SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTH DAY

April 29, 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:
Lucia Braaten & Alison Mahoney - Court Stenographers

Minutes Transcribed By:
Alison Mahoney & Kimberly Castiglione, Legislative Secretary

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

(*THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.*)

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

MR. LAUBE:
Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:
(Not present).

LEG. SCHNEIDERMAN:
(Not present).

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
(Not present).

LEG. VILORIA-FISHER:
(Not present).

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not present).

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
(Absent).

LEG. COOPER:
Here.

D.P.O. MYSTAL:
Here.

P.O. LINDSAY:
Here.

LEG. BEEDENBENDER:
Here.

MR. LAUBE:
Thirteen (Not Present: Legislators Romaine, Schneiderman, Viloria-Fisher & Montano - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Okay. Thank you very much, Mr. Clerk. Could everyone rise for a salute to the flag led by Legislator Browning.

Salutation

If you could remain standing and I'm going to ask Legislator Browning to come up and introduce our visiting Clergy.

LEG. BROWNING:
Good morning. I have here today with me Reverend Saunders from Gordon Heights. A very, very good man I have gotten to know over a number of years; very involved in the community, helps out in a lot of projects. I'd like to read some of his accomplishments to you. He served in the Gordon Heights Civic Association as an officer, board member and supporter for many years; Longwood School Board for six years; Chaplain and member of the Gordon Heights Visioning Steering Committee; he was a member and a Deacon of one of the first Baptist Churches in Gordon Heights, Community Baptist Church, under the founder and past Pastor Reverend Powell.

He was ordained a Reverend at Christ Baptist Church in Coram under Elder W. Jones; active in youth mediation and counseling in Gordon Heights community; Food and Clothing Outreach Program, American Red Cross Community Service in Hauppauge; Feed-My-Sheep Host, a Spanish- speaking church -- and I'm not going to say that because my Spanish is not good -- it's in the afternoon for the Spanish-speaking Gordon Heights and surrounding community members; has provided shelter, help and assistance to many wayward youth in the community.

Pastor Saunders is one of 13 children, he has seven of his own and 17 grandchildren. So with that, I would like the Pastor to do the invocation.

REVEREND SAUNDERS:
As we come before you this morning, we would like to remember the father of one of our Legislators who just lost his Dad. And also that young man who died in Iraq from Sag Harbor, to remember his family and to remember all of our young men that are over there. I'm very proud of them because I have a grandson that's there, so we must remember them. Let us pray.

Father God, we have come this morning to say thank you. Thank you for allowing us to rise to a beautiful day; the rain is beautiful, Lord, and we thank you. We thank you for giving us a mind to

just come to this building to do the will and the work of your people. Bless these Legislators here this morning, fill them with wisdom, knowledge, understanding and love. And oh Father, we pray that whatever is done here will be pleasing in your site. In Jesus' name we pray. Amen.

Amen said in Unison

P.O. LINDSAY:
Thank you, Pastor Saunders. Before everyone sits down, I'd like a moment of silence for Lance Corporal Jordon Harder at age 19 from Sag Harbor who died heroically in Iraq while diverting a suicide bomber from attacking other Marines last Tuesday. Legislator Lou D'Amaro's father Jerome; Legislator D'Amaro is excused today, he will not be here, his Dad passed away; Martin Haley, Jr., son of the former Legislator Martin Haley; Martha McCoy, long-time human rights activist from Setauket; Brian Heyward, father-in-law of Paul Perillie, Mr. Heyward is a recipient of the Volunteer-of-the-Year Award for Legislator Cooper's district; Henry Barton's father, a long-time Clerk of the Legislature, Henry Barton as well. Let us always keep in our prayers those who placed themselves in harm's way every day to protect us. So a moment of silence, please.

Moment of Silence Observed

Please be seated. We have a busy day in front of us. We have a number of people that want to address us and a lot of business on our agenda. First I want to start off with a procedural part of our business. Every April in Suffolk County is Volunteer Recognition Month. Each Legislator has chosen a Volunteer-of-the-Year for their district. I'll read the recipient's name and a brief description of what they do in their communities. I know for one, in my district it was a very difficult task choosing the Volunteer-of-the-Year from the 8th Legislative District because so many Suffolk County residents give so much of their time to help other people.

