out is the opinion of our own counsel, George Nolan. And in particular -- and I had asked him for an opinion on whether the County was complying with Section C4-6(J) and I'll quote from No. 4 in his conclusions, that "Beginning in 1999, the special payments to the towns and villages included in the County Executive's proposed expense budget should have been adjusted upward or downward in direct correlation to any increase or decrease in sales tax revenues proposed for the Police District." Also, he says in the fifth section there, "This provision clearly contemplated that more money would be proposed for distribution to the towns and village if the public safety component of the sales tax was increased above one-eighth of 1%," which, in fact,

it was.

The County has not been following its own law. The cost over the last four years is some \$11 million in shortfalls for these areas. Everybody is paying for their police, we all pay through our property tax. In 1958, there was a County-wide vote to create Suffolk County Police Department, it was to be funded by those who chose to be a part of it. A lot of areas decided to retain jurisdiction, including the five East End towns and many villages in western Suffolk County. Never were they told, these are the people who weren't joining, that they would be made to subsidize the police services within the Police District. But then in 1993, the County went after sales tax. They wanted to increase sales tax and dedicate one-eighth of the additional 1% to public safety and a deal was made that if they got the money it would be shared equally with those outside the Police District, otherwise they would have never got the Home Rule Message that allowed Albany to move forward, and in 1998 that agreement was codified in the County Charter. It's very clear what the intention was, it was always about equity, but the County hasn't been following it.

All I've ever sought here was equity, a way that we can get to equity and fairness and honor with the County's good faith commitments, really over the last 40 years. And I'm asking and I've been working very hard with Legislator Cooper, with towns and villages, with other Legislators, I'm coming up with something that we can all live with but I need more time and so I'm asking for more time. Don't take this away, don't hurt everybody. Give me at least another session, another cycle to see if we can -- if I can bring back to you something that everybody can live with that we can make this all go away, but don't do this tonight. One more cycle, please.

**P.O. LINDSAY:**

Does anybody else want to speak. Legislator Beedenbender.

**LEG. BEEDENBENDER:**

I understand the plight of my colleagues from the East End, Legislators Romaine and Legislator Schneiderman. And a lot of stuff has been said tonight and I'm really coming at this from a perspective of my constituents.

You know, this bill has been called a power play, and we've talked a lot about good faith; well, if the bill is a power play, the lawsuit is almost certainly a power play. And the thing that bothers me the most is that my tax -- the taxpayers in my constituency, in my District, will end up paying more money because, you know, we've known this was a problem. The East End Legislators have said it for many, many years, and Legislator Schneiderman was nice enough to go through the history. But my problem is during the debate on the budget last year, I read the minutes, Legislator Romaine and Legislator Schneiderman both talked about this problem, neither one put forward an amendment to the budget and you didn't vote against it. So my problem with -- I don't like suing government when we didn't do what we had an opportunity to do. As Legislators, we all have the power to submit an amendment to the budget or vote against it; neither one of those things happened and now we have a lawsuit. So if this bill is a power play, the lawsuit is almost certainly a power play.

And we've talked about good faith. You know, there's never been good faith in this situation from the beginning. When the last compromise was reached in 2000 -- or two years ago, there was good faith with Legislator Caracciolo and then all of a sudden, you know, the good faith was broken and the bill was put forward. So I just take exception -- I do not -- it's not that I'm rejecting the situation that you're talking about, but I take exception to suing the government to move policy when you didn't take the opportunity in front of you to move the policy.

So I'd strongly -- I strongly, you know, resent this lawsuit. You're suing the body and suing the government that you're a part of to try to move a policy that you didn't try to move legislatively and that's the wrong way to go. And if this lawsuit brings that -- if this bill brings it to bear that that is

not a policy that we're going to accept, then I will be happy to move it until we can withdraw the lawsuit and I'll be happy to put it back in the Charter, but we cannot -- we can't legislate by the court, that's not the way to go.

**LEG. SCHNEIDERMAN:**

Could I just address his point that was directed to me?

**P.O. LINDSAY:**

I don't think it was directed to you.

**LEG. SCHNEIDERMAN:**

Well, he said that I didn't raise the issue and I did raise it. I asked Budget Review during that budget process whether the proposed budget was in compliance with Article C4-6(J) and they did not have an answer at that time and I had to vote without knowing whether it was or was not in compliance; the answer came later from George Nolan in the form of the opinion that I mentioned.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Thank you. My predecessor codified an agreement -- excuse me. My predecessor came to agreement with the County Executive. This body had enacted that sales tax should be distributed on a per population basis; the East End has very little so they get very little, but they get it on a pro rata basis. That was passed, the County Executive vetoed it in 2005, and rather than override, an agreement was made where the County Executive would agree to phase it in over five years. That agreement has not happened, from one point of view, in the sense that more revenues were dedicated from the sales tax for public safety. And as more revenues were dedicated, while the East End Villages got more, they didn't get as much more as the West End got. This is not a debate, Mr. Zwirn, sit down and cool your heels.

We now are at the situation where we're looking, what is the issue, what is the issue at stake here? Here's the issue: We formed a Police District that came into existence in 1960. When that Police District came into existence, municipalities were told, "You can join us or you cannot join us and keep your own police. But if you keep your own police, we can guarantee you one thing, you'll never have to pay for County Police, you just pay for your own police." Never had a problem. I was in this Legislature many years ago, never had a problem. Why? Because the Police District was funded from property tax. So the Villages and the Towns, they assess their property tax, Police District assess theirs. But somewhere in the 1990's, sitting in my perch as County Clerk, I watched and soon the Police District expenses grew too large to be funded with property tax, so let's increase with sales tax. Because remember, when I served, no one here -- Elie might remember because he was an Aide at that time -- the sales tax in Suffolk County in the '80's was 7 1/2%, not 5% as it is now. So there was a decision, let's take some of that sales tax and apply it to the Police District; problem being sales tax isn't collected just in the Police District, it's collected County-wide, so we have to share.

Very little was done to equitable sharing, and this was a large debate, and eventually it was codified in the Charter that the Executive had to present a budget that provided equitable sharing based on population. That hasn't been done. I put in a resolution when I was first elected to the Legislature to try to codify that five-year phase-in, the Executive opposed it. We've protested that -- there's only two people that really represent the East End and I only represent part of it. So we did what the Executive did when he thought the County Executive at the time, when he was a Legislator, had presented an illegal budget. We appealed to the Judicial Branch. Some people may not think the Judicial Branch serves any function, it does. Sometimes when there are people in government, for whatever reason, choose to interpret the law in such a way that they feel they don't have to follow the Charter and others have a legitimate difference and that can't be resolved in a Legislative body. You appeal to the Judicial Branch to try to make an interpretation; that is what has been done.

We have said although the East End has been short-changed, we're willing to settle the case today, not take any money. We don't want any money. We simply want the sales tax distributed on a per population basis. We have very few people out east, more people reside in the Police District. They'll get their overwhelming bit of that money, but it would be shared fairly. Now, some people raised all types of issues. They said, "Well, we'll buy more land out east," oh, no, not really, not really.

**LEG. SCHNEIDERMAN:**

Hey, that's mine.

**LEG. ROMAINE:**

I'm sitting here --

**LEG. SCHNEIDERMAN:**

Hey, I'm going to use that. I was saving that one.

**LEG. ROMAINE:**

Oh, I'll mention it. Land acquisitions for the West End in 2007 was over \$27 million, for the East End it was under \$23 million; not really.

In the end, this is an issue as simple as you can get. Are we going to, since we're now using sales tax, which even Newsday has editorialized against the over-reliance on sales tax, as other papers have. If we're going to use sales tax instead of property tax, in which case we'd have no dispute, are we going to share that fairly on some fair basis? And what better fair basis than population, or are we not? The Charter calls for it, we're seeking it, we're willing to drop the suit tomorrow if everyone agrees. Hey, we'll distribute it based on population. We're not looking for any money out of the suit, we're just looking for a formula that will guarantee fairness. What do we have now? We have an effort to repeal fairness. We have an effort to repeal equity. We have an effort to introduce regional warfare which is only going to stir passions.

When we're elected as Legislators, we're elected to do two things, we're representatives of our District, and I try to speak for my District and some people kid me or kid Jay because we're part of the East End and we're always popping up and saying one thing or another, but we're also elected to speak for the County as a whole. What's the best for our County? What's the best for our County? I constantly vote for things on the West End. I constantly listen to my members. I constantly think about the County as a whole. This is an issue that goes right to the heart of County government. Do we govern for the betterment of the County as a whole? Do we do our jobs? Do we allow fairness? Do we allow the Charter to be invoked? This suit will go away. It's only there because there isn't fairness now and because there is a requirement for fairness in the Charter that we believe isn't being followed and our only appeal was to the Judiciary Branch. But we have an opportunity tonight to table this, we have an opportunity to let some compromise come about, the East End would even consider a phase-in. But to be told, "No, we'll leave it in the Executive's hands."

I'm told there was a meeting of the Villages. I'm told there was a representative of the County Executive. I am told that the Village representatives felt threatened at that meeting, that they were told if they spoke on this that they would be given no money. I don't think government should work that way. I don't think representatives who represent our County Executive should come to our future Village officials with that type of approach. I think that we all are due the respect and the courtesy of trying to work things out for the betterment of all of our constituents.

So when you cast your vote tonight, we're not asking for this to be defeated, not even asking for this to go away. We're asking for this to be tabled to see if something can be worked out. You do as your conscience may dictate, but I think the County betterment calls for us to look at fairness and equity. Thank you very much.

**P.O. LINDSAY:**  
Legislator Alden?

**LEG. ALDEN:**

I have to agree with one thing that Jay said and I believe -- and Legislator Romaine actually said it, too. I think that if you see something that you don't feel is right or just, that we all have a responsibility maybe to bring a lawsuit, because if it doesn't work out legislatively then I think that we do have that right.

And just in answer to Legislator Beedenbender before, since Jay has been elected and since Legislator Romaine has been elected -- not the first time because I wasn't here, but the second time -- they have become rather a pain about this issue. And it's painful to actually meet with them on any issue because they're always bringing this up and they have for many, many years. And I was on one of the working groups for the budget, and from Jay, that's all I listened to, and he kind of ignored some other issues, but he was right at focusing right on that.

I think, though, that there's some practical things that you end up -- and it might be a fallout or it might be something that -- an area that we don't want to go in. But when you start saying, you know, what is equity, now we've got to describe that. Because I lived through the '98 legislation, I lived through the '90 -- '05 compromise and I still don't have a handle on what we're doing and how we're doing it and why we're doing it. But if you start looking at my fair share of the sales tax, I think you go down a slippery slope that can get very, very dangerous and can get really nasty. Because Legislator Romaine just threw out some numbers for '07, but, if you want to go back a few more years and add all the numbers up for like a ten-year period, you're going to see that there's, as far as I'm concerned, the West End, there's an inequity as far as distribution of the sales tax in open space and other types of purchases. Like farms, I can't remember the last farm that was purchased in the 10th Legislative District, yet I continue to vote for farms being purchased. So in that regard, I think that we really have to watch out where we're going on that argument for equity.

The other thing that -- and I hope that Budget Review is coming close to getting these numbers, but the East End comes in and they testify about what -- you know, the shortchanging, so to speak. Yet our constituents in the West End, my constituents in the 10th Legislative District pay for the Suffolk County Sheriff. We don't use the Suffolk County Sheriff for crowd control or for parades, yet in the West End -- in the East End they are constantly using the Suffolk County Sheriff. So in that way, Legislator -- people from the West End are subsidizing the use of the Sheriff's Department and the East End use of it.

There are a whole bunch of things, too. And it was kind of neat to hear a little bit about the Detectives coming in. And that's one function of the Suffolk County Police Department that almost every East End town avails themselves of and there are numerous occasions of the Suffolk County Police Department providing services to the East End. Are we getting shortchanged? I don't know. If we get an upgrade or an update on some of the data, I think that we can go forward with an intelligent -- make an intelligent decision on that.

But there's many, many things involved here and when you start talking about the equal justification or an equal distribution, you really run into some major problems. Equitable might be a better term to start talking about and I just -- I don't even know which way I've made up my mind, to table or not to table or even to vote for this, but I just want to warn against making that argument that, you know, you want equality.

**P.O. LINDSAY:**  
Legislator Browning.

**LEG. BROWNING:**

Yeah, thanks, Cameron, you pretty much stole what I was going to say. And Brian, I agree with

everything he's saying. I don't think it's a good idea for us to be suing ourselves. And Legislator Romaine said we're elected to work for our constituents. The reason why I cosponsored this bill is \$11 million, where do we come up with it? We have to come up with it in the form of taxes and I'm going to represent my constituents in my District, a working class community, that former Legislator Romaine represented my District at one time, so I'm going to represent them and say, "I'm not going to see them pay those taxes that you're asking for."

**LEG. ROMAINE:**

We just said that we didn't want the lawsuit.

**LEG. BROWNING:**

Then pull away the lawsuit.

**LEG. SCHNEIDERMAN:**

Bill, put me on the list again.

**P.O. LINDSAY:**

Okay, Legislator Eddington.

**LEG. EDDINGTON:**

Yes. As a matter of fact, I was thinking in line with Legislator Alden also. In fact, I'd like to ask Mr. Zwirn a question. I know that the Medical Examiner works out east, too, or does work -- I know that we have two helicopters stationed out there. I know the Detectives work out there and the Sheriffs. I'm wondering if you could give the Chair of Public Safety a rundown on what the expenses that the Police District entail for the East End. And then I'd like to hear the numbers that the East End is complaining they're not getting, and then I want to add or subtract, because I want to see -- let's talk about equity, let's really look at it. Can you provide that information for me?

**MR. ZWIRN:**

Well, through the Chair, the Presiding Officer, I can answer some of the questions, if it's all right.

**P.O. LINDSAY:**

Go ahead.

**MR. ZWIRN:**

You know, and if I just might preface the remarks because I think the first things that Legislator Schneiderman and Legislator Romaine talked about was equity or retribution, that this was going to be seen as retribution. The County Executive had an agreement with Legislator Caracciolo, who was the author of the bill, that this lawsuit is based on and they worked out an agreement based on increasing the amount of sales tax revenue for public safety between them, based not on population. As Legislator Alden has suggested, is a slippery slope if you're going to start breaking down revenues on population, but based on need, and as Legislator Caracciolo made an argument, and the County Executive agreed. And that was a five-year agreement that was signed off on by Town Supervisors out on the East End. And as you noticed, there are only six Villages out of the 19 jurisdictions I think that could have sued on the County with respect to this lawsuit.

Legislator Romaine talks about representing his District; the two Towns in his District that would have benefitted from his lawsuit are not a party to this lawsuit: The Town of Shelter Island, the Town of Southold. It's interesting. I don't know why they didn't join the lawsuit, as did any other of the five East End Towns. Riverhead, Southampton, East Hampton are not parties to this lawsuit. You have six Villages.

A lot of the courts that these Villages and the Towns have, the Town Justice Courts in Southampton, East Hampton, the Village Courts, most of them are staffed by Assistant District Attorneys that are paid for out of the General Fund, that generates enormous revenues for the Villages and Towns. The only revenue that the County sees, if it sees any revenues from these Courts, is for handicapped

parking violations and bail forfeitures. The rest of that money which is generated by Assistant District Attorneys, which are not provided in the Suffolk County Police District to handle traffic matters and generate that revenue generate enormous revenue out on the East End.

We talked about the helicopters which are the two most expensive pieces of equipment that the Police Department have. We have two of them stationed at Gabreski Airport in Westhampton in the Town of Southampton. All right? Primarily because half the Police, you know, helicopter fleet is stationed in the eastern part of Long Island with only 10% of the population, 11% of the population. Well, it's not based on population, it's based on geography, it's based on need, and that is ultimately what I think the Legislature and the County Executive try to do.

When you buy open space, today you had bills on there, one bill will spend \$4 million of County funds for open space in the Town of Southold; \$1.6 million will go to the Town of East Hampton, dwarfing the amount of money that they are seeking in Police revenues. But why do we spend that money up on the East End? Because the land is there, because we want to preserve a way of life, because you have made a collective decision that that is based on need, not on the population. This County will spend close to seven, eight million dollars for Boys Harbor, and the builder will come before you shortly, and the six million dollars you spent when Jay Schneiderman was the Town Supervisor. How many people here have seen Boys Harbor? How many people in Legislator Montano's District have seen Boys Harbor? I drive past it every day. He spent about nine million dollars of the taxpayers' money, and I say thank you.