Starting with the *1st Legislative District, Legislator Romaine's nominee is John Bendick*. Mr. Bendick has for many years contributed countless hours of his own personal time assisting Maureen's Haven, a program that provides the homeless with transportation to and from various east end churches and offers food and shelter to those less fortunate throughout the cold winter months. In addition to his work with this program, Mr. Benedict also contributes his time to other Maureen Haven sites and to Peconic Community Council as well.

Legislator Schneiderman nominated Susan Barry Roden. Susan is the Executive Director of the South Walk Breast Health Coalition and currently serves as the Community Outreach Coordinator of Southampton's Hospital Breast Cancer Center. She is also a founding member of the East End Breast Cancer Coalition and since 2001 has served on the East Hampton Health Care Foundation Collaborative Council. She is part of the Department of Health Services' Advisory Council -- Advisory Committee for the East End Breast Cancer Control Study and is a Volunteer Coordinator Ellen's Run for Breast Health Awareness.

Legislator Browning has nominated Tony Gazzola. Tony Gazzola is a man of action, not words. In 2001, seeing a need for a civic organization to represent the Greater Bellport area, he founded the South Country Community Conference. On any given day Tony can be seen patrolling the streets of his community and when he sees a need he acts on it. Tony Gazzola was an integral part of transforming the Martha Avenue Park from a derelict park to a place for families to enjoy. Tony's dedication and commitment has helped to improve the greater Bellport community.

Legislator Beedenbender has nominated Diane Caudullo-Rudilosso.
Diane is an asset to the community, is President of the Centereach Civic Association, a founding member of the Middle Country Smart Growth Coalition, active member in the revitalization of Hobb's Farm and volunteer for Middle Country Girls Youth Lacrosse Association. She continues to work tirelessly for the betterment of Centereach and its residents.

Legislator Viloria-Fisher has nominated Norma Watson. Norma worked for many years as a Senior

Editor at the Environmental Defense Fund and is past President of the Civic Association of the Setaukets. She is also a founding member of the Three Village Community Trust and is the Treasurer and longtime member of the Long Island Symphonic Coral Association. .Norma has also volunteered her services as Treasurer to the Greening of 25A Committee.

Legislator Losquadro has nominated Joseph Cognitore. Joseph is a veteran who works diligently with the VFW Fisher-Hewin Post in Rocky Point. Joe organizes on a constant basis packages for troops and makes sure that when they come home they're taken care of. He also volunteers his efforts at the post for all veterans and at numerous community events.

Legislator Eddington has nominated Barbara Bruce. Barbara Bruce has volunteered countless hours to beautifying the Medford community. She became a Master Gardner in 2003 through the Cornell Cooperative Program. Barbara created and helps maintain a garden at the Medford Train Station to compliment the makeover it was given. She works with the Medford Taxpayers and Civic Association to keep the Medford 9/11 Memorial well-attended and beautiful and will play a key roll in designing the gardens for the newly expanded and renovated Medford Memorial Park.

My own candidate is with us today, Ken Mangan is sitting in the first row to my left and his lovely wife Karen. Ken Mangan is a Sayville resident and founder of a not-for-profit organization named Every Child's Dream. Has a passion to provide economically disadvantaged children with cultural, athletic, social events that may not normally encounter, creating hope in their lives. Annual events include the Backpack Pirate's Trip to Fire Island, complete with a pirate show and a full individual backpack of school supplies upon their return and an annual holiday gourmet dinner with 500 plus seatings where every child receives a gift, sees a holiday show, visits a coat boutique to choose a gently-used or new winter coat each year. Without his tireless efforts and unwavering passion, these events would not exist.
Thank you, Ken.

Legislator Montano has nominated Brenda Duncan. Ms. Duncan has tirelessly volunteered in numerous organizations and programs, some of which are based on a national mandate with the acronym HEED which stands for Health, Education, Employment and Economic Development and has also worked with the Coalition for Community Well Being Incorporated where she volunteers in their mobile screening clinics and helps with the fund-raising efforts.

Legislator Alden has nominated Rick Hollborn. Mr. Hollborn is a member of the Islip Terrace Fire Department since 1975 serving in numerous titles including Chief of the Department. Since 1975, Mr. Hollborn has been a volunteer leader with the Boy Scouts of America. Under his leadership, to date 25 Scouts have earned the Eagle Award. In addition, the East Islip Soccer Club, the East Islip High School have benefitted from Mr. Hollborn's volunteer services.