**LEG. ALDEN:**

If it's a Duke Property, I saw it.

**MR. ZWIRN:**

Pardon me?

**LEG. ALDEN:**

If it's a Duke Property, I saw it.

**MR. ZWIRN:**

Well, then you may have seen it for the fireworks.

**D.P.O. MYSTAL:**

They won't give me a passport.

**MR. ZWIRN:**

I'm just saying, I think the reason that you have not seen a signing on for this lawsuit is because I think the East End representatives understand that you have been fair. And I don't think that -- and if I might just jump in here, I don't think that this bill is a bill that's trying to be -- punish the East End. I think the bill is simply saying, if I understand, and the Presiding Officer, as the author, can correct me, is that you are establishing that you, this body is the body that decides how the money that is collected by this County, the sales tax revenue, the real property taxes are going to be spent.

The County Executive gives you a proposed budget and that's where Legislator Schneiderman says, "Well, he didn't follow the letter of this 1996 law." Ladies and Gentlemen, you have the right to correct it. These gentlemen are suing to repeal their own votes on the budget that you collectively adopted. You could have changed the numbers at any time and going forward you can do that. But I think, Mr. Presiding Officer, this bill is designed to say, look, a Judge is not going to decide how the real property taxes and the sales taxes that are collected by this County are going to be spent, it's this Legislative body; this is what we do, this is what we get elected for and that reestablishes that.

When the 2009 budget is prepared, you can look at this again, you can base it on need. You may say, "Well, the Villages and the Towns on the East End could use more money for their Police

Departments." And if the County Executive hasn't put enough money in there to your satisfaction, you can change that. He can veto it and you can override his veto, as you generally do. But the fact is that I don't think -- I don't see this bill the way that it has been portrayed. And if I look at the lawsuit, and I'm not going to be the one trying this case, but one of the things it says in this lawsuit is that the County Executive did not put in the requisite amount of money. This lawsuit will put the requisite amount of money in and then you are mandated to accept that amount of money. And nowhere in that legislation does it say that was mandated. Nowhere has anybody tried to take away the powers that this Legislative body has.

And I think that that bill that Legislator Lindsay, the Presiding Officer, has put in establishes your rights as Legislators to control that process and not the courts.

**P.O. LINDSAY:**

Thank you.

**MR. ZWIRN:**

I hope I have been helpful.

**P.O. LINDSAY:**

Legislator Eddington, are you done?

**LEG. EDDINGTON:**

Yes.

**P.O. LINDSAY:**

Okay. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Well, I think Ben's done a good job in confusing the issue; let me try to get us back on track here, though.

This is fundamentally different than other property taxes or sales taxes. The Police District provides police protection only for the residents in it. The Villages and Towns outside that Police District, they pay property taxes for their own police services. When the County wanted to get sales tax to lower property taxes in the Police District a deal was struck, an arrangement was made that the additional sales tax monies would be shared based on equity, based on population.

Now, in New York State there's some 60, 62 Counties in New York State. Most of them actually share sales tax. There are 42, I believe, that share sales tax. All of them are approved by the State Comptroller. All of them are based on one of two distribution methods, population or real property assessment. They must be auditable and they must be reviewed every time the authorization is reapproved. So when we say it's a slippery slope, that's what the State Comptroller uses.

Now, frankly, population doesn't work out so great for the East End because our real population is probably four times what our Census population is because we're seasonal communities. But, nonetheless, it would be better than what we're getting in this distribution.

I also -- Counsel said the other day when we were discussing closing the Public Hearing on this, there was a question whether this bill, Presiding Officer Lindsay's bill, if we would pass it, whether it would affect the status of the lawsuit. And I want to ask Counsel again, because the advice at the last meeting was it would have no impact on the lawsuit, I want to ask Counsel if that is still his opinion?

**MR. NOLAN:**

My opinion is that if this law passed it would not affect the past relief, which basically the 2008 budget, because this law was in effect at the time that the County Executive proposed the 2008 budget. So to that extent, no, the lawsuit wouldn't be affected. But obviously, if you're looking for

future relief and an interpretation of this section of the Charter and the Court directing the County to follow in the future, obviously if it's not there anymore, it's not there anymore.

**LEG. SCHNEIDERMAN:**

So it does affect the lawsuit.

**MR. NOLAN:**

Going forward, yes.

**LEG. SCHNEIDERMAN:**

And lastly, and just to illustrate the first example, if tomorrow we wanted to take sales tax revenue and put it into the Police District, just general sales tax revenue, you can't do it. Why can't you do it? Because it's a Special District. You're not allowed to take whole County money and put it in the District that only provides services within that District without a special agreement from the State. Well, you have it with the three-eighths of 1% for public safety, but that came with an agreement attached to it at the County level which was codified in 1998 to distribute that money fairly and the County's not living up to that obligation.

And I'm, again, looking for an amicable resolution, looking for another cycle so that I can try to come forward to Legislators with a compromise that everybody can live with, that the Towns and Villages can live with and I'm just asking for a little bit more time.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

I'm not particularly offended by the fact that two Legislators have sued to nullify their vote on our budget, and I'll leave that issue where it stands.

But I really don't -- you know, this is a more fundamental question. We keep throwing around that the amount of sales tax going to the five East End towns is based on population. And I have a copy of Section C4-6(J) in front of me, I don't see it, I don't see this whole population formula.

So I guess I'd want to ask Counsel at this point, the way I see this bill is that there's a baseline created in 1997 for some funding percentage which can be adjusted up or down. Nowhere does it talk about based on population. In fact, the adjustment that can be made is based on increases and decreases in the sales tax. So it's not tied to population, it's tied to -- you have a baseline and an increasing or decreasing based on what our sales tax revenue is doing, meaning to me that the percentage that was established does not relate to population. So why are you throwing around -- you know, this is maybe a very fundamental question, but I don't see it as a population equation. Is that accurate?

**MR. NOLAN:**

The section does not talk about population, you're correct. It establishes '97 -- 1997 as a baseline and whatever the Towns and Villages were getting then would be adjusted afterwards by where -- how much money was directed to the Police District and would be proportionate to what the Police District was getting. So my interpretation of that section is if they were getting "X" amount in 1997 and the next year twice as much money went to the Police District, then twice as much money should have gone to the towns and villages in that year. If in 1999 it had dropped the amount of money that went to the Police District, which did happen in some years between 1997 and now, then the amount of money that went to towns and villages should have also been reduced by the proportionate amount. That's my interpretation of that section.

**LEG. D'AMARO:**

All right, thank you. The other thing that I had for Counsel was C4-6(J), talks about the proposed expense budget which is submitted by the County Executive, which I guess we call today the

"recommended budget", I would assume. Nowhere in this section does it say that the Legislature has to adopt whatever is proposed by the County Executive. In fact, I think our entire Charter is to the contrary, that we have authority and right to line item change the proposed budget of the County Executive. So, you know, I don't see how this section could bind this Legislature when talking about during the budget process how much we're allocating for sales tax into these -- through this Charter provision; is that accurate?

**MR. NOLAN:**

Right. This Charter section applies only to the proposed budget, the budget that the County Executive gives to the Legislature. It provides a formula of how much money has to be provided to towns and villages, but there's no mention anywhere in the Charter that the Legislature, when it amends the budget or adopts the budget, finally has to accept those figures.

**LEG. D'AMARO:**

If the Legislature -- if the proposed operating or recommended budget said let's give, pick a number, 7%, and this Legislature, through the omnibus process, lowered that down to 3%, would that violate this Charter provision?

**MR. NOLAN:**

No.

**LEG. D'AMARO:**

Just the last point I want to make is that it's my understanding, and Mr. Zwirn said it very eloquently here tonight and I think made a very good case and a clear case to me, that this County Executive has been living up to his end of the bargain struck through a deliberative process with the towns and villages that are affected. So when we talk about fairness, you know, what's fair? I mean, the fairest thing you can possibly do is live up to your end of the deal and I think that's exactly what's happening here.

And the other point I want to make when you talk about what's fair, fair doesn't necessarily mean a set formula cast in stone. You know, if you're going to tell me we have to start making decisions based on population, and that's the parameters I have to operate within in casting votes, I agree with Legislator Alden, that that is indeed a very dangerous slippery slope to go down at this point. What's fair in 2009, especially given the looming budget scenarios that we're facing, may not be something based on population. It may be more, it may be less, but that's exactly why we're here, to talk about what's fair. And I do not think it's fair to impose a set formula based on population on this Legislative body, and I certainly don't think this Charter provision, even if it were upheld by a court, goes that far. Thank you.

**P.O. LINDSAY:**

Legislator Vilorio-Fisher.

**LEG. VILORIA-FISHER:**

Thank you, Mr. Chair. I agree with much of what Legislator D'Amaro has just said in terms of fair, not being a formula set in stone. It is a -- looking at the Charter, looking at what had been decided on back in 1998, when there is a downturn in revenue, then that would be reflected in the proportional distribution. George, is that what you explained?

**MR. NOLAN:**

It's key to the amount of money, sales tax money that is directed to the Police District.

**LEG. VILORIA-FISHER:**

And that would be a portion of the entire sales tax revenue that's collected and in --

**MR. NOLAN:**

Not necessarily, because, you know, sales tax revenues could actually go down in a year. But, you

know, we have some wiggle room, because it's between an eighth and three-eighths that can be directed to public safety. So, theoretically, sales tax revenue goes down overall, so I think it's still possible, and I would defer to the budget people, that more money --

**LEG. VILORIA-FISHER:**

But that's not --

**MR. NOLAN:**

-- could be directed to the Police District.

**LEG. VILORIA-FISHER:**

But that's not the most likely scenario if you have a budget crunch and you're working within the parameters of having to meet -- to create a budget that's workable. But, be that as it may, we're not working with something that's set in stone. And, as we deliberate and look at the -- whether or not we're going to pass this particular piece of legislation that would negate that agreement from 1998, I would like to propose that we do wait, that we do table this, because there have been indications by Legislator Schneiderman that he is trying to find a way to work out a resolution. I have also been told that Legislator Cooper was working with him to try to help get to some kind of agreement.

What I think that we also need to look at, and I was speaking with the Commissioner earlier -- well, late last week, Ben Zwirn did mention some things that are paid for from the General Fund. The Commissioner had described those to me; training, communications, aviation, homicide, arson. And I mentioned the helicopters that were now housed at the East End, and I said I guess that was because there are more -- and I had actually put in the first proposal for the pilot to have a helicopter housed at the East End, and I assumed that there had been a great many more calls, and he said, "No, most of the calls we have are in the West End." So, although we do have the helicopters out there, most of our calls are on the West End. However, the Commissioner also mentioned a number of services that are from the Police District that are provided to East End Towns and to Villages, and one that he said is utilized often is the help with burglaries, which is not something that comes out of the General Fund.

And so I submit that as we try to find a compromise, as we try to move forward, we look at those areas where Police District services are being provided for the East End, that those be accounted for in the formula. And that's why I'm saying that Legislator D'Amaro's absolutely right, we can't use a strict formula set in stone without addressing all of the other vagaries of what happens in day-to-day operation and mutual aid that's provided.

I also think that we should keep in mind that there is a Charter -- a Charter Revision group that's working together. Let them do the work that will be before them. I believe that 1064 is jumping the gun. I think we are -- there's a little posturing on both sides. Let's take a breath, let's try to work together. I think there's too much balkanization in the County. Let's not exacerbate that by trying to measure where we should be preserving land, where we should be providing public safety. We need to do that throughout Suffolk County. We all represent all of Suffolk County, and let's try to have clearer heads prevail in this. Thank you, Mr. Chair.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

And through the Chair, I don't know who can answer this, but was that lawsuit brought as an Order to Show Cause?

**LEG. MONTANO:**

Yes.

**LEG. SCHNEIDERMAN:**

Oh, I'm sorry, what was the question?

**MR. NOLAN:**

It was an Article 78. I think that --

**MR. BROWN:**

It was, it was.

**LEG. ALDEN:**

So what kind of a timeframe are we looking at for that?

**MR. BROWN:**

I think the current return date might be about April 19th, April 16th.

**LEG. ALDEN:**

When's our next meeting?

**MR. BROWN:**

Twenty-ninth.

**LEG. ALDEN:**

The what?

**MR. BROWN:**

Twenty-ninth, April 29th.

**LEG. ALDEN:**

So, if the return date is on the 16th, the trial wouldn't take place until --

**MR. BROWN:**

Well, I can't say when a trial would take place, but the papers, the return date on the Order to Show Cause is the 16th or 19th, something like that.

**LEG. ALDEN:**

In your experience, what's the length of time then to actually --

**MR. BROWN:**

Well, under the statute, a Judge has to decide within 60 days, but you know that that may not happen.

**LEG. ALDEN:**

And you're not going to do discovery or anything else that would --

**MR. BROWN:**

Well, we're not defending, there's outside counsel on the case.

**D.P.O. MYSTAL:**

We can't.

**LEG. ALDEN:**

No, I know there's a -- you're right, there's a conflict.

**LEG. SCHNEIDERMAN:**

There's not going to be a decision before September, probably.

**P.O. LINDSAY:**  
Legislator Horsley.

**LEG. HORSLEY:**

I think that we've gone round-robin with most of the discussions here, but I've got to tell you, it's -- to equate this as fairness, I think it's almost political malfeasance to believe that certain areas of this County have been treated unfairly and that they've been shortchanged over the entire budgetary process of Suffolk County. It's just -- it's beyond belief, because they know better, but that's beside the point.

I was talking to one of the litigants today of one of the villages, and they were under the impression, you know, if they put in a couple of thousand dollars into the lawsuit that they could make \$100,000 more, or we'll get this return for you. And now they're thinking of maybe backing out and whatever. It seems to me that this is just wrong-headed. I disagree when the County of Suffolk was going to -- the Suffolk Community College was going to sue us. I disagree on this level. This should have been worked out during the budgetary process. And, frankly, I think the Presiding Officer is on the right track. We've got to put our position and our stake in the ground now and say no to this, in my mind, frivolous lawsuit.

**P.O. LINDSAY:**  
Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I have looked at this and I've tried to go ahead and reconcile what the impact would be, look at the amount of money that's at stake. I don't take issue with an Order to Show Cause or for that matter even with a mandamus if, on occasion, for whatever happens, one branch of government doesn't perform the way another one does. But I am somewhat troubled by the fact that it appears and litigants are looking to go ahead and not just get clarification of the statute as it sits now going forward, but, in fact, seeks to recover since '98 or '99, whenever it went into place. We have this large amount of money that hangs in the balance.

Like Legislator Viloría-Fisher said, I hear what Legislator Schneiderman is speaking about as far as trying to broker a meeting of the minds and some consensus. I'm just wondering, if we do table for a cycle, if there might not be a willingness to look at some clarification of what this provision of what the Charter says going forward. And I throw that out to the Chair, just for some consideration.

**LEG. SCHNEIDERMAN:**  
Can I respond as well to that?

**P.O. LINDSAY:**  
No. I'll put you on the list if you want.

**LEG. SCHNEIDERMAN:**  
Okay, thanks.

**P.O. LINDSAY:**  
I've still got a lot of people that haven't spoke yet, you've spoke three times.

**LEG. SCHNEIDERMAN:**  
Twice, but yes.

**P.O. LINDSAY:**  
Legislator Barraga.

**LEG. BARRAGA:**  
Thank you, Mr. Chairman. I, too, will support Mr. Schneiderman's comments in terms of wanting to

table this for one cycle, in the hopes that he can work out some sort of rational solution that would involve eventually the removal of this lawsuit. But, you know, I have to be very candid with all of you, in the last several years I have witnessed this debate on this subject several times, and even after this ends, it will not end.

Now, I have great respect for Mr. Romaine's institutional knowledge.

I don't think there's anybody here that can remember what's happened in Suffolk County over the years like Ed can. And back in 1960, if my memory serves me right, we had a Board of Supervisors. And, you know, I have a feeling at that time when they were establishing the Suffolk County Police Department, the only way they could figure they could do it is to go along and establish it the way it is and let the East End do its own thing, because probably those Supervisors were against it, but at least it was established.

And then when you talk about the early 1990's where the sales tax had to be increased to support the Police District, well, I think the Legislature at that time missed a golden opportunity. Instead of trying to sit around and figure out what portion of the sales tax is going to go back to the East End predicated on their input, every effort should have been made at that time to assimilate those individual fiefdoms, those Police Districts on the East End into the Suffolk County Police District. We are one County in almost every way except in this issue and it splits us, it divides us.