Legislator Kennedy has nominated Joel Becker. Joel Becker founded the Community Computer Connections Program in 2006. The CCC is cosponsored by RSVP of Suffolk and the Health & Welfare Council. Joel recruits and supervises a team of seniors to refurbish donated computers and they deliver and install them to financially-challenged families and seniors in Suffolk. In just 18 months they have changed the lives of over a thousand people. Mr. Becker's worthy cause has also saved our local landfills of over 400 pieces of viable technology. This program is the only licensed computer refurbisher on Long Island.

Legislator Nowick has nominated Steve Moll. Steve Moll of St. James is the founder of Island Public Affairs and is the current President of Smithtown Rotary where he also coordinates its 3rd Grade Dictionary Distribution Program. Mr. Moll is on the Board of Directors of both the Deepwells Farm and Historical Society and Suffolk County -- and Suffolk Literacy.

Legislator Horsley has nominated Margaret Joan Haugen. Joan is a founding member of West Babylon Public Library and is a Charter Member of the Library Board of Trustees. Joan has not only donated thousands of hours of her own time, but continues to recruit others to help the library's

cause. She has served in every office helping to guide the library through its expansion and into the new millenium. She remains active today with Friends of the Library as well as the West Babylon beautification Society.

And finally, Legislator Stern -- oh, no, I've, got another page. *Legislator Stern has nominated John Gatto.* John Gatto is the first recipient of the St. Agnes Medal of Service which has been instituted by the Diocese of Rockville Center to recognize those who have unselfishly contributed their time and talent to their parish and diocese and organization. St. Matthew's Roman Catholic Church, which is in Legislator Stern's district, has nominated Mr. Gatto who has been a member of the parish for over 40 years. He has served in the St. Vincent DePaul Society, worked as a religious education teacher and has been the Coordinator of St. Matthews Interfaith Group. Has served on the Parish Finance Committee and has been the Director of Catholic Ministries Appeal for many years.

Legislator D'Amaro has nominated Marian Layer. Legislator D'Amaro is proud to recognize Marion Layer of Huntington as District 17 2008 Volunteer-of-the-Year for her more than 14 years of service to St. Hugh's, St. Elizabeth Youth Baseball League, now in the tenth year as the League Commissioner. Ms. Layer has been instrumental in bringing the league to a new level. She developed a competitive girls travel softball program, instituted free softball, baseball and coaching clinics, has kept the level of play competitive yet sportsman-like and has overseen an upgrading of the league's fields and grounds for the nearly 1,000 youth participants. In addition, Ms. Layer has developed this CPR/AED Program, organizes the opening day parade and the Annual Youth Baseball Day at Shea Stadium.

And finally, *Legislator Cooper's nominee is Brian Hayward.* Brian Hayward was the President of the Huntington for -- was a resident of Huntington for more than 30 years until his sudden passing on March 26th, 2008. He was a volunteer leader with the Unitarian Universalist Fellowship of Huntington for more than 25 years. There he was an active fund-raiser events organizer and he built the fellowship's pulpit. Complimenting his career as a psychiatric social worker, Brian served as a volunteer in the Huntington Youth Bureau Sanctuary Program. Brian also regularly opened his home for kids in crisis to stay until their own home situations became stable enough for them to return to. In addition, he founded the Long Island Woodworkers Club which distributed hand-made wooden toys for Toys-For-Tots Program as well as small rockers for children afflicted with cancer. For seven years, Brian volunteered as a tutor for Literacy of Suffolk and Huntington Township's Meals-on-Wheels. Brian was a devoted father and grandfather and is deeply missed.

To all of our recipients, I congratulate you and I thank you very much on behalf of the Suffolk County Legislature for all the work that you do for our community. Thank you very much.

Applause

I'll recognize Legislator Stern for the purpose of an award.