You know, I looked with interest about six or nine months ago with Mr. D'Amaro and Lynne Nowick and Bill Lindsay when they established those various educational task forces, and I knew at the end, based on my own history, many of the suggestions and recommendations that they would make I probably would have seen before. But more than likely, most of them had to do with the State or some other level of government implementing, even though their task was worth it. I think maybe we've reached the point in time when we should have a task force in Suffolk County to take a look at the feasibility of assimilating these East End and all Police Districts into the Suffolk County Police Department. It's time. If we spend great amount of time telling school districts how to consolidate and save money, I think there are savings to be made here.

I mean, I understand the cultural differences and how it's going to be so difficult, but the reality is it should be done. This is 2008, we can no longer afford to sit around and have these debates and lay out these claims that the East End is doing this and the West End is doing this. Let's get down to a task force to take a look at how much money we save if we all become one Suffolk County Police district. And these districts, you're not going to hurt those personnel there, you assimilate them right in. Eventually there are less chiefs, less Commissioners and you wind up with one Police force, one budget, one Commissioner, and he makes a determination as to where the resources go.

This is long, long overdue. We can't afford to continue to have these debates. Yeah, there'll be finalization here, but then until the next time when something else comes up. We're one Suffolk County, we shouldn't be divided, and as long as this hangs out there, we will have this division between East End and West End. It's time to do away with it.

**P.O. LINDSAY:**

Thank you, Legislator Barraga. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I just wanted to quickly comment on Legislator Kennedy's suggestion, and particularly as it regards to back money. And, you know, I've said continuously that I'm really only looking for equity. And it's true that the lawsuit does seek -- it can go back three years. And, you know, in my interpretation of the County Charter, the areas outside were shortchanged in those years. This is something I'm certainly willing to take to the various villages involved and advocate for dropping any claim for back money. It's not an issue to me. I'd like to see equity in the future, you know, even phased in, but I'm willing to take that off the table if that is a -- if that is, you know, the issue.

**P.O. LINDSAY:**

All right. We have a couple of Legislators who went to the bathroom so Elie is going to sing a song. Go ahead, Legislator Mystal.

**LEG. BEEDENBENDER:**

As long as he doesn't tell a joke.

**D.P.O. MYSTAL:**

I'm pretty sure -- and this is my prediction because I've been dealing with Legislator Jay Schneiderman for a long while. I'm pretty sure there's enough vote around here to table this until the next cycle, maybe, yes or no. But I can guarantee you one thing, those of you who are going to vote yes to table, Jay doesn't give anything to anybody. What he wants -- I'm talking. What he wants --

**LEG. SCHNEIDERMAN:**

Come on, don't make it personal.

**D.P.O. MYSTAL:**

This is not -- this is political, this is very political. He wants to buy time, supposedly to negotiate. The only way Jay is going to negotiate is if he gets what he wants. So we're going to table this --

**LEG. LOSQUADRO:**

Come on, Elie.

**LEG. SCHNEIDERMAN:**

Elie, just don't make it personal.

**D.P.O. MYSTAL:**

Wait, let me -- that's the truth. The only thing we're going to get, the only thing we're going to get when we come back here on Tuesday, April 29th, is the same discussion, because there will be no resolution because he will not accept anything except exactly what he wants. So if you want to table this, the only way you can take this lawsuit off of the table is to vote for this bill. Then he might negotiate. But as long as this lawsuit is alive, he's not going to withdraw the lawsuit, he's going to use it as a hammer to negotiate until he gets everything that he wants. If he doesn't get it, this bill -- and I will bet anybody who wants, I will bet them dinner at Paces, I will bet you dinner at Paces if you want to -- on Tuesday, the 29th we're back here with Jay arguing the same point, because he's not going to give an inch.

**LEG. ALDEN:**

Just don't talk about guns and baseball bats.

**P.O. LINDSAY:**

Okay. I've been very quiet on this whole thing, so I'm going to talk now.

**LEG. SCHNEIDERMAN:**

Do I get dinner, too?

**P.O. LINDSAY:**

First I've got a question for Counsel. Do you feel that the language is clear in the Charter as it deals with this subject?

**MR. NOLAN:**

Well, no, it's a very poorly written section of the Charter.

**P.O. LINDSAY:**

Okay, okay. Does the Charter bind this Legislature or just the Executive?

**LEG. ROMAINE:**

Just the Executive.

**MR. NOLAN:**

It applies to the County Executive's proposed budget.

**P.O. LINDSAY:**

Okay. Does it refer anywhere in there to more than one-eighth of 1%?

**MR. NOLAN:**

The law has never been updated to reflect the increase from one-eighth to three-eighths for public safety, authorized by State law.

**P.O. LINDSAY:**

Okay. Someone said before very early on in this debate that this bill is to punish the East End towns and villages, and in no way is that true. I didn't introduce this bill out of the blue, I introduced it in response to the lawsuit. And don't make any mistakes about it, it's a lawsuit. It isn't asking for a judicial opinion, it's a lawsuit. And the only way that -- if Legislator Schneiderman and Romaine are successful, it's going to come out of the people that I represent. So this isn't to punish anybody, it's to protect my constituents, and it's as simple -- it's as simple as that.

Currently we have a Charter Commission which is part of our Charter, we're mandated every ten years to appoint a group of citizens, partially from this Legislature, partially from the Executive's Branch, to look at the Charter with a fresh look and to take up issues that aren't clear or are outdated and come back and make recommendations to you. The Charter Commission has met twice now. I was before them the other day. I specifically talked about this provision, that it's unclear, and that, certainly, this is something that we want them to look at as part of their mission.

I, for one, I'm not going to make a motion to table. I want this passed because I want to get this crystal clear that it's not going to cost my constituents money in this attempt to grab \$11 million from them and that's how I view it, and I won't change my opinion on that.

The compromise that Legislator Schneiderman keeps talking about sounds like it's imminent. He's looking for a compromise that's based purely on population and my response to that is if we're going to pass legislation like that, I -- first of all, I don't want it to bind this Legislature. I don't want the power to approve a budget or modify a budget, modify it in any way. And again, like Legislator Alden said, if we go down that slippery slope, then we're going to start looking at everything based on population and that just doesn't work.

So I urge you all to approve this and go a long ways towards resolving this whole lawsuit issue. Thank you.

**LEG. SCHNEIDERMAN:**

I'm going to ask for a roll call when we vote, please.

**D.P.O. MYSTAL:**

Roll call.

**P.O. LINDSAY:**

No, I was going to use hand signals.

**LEG. ALDEN:**

Let's do that.

**P.O. LINDSAY:**

Roll call.

**LEG. VILORIA-FISHER:**

On what, what's the motion?

**P.O. LINDSAY:**

All right, we have before us a tabling motion and a second and we have a motion to approve and a second, so on tabling first.

*(Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. SCHNEIDERMAN:**

Yes to table.

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Pass.

**LEG. BEEDENBENDER:**

No.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Pass.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. STERN:**

No to table.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Yes for one cycle.

**D.P.O. MYSTAL:**

No.

**P.O. LINDSAY:**

No.

**LEG. BROWNING:**

No.

**LEG. ALDEN:**

Yes.

**MR. LAUBE:**

Ten.

**LEG. SCHNEIDERMAN:**

Thank you.

**D.P.O. MYSTAL:**

Thank you, Cooper.

**P.O. LINDSAY:**

It stands tabled.

*(\*The following was Taken & Transcribed by  
Alison Mahoney - Court Stenographer\*)*

**P.O. LINDSAY:**

**Economic Development, Higher Education & Energy:**

***1160-08 - Adopting a policy regarding the development of the Hampton Business and Technology Park and a State Environmental Quality Review Act Findings Statement for the final Generic Environmental Impact Statement (County Executive).*** Motion by?

**LEG. HORSLEY:**

Yes, motion.

**P.O. LINDSAY:**

By Legislator Horsley, seconded by Legislator Schneiderman.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1199-09 - Accepting and appropriating a grant amendment from the New York State Urban Development Corporation, D/B/A Empire State Development Corporation (ESDC) for an Entrepreneurial Assistance Program Center 50% reimbursed by State funds at Suffolk County Community College (County Executive).***

**D.P.O. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1222-08 - Authorizing 2008 funding for Suffolk County Culture, Film Commission and Visual Media Arts Programming (County Executive).***

**LEG. STERN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Stern, second by Legislator Viloría-Fisher.  
All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1223-08 - Authorizing cultural, tourism and development funding for 2008 (County Executive).***

**LEG. VILORIA-FISHER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***Environment, Planning & Agriculture:***

***1149-08 - Reappointing member to the Suffolk County Water Authority (James F. Gaughran) (Cooper).***

**LEG. COOPER:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**LEG. HORSLEY:**

Cosponsor.

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**LEG. STERN:**

Tim, cosponsor.

**P.O. LINDSAY:**

*1156-08 - Authorizing the County of Suffolk to deduct from a credit fund established for the benefit of the Suffolk County Water Authority, the Authority's share of the Cost for the preparation of the update of the Suffolk County Comprehensive Water Resources Management Plan (the "Plan") (Presiding Officer Lindsay).* I'll make a motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1157-08 - Authorizing the County of Suffolk to deduct from a credit fund established for the benefit of the Suffolk County water Authority the cost of the installation of certain water main on County Road 39 by the County (Presiding Officer Lindsay).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Legislator Schneiderman makes the motion, Legislator Mystal seconds. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1176-08 - Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Carlls River County Park Addition - Napoli Construction Property, Town of Babylon (Presiding Officer Lindsay).*

**D.P.O. MYSTAL:**

Motion.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1200-08 - Authorizing acquisition of land under the Suffolk County Open Space Preservation Program - for the Brems estate Property - Miller Place/Yaphank Road NP addition Town of Brookhaven (SCTM No. 0200-212.00-03.00-023.000) (County Executive).*

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

By Legislator Losquadro.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**D.P.O. MYSTAL:**

Tim, abstain.

**MR. LAUBE:**

Sixteen (Not Present: Legislator Montano - Abstention: Legislator Mystal).

**P.O. LINDSAY:**

*1201-08 - Authorizing acquisition of land under the Suffolk County Open Space Preservation Program - for the Byrne Property - Miller Place/Yaphank Road NP addition Town of Brookhaven (SCTM No. 0200-189.00-04.00-009.000) (County Executive).*

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Is that a different piece of property?

**LEG. LOSQUADRO:**

Yeah, same nature preservancy.

**P.O. LINDSAY:**

Okay. Same motion, same second, same vote; is that already with everybody?

**LEG. ALDEN:**

Are these the new -- this is a new program, the new Quarter Cent?

**MR. NOLAN:**

No.

**LEG. ALDEN:**

No; this is the old one, right?

**MR. NOLAN:**

No.

**P.O. LINDSAY:**

*1202-08 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Napoli Construction Property, Carlls River, Town of Babylon (SCTM Nos. 0100-017.00-02.00-009.000 and 010.000) (County Executive).*

**D.P.O. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal.

**D.P.O. MYSTAL:**

Seconded by Horsley.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1221-08 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Decarmine Property) Town of Smithtown (SCTM Nos. 0800-075.00-05.00-038.000 and 0800-075.00-05.00-039.000) (Nowick).*

**LEG. NOWICK:**

Motion.

**LEG. KENNEDY:**

Second.

**LEG. ALDEN:**

This is the new one?

**P.O. LINDSAY:**

I don't know.

**MR. NOLAN:**

It's Multifaceted.

**D.P.O. MYSTAL:**

On the motion.

**P.O. LINDSAY:**

Wait, let me get a motion by Legislator Nowick. Do I have a second? Second by Legislator Kennedy.

**D.P.O. MYSTAL:**

Is this for -- on the motion. Is this for Workforce Housing?

**LEG. NOWICK:**

No.

**D.P.O. MYSTAL:**

It's just plain land. We're just buying land, right?

**LEG. ALDEN:**

No, it's the planning steps.

**P.O. LINDSAY:**

All right, we have a motion and a second. All in favor? Opposed? Abstentions?

**D.P.O. MYSTAL:**

Abstain.

**MR. LAUBE:**

Sixteen (Abstention: Legislator Mystal - Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1228-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the Charter Law Extending and Accelerating the Suffolk County 1/4% Drinking Water Protection Program for environmental protection for land acquisitions (County Executive).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper. Do I have a second?

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Abstain.

**D.P.O. MYSTAL:**

Abstain.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

You got that, Tim?

**MR. LAUBE:**

Fourteen (Opposed: Legislator Barraga - Abstention: Legislators Mystal & Alden - Not Present: Legislator Montano).

**P.O. LINDSAY:**

Same motion, same second on 1228A, the pending Bond Resolution; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. COOPER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

(Not present).

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**D.P.O. MYSTAL:**

Abstain.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fourteen (Opposed: Legislator Barraga - Abstention: Legislators Mystal & Alden - Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1233-08 - Authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for The Nature Conservancy, Inc. As contract vendee of the Blocker Property - Corey Creek, Town of Southold (SCTM No. 1000-087.00-06.00-012.001) (County Executive).*

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Romaine. Do I have a second?

**LEG. LOSQUADRO:**

Second.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro. Question by Legislator Alden.

**LEG. ALDEN:**

Which program is this?

**MR. NOLAN:**

Legacy.

**P.O. LINDSAY:**

Legacy.

**LEG. ALDEN:**

But when was this -- I'm sorry. When was this --

**P.O. LINDSAY:**

The Capital Budget.

**LEG. ALDEN:**

Last year.

**P.O. LINDSAY:**

Capital Budget, half by the town, half by County; it's totally bonded money, it doesn't come out of Quarter Percent.

**LEG. ALDEN:**

Right, but this one -- this was in the Capital Budget last year we established this?

**P.O. LINDSAY:**

We put \$50 million in the Capital Budget.

**LEG. ALDEN:**

Fifty million, right.

**P.O. LINDSAY:**

Okay. Any other questions? What's the sale -- how much was the selling price here?

**MR. NOLAN:**

It's \$8 million total, four million from each, from the town and four million from the County.

**LEG. ALDEN:**

(Inaudible).

**P.O. LINDSAY:**

Okay. We have a motion and a second to approve. All in favor? Opposed? I'm opposed.

**LEG. ALDEN:**

I abstain.

**D.P.O. MYSTAL:**

Abstain.

**LEG. ALDEN:**

We're too far in debt, we shouldn't be doing this.

**MR. LAUBE:**

Legislator Kennedy was a yes?

**LEG. KENNEDY:**

Yes.

**MR. LAUBE:**

So it's fifteen.

**MS. ORTIZ:**

Montano.

**MR. LAUBE:**

Oh, fourteen (Opposed: Presiding Officer Lindsay - Abstention: Legislators Mystal & Alden - Not Present: Legislator Montano).

**LEG. ROMAINE:**

Would the Clerk please list me as a cosponsor?

**P.O. LINDSAY:**

***1234-08 - Authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for The Nature Conservancy, Inc., as a contract vendee of the Filippelli Property - Accabonac Harbor Addition, Town of East Hampton (SCTM Nos. 0300-039.00-14.00-029.000 and 0300-063.00-03.00-002.000) (County Executive).***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro. What's the selling price on this?

**D.P.O. MYSTAL:**

One point six million.

**MR. NOLAN:**

Three point two million; one six from the County, one six from the town.

**P.O. LINDSAY:**

Okay. We have a motion and a second. All in favor? Opposed? I'm opposed.

**D.P.O. MYSTAL:**

Abstain.

**LEG. ALDEN:**

Abstain.

**MR. LAUBE:**

Fourteen (Opposed: Presiding Officer Lindsay - Abstention: Legislators Mystal & Alden - Not Present: Legislator Montano).

**P.O. LINDSAY:**

**Health & Human Services:**

***1143-08 - Adopting Local Law No. 2008, a Local Law to amend Resolution No. 1386-2007 to clarify application of individual water meter requirements (Losquadro).***

**LEG. LOSQUADRO:**

Motion, Mr. Chairman.

**LEG. VILORIA-FISHER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1224-08 - Accepting and appropriating 100% State grant funds from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services to implement a Food Stamp Bonus Award Allocation Plan (County Executive).***

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1161-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM Nos. 0200-853.00-02.00-036.000 and 0200-909.00-08.00-020.000) (County***

*Executive*). I'll make the motion.

**LEG. EDDINGTON:**  
Second.

**P.O. LINDSAY:**  
Second by Legislator Eddington.

**LEG. ALDEN:**  
On the motion.

**P.O. LINDSAY:**  
On the motion.

**LEG. ALDEN:**  
Just to point out, and I believe that the County has paid the taxes on this and we don't recoup those taxes when we sell this. This is just transferring the property, not selling it; am I correct on that?

**MR. NOLAN:**  
Yeah, it's a transfer. I think Chris Kent said at the committee meeting, on the 72-h's they don't seek the back taxes

**LEG. ALDEN:**  
Okay. And I believe that the number here is close to \$130,000 that the County laid out, some of that money actually went to the Town of Brookhaven because we make the towns and villages whole and now we're giving them the property. It's for a noble cause, but just to point that out.

**P.O. LINDSAY:**  
Well, just on that issue. I don't -- I mean, I don't think we build any affordable housing directly ourselves, the process has always been to turn it over to the town through a 72-h and then they turn it over to a not-for-profit.

**LEG. ALDEN:**  
I think that maybe that's one thing that we should look at because we do have a CDC, the County.

**P.O. LINDSAY:**  
CDC is one of the agencies that might end up building the house.

**LEG. ALDEN:**  
Right, but they can actually directly get involved with 501(C)3's and build for the County on this property rather than let it go through the town. Because what happens here is the rights of reverts, if they don't build it within a certain period of time, it can come back to the County but the town does end up with a fairly large benefit from this type of --

**P.O. LINDSAY:**  
I'd like to have a further discussion on that.

**LEG. ALDEN:**  
Okay.

**P.O. LINDSAY:**  
Legislator Kennedy.

**LEG. KENNEDY:**  
Mr. Chair, maybe you can share with me, too. It looks like we are absorbing the cost of demoing, I

guess, what must be the property, must be the structure on the property? The note I have is that there's a \$15,000 demo cost?

**P.O. LINDSAY:**

Mr. Brown, do you know the answer to this?

**LEG. ALDEN:**

Hopefully they move the people out before they knock the building down.

**MR. BROWN:**

I do not. In fact, I was looking for Carolyn Fahey, but I think she left after the Public Hearings.

**LEG. VILORIA-FISHER:**

She did leave.

**P.O. LINDSAY:**

So you don't know.

**LEG. VILORIA-FISHER:**

She left after we voted on cultural artists.

**P.O. LINDSAY:**

Well, does that complicate your voting on this issue, to have to know that?

**LEG. LOSQUADRO:**

Through the Chair?

**P.O. LINDSAY:**

I mean, the point of the matter is we don't build any affordable housing.

**LEG. HORSLEY:**

No.

**LEG. KENNEDY:**

Mr. Chair --

**P.O. LINDSAY:**

We have the chance the build a few units --

**LEG. HORSLEY:**

This is the process, yeah.

**LEG. KENNEDY:**

I understand that, Mr. Chair. No, the only thing that I'd like to point out is --

**P.O. LINDSAY:**

We have less questions about \$5 million of open space than we do about building one affordable house.

**LEG. KENNEDY:**

Well, we're trying to be consistent, Mr. Chair, when it comes to demo costs.

**P.O. LINDSAY:**

Oh, yeah, it's consistent; it ain't consistent.

**LEG. KENNEDY:**

Sure it is, because when it comes to demo costs --

**P.O. LINDSAY:**

It is not.

**LEG. KENNEDY:**

-- on the items that I put forward, I'm getting constantly smacked about demo costs.

**P.O. LINDSAY:**

Oh, you're getting smacked all right, but we keep backing you up on it.

**LEG. KENNEDY:**

Yes, you do, Mr. Chair, but that's why I'm asking about this law, that's all.

**P.O. LINDSAY:**

Who else wants to talk?

**LEG. NOWICK:**

I don't think anybody does.

**LEG. HORSLEY:**

Let's vote.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen -- seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1162-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM Nos. 0200-959.00-05.00-029.000 and 0200-959.00-06.00-017.000 and 0200-973.70-04.00-032.000) (County Executive).***

**LEG. BROWNING:**

Motion to approve.

**LEG. VILORIA-FISHER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1163-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of***

*the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM Nos. 0200-979.10-06.00-046.000) (County Executive).*

**LEG. VILORIA-FISHER:**

Motion.

**LEG. BROWNING:**

Motion, sorry.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Browning. On the question? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

*1164-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (Losquadro).*

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Browning.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano)

**P.O. LINDSAY:**

**Parks & Recreation:**

*1213-08 - Authorizing use of Smith Point County Park Property by Mastic Beach Fire Department, Inc., for Public Safety Services Fund Drive (Browning).*

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Browning to approve.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

***1217-08 - Authorizing use of Southaven County Park Property to hold a free concert for Child abuse Awareness (Browning).***

**LEG. BROWNING:**

Motion to approve.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

**Public Safety:**

***1038-08 - Adopting Local Law No. 2008, a Local Law to prohibit the sale and possession of Salvia Divinorum (Nowick).***

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Nowick.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

You mean the testimony you got before wasn't compelling enough to vote against this? What is the matter with you? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**LEG. NOWICK:**

Mr. Chair?

**LEG. LOSQUADRO:**

Congratulations.

**P.O. LINDSAY:**

Yes?

**LEG. NOWICK:**

Considering the tenseness of the meeting, my aide has a kilo of the Salvia, you all have your popcorn cups, we're going to pass it out. You can chew it, they say, so if you want.

**P.O. LINDSAY:**

***1157-08 (sic) - (1175-08) - Declaring the month of April as "Underage Drinking Awareness Month" in Suffolk County (Stern).***

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

1175, excuse me.

**LEG. NOWICK:**

Tim, cosponsor.

**P.O. LINDSAY:**

Legislator Stern, did you make a motion?

**LEG. STERN:**

Yes.

**P.O. LINDSAY:**

Okay.

**LEG. EDDINGTON:**

What's the motion?

**P.O. LINDSAY:**

To approve 1175. Do I have a second?

**D.P.O. MYSTAL:**

On the motion.

**P.O. LINDSAY:**

Do I have a second? Let me get a second first.

**LEG. COOPER:**

Second, second.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Legislator Alden. On the motion, Legislator Mystal.

**LEG. COOPER:**

I'm not asking this facetiously; are we declaring the month of April as "Underage Drinking Awareness month;" in other words, are we promoting under-age drinking?

**LEG. ALDEN:**

No, awareness.

**D. P.O. MYSTAL:**

We're making under-age people aware that they can drink?

**P.O. LINDSAY:**

Even by the greatest stretch of your imagination, you aren't under-age. So we have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1210-08 - Accepting and appropriating grant funds received from the New York State Division of Criminal Justice Services under STOP DWI Program (County Executive).*

**LEG. LOSQUADRO:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1211-08 - Approving an increase in fleet for the Suffolk County Police Department (County Executive).*

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Eddington.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Second by Legislator Losquadro.

**D.P.O. MYSTAL:**

On the --

**P.O. LINDSAY:**

On the question, Legislator Mystal.

**D. P.O. MYSTAL:**

How many cars are we talking about?

**LEG. ROMAINE:**

One.

**LEG. LOSQUADRO:**

One car.

**D.P.O. MYSTAL:**

One? Never mind.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

We already did 1029.

***1132-08, 1132A - Amending the 2008 Capital Budget & Program and appropriating funds in connection with safety improvements at various intersections (CP 3301) (County Executive).***

**D.P.O. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal, seconded by Legislator Beedenbender.

All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

In the negative.

**LEG. ALDEN:**

Abstain.

**P.O. LINDSAY:**

Okay. Same motion, same second; roll call on 1132A, the Bonding Resolution.

**MR. LAUBE:**

That was sixteen on the last vote.

***(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)***

**D.P.O. MYSTAL:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Alden & Barraga).

**P.O. LINDSAY:**

***1133-08, 1133A - Amending the 2008 Capital Budget & Program and appropriating funds in connection with reconstruction of CR 11, Pulaski Road from Woodbury Road to Depot Road, Town of Huntington (CP 5168) (County Executive).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

In the negative.

**LEG. ALDEN:**

Abstain.

**LEG. COOPER:**

Tim, cosponsor, please.

**P.O. LINDSAY:**

Same motion, same second; roll call on 1133A, the Bond.

**MR. LAUBE:**

Sixteen on the last vote.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes

**MR. LAUBE:**

Sixteen (Opposed: Legislators Alden & Barraga).

**P.O. LINDSAY:**

***1173-08 - Authorizing public hearing for approval of ferry rates for Davis park ferry Co (Presiding Officer Lindsay).***

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Eddington. Do I have a second?

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1178-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with strengthening and improving County Roads (CP 5014) (Stern).***

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

In the negative.

**LEG. ALDEN:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

1178A, same motion, same second on the pending Bond Resolution; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Not Present: Legislators Barraga & Alden).

**P.O. LINDSAY:**

*1179-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with planting trees and shrubs at various locations/roads (CP 5902)(Stern).*

**LEG. STERN:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Stern.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Second by Legislator Kennedy.

**LEG. ROMAINE:**

Mr. Presiding Officer?

**LEG. LOSQUADRO:**

On the motion?

**P.O. LINDSAY:**

Explanation.

**LEG. MONTANO:**

I just want to know where it is.

**P.O. LINDSAY:**

You want to give the explanation, George?

**LEG. ALDEN:**

I just have a question to ask.

**MR. NOLAN:**

What was that?

**P.O. LINDSAY:**

He had a question, an explanation.

**LEG. MONTANO:**

I just want to know what it is.

**MR. NOLAN:**

It's amending the Capital Budget and Program, taking 50,000 from Capital Project 1755 for infrastructure improvements and moves the money to a Capital Project -- it's really, I believe, Commack Road for trees and shrubbery there. I think maybe Legislator Stern has more information.

**LEG. STERN:**

That's exactly right.

**LEG. MONTANO:**

Fifty thousand?

**MR. NOLAN:**

Fifty thousand.

**LEG. LOSQUADRO:**

On the motion?

**P.O. LINDSAY:**

Legislator Romaine --

**LEG. LOSQUADRO:**

Okay.

**P.O. LINDSAY:**

-- his mouthful was waving over there, and then I'll recognize you.

**LEG. ROMAINE:**

I'm eating my M&M's to keep my strength up, Mr. Presiding Officer.

**LEG. ALDEN:**

Where did you get M&M's from?

**LEG. ROMAINE:**

Very quickly, I voted to reconstruct Pulaski Road, I voted to strengthen intersections, I voted to strengthen and improve County Rads, I've got to draw the line at spending money on planting shrubs and trees at this point. There comes a point where you say, "Wow, unless there's some compelling reason that I don't understand the resolution" --

**P.O. LINDSAY:**

There's no trees on the West End, you've got all the God damn trees.

*Laughter From Audience*

**LEG. ROMAINE:**

Oh, yeah, blacktop everything; not yet, Bill.

**LEG. KENNEDY:**

You just bought a hundred acres of them.

**LEG. ROMAINE:**

You know, I'm probably going to join with Legislator Alden and Barraga because, you know, I don't want to vote against improving intersections strengthening roads or stuff of that nature, but when you get to trees and shrubs, it's nothing personal, I have nothing against Commack Road, but if there's a greater purpose that I didn't see in the resolution, possibly you could explain that to me.

**P.O. LINDSAY:**

Do you want to explain that?

**LEG. STERN:**

Yes, thank you, Mr. Presiding Officer. This is actually to mitigate the effects of the construction that we had conducted after this Legislature approved all of the work going on around Commack Road. The development north of the Expressway is now complete, these are funds, minimal at that, to try and fix what was taken away prior to all of that work. So this is to remedy the situation that was --

**LEG. ROMAINE:**

Like a cheap man's sound wall.

**LEG. STERN:**

Even better than that.

**LEG. ROMAINE:**

Okay.

**P.O. LINDSAY:**

All right --

**LEG. LOSQUADRO:**

Never mind.

**LEG. KENNEDY:**

Can I add to that?

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Legislator Stern and I share Commack Road as a common border. And as he has indicated, there was a substantial amount of redirection of traffic, both with Henry Street, over to Crooked Hill, and the residents in that area really have been exposed to much more intense traffic patterns. So it may very well be characterized as a minimal amount to go ahead and soften some of the sound issues and lighting issues associated with that area.

**P.O. LINDSAY:**

Anybody else? Legislator Alden.

**LEG. ALDEN:**

Capital Project 1755 is what? That's where we're taking the money from and I saw that in a couple of resolutions; anybody know?

**P.O. LINDSAY:**

What's 1755?

**MS. VIZZINI:**

It's the Legislature's offset project.

**LEG. ALDEN:**

What?

**MS. VIZZINI:**

It's the Legislature's offset project.

**LEG. ALDEN:**

I'm not going to go there.

**P.O. LINDSAY:**

Legislator Mystal, you want to talk?

**D.P.O. MYSTAL:**

Yeah, I just want to say something. Legislator Romaine, I would advise you not to even question when we do anything on the West End for the simple reason that we just bought \$8 million worth of land on your side of the woods, and now if somebody was to plant trees on all the roads in the east -- on the West End --

**LEG. LOSQUADRO:**

A tree grows in Brooklyn.

**D. P.O. MYSTAL:**

There you go. I would advise you to be quiet and eat your M&M's.

**P.O. LINDSAY:**

All right, I don't want to spend any more time on trees. All in -- we have a motion and a second?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**P.O. LINDSAY:**

Abstentions? Anybody who's opposed, wave your hand.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

One, two.

**MR. LAUBE:**

Three?

**P.O. LINDSAY:**

And you've got an abstention? No abstentions, just two opposed.

**LEG. ALDEN:**

How about Eddie?

**LEG. LOSQUADRO:**

No, three opposed.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Who opposed it over here? Legislator Barraga, Legislator Romaine; who else?

**MR. LAUBE:**

Legislator Alden.

**LEG. ALDEN:**

You've got three.

**P.O. LINDSAY:**

Oh, I didn't see your hand, okay.

**LEG. ALDEN:**

It was up there.

**P.O. LINDSAY:**

Okay.

**LEG. BARRAGA:**

I was going to vote for it but Romaine convinced me.

**P.O. LINDSAY:**

Did you call the vote?

**MR. LAUBE:**

Yes, I did it was fifteen (Opposed: Legislators Romaine, Barraga & Alden).

**P.O. LINDSAY:**

Okay. Same motion, same second on the accompanying Bond, 1179A; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. STERN:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. ROMAINE:**

Yes. Oh, sorry, no.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yep.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fifteen (Opposed: Legislators Romaine, Barraga & Alden).

**P.O. LINDSAY:**

Okay. 1185-08 - Authorizing the use of County-owned land at the H. Lee Dennison Building by the Hauppauge to bury a Girl Scout -- No, I'm joking.

**LEG. HORSLEY:**

Whoa.

**P.O. LINDSAY:**

It's late.

**LEG. KENNEDY:**

I was going to make the motion, but --

**P.O. LINDSAY:**

Legislator Kennedy made a motion.

***1185-08 - Authorizing the use of County-owned land at the H. Lee Dennison Building by the Hauppauge Girl Scouts for the purpose of burying a time capsule (Kennedy).***

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy. Do I have --

**LEG. LOSQUADRO:**

I'll second that.

**P.O. LINDSAY:**

Second by Legislator Losquadro.

**LEG. LOSQUADRO:**

Did this have the SEQRA review, John?

**LEG. KENNEDY:**

It's a Type I.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1189-08 - To approve the lease of one (1) replacement fifteen (15) passenger van in the Suffolk County Department of Labor in compliance with Local Law No. 20-2003 (County Executive).*** Motion by Legislator Mystal. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1191-08 - Authorizing the transfer of fifty (50) surplus County radio units to the Centerport Fire District (County Executive).***

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator Cooper.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. COOPER:**

Tim, cosponsor, please.

**LEG. STERN:**

Tim.

**P.O. LINDSAY:**

*1192-08 - Authorizing the execution of an agreement between the County and the New York State Department of Transportation for Federal and State Aid funding for the continuation of the HOV Bus service on the Long Island Expressway for 2008 (County Executive).*

**LEG. VILORIA-FISHER:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1203-08 - Appropriating funds in connection with the renovations, construction and additions to Police Precincts (Fourth Precinct) (CP 3184) (County Executive).*

**LEG. KENNEDY:**

Motion.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, second by Legislator Eddington. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

Same motion, same second; roll call on 1203A, the accompanying Bonding Resolution.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. KENNEDY:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

*1204-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with intersection improvements on CR 16, Smithtown Boulevard at CR 93, Lakeland Avenue/Rosevale Avenue, Town of Smithtown (CP 5118)(County Executive).*

**LEG. KENNEDY:**

Motion.