LEG. STERN:
Good morning. Thank you, Mr. Presiding Officer. I just wanted to take a moment to ask my colleagues to join me in recognizing some special young people here with us today. They are members of the Half Hollow Hills PTA-Student Joint Effort in their Legislative Committee and join some of the leaders in our Half Hollow Hills community in ensuring that we practice good government, making sure that their voices are heard at all levels of government, making sure that they remain involved and vigilant in what's going on within their community. We have a full day today, so I don't want to ask them to come up because they might lose their seats, but I'm going to ask them to rise and please be recognized and to thank them for joining us here today. And on a day like today where we're going to be debating --

Applause

-- many of the big issues of the day, I think it's important for all of us to remember that the big reason why we're here today, regardless of the issue, is -- and it's always great to see what is so

good in our community which, of course, is our young people. So welcome and it's good to see you today. Thank you.

Applause

P.O. LINDSAY:
We're going to go right into the public portion. So far I have 48 people that want to speak. You're limited to three minutes, the three minutes will be adhered to. I will call off the speaker's name and who's on deck. If you're to speak after or you're on deck, please stand up and stand in the aisle behind the current speaker so we can move this as fast as possible. The first speaker is W. Mitchell and on deck is Charles, it looks like Cameron?

MR. MITCHELL:
Good morning. I'm here to speak on behalf of Local Law 1105. This bill is a deterrent regardless of whether there's enough investigators to enforce it. I believe that, you know, anything is better than nothing. And if we enact a bill or we already put into effect a law, the law will be enforced when the person that's violating the law will be caught. So therefore, I believe that this law is a good law.

And also, I've heard many employers and people that are contractors say that these people that are here in our country doing the jobs are doing jobs our kids do not want to do. Well, I beg to differ because we have our children overseas fighting in Afghanistan and Iraq and when they return home to jobs that are low paying because people are occupying them, I think that's kind of like an unfair statement. So, therefore, I support this bill. Thank you.

Applause

P.O. LINDSAY:
Charles Cameron; is that you, sir?

MR. CAMERON:
Yes.

P.O. LINDSAY:
Okay. If someone, one of the Clerk's could help Mr. Cameron with the mike? If you could wheel forward, I don't think the chord will reach that long. Tim, you might just take the mike out.

MR. LAUBE:
We can bring him right up to here.

P.O. LINDSAY:
All right. And on deck is Emily Profetti.

MR. CAMERON:
Good morning, everyone. This is Charles Cameron. I like you all to know that I know of Reverend Saunders, I went to high school with his kid. Now, my subject is what are you going to do with our home? First of all, when I first arrived there in 2001 I was in a coma for five years. I've been there for eight. I don't understand this, not at all.

All these aides have been wonderful to us. They help keep me alive. Like I said, I was in a coma for five years and I have to give them all great thanks. Please do not close my home, that's the only home I know of. Remember, coma, Peaches and rehabilitation, because when I first came into this rest home I was tore up from the floor up. And yes, they've taken good care of me. Like I'm a little (inaudible) then in some places, like you see, but I have to thank God that they help me with other issues that I do have. Please save our home.

Applause

P.O. LINDSAY:
Thank you, Charles. I like that, tore up from the floor up. Emily Profeta and on deck is Michele Burstin. Emily, you're on.

MS. PROFETA:
My name is Emily Profeta and I work at John J --

LEG. ALDEN:
That microphone is not on.

MR. LAUBE:
I got it, hold on.

MS. PROFETA:
Okay, my name is Emily Profeta and I work at John J. Foley Skilled Nursing Facility. I just have a disagreement with our Health Services, because Commissioner Chaudhry recently wrote a letter and it was headed to the registered -- to the residents of John J. Foley Skilled Nursing Facility and the families. He writes that it is his intention to keep the channels open of communication with the families. Now, the channels of communication between the Suffolk County Department of Health and the employees of John J. Foley has not been open for us, it's been appalling. Commissioner Chaudhry has only spoken to management and not to the staff. We only know what is happening in the newspaper and what is happening on TV, we really do not know what's really happening, you know, to our jobs and to the facility. Not once has anybody from the Health Services come to speak to the nurses and to the CNA's. We are the ones that take care of the residents and have to answer to the residents and to their families. When the family members approached me recently concerning this letter which I had no knowledge of, I had no answers. But after reading it, the last sentence did say to contact the Executive Director or the Commissioner Chaudhry, which I told the family members to do. So after reading this letter, I see that we are going to have to change, which this letter promotes that. But the communication between Health Services and the employees, there's none.