**LEG. NOWICK:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. ALDEN:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

Same motion, same second on 1204A, the pending Bond Resolution; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D. P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

*1205-08 - Appropriating funds in connection with the replacement rehabilitation of dredge support equipment (CP 5201) (County Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. VILORIA-FISHER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Alden).

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

Same motion, same second on the accompanying Bonding Resolution, 1205A; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. ROMAINE:**

Yes; cosponsor.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

What was that, 1208?

**MR. LAUBE:**

1205A.

**P.O. LINDSAY:**

Okay, *1208-08 - Appropriating funds in connection with safety improvements at various intersections (CP 3301) (County Executive)*.

Do I have a motion?

**D.P.O. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. ALDEN:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

Same motion, same second on the accompanying Bonding Resolution, 1208A; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**D.P.O. MYSTAL:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yep.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

*1209-08 - Appropriating funds in connection with the Civil Court renovation and addition - Courtrooms, Riverhead (CP 1130) (County Executive).*

**LEG. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

Did I hear something over there; did somebody make a motion or a second?

**LEG. VILORIA-FISHER:**

Yeah, down there.

**LEG. SCHNEIDERMAN:**

I seconded it.

**P.O. LINDSAY:**

Or are they not paying attention? Speak up.

**LEG. SCHNEIDERMAN:**

Ed motioned, I seconded.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

Same motion, same second on the accompanying Bonding Resolution, 1209A; roll call.

*(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)*

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

*1212-08 - Authorizing the execution of an agreement between the County and the New York State Department of Transportation for Federal Aid for Suffolk County Transit Bus Route S92 service enhancements (County Executive).*

**LEG. VILORIA-FISHER:**

Take the money; yes. I mean, motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

*1215-08 - Appropriating funds in connection with improvements to the Board of Elections (CP 1459) (Presiding Officer Lindsay).* I'm going to make a motion to table, the Bond is not in place yet.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1225-08 - Amending the 2008 Capital Budget & Program and transferring budgeted funds from Fund 261 - Sewer Maintenance and operations to the Capital Fund and appropriating funds for the purchase of sewer facility maintenance equipment (CP 8164)(County Executive).*** Do I have a motion on sewers?

**LEG. KENNEDY:**

Motion.

**P.O. LINDSAY:**

Motion; who made the motion?

**LEG. KENNEDY:**

That would be me.

**P.O. LINDSAY:**

By Kennedy, second by Horsley. On the question.

**D.P.O. MYSTAL:**

Yeah, can somebody identify the sewer that we're talking about here; Gail, can you?

**MS. VIZZINI:**

This money is going to be used for equipment to be used in all the sewers; it's the crew that rotates to the different plants.

**D.P.O. MYSTAL:**

And Fund 261 is the --

**MS. VIZZINI:**

That's the --

**D.P.O. MYSTAL:**

Maintenance fund to the sewers?

**MS. VIZZINI:**

Yes, that's the shared fund.

**D. P.O. MYSTAL:**

Shared funds.

**P.O. LINDSAY:**

Do you -- Mr. Anderson, do you want to add anything to that?

**COMMISSIONER ANDERSON:**

No, she did great.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1226-08 - Amending the 2008 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds in connection with design of improvements to Sewer District No. 6 - Kings Park (CP 8144) (County Executive).*

**LEG. NOWICK:**

Motion.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Who made the motion?

**LEG. NOWICK:**

I did.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*1227-08 - Amending the 2008 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for the Safety and Security Improvements Program for sanitary facilities in Suffolk County Sewer Districts (CP 8103) (County Executive).*

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, second by Legislator Beedenbender.  
On the issue? On the question, Legislator Mystal.

**D.P.O. MYSTAL:**

Yeah, same scenario; shared funds? Is that the same shared fund or is that --

**MS. VIZZINI:**

This money is coming from the Assessment Stabilization Reserve Fund which is the sales tax dedicated for sewers. The money is available to all existing sewer districts.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**  
**Veterans & Seniors:**

***1113-08 - Adopting Local Law No. 2008, a Local Law refining veterans Property Tax Exemption afforded to Cold War Veterans (County Executive).***

**LEG. LOSQUADRO:**  
Motion.

**LEG. STERN:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Stern, second by Legislator Losquadro.  
All in favor? Opposed? Abstentions?

**LEG. LOSQUADRO:**  
Cosponsor, Mr. Clerk.

**MR. LAUBE:**  
Eighteen. Who wants to cosponsor on that? Eddington, Losquadro, Mystal.

**P.O. LINDSAY:**  
***1207-08 - Appropriating funds in connection with the purchase and replacement of nutrition vehicles for the Office for the Aging (CP 1749) (County Executive).***

**LEG. STERN:**  
Motion.

**P.O. LINDSAY:**  
Motion by Legislator Stern, second by Legislator Mystal. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**  
Opposed.

**LEG. ALDEN:**  
Abstain.

**D.P.O. MYSTAL:**  
Cosponsor.

**MR. LAUBE:**  
Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

**P.O. LINDSAY:**  
Okay, same motion, same second on the accompanying Bonding Resolution, 1207A; roll call.

***(\*Roll Called by Mr. Laube - Clerk of the Legislature\*)***

**LEG. STERN:**  
Yes.

**D.P.O. MYSTAL:**  
Yes.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ALDEN:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Sixteen (Opposed: Legislators Barraga & Alden).

**P.O. LINDSAY:**

**Ways & Means:**

***1055-08 - Adopting Local Law No. 2008, a Local Law to require notice to tenants of***

*foreclosure proceedings (Eddington).*

**LEG. EDDINGTON:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. LINDSAY:**

Legislator Eddington makes the motion, seconded by Legislator Viloría-Fisher. On the question, Legislator Alden.

**LEG. ALDEN:**

I'm just going to put on the record my objections to -- and just some observations.

Right now a tenant, if the property was foreclosed and somebody else took over the property, somebody similar to a bank or whoever is the foreclosing agent, before they can move a tenant out they would have to provide notice to that tenant and they would have to be -- so that's due process, they would have to go to court and actually establish the reasons and the circumstances that they would require that tenant to be removed from the property. This can actually hurt the tenant, I believe. I did a little bit more research and you're establishing a situation now where a tenant, before there's a new tenancy with a foreclosing agent, would have actual notice of a foreclose, an actual notice of someone's else intent to take the property over. So I think in that regard you can actually put the tenant in a worse position than they were in had we just left the law alone.

So I'm not a hundred percent sure what the goal is to provide a tenant with notice that they might be removed or somebody might start a proceeding against them a year or two years down the line. So I'm not going to be voting to support this.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yeah, the intention is that right now people get a notice that they're -- they know that the house is in foreclose and what they do is they move out and get somebody to come in and just give them a lease for a year, but then they're gone and these people are left and usually they're low income and they're happy to have a place and then they find out they're being pushed out and they have to leave. So this is to protect people from getting beat twice.

**LEG. ALDEN:**

It doesn't stop that.

**LEG. MONTANO:**

Legislator D'Amaro has a question.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, just to add my two cents on this. Legislator Alden and I had a long discussions about this in committee. I don't necessarily agree with his conclusion, however, that -- I don't think this bill changes any of your rights under an eviction proceeding that would be brought under State law, and that eviction proceeding doesn't happen until long after the foreclosure proceeding is commenced. I mean, after all, it doesn't happen until the foreclose proceeding comes to fruition and let's say a

bank takes the deed and now owns the house and begins a foreclosure proceeding. This bill doesn't effect any of your rights in that proceeding. What this bill does is maybe a year earlier obligates the landlord to provide a tenant or a prospective tenant with notice of the foreclosure proceeding so that tenant or prospective tenant can plan for the future, you know, which may or may not happen depending on what happens in the foreclosure. But at least they'll know that they may have to move, ultimately, and will be evicted at a later date by the bank.

So I think this is -- I think this adds a layer of protection for, you know, folks out there that have to plan, and especially that we're seeing more and more foreclosures given the state of the economy.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Historically, most foreclosures didn't go all the way through to an auction of the property. So again, you're taking someone who's living in the piece of property, they're paying their rent, they're a good tenant and the chances are that they're going to do something different than they would have normally done because they get a notice that the property is being foreclosed upon, or basically might not even be foreclosed upon. There's a Notice of Pendency, right, and that's when -- that's what would trigger the notice to the tenant.

**LEG. EDDINGTON:**

This is to keep somebody from renting the property; if they find out it's going to be foreclosed then they won't rent it.

**LEG. ALDEN:**

Well, then you actually -- that's an economic disincentive to really the economy, so that's another reason why I wouldn't support this. By giving them notice of something that might or might not happen in the future, I think you're fooling around with things that really are not beneficial to the tenant.

**LEG. SCHNEIDERMAN:**

Bill?

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

This is the first time I've seen us doing anything really in terms of resonating foreclosure proceedings. My question to Counsel; where are the rules relating to foreclosures, is that at the State level? Can we even be doing this?

**MR. NOLAN:**

Well, we're not regulating foreclose. It's basically a notice provision that if a person is going to rent a house or an apartment and the landlord has an obligation before he rents the property to that person to say, "This property is subject to a foreclose proceeding." If later, when the person is in, the foreclose proceeding is initiated, the landlord is obligated to let the tenant know that there's a foreclosure proceeding. It doesn't change the rules of foreclosure.

**LEG. SCHNEIDERMAN:**

What happens if -- what happens if they don't tell the tenant?

**MR. NOLAN:**

Well, then they're subject to a penalty.

**LEG. SCHNEIDERMAN:**

What's -- in the bill, what's the penalty?

**LEG. MONTANO:**

Five hundred, a misdemeanor.

**MR. NOLAN:**

It's a \$500 fine.

**LEG. MONTANO:**

And a misdemeanor.

**MR. NOLAN:**

Well, it's a misdemeanor.

**P.O. LINDSAY:**

Legislator Montano, you wanted to talk on this?

**LEG. MONTANO:**

Yeah, I just -- I have to apologize, I hadn't really looked at this before. What form must the notice take? Is it a written, is it a verbal, is it a combination, will a letter do, must it to be served in accordance with the Rules of Civil Procedure? These are the kind of questions I would ask.

**MR. NOLAN:**

Well, it's written notice, it doesn't state it has to be in accordance with the CPLR or anything like that. You just have to give written notice that the property is subject to a foreclosure proceeding, to a perspective tenant and then later to a tenant.

**P.O. LINDSAY:**

Any other questions? We have a motion and a second. All in favor? Opposed?

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

Abstentions?

**MR. LAUBE:**

Just one opposition?

**LEG. MONTANO:**

Two oppositions.

**MR. LAUBE:**

Two? Sixteen (Opposed: Legislators Montano & Alden).

**P.O. LINDSAY:**

***1148-08 - Ban the purchase of bottled water by Suffolk County (Viloria-Fisher).***

**LEG. VILORIA-FISHER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

You're going to second it?

**LEG. D'AMARO:**

I'll second.

**LEG. BARRAGA:**

Mr. Chairman?

**P.O. LINDSAY:**

Yes.

**LEG. BARRAGA:**

A quick question on this.

**P.O. LINDSAY:**

Yeah, Legislator Barraga has a question.

**LEG. BARRAGA:**

My question is directed at the sponsor.

**LEG. LOSQUADRO:**

Excuse me, I'm a little parched.

**LEG. BARRAGA:**

Can you tell me in terms of your bill at the County level, if we eliminate this, do you have any idea in terms of is there a savings of dollars associated with this?

**LEG. VILORIA-FISHER:**

Yes, there is a savings of dollars. There are some departments who buy quite a bit of the bottled water for their employees, and of course there's the ecological savings.

**LEG. BARRAGA:**

Do we have any idea of approximately how much the County would save?

**LEG. VILORIA-FISHER:**

I don't know how much money is being spent on it because it's hard to ascertain exactly how much each department is spending on water. I don't know if Budget Review would even be able to give us that right off the bat.

**LEG. BARRAGA:**

I can't say what's done at the County Nursing Home but I do know, for example, like in private nursing homes, often when the residents are outside in the summertime, you know, to make sure they don't get dehydrated they give them bottled water.

**LEG. VILORIA-FISHER:**

Well, that would be --

**LEG. BARRAGA:**

Is that what's done at the John J. Foley Nursing Home.

**LEG. VILORIA-FISHER:**

Well, at the nursing home, I would prefer that they use something that would be reusable and use

tap water rather than use the bottled water, because for the older people very often drinking out of bottles is difficult.

**LEG. BARRAGA:**

Well, the only problem there is that --

**LEG. VILORIA-FISHER:**

But if they --

**LEG. BARRAGA:**

-- usually you don't have enough employees to run around with tap water to give to residents who are outside.

**LEG. VILORIA-FISHER:**

Yes. What I was going to say was that I spoke about this with Counsel because I had spoken with the John J. Foley Nursing Home -- I can't remember his name, but the person who runs it.

**LEG. ROMAINE:**

John Digillio.

**LEG. VILORIA-FISHER:**

And if the nursing home deems that to be a health necessity, they can certainly provide the drinking water, you know, the bottled water for the patients. We're talking about providing --

**LEG. BARRAGA:**

So are they excluded from this particular bill?

**LEG. VILORIA-FISHER:**

Yes.

**LEG. BARRAGA:**

Right now they're in it.

**LEG. VILORIA-FISHER:**

When there's a health necessity, that's excluded from the bill.

**LEG. BARRAGA:**

All right. But you don't have any real idea as to the approximate dollar savings. This is being done mainly for an ecological perspective because of so much --

**LEG. VILORIA-FISHER:**

From an ecological and for modeling that we certainly can use the tap water, that we not waste, as Neal Capria said -- not Neal Capria, I'm sorry.

**LEG. SCHNEIDERMAN:**

Neal Lewis?

**LEG. VILORIA-FISHER:**

Neal Lewis said earlier, every time you're drinking a bottle of bottled water, one-third of it you could think of as petroleum because that's how much it takes for every bottle.

**LEG. BARRAGA:**

So it's mainly being done for ecological reasons.

**LEG. VILORIA-FISHER:**

Ecological reasons and for us to be a model for citizens.

**LEG. BARRAGA:**

All right, thank you. Thank you.

**P.O. LINDSAY:**

Legislator Mystal.

**D.P.O. MYSTAL:**

Does that ban the employees from bringing their own water bottle?

**LEG. VILORIA-FISHER:**

No.

**P.O. LINDSAY:**

And Gail, you don't know how much -- how many bottles of water we buy?

**MS. VIZZINI:**

We don't have that information.

**P.O. LINDSAY:**

Is there any way of tracking that down?

**MS. VIZZINI:**

We weren't able to determine to what extent the departments, other than the nursing home, might actually purchase bottled water.

**P.O. LINDSAY:**

All right, we have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**D.P.O. MYSTAL:**

Abstain.

**LEG. MONTANO:**

Abstain.

**MR. LAUBE:**

Fifteen (Opposed: Legislator Barraga - Abstentions: Legislators Mystal & Montano).

**LEG. COOPER:**

Cosponsor, Tim, please.

**P.O. LINDSAY:**

***1165-08 - Sale of County-owned real estate pursuant to Local Law 13-1976 Budget Estates, Inc. (SCTM No. 0100-039.00-03.00-082.000) (County Executive).*** Does anybody have a motion on this?

**LEG. D'AMARO:**

Mr. Presiding Officer, just please note my recusal for the record as per my recusal statement previously filed.

**P.O. LINDSAY:**

Okay. You might not have to recuse yourself unless I get a motion.

**D.P.O. MYSTAL:**

Motion.

**LEG. BEEDENBENDER:**

Motion.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Beedenbender, second by Legislator Browning.  
Okay, on the question, all in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Recusal: Legislator D'Amaro).

**P.O. LINDSAY:**

We have one recusal; you got that, right?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

You have the recusal?

**MR. LAUBE:**

Yes.

**P.O. LINDSAY:**

***1194-08 - Sale of County-owned real estate pursuant to Local Law 13-1976 Maya Karablina and Sofia Krucher as tenants in common (SCTM No. 0200-974.80-01.00-002.000) (County Executive).***

**LEG. D'AMARO:**

Motion to approve.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***Home Rule No. 9-2008 - Home Rule Message requesting state of New York to amend the Civil Service Law in relation to resolution of disputes between a public employer and Suffolk County Park Police Officers (Senate Bill S.4690 and Assembly Bill A.8342) (Presiding Officer Lindsay).***

**LEG. BROWNING:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Browning.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*Home Rule No. 10-2008 - Home Rule Message requesting New York State Legislature to amend New York State Retirement and Social Security Law to provide Suffolk County Park Police Officers with optional 20-year Retirement Plan (Senate Bill S.4689-A and Assembly Bill A.8341)(Presiding Officer Lindsay).*

**LEG. BROWNING:**

Motion to approve.