So I hope that you can, by being here today, that I do assure that the family and the residents and I hope that Commissioner Chaudhry continues to update these families with the correct information so then the family members can update the staff and then we can know what's going on. It is time for us to have a solution between Health Services and also the facility. Thank you.

Applause

P.O. LINDSAY:
Thank you, Emily. Michele Burstin followed by Richard Phillips.

MS. BURSTIN:
Good morning. My name is Michele Burstin and I am a social worker at John J. Foley Skilled Nursing Facility & Rehabilitation Center. Thank you for allowing me the opportunity to speak this morning.

At John J. Foley Skilled Nursing Facility & Rehab Center, we provide services to a diverse and complicated population. Our residents range in age from age 18 to 102 years old with a myriad of medical and psychiatric and psychological conditions. The recent media accounts would lead one to believe that soon this facility will either be privatized or closed. Newspaper accounts mention that the facility operates at a significant deficit each year. I feel, and many may agree, that the public is unaware of what type of residents John J. Foley actually services. Perhaps they need to be educated that there are not too many beds available to the young population with substance abuse problems and psychiatric and all psychological diagnosis.

Most skilled nursing facilities under the County auspices throughout New York State lose money. This is directly related to the significant number of last-resort residents that other nursing homes will not accept. This speaks to the compassionate care mission of the Suffolk County Nursing Home. Most of these residents do not have Medicare so this facility must rely heavily on Medicaid reimbursement which does not cover all the costs incurred leaving the facility in the position of looking to the County to contribute to the shortfall. Our facility also has a dedicated AIDS unit and two large dementia units. These populations of residents are very labor intense, so the more traditional nursing homes prefer not to accept them.

For example, my Director recently received a telephone call from a local nursing facility. The admissions department wanted to inform her that their facility had a lot of younger residents, however, when asked to clarify she said that their nursing home had 36 residents under the age of 65. She was a bit taken aback when my Director told her that John J. Foley had about 132 residents under the age of 55. When our Social Worker Director -- Social Work Director asked her if she had any residents with mental illness, her replay was no; same for questions about behavior problems, substance abuse issues.

We have managed to care for our residents, to learn about their disorders and treat them appropriately enough that there are few instances that come to the attention of the public. We have had decades to hone our skills. My opinion is that there is no other nursing home in Suffolk County better prepared or prepared at all to care for our residents.

As this process for consideration of closure or privatization for John J. Foley continue, this adversely affects the residents negatively. More referrals for psychology, psychiatry and more residents expressing anxiety over their uncertain future. I feel that Mr. Levy and the Legislators should rethink about closing or privatizing John J. Foley and think about how the facility can become more efficient. Instead of Mr. Levy considering closing or selling us, he should be innovative and show other counties how skilled nursing facilities should be ran and use John J. Foley as an example. We already have the foundation, we need the leadership.

P.O. LINDSAY:
Thank you, Michele.

MS. BURSTIN:
I thank you for your time.

Applause

P.O. LINDSAY:
Richard Phillips and on deck is Frank Pellegrino. Tim, you've got to help Mr. Phillips. There you go.

MR. LAUBE:
Yep.

MR. PHILLIPS:
Good morning. My name is Richie Phillips. First of all, I want to thank everybody for being here. Second of all, I need John J. Foley to stay open. They have definitely been 100%. I've had a job opportunity out there, I went out there five years and worked on my own. Other doors are open to leave right now for medical reasons, but I've checked with other nursing homes with my family and there's nothing like John J. Foley. A lot of places won't accept certain areas and the population is great and we've got a lot of good friends over there.

On behalf of the staff at John J. Foley, they're doing a fantastic job. Without our CNA's we would not be there. We would be lost, we wouldn't be able the get dressed in the morning. Fantastic work for John Foley. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Phillips. Frank Pellegrino followed by Jim Castellane.

MR. PELLEGRINO:
Thank you, Mr. Chairman. Good morning. My name is Frank Pellegrino, I'm the Business Manager of Plumbers Local 200. We have a thousand members on Long Island.

I'm here to speak in support of Mr. Beedenbender's bill, 1105. The law that he proposes and the contractors that he proposes to regulate are engaged in criminal activity. According to the studies from Cornell and from Hofstra University, they estimate that there are 100,000 people working in Suffolk County receiving cash; if you do some simple math, you're looking at about $50 million a year in payroll. Everybody here in this room pays their taxes, including you.