**LEG. LOSQUADRO:**

Same second.

**P.O. LINDSAY:**

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

**LEG. BROWNING:**

Cosponsor.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*Home Rule No. 11-2008 - Home Rule Message requesting New York State Legislature to authorize the Suffolk County Society for the Prevention of cruelty to Animals to make inspections and impose fines (Assembly Bill A.6991 and Senate Bill S.689 (Eddington)).*

**LEG. EDDINGTON:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve by Legislator Eddington, seconded by Legislator Romaine; did you second that? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Cosponsor.

**LEG. NOWICK:**

Cosponsor.

**P.O. LINDSAY:**

*Home Rule No. 12-2008 - Home Rule Message requesting State of New York to amend the Civil Service Law in relation to resolution of disputes between a public employer and Suffolk County Probation Officers (Senate Bill S.6044 and Assembly Bill A.9394) (Presiding Officer Lindsay).*

**LEG. EDDINGTON:**

Motion to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, we've got *Procedural Motion No. 5-2008 - Authorizing continued funding in connection with the enforcement of LIPA settlement agreement against LIPA overcharge of Suffolk County ratepayers (Horsley).*

**LEG. HORSLEY:**

Motion.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Horsley, seconded by Legislator D'Amaro --

**LEG. D'AMARO:**

No -- I'm sorry. Please, again, note my recusal pursuant to my recusal statement previously filed.

**P.O. LINDSAY:**

Okay. Do I have a second on this?

**LEG. HORSLEY:**

I think it's over there.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

This is to pay the consultant. Legislator Romaine seconds it. This is to pay the consultant, what Mr. Like was talking about before. Is there any other questions about this? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen (Recusal: Legislator D'Amaro).

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

*Procedural Motion No. 6-2008 - Accepting the Suffolk County Workforce Housing Needs Assessment and Responses Final Report (Schneiderman).*

**LEG. SCHNEIDERMAN:**

Motion.

**D.P.O. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, second by Legislator Mystal.

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, go to the red file.

CN's. *Resolution Number 1232 - A Local Law authorizing the creation by the County of Suffolk of a Local Development Corporation known as the Suffolk Tobacco Assets Security Corporation or "STASC".* Do I have a motion?

**LEG. BEEDENBENDER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator --

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

-- Beedenbender, seconded by Legislator D'Amaro.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. VILORIA-FISHER:**

On the motion.

**LEG. ALDEN:**

I just have a couple of questions, but one of them is through the Chair to Legislative Counsel. This agency that we'd be creating, their sole purpose would be to borrow money against our -- we transfer the tobacco settlement to the agency, they would borrow money and give us cash?

**MR. NOLAN:**

That's the essence.

**LEG. ALDEN:**

I'm just -- I'm just cutting to the --

**MR. NOLAN:**

I know. That's what it is, you know.

**LEG. ALDEN:**

Right. And the whole purpose of doing this tonight would be so that we can continue to find out what that would be worth to us?

**MR. NOLAN:**

That's what we're setting it up for. They're going to -- I think going to explore the options and then ultimately come back to this Legislature with an agreement that would have to be approved by the Legislature before we actually finalize a deal, but the proposal is to create the LDC to move that process forward.

**LEG. ALDEN:**

This has come up a couple of times, and not just for the sale of the tobacco settlement. But any time you create these things, there's expenses associated with it. And if you go through with the tobacco settlement, you're going to make some people on Wall Street very happy, because they'll put in their bids and there'll be tens of millions of dollars in fees the we'll end up giving to people that are actually on Wall Street making a ton of money off of us anyway.

And I don't -- number one, I don't even think that there's any need to sell our tobacco settlement, because I haven't heard one proposal come forward to tell us what we're going to do to replace that money if we do get rid of it. So we'll take a lump sum up front, and then for the rest of the life of this -- or some portion of the life of that tobacco settlement we'll have no money coming in, or a big chunk will be reduced to us.

So I think that we should start talking a little bit seriously about other types of options, and maybe even just price this out, because there's some people on Wall Street that would be more than happy to come down here and tell us what it would cost for a bond, how much they'd charge us. And we don't really need to set up an agency that at some point in the future is going to cost us a ton of money. Maybe even after tonight, when we set this up, it will start costing us a ton of money. So this is a bad route to go, and I think it's just a bad solution to a problem that we haven't really even identified.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

I thought there was a question there somewhere. That wasn't a question?

**LEG. ROMAINE:**

That was his statement.

**LEG. VILORIA-FISHER:**

Okay.

**P.O. LINDSAY:**

Well, I think we're debating it, it isn't a question.

**LEG. VILORIA-FISHER:**

Oh, well, I have a --

**P.O. LINDSAY:**

This isn't public portion.

**LEG. VILORIA-FISHER:**

Okay. I have a question for Dennis.

**P.O. LINDSAY:**

Go right ahead.

**LEG. VILORIA-FISHER:**

Okay, because I'm trying to understand where this is going, because we we did just receive it and I haven't been able to really study it.

When we looked -- the last time we looked at tobacco securitization, there was an analysis done by BRO, and over time, by 2028, I believe that the negative -- that the net result would be a negative number of three hundred some-odd million dollars over that period of time. And I'm wondering, when this is set up -- I'm sorry.

**LEG. MONTANO:**

Sorry, Vivian.

**LEG. VILORIA-FISHER:**

When this is set up, will the result be that you will be providing for us, or that this group will be providing for us an analysis or various scenarios on which we can make a judgment, or will it just be providing one agent that would be providing the service of securitization?

**LEG. BROWNING:**

All this resolution does is establish -- is authorize the ability of the County to establish a Local Development Corporation, and the Local Development Corporation is the entity that's needed, a separate not-for-profit entity, to be independent of the County or any county that does a tobacco securitization. It has to be set up. And all this authorization does is establish that ability regarding the merits of the transaction of securitization itself, whether it's some of the things that Legislator Alden was talking about, or the types of items that you were talking about. It has come back to you for you to approve a sale agreement, which will reflect the merits of the securitization. And, at that point, I don't know what exactly what form it will take.

**LEG. VILORIA-FISHER:**

Dennis, the last time we looked at this, and I believe it was 2003, Bill, is that --

**P.O. LINDSAY:**

One.

**LEG. VILORIA-FISHER:**

2001, okay, in 2001. I don't remember going through this step. Can you tell me the difference?

**LEG. BROWNING:**

No. Actually, I believe that -- yeah, because I took a look at -- there was an earlier authorization from 2002 or 2003, and this resolution and that resolution, and many other resolutions that have been used by other counties, they pretty much mirror the same process as far as establishment of a Local Development Corporation is concerned.

**LEG. VILORIA-FISHER:**

So we did do that in 2001?

**MR. BROWN:**

Yes.

**LEG. VILORIA-FISHER:**

And then they came back with one scenario where we were able to extrapolate what the cost would be from that?

**MR. BROWN:**

Well, I wasn't here then, as you know. But, actually, now what you're talking about are the merits of the securitization.

**LEG. VILORIA-FISHER:**

Right.

**MR. BROWN:**

But, right now, we're only talking about the process and the processes establishing the Local Development Corporation. Nothing else of merit or substance can be done without further review and approval by a body.

**LEG. VILORIA-FISHER:**

Okay. So they will bring us a chart of how the monies will be coming to us and what the cost would be that we have to pay to the entity that would be doing the securitization.

**MR. BROWN:**

I won't say a chart, but something will be brought to you.

**LEG. VILORIA-FISHER:**

Some numbers.

**MR. BROWN:**

Some, yes, numbers will be brought to you. A sale agreement will be brought to you, a purchase and sale agreement transferring the revenue from the County, the County's right to receive the revenue to this Local Development Corporation. And nothing can be done until that's presented to you and you get the opportunity to vote that up or down.

**LEG. VILORIA-FISHER:**

Thank you, Dennis.

**P.O. LINDSAY:**

Okay. Legislator Romaine.

**LEG. ROMAINE:**

Yes.

**LEG. SCHNEIDERMAN:**

Bill, put me on the list.

**LEG. ROMAINE:**

I'm not going to ask Mr. Brown any questions. This is pretty self-evident, and it begs the question. I don't believe that you need to set up a corporation to take a look at this, a Local Development Corporation to take a look at the sale of the tobacco asset. And I question the wisdom of not asking the Treasurer or Comptroller, who are empowered by this Charter, to take a look at this situation and present this data before us. We should not be asking a Local Development Corporation when we have a duly elected County Treasurer and County Comptroller whose purpose is to examine this.

Now, I don't know enough about this, because this hasn't been discussed at our committee. This is something that should be weighed by the committee. I know there was an effort to redirect it from the Budget Committee to another committee, but, finally, it found its way back to where it belongs, at the Budget Committee. I think that this should be fully examined by the committee. And I'm

going to make a motion table this, so it can be considered at the appropriate committee.

I'm also going to ask the Chairman, the esteemed Mr. Montano, who I have great faith in, who I would not characterize in any way except in a positive way as to his approach to handling that committee that he's chaired for the last three years, unlike other -- some other County officials who have less faith, and have said so publicly in a statement that we should all take umbrage at. But I'm going to ask him to ask the Comptroller and the Treasurer of this County to appear at the next Budget and Finance Committee meeting to ask them to have a role in this effort. I think that's important. I think that we're shortchanging both the Comptroller and the Treasurer of this County, who I believe are capable of doing this and giving an analysis of the tobacco securitization. I've even heard some things, that there's a proposal out there to bond out the future years when the current County Executive is out of office, instead of taking the hit when he is in office.

I also question, as Cameron Alden has questioned, as Legislator Alden has questioned, is what are we going to do to make up the ongoing revenues that we get each and every year? Look, you know, I watch T.V. like everyone else and, "If you have a structured settlement and need cash right now, call J.G. Wentworth." You all heard the commercial. It sounds like we're doing the exact same thing. Okay? We have a structured settlement, we need cash now. Come on. Let's get our Comptroller and our Treasurer involved in this effort. Let's have our Budget Committee analyze what's being put before us.

It is now the eleventh hour, and we literally get a CN that says, "Trust us, other people are doing this, this is the way it's going to be done, this is the right way to approach this"? This is a complicated issue that should be resolved by the committee. This is a complicated issue that should involve the Treasurer and the Comptroller of this County. We should vote to table it. And, Mr. Chairman, at this point, so there's a competing motion on there, I will make a motion to table this resolution.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Second. A motion to table by Legislator Romaine, and seconded by Legislator Alden.

**LEG. D'AMARO:**

On the motion.

**P.O. LINDSAY:**

The motion was to table.

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

I have a list. Legislator Nowick.

**LEG. SCHNEIDERMAN:**

I'm on your list, right?

**P.O. LINDSAY:**

You're on the list.

**LEG. NOWICK:**

Yeah. Budget Review, just -- could you just enlighten me on the statement of financial impact? Just a few questions. It says, "Will the proposed legislation have a fiscal impact?" Is that "X" for yes, it will?

**MS. VIZZINI:**

Well, since the word "no" is not there, I'd have to say yes. But I would defer to the author, Mr. Kovesdy, who's here.

**MR. KOVESDY:**

We always put "yes" and we'd make a comment. Every resolution that comes from the County Exec which has fiscal impact, we always put a "yes" next to that box, and then answer the question in the box, which it says, "Budgetary impact for the current year" and then for the five years as a custom. That's why there's not -- doesn't say "no".

**LEG. NOWICK:**

So it says, "Yes," and then, "If the answer is yes, circle who it will impact," and nothing is circled.

**MR. KOVESDY:**

It doesn't -- there's no impact to the County.

**LEG. NOWICK:**

And then it has no impact to the County.

**MR. KOVESDY:**

Right.

**LEG. NOWICK:**

So the "yes", "Will the proposed legislation have a fiscal impact," the "yes", but there's no -- that's like a little confusing.

**MR. KOVESDY:**

No. We always put -- any resolution that we put in, we put a "yes" next to that box, and then in the two boxes, this one box says, "Current year," and the box underneath says, "Next five years." We explain at that point, otherwise, you wouldn't have to go to those two other boxes. It's done that way for the last 15, 20 years.

**LEG. NOWICK:**

So that's a no, then?

**MR. KOVESDY:**

It has no impact.

**LEG. NOWICK:**

Okay.

**MR. KOVESDY:**

All right?

**LEG. NOWICK:**

Thank you.

**LEG. ROMAINE:**

But it really does.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. And notwithstanding Mr. Kovesdy's comments, I think I would point out the

memo that we just received from Ms. Vizzini recently, which enacts the assessment from 2001 where Chief Deputy Pollert found that back in 2001, I think it was 37 million which was contemplated up front, and it would forfeit about 300 million in the back end of revenue, somewhere in that neighborhood. His opinion was, at that time, that this was not good budgeting at all, and, as a matter of fact, really was not the way to go ahead and go forward and solve this.

My question, though, is, I guess, and I would ask -- it's got to be somebody from the Administration, because they're presenting this. Mr. Brown, I see in Section 2 this LDC, and I wonder whether or not there needs to be one. The composition is for three Directors?

**MR. BROWN:**

Composition is three Directors, yes.

**LEG. KENNEDY:**

And how would those three Directors be appointed?

**MR. BROWN:**

One Director is appointed by the Presiding Officer, two Directors are appointed by the County Executive. Of the two appointed by the County Executive, one has to be, as you look at some of the details in the resolution, has to be of such a nature, of such a status that he's absolutely independent of the County.

**LEG. KENNEDY:**

That's fine. You're telling me that -- actually, you're asking me to go ahead and pass this now on a matter where we may be foregoing hundreds of millions of dollars of revenue, and that I'm supposed to go ahead and consent to the fact that the County Exec will appoint it. How will this LDC go ahead and operate? Would they be confidential, similar to what's going on with the Suffolk Health Plan. Because I can't get any answers out of that one. So, should I --

**MR. BROWN:**

Which question do you want me to answer, how they would operate, or would it be similar to the Suffolk Health Plan; which one do you want me to answer?

**LEG. KENNEDY:**

Well, any. Give me an answer to any of these questions.

**MR. BROWN:**

The LDC will be set up. Well, let's talk about this resolution and not the merits at this point. This resolution only addresses the authority to establish an LDC. It also establishes the power for the LDC. Among those powers would be to accept the tobacco revenue, should you so approve that at a date in the future, to issue bonds and to do -- and to do a business trust.

**LEG. KENNEDY:**

A business trust under the laws of the State of Delaware; is that correct?

**MR. BROWN:**

That is correct, and there's a reason for that, because, if it's set --  
If it's set up --

**LEG. KENNEDY:**

Why in God's name would I want to agree to that?

**P.O. LINDSAY:**

Legislator Kennedy, ask a question and let him answer it.

**MR. BROWN:**

If it's set up under the laws of Delaware, the corpus of the trust, the income to the trust is not reachable by creditors of the County.

**LEG. ROMAINE:**

Why, is our debt bad?

**LEG. KENNEDY:**

Thank you for the answer. I'm going to support the motion to commit to committee. Thank you.

**LEG. ROMAINE:**

Table.

**P.O. LINDSAY:**

I don't have a motion to commit to committee.

**LEG. ROMAINE:**

Table. It's already in front of the -- it's already at the committee.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. In discussions that we had, and I spoke to Mr. Zwirn a bit about this, I was a little surprised to see the Certificate of Necessity, because we have been told that there was going to be plenty of time to have this go through the committee process.

I'm very interested to see these numbers. You said that the power of this, the LDC, would be to bring before this body a sale agreement; is that correct?

**MR. BROWN:**

Well, the resolution --

**LEG. LOSQUADRO:**

For our approval.

**MR. BROWN:**

I mean, the sale of agreement, yes, would be introduced.

**LEG. LOSQUADRO:**

So that would be, in essence, a final product. The LDC would decide between the various options. What I'm wondering is what input does the Legislature have in determining under these terms? I know it has to come back to us for approval, and that, I think, is absolutely critical. But, as part of the Working Group, at least it was my understanding, and, you know, I've read through this a little more now and listening to what you've said, does the Legislature have any input in selecting which course of action, front-loading, back-loading, however that's going to be laid out, does the Legislature have any input in that, or is that solely at the discretion of the LDC under this legislation?

**MR. BROWN:**

The sale agreement will be presented to -- will be present to the Legislature at a date in the future for approval. And, of course -- and, of course, you'll have the opportunity to approve it or disapprove it.

**LEG. LOSQUADRO:**

Does the --

**MR. BROWN:**

I'm trying to answer your question. But you're asking about the process of the formation of a sale agreement and how it will get to you for consideration.

**LEG. LOSQUADRO:**

Right.

**MR. BROWN:**

And my response to that is that if parties are interested in having a sale agreement approved, will it be -- will it be given to you? And this question is rhetorical, but will it be given to you, forced down your throat and asked to take it, yes or no, or will it be given to you after a process of deliberation and collaboration? I mean, you choose the answer that you want, but, to me, is that it will be presented to -- is that it will be --

**LEG. LOSQUADRO:**

I'm not choosing an answer. I asked you for that answer and you just gave me two different hypothetical answers.

**MR. BROWN:**

But you're asking me for a process about the Legislative approval of a --

**LEG. LOSQUADRO:**

Yes, I am.

**MR. BROWN:**

-- of a sale agreement that may --

**LEG. LOSQUADRO:**

No, not approval.

**MR. BROWN:**

-- that may or may not occur, and you're asking -- but you're asking me who is going to participate in what is ultimately presented before you. I don't have an answer for you at this time to that question, but I'm --

**LEG. LOSQUADRO:**

No. My question -- you're working around my question. My question was very simple. Will, will, this is a yes or no, will the Legislature have input based on this legislation that's in front of us? Will the Legislature have input as to what the terms of that sale agreement is going to be before it comes back before us?

**MR. BROWN:**

Absolutely.

**P.O. LINDSAY:**

Okay. You done, Legislator Losquadro? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

First question I want to know is if our Counsel, Legislator Nolan (sic), has had adequate time to review and comment on this?

**LEG. ROMAINE:**

And Budget Review.

**MR. NOLAN:**

Well, I've read the resolution.

**LEG. SCHNEIDERMAN:**

Okay. Well, it's being presented as if this is just kind of a planning study, but in my read of it, and it is 1120 at this point, it appears to create this corporation, and establishes the Directors, two of which are at the County Executive's direction or appointment, and one by the Presiding Officer. But then also, in Section 3, appears to transfer the County's rights to that tobacco settlement, the interest, to this new corporation. And then, yes, it comes -- there's a -- the eventual sale comes back to us, but the rights don't seem to come back to us. And I think there's been a lot of questions that have been raised tonight that really ought to go through committee. But am I reading this correctly,.

**MR. NOLAN:**

Well --

**LEG. SCHNEIDERMAN:**

You know, because it sounds to me like once we pass this, we're kind of de facto making the decision to securitize the tobacco --

**MR. NOLAN:**

Well, I think the law -- within the law itself, I don't see that it provides for anything other than they're going to come back to us with a sale agreement.

**LEG. SCHNEIDERMAN:**

But we've already --

**MR. NOLAN:**

Okay?

**LEG. SCHNEIDERMAN:**

We've already empowered them, we've given them our interest in the money, this corporation.

**MR. NOLAN:**

Well, I think that is subject -- that doesn't happen until that agreement comes back and we approve that. But in terms of that collaborative process that --

**LEG. SCHNEIDERMAN:**

Where am I misreading it? It says, "A sale by the County to the STASC of the County's rights, title and interest in and to all of the tobacco asset without recourse is hereby authorized."

**LEG. D'AMARO:**

That's the sale agreement. That's the sale agreement.

**LEG. SCHNEIDERMAN:**

Right?

**MR. NOLAN:**

But it's got to be approved at a future date, the way I read the resolution --

**LEG. SCHNEIDERMAN:**

Where does it say, "To be approved"?

**MR. NOLAN:**

-- by the Legislature.

**LEG. SCHNEIDERMAN:**

I'm sorry. Where does it say, "To be" --

**MR. NOLAN:**

At the end of that section.

**MR. BROWN:**

At Section 4.

**LEG. SCHNEIDERMAN:**

So in the next section. To me, that's very confusing, because Section 3 seems to transfer our rights to the money.

**MR. NOLAN:**

It may read that way, but the way I read it is, the end of Section 3, in combination with the beginning of Section 4, it's contingent on Legislative approval. None of that's going to happen until it comes back and the Legislature gives it another okay. That's the way I read it.

**LEG. ALDEN:**

How many votes, 10 votes later?

**MR. NOLAN:**

This is a 12-vote tonight.

**LEG. ALDEN:**

Later. Today --

**MR. NOLAN:**

Later, it's a 10.

**LEG. SCHNEIDERMAN:**

I think the -- it's just too late to try to carefully review this, and it's too big of a decision that doesn't need to be decided tonight. It ought to go through committee, and we ought to have a lengthy informed debate about the securitization of tobacco.

**P.O. LINDSAY:**

Okay. I'm next on the list. I'm not sure whether I'm for securitization or opposed to it. I want to see the numbers, and we looked at the numbers last time. I also want to see the numbers on securitizing of our tax liens, which is another issue, and we probably have to set up another LDC for that. But I think, you know, we could really shoot holes full of anything that we're doing. But the fact of the matter is we need a lot of money and we need a lot of money quickly. And I'm not looking to capture all the money in a one-shot. I think it has to be a balanced approach of some one-shot revenue, some cutbacks that we're all going to have to tighten our belt on, and some enhanced revenue sources somewhere along the line. That's the only thing that makes sense to me. And I think everything's on the table, and as much as it's displeasing to us, I think it's -- this is one of many options that we have to look at. Legislator Montano.

**LEG. MONTANO:**

I just want to clarify one point with Counsel, and I'm not going to be long on this. It's late in the day. I'm taking medication, I should be home in bed. This, I believe, is going to come back to us sort of the way a labor union contract is going to come back to us. It's going to be negotiated without any involvement from us. Whatever final package this Local Development Corporation decides to negotiate, over which we have no control, in my opinion, because it's a legal corporation, it's a legal entity separate and apart from this Legislator -- Legislature. We're simply going to have the ability to go yay or nay on something they negotiate without really, in my opinion, having an idea of what the various options to be considered were. I'll just say this, because it is late. I'm not looking for a response from Mr. Zwirn either, by the way.

**MR. ZWIRN:**

That's not true.

**LEG. MONTANO:**

This bill is pending before the Budget and Finance Committee. We all know that there was an attempt made to take the bill out of committee. It was put back in committee. It's presently before the committee. I think this is probably one of the most important decisions that we've been called on to make. And, if we approve this today, not only would we have taken it out of the committee, now what we're going to do, instead of taking it out of the committee, we're circumventing -- circumventing the committee process totally. I will not vote for this in this fashion. I had promised that this bill and this issue would get a fair, thorough, complete hearing in the Budget and Finance Committee. And if we couldn't complete our work in the first meeting, then we would -- you know, I'm committed to sending it back to the floor with or without recommendation, so that we can take up the debate not to delay the issue. I'm going to -- you know, I would recommend that we leave this in committee, we allow the committee to do its job, and then we can, you know, deliberate over this and decide which way we're going to go. I think there are options that we have not explored, and we don't have the time to explore them today. I would just, you know, urge that we move cautiously on something so important.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Thank you, Mr. Chairman. I certainly can understand the feelings of the various members with reference to this particular proposal.

**P.O. LINDSAY:**

Order, order, come on.

**LEG. MONTANO:**

Sorry, Tom.

**LEG. BARRAGA:**

That's okay. But the true reality here is we can well be facing a dramatic fiscal crisis. We don't have the time. We must act. You know, when you take a look at what's going around us beyond Suffolk County, you know, right now, you know, because of the subprime crisis, we're seeing the housing collapse, we're seeing a severe credit crunch, we're seeing Wall Street in turmoil. And the one entity that we depend upon, the Federal Reserve, is acting. They have acted to reduce the Fed funds rate six times, again today three-quarters of a percent. They had made special arrangements with investment banks, like J.P. Morgan, to let those investment banks deal directly with them in the concerted bailout of Bear Stearns. Bear Stearns, one of the biggest investment houses in the nation, their stock was worth \$158 a year ago, it's not worth \$2. Those employees, many of them will lose their jobs and lose their life savings. And remember, in the State of New York, the top 1% of the earners contribute 40% of the State taxes, the revenue side. And what that means, many of those people are from Wall Street and a lot of them live on Long Island.

If the Federal Reserve of the United States has to act on a day-by-day basis to ensure the financial stability of this country, we in this Legislature can't act as if we're in a bubble and want to go through the normal routines of committees. We don't have that kind of time. We have a deficit of between 120 to 150 million dollars. Whether it's a Local Development Corporation or some other entity, I don't care. They've got to come back to us. We have to act and act now.

That securitization, no one wants to do that, but it may generate 45 to 50 million dollars, and another 25 million over the next five years, because we need the money. What is the outcome here if we don't act and act aggressively? Layoffs and tax increases. There'll be many people coming up,

because they're not going to like the decisions we make, and they'll be complaining about, you know, "We're overworked," you know, "We don't have enough people." Well, I'd rather have you overworked than out of work. Don't delay this.

Mr. Montano, I would agree with you in normal times, but these are not normal times. We have to act on this and act quickly, act tonight. We have a very short window of opportunity to generate savings. If you don't like securitization when the recommendations come back, you come up with another plan that's going to save 50 million dollars in this year's budget. It's not an easy thing to do. But, right now, the last thing you want to do is table this. You want to approve it. Let's get this process moving. You'll have another crack at the apple when that Local Development Corporation comes back and makes certain recommendations.

**P.O. LINDSAY:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

I'll be very brief. I agree with all the comments that Legislator Barraga just made. This is an ugly option, but we're not in pretty times. This is kind of a perfect storm. If you think about it, you know, all our costs are going to go up, all our revenues are going down, oil is up, gas is up, milk is up, bread is up, everything's up and all our revenues are going down. And our constituents, all of our taxpayers are having problems. A lot of them can't even pay their taxes, and I think the last thing we want to do is add to that burden.

And, you know, this isn't -- this is going to -- this situation is going to require tough decisions that we're all going to have to make together, and if we can't agree to go forward and get numbers to tell us what the options are, and examine them and have a full debate among all of us in front of the public about what we're going to do, then we're going to be nowhere. We're going to be stuck here six months from now nowhere. And I'm not saying I like this idea, but we have to at least get the numbers. We have to at least understand what they are, because, to echo what Legislator Barraga said, you know, there are some ugly options out there. There are some decisions we're going to have to make, that this auditorium will be packed. There will be people in the lobby waiting to talk us and very upset about decisions we have to make. This one, out of all the decisions we have to make, is one of the easiest. We're asking for numbers, so we can look on a piece of paper and have a debate about what it is.

I think -- I agree wholeheartedly with Legislator Barraga, we cannot wait until April 29th. That puts this process a full -- you know, a full almost month-and-a-half behind. We at least have to get the numbers, we at least have to act tonight, and we all, as Legislators, reserve the right to approve or disapprove if those numbers come back in a way that we don't see fit as best for our taxpayers. We should move this tonight, say, as a group, as a whole, unanimously, that we are ready to go forward and make some tough decisions and this is the first step to do it.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

This is actually scary, because it was only four or five months ago we passed a budget, and I believe it was a balanced budget. So, unless somebody tells me that we have no income, or that the sales tax fell off by 100%, then I really think that we're saying the sky is falling and we don't understand what the problem is.

And I'm going to point to a couple of other things that happened in the past. We actually faced this once before just a few years ago and the same option was put on the table, and, luckily, the Legislature decided we don't need to go that option, we can actually get the numbers from our Budget Review, the Comptroller can talk to the people on Wall Street, and we can find out what our tobacco stream of income is actually worth, and then we can go forward and make some kind of an action or battle plan going forward when we identify the problem and then look at different solutions

and how they're going to contribute to getting rid of that problem. So you act in haste and then you repent for the rest of your life. So, if you pull the trigger quick and you go down a route that can be a very slippery slope, as I said before about some other things, you can end up repenting for the rest of our lives. And if I haven't heard how we're going to protect the taxpayers for the next 25 years or 30 years, I don't want to get involved in that, because you might do something today that plugs a budget hole, or a proposed, or maybe a thought-of budget hole.

And this was only a few years ago we were told to refinance, and the plan that came over for the refinancing loaded it all up in one year, and it would have cost the taxpayers of Suffolk County millions of dollars, probably tens of millions of dollars every year after that first or second year. So I don't see any reason to go and do something real quick now to get ourselves in a -- get ourselves in a problem before we even identify what that problem is. You have plenty of time to create this. There's not been one compelling reason put forward tonight to do this tonight. If you want to establish how much this tobacco stream of money is worth, we could do it just like we did the last time. We can get an analysis without going forward with this. And I was reminded by Legislator Kennedy that when this came up the last time, Fred Pollert was sitting in your seat, Gail, and he said this is actually -- it would be not a very, very wise decision to go forward with it at that time.

**P.O. LINDSAY:**  
Legislator D'Amaro.

**LEG. D'AMARO:**  
Yeah, thank you, Mr. Presiding Officer. You know, you could only repent for the rest of your life if you're living. And what we're looking at here is the patient, which is our budget in 2009, not 2008, but in 2009, going into cardiac arrest. And I submit that, you know, we need some strong medicine. This is it. Legislator Beedenbender, I agree. Legislator Barraga, I agree with your comments as well. You know, there's no easy solution out there, but, you know, if we're going to save the patient here, the Suffolk County taxpayer, we need to act, we need to act quickly and decisively, at least getting the process started, and that's what this bill does and that's what this LDC is about. You know, it's one thing when you have the common cold and you have time to debate what medications to take, but, you know, when you're in cardiac arrest, it's really time that we, you know, do something decisively and not sit around through a committee process to determine what we should do while the patient flat-lines on the table.

**P.O. LINDSAY:**  
Anybody else? Legislator Alden, you want to reply?

**LEG. ALDEN:**  
I would ask the Legislators that would support this kind of real quick action, what is the problem then? Define how big the problem is. And now it's not '08, because before I heard it was '08. It was right now, that the problem is facing us right now. So what is the problem and how big is it?

**LEG. HORSLEY:**  
Well, why don't we refer to --

**LEG. D'AMARO:**  
Well, is that directed at me?

**LEG. ALDEN:**  
Well, anybody that supports this that's saying, "Let's act right this second." I need an answer.

**P.O. LINDSAY:**  
The Budget --

**LEG. HORSLEY:**  
You haven't been reading.

**P.O. LINDSAY:**

The Budget Committee, there was a joint report from both Budget Offices and they pretty well defined the problem as somewhere between 120 and 150 million dollars in '09.

**LEG. ALDEN:**

Well, actually I had a discussion with Gail the other day and that isn't the number that I got. It was somewhere -- it could be as low as 70 million.

**P.O. LINDSAY:**

So why don't we solve this dispute? Gail, did you report 120 million or 70 million?

**LEG. HORSLEY:**

I thought 130.

**MS. VIZZINI:**

The joint Budget Offices gave the presentation on the budget model to Budget and Finance. I'm -- you'll have to refresh my memory in terms of what we were talking about. But going into 2009, there is an anticipated shortfall of about 130 million.

**LEG. ALDEN:**

That's worst case scenario or best case scenario?

**MS. VIZZINI:**

That's Budget Review case scenario concerning the Police and the General Fund. A worse case is the Executive Budget Office, they're at about 156 million. The reasons primarily are, yes, there will be a substantial fund balance at the end of '07, and there will be a fund balance at the end of '08, but it will pale in comparison to the fund balances that we have had in the previous years. So you begin to have a shortfall, because you don't have the fund balance of that magnitude.

**P.O. LINDSAY:**

So the good news is we're weaning ourselves off of the fund balance.

**LEG. ALDEN:**

And the bad news is how we're weaning ourselves off the fund balance. But there's still a discrepancy, so there's not a solid number that both of you agree upon.

**MS. VIZZINI:**

The largest area in which we disagree is \$14 million in terms of our educated estimates as to how we're going to end '07. And there is a lot of fluctuation in terms of State and Federal aid. We're getting closer. And, quite frankly, by mid April, we'll have the audited numbers. It's probably somewhere in between what we say and what they say. Considering, you know, the magnitude of the budget and all, we're really not that far apart.