Applause

I had the pleasure in the last few days of speaking with a number of Legislators on this issue. Fifty million dollars probably equates to about $10 million in tax revenue to the County. I've heard stories that we can't enforce this, there's no money. I think $10 million in tax revenue would go a long way. Maybe you could have the money to keep Foley open and these people don't have to lose their homes.

Applause & Cheers from Audience

I have a few apprentices here, I'm going to embarrass them and ask them to stand. Would you guys? I have some apprentices here.

UNKNOWN AUDIENCE MEMBER:
All apprentices; come on, guys.

Applause

Wesley Snipes is going to do three years for tax evasion. These contractors do tax evasion every day. You want to see victims? My guys are out of work, that's why they're here today. They pay their taxes as well. When does somebody stand up for the working people who play by the rules, the contractors who play by the rules?

Applause

Look, I understand the politics of it all and I understand people don't want to offend. And unfortunately they want to make this a racial issue and they"re taking an unfortunate situation and using it to their own advantage. I know that there might be an injunction, this may get stalled. I will tell you this, we are not going away. This crime has to stop and I ask you to support this. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Pellegrino. Jim Castellane followed by Robert Siachitano.

MR. CASTELLANE:
Good morning. I want to thank you for this opportunity to speak before you again. I know that we've been here quite a few times over this issue, 1105.

It is very hard for me to understand what is really going on and how this thing got spun to where it

is. As the previous speaker just said, it's criminal. We're talking about contractors that are going out there exploiting working people, regardless of their race. They're exploiting them, they're paying them $10 an hour cash off-the-books. This is money that could be going to the County. Now, I'm not a Legislator and I understand the politics of it such as Frank just said. But something like this, it just sounds like a simple issue to me. Let's pass 1105. If you need to put amendments on it in the future to make it better, we'll do that.

As far as the enforcement issue which I've been hearing on my phone -- "Who's going to enforce it? Who's going to enforce it?" -- it will get enforced. You can believe the same way the Council is here supporting this bill, we will hold them to the fire to enforce it to protect the workers. It's very simple.

Applause

Normally we are there for everyone. We're 62,000 strong. I want to thank all these members that showed up today. We're always out to help, now we need help. Please just think in your mind, how does a legitimate contractor paying $60 an hour, $70 an hour with health benefits, annuity benefits, pensions, how is he to compete with a criminal that's paying $10 an hour? Can he do it? He can't do it. So we get them phone calls, "Can you help us?" "We want to keep your people employed but we can't." Therefore, these young gentlemen, I can't look them in the eye. I can't tell them that I did -- that they're going to do 35 years the same way I did and have the living, brought up in a building trades house that I did; I can't honestly look them in the face and tell them that.

Please, we urge you not to table this. Let's stop running around with it. Let's pass 1105 and in the future, if it needs to be made better, it will. And if people have got to be held to the fire to enforce it, we will. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Castellane. Robert Siachitano and John Guadagno is on deck.

Mr. SIACHITANO:
Good morning. My name is Bob Siachitano, I'm a fourth year apprentice in Local 200. I've been laid off since February 1st. And when I'm working I'm paying taxes, when I'm laid off collecting unemployment I'm still paying taxes. I own a home, I'm still paying taxes. And it comes to a point where where's the decision? What do I have here on Long Island? I was raised here, I would love to stay here. I think this bill is very important to my fellow brothers and I encourage everyone to pass this through, please. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Siachitano. John Guadagno followed by Kevin Casey.

MR. GUADAGNO:
Good morning. My name is John Guadagno, business rep for Local 25, resident of St. James. I encourage Resolution 1105 to be passed, not tabled. And this is not a non union/union issue, this is a contractor issue. We need to have a fair playing field for all who are doing the right thing or paying the proper taxes, not to have illegals, people working for contractors off-the-books. We have members unemployed, we have apprentices trying to make a living on Long Island and trying to stay on Long Island. We encourage everyone to pass this resolution. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Guadagno. Kevin Casey followed by Dan Hilton.