**LEG. ALDEN:**

Okay. Have you done an analysis, then, if we take certain steps, and I mean drastic steps, what the affect will be upon future years, like, for instance, if we do go and sell the -- our tobacco money?

**MS. VIZZINI:**

Well we don't have a specific deal, which, in referencing that previous report that Budget Review did, that -- we had a specific deal or deals in front of us in order to do that report. We would need the specific deal in order to tell you whether you're talking about, you know, 85 cents on the dollar or 50 cents on the dollar. Securitizing tobacco is going to be expensive for the County. The pros are that gives you cash up front.

**LEG. ALDEN:**

That's a one-shot, okay.

**MS. VIZZINI:**

That's another negative in that it is a one-shot in nature, but it does address a portion of the shortfall. The biggest downside is that because it is a one-shot, it really does not take care of the structural imbalance.

**LEG. ALDEN:**

All right. Can we solve the budget problem tonight? That's a yes or no. No. Can we solve it within the next month, or two months, or three months? Absolutely not. We won't even know what the problem is until the end of year and maybe even into next year. So, as far as doing something, acting in haste, I still stand by my comment.

**P.O. LINDSAY:**

Thank you very much. Legislator Viloría-Fisher.

**LEG. VILORIA-FISHER:**

Through the Chair, if I may. Legislator Alden, the first question that I asked of Mr. Brown was what exactly would we be voting on, and he indicated that this LDC would provide the kind of numbers on which we can do an analysis, and that's what would give Budget Review the information to advise us whether or not we should vote on this. And I believe we should also look at what the Presiding Officer has just mentioned very quickly, which is the securitizing of the tax liens also and see what that fiscal picture looks like.

If you recall, we decided not to do the tobacco securitization years ago, and, instead, we decided to put a tax on energy.

**P.O. LINDSAY:**

You're absolutely right.

**LEG. ALDEN:**

Uh-uh.

**LEG. VILORIA-FISHER:**

And that's how we were able to balance the budget that year. That was one of the tools that we used. Budget Review, isn't that correct?

**MS. VIZZINI:**

That was the year that the energy tax went from one-and-a-half to two-and-a-half.

**LEG. ALDEN:**

May I respond?

**P.O. LINDSAY:**

Yeah.

**LEG. ALDEN:**

That was '01, after they knocked down the Twin Towers, and we felt that there was going to be a big impact on the County's sales tax and then there actually wasn't. So we imposed a huge burden on the taxpayers of Suffolk County on an anticipated shortfall that nearly never came up, because the economy rebounded very quickly after the 9/11 attack.

**LEG. VILORIA-FISHER:**

But the point --

**LEG. ALDEN:**

And we were mistaken. And then, when it rebounded 28, or 30, or 40%, our sales tax numbers went right back up and the economy came back.

**LEG. VILORIA-FISHER:**

The point I was trying to make is that my sense is all that this is doing is bringing us information.

**LEG. ALDEN:**

But, unfortunately --

**P.O. LINDSAY:**

Okay.

**LEG. VILORIA-FISHER:**

And then we could see --

**LEG. ALDEN:**

May I respond?

**LEG. VILORIA-FISHER:**

-- where it fits in the picture.

**P.O. LINDSAY:**

Okay. Are you done, because I have another -- Legislator Nowick wants to talk.

**LEG. NOWICK:**

Yeah.

**LEG. ALDEN:**

I just have to respond.

**LEG. NOWICK:**

And I'll make it real quick. I've heard some arguments against the LDC because of the makeup of the LDC. Would you consider, and maybe it may be more palatable, to change it a little bit and have one designee of the County Exec, one of the Majority Leader and one of the Minority Leader? And maybe that might be a little bit more palatable, because this is not a bad idea to talk about this, the tobacco securitization. I'm just going to throw it out there, because I have heard of several people say the makeup is not fair enough to the Legislature and we don't have enough input, so --

**LEG. ROMAINE:**

How about the Comptroller and the Treasurer?

**P.O. LINDSAY:**

Okay. Legislator Cooper, and then I'll recognize you, Legislator Alden.

**LEG. COOPER:**

I just wanted to ask whether, for the record, you could explain why this is so time sensitive and why we have to make this decision today.

**MR. BROWN:**

I'm going to ask -- I'm going to ask Gail to help, but my understanding is that if a portion of this revenue was used to defease bonds, my understanding is that there's a limited window of time where the bonds can be defeased. So the idea is to get this approved now, as opposed to -- as opposed to later in April, or perhaps in May or June, because that will use up that window of opportunity to defease the bonds, whereas, if this is approved tonight, we can immediately

commence with the incorporation and beginning to look at structures that can be presented to you for approval on some type of purchase and sale agreement.

**MR. ZWIRN:**

In addition, this is -- this is probably, of all the things that will be presented to the Legislature, this may very well be the easiest lift of all, and we can see the debate going on just creating the LDC. If we have this debate in April and May, the faster we get this created, again, it is a vehicle that in the event that you are persuaded that this is a good way to go, it will be in place and we can take action at an earlier time, as opposed to a later time, and perhaps start seeing some of the relief in -- before '08 is complete, as opposed to waiting, like Legislator Alden suggests, until next year, and then, all of a sudden, you've got a giant problem and you have no time except to raise taxes, or to have massive layoffs to correct it. You try to catch it --

**LEG. ALDEN:**

Be careful where you go putting words in my mouth.

**MR. ZWIRN:**

You try to catch it as early as you can and anticipate the problem, so that when it comes, it's not as hard to deal with. This is the first step that we've come to you with, and, quite frankly, this is just to get the vehicle started so that we can start to get proposals before you, and we're having trouble getting that far.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

First off, Ben, don't speak for me, thank you very much. I'll take care of whatever I want to say, I'll say it from over here. And, obviously, you weren't listening, because I said we should be working on the problems --

**MR. ZWIRN:**

I'm listening very carefully when you speak.

**LEG. ALDEN:**

Thank you, good. We should be working on the problem right now. The problem is, and it goes back to the first time we looked at this --

**MR. ZWIRN:**

You want to take away revenue.

**P.O. LINDSAY:**

No, no, come on.

**MR. ZWIRN:**

You have the sales you want to remove.

**P.O. LINDSAY:**

Come on. I'm not going to -- I'm not going to have --

**MR. ZWIRN:**

You want to make --

**LEG. ALDEN:**

Let me tell you --

**P.O. LINDSAY:**

I am not going to have a debate.

**MR. ZWIRN:**

I apologize.

**LEG. ALDEN:**

The problem is that we don't need an LDC to determine how much our revenue stream is worth. We already did this one other time. Who controls the process? If we control the process, we can look at the options. If we give the -- if we give our authority to an LDC, we don't control the process. So, please, next time don't speak for me. Thank you.

**P.O. LINDSAY:**

Legislator --

**MR. ZWIRN:**

What you said -- what you said is just not true.

**P.O. LINDSAY:**

No, there's no question there. Legislator Stern.

**LEG. ALDEN:**

Don't try to --

**P.O. LINDSAY:**

No, that's it, you're done. Legislator Stern.

**LEG. STERN:**

You know this is really about the question, you know, how do we -- how do we govern. I remember just after my first election and going to meetings and going to -- appearing at business groups, and I remember being patted on the back by those who were in attendance, "What a great job you guys do over in Suffolk County." And they were comparing us to what was or was not going on in Nassau County at the time and all the problems that they were having. And the message was, "How you operate over in Suffolk County sets you apart, because you don't stick your head in the sand, because you are proactive, because you take into account what is going on at the time, and you act and you act decisively. In these times, as Legislator Barraga points out, that's exactly what Suffolk County taxpayers expect of us and that's exactly what they deserve.

**P.O. LINDSAY:**

Okay. I think I got -- you want to talk? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

You know, certainly, what you said, Mr. Presiding Officer, about studying this, I completely agree with it, we ought to be looking at the numbers and seeing if it makes sense. And, you know, in this late hour, as we're considering a vote on creating this corporation, I want to know, should we do this, can we get back the right of our interest in this tobacco money once we pass this, or is it forever transferred now to this corporation? And it's really maybe a question for Counsel.

**MR. NOLAN:**

I'd just reiterate, I think we have to approve the purchase and sale agreement in order to make that transfer happen.

**LEG. SCHNEIDERMAN:**

So this bill does not transfer our authority, it only studies the issue? It doesn't -- it really doesn't do that. But if you're telling me that's what it does --

**MR. NOLAN:**

That's the way I read it. That's the way I read it, yeah.

**LEG. SCHNEIDERMAN:**

I see Legislator Montano shaking his head, but --

**MR. MONTANO:**

We read it differently.

**P.O. LINDSAY:**

Are you done, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**

If that's the advice of Counsel, that this does not transfer the authority, that's helpful information.

**P.O. LINDSAY:**

Let me ask Mr. Brown something. The joint Legislative Executive Working Group is going to get a presentation I think this Thursday on securitizing tax liens. After we get a little bit more knowledge about this process, if we wanted to explore exact numbers, would we have to set up an LDC for that as well?

**MR. BROWN:**

The LDC has to -- I don't believe the LDC has to be set up to just explore different types of ways in which the revenue can be used.

**P.O. LINDSAY:**

So, in other words, if we pass this LDC, it could also look at tax liens?

**LEG. ALDEN:**

No.

**MR. BROWN:**

Oh, no. This LDC is for the securitization of the tobacco revenue.

**P.O. LINDSAY:**

Okay. So we would have to create another LDC for tax liens.

**MR. BROWN:**

And, to tell you the truth, Presiding Officer, I'm really not familiar with the securitization of tax liens.

**P.O. LINDSAY:**

Well, isn't it the same concept, though?

**MR. BROWN:**

It's the same -- it's the same concept, and by analogy, you might be correct, but I just can't speak to that this evening, that you securitize the tax liens and that you issue -- that you issue bonds or some other type of debt instruments that are backed by the revenue of the tax liens. I just don't know the answer to that question.

**P.O. LINDSAY:**

Well, we're going to find that out Thursday, but I don't see how one differs from the other.

**MR. BROWN:**

And you might be right.

**P.O. LINDSAY:**

Okay. Okay. Anybody else on the issue? Okay. Roll call. We have a -- what do -- we have a tabling motion first, right?

**MR. LAUBE:**

You have a tabling motion in front.

**P.O. LINDSAY:**

Okay. On the tabling motion, roll call.

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

**LEG. ROMAINE:**

Yes.

**LEG. ALDEN:**

Yes.

**LEG. SCHNEIDERMAN:**

Pass.

**MR. LAUBE:**

Pass?

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. BROWNING:**

No.

**LEG. BEEDENBENDER:**

No.

**LEG. VILORIA-FISHER:**

No.

**LEG. LOSQUADRO:**

No.

**LEG. EDDINGTON:**

No.

**LEG. MONTANO:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

No.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. COOPER:**

Nope.

**D.P.O. MYSTAL:**

No.

**P.O. LINDSAY:**

No.

**LEG. SCHNEIDERMAN:**

No.

**MR. LAUBE:**

Five.

**P.O. LINDSAY:**

Okay. I had a motion to approve. Roll call.

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

**LEG. BEEDENBENDER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

No.

**LEG. SCHNEIDERMAN:**

Pass.

**LEG. BROWNING:**

Yes.

**LEG. VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. MONTANO:**

No.

**LEG. ALDEN:**

Nope.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. NOWICK:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. COOPER:**

Yes.

**D.P.O. MYSTAL:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**MR. LAUBE:**

Fourteen.

**LEG. ALDEN:**

Wall Street's smiling.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

Taxpayers won't be.

*(\*The following was taken by Lucia Braaten  
& transcribed by Alison Mahoney\*)*

**P.O. LINDSAY:**

Okay. ***IR 1308-08 - Calling for a Public Hearing for the purpose of considering the proposed increase and improvements of facilities for Sewer District No. 18, Hauppauge Industrial and repealing the terms of the inconsistent Resolution No. 589-2005 and 1041-2007.***

**LEG. KENNEDY:**

I'll make the motion.

**P.O. LINDSAY:**

Motion by Legislator Kennedy. Do I have --

**LEG. LOSQUADRO:**

Second, Mr. Chairman.

**P.O. LINDSAY:**

Second by Legislator Losquadro. Is that what you two guys have been waiting around for all night long?

**MR. WRIGHT:**

Yes, sir.

**P.O. LINDSAY:**

Okay, I'm going to ask the first question. What do you guys got to say?

**MR. WRIGHT:**

Well, the simple and short story is that we have to redo the Public Hearing -- I'm sorry. That we have to redo the public hearing that was improperly advertised and have public hearings again.

**P.O. LINDSAY:**

Okay, that's simple.

**LEG. VILORIA-FISHER:**

I'm make a motion.

**LEG. HORSLEY:**

That really hurts.

**P.O. LINDSAY:**

I already have a motion and a second. Anybody else have any questions?

**LEG. VILORIA-FISHER:**

No, let them go home now.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**LEG. VILORIA-FISHER:**

Let my people go.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Good night, guys.

**MR. WRIGHT:**

You've got 1309 also.

**D.P.O. MYSTAL:**

You have another one.

**P.O. LINDSAY:**

Oh, I've got another one; oh, Jesus.

**D.P.O. MYSTAL:**

There's two of them.

**P.O. LINDSAY:**

*IR 1309-08 - Calling for a Public Hearing for the purpose of considering the proposed extension of Sewer District No. 18, Hauppauge Industrial and repealing the terms of inconsistent Resolution No. 1040-2007.*

**LEG. KENNEDY:**

Motion.

**LEG. VILORIA-FISHER:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Kennedy, second by Legislator Viloría-Fisher.  
Any questions on the issue? You want to comment in any way?

**MR. WRIGHT:**

No. No, thank you.

**LEG. ALDEN:**

Do we need an LDC for this?

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, we've got late-starters.

**D.P.O. MYSTAL:**

A lot of them.

**P.O. LINDSAY:**

Okay, I'm going to ask the indulgence -- because we've got ten minutes to the bewitching hour, is it all right if I just read the committee assignment and the number of the bill being that you have the inventory in front of you?

**LEG. VILORIA-FISHER:**

Yes.

**D.P.O. MYSTAL:**

No, read it all.

**LEG. NOWICK:**

No, no, read it all.

**P.O. LINDSAY:**

You want me to read it all?

**D.P.O. MYSTAL:**

No, no.

**P.O. LINDSAY:**

Oh, okay. I need a motion and a second to lay on the table the following Late-Starters.

**D.P.O. MYSTAL:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Mystal.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Eddington; 1276 to Public Works & Transportation; 1277 to Ways and Means; 1278 to Environment, Planning & Agriculture; 1279 to Public Works & Transportation; 1280 to Health & Human Services; 1281 to Health & Human Services; 1282 to Health & Human Services; 1283 to Budget & Finance; 1284 to Public Safety; 1285 to Public Works & Transportation; 1286 to Environment, Planning & Agriculture; 1287 to Public Works & Transportation; 1288 to Public Works & Transportation; 1289 to Environment, Planning & Agriculture; 1290 to Environment, Planning & Agriculture; 1290 to Environment, Planning & Agriculture; 1291 to Environment, Planning & Agriculture; 1292 to Environment, Planning & Agriculture; 1293 to Environment, Planning & Agriculture; 1294 to Environment, Planning & Agriculture; 1295 to Environment, Planning & Agriculture; 1296 to Environment, Planning & Agriculture; 1297 to Public Works & Transportation; 1298 to Ways & Means; 1299 to Ways & Means; 1300 to Environment, Planning & Agriculture and setting the Public Hearing for April 29th at 2:30 in Hauppauge; 1301 to Labor, Workforce & Affordable Housing; 1302 to Budget & Finance; 1303 to Environment, Planning & Agriculture; 1304 to Environment, Planning & Agriculture; 1305 to EPA; 1306 to EPA; 1307 to Budget & Finance; 1308 --

**MR. NOLAN:**

We passed that.

**P.O. LINDSAY:**

We passed that. We 1309; and 1310 to Budget & Finance and setting the Public hearing for April 29th at 2:30 at Hauppauge. All in favor of accepting those Late Starters?

**LEG. VILORIA-FISHER:**

Here here.

**P.O. LINDSAY:**

Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

All right. Motion -- we don't have any other business before us. We need a motion to adjourn.

**LEG. BEEDENBENDER:**

Motion.

**P.O. LINDSAY:**

Motion to adjourn, second. All in favor? Opposed? Abstentions? We stand adjourned.

**MR. LAUBE:**

Eighteen.

*(\*The meeting was adjourned at 11:53 P.M. \*)*