MR. CASEY:
Good morning. Kevin Casey, Business Agent Local 25. I just want to comment on the article in the Sunday paper by Legislator Barraga stating, "Most members feel extremely uncomfortable with this bill with the anti-Latino and anti-immigrant message in this bill." I have read this bill a half dozen times and I can't find any Latino or anti-immigrant messages in this bill. It's a good bill, it needs to be passed. I urge you to all support this. Do your job and please support it. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Casey. Dan Hilton followed by Matt Chartrand.

MR. HILTON:
Thank you, Presiding Officer Lindsay, County Legislators. I would first like to mention real quick, I was 15 minutes away from our nation's capital about two weeks ago and my wife and I went out to a restaurant, a pretty nice restaurant, and the host asked us if we wanted smoking or non-smoking and I looked at my wife, you know, and we did all we could not to crack up in her face. So I'm very proud of what this body has done in the past.

I am for 1105. I read in the paper that it's under Consumer Protection. I believe it should be under worker, worker's protection.

Applause

What Washington has been doing is polishing the lounge chairs on the Titanic. Of course we can't do anything nationally, maybe in November, but I think this body of government needs to act on this in a County level. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Hilton. Matt Chartrand followed by Kevin Harvey.

MR. CHARTRAND:
Good morning, Ladies and Gentlemen. My name is Matt Chartrand, I represent the Iron Workers Local 361, some twelve hundred members that live in the community out here.

Once again, this is 1105. I come out in support of 1105. It's not a race issue, it's more about the contractors. The contractors not paying their fair share of taxes which trickles down, or paying any taxes, trickles down to the members that live in this community and that support you guys at the Legislature. Not paying their fair share of taxes, the Fiscal Policy Institute figured it was about $557 million in unpaid taxes in the New York vicinity. And not paying these taxes, once again, the burden becomes on the taxpayer; we have to pick up the deficit on this.

The other issue we have with this is the contractor is not paying into their health care. We pay the health care and, once again, it falls back on the taxpayer and the health care industry. So I urge you to come forward and support this bill 1105. Thank you.

Applause

P.O. LINDSAY:
Thank you, Matt. Kevin Harvey followed by Suzanne Grant.

MR. HARVEY:

Good morning, members of the Legislature. My name is Kevin Harvey, I'm a member of the IBEW Local 25.

I didn't script anything this morning, I just want to speak from the heart. Like my compadre/business agent John Gaudagno said before, this is not a union or a non-union issue; this is an American waiver issue, plain and simple. The middle class of this country is being squeezed to unbelievable proportions. All we ask is that there be a level playing field in this arena. The Federal Government has refused to react on it, the State government has refused to act on it and we're depending upon the County Legislature to do what's right on the local level for the hard working taxpayers of this County.

You know, we're here today with members of our organization to try to go ahead and get you people, the people of the Legislature, to lean towards the decision to vote in favor of this bill 1105. You know, it shocked me on Saturday, I was reading an article in the paper about a home builder who went ahead and was brought up on Federal charges because he hired undocumented workers and he was not paying taxes. Boy, was I shocked; I was totally taken back. Well, let me tell you, this is the tip of the iceberg. And for people to not do the right thing in the legislative arena to correct this situation is disgraceful. I would urge your support --

Applause

I would strongly urge your support on 1105. It's a good bill. It's not a union versus non-union issue, it's an American worker issue. It's not an anti-immigration bill, it's a bill to try to keep the level playing field between legitimate contractors and those contractors who are currently not legitimate. Thank you very much.

Applause

P.O. LINDSAY:
Thank you, Mr. Harvey. Susan Grant followed by Nancy Dwyer.

MS. GRAHAM:
My name is Sue Graham. Good morning. I live in Farmingville and I'm here to support Brian's bill. Something seems askew when I have to stand before you and ask you to enforce laws assuring that everyone in this County pay their taxes; I thought that was a foregone conclusion. On the other hand, there are those who are going to come before you to ask you not to enforce the laws for whatever reason as they pertain to certain individuals. They intimate that only some folks are obligated to pay while others should be allowed to shirk their responsibility. Not only does this seem unfair, it is unlawful as well.

People who do not pay their taxes go to jail in many instances. You should not allow folks who are breaking the law to continue to do so. There are many citizens such as deadbeat dads, from what I am hearing, who work off-the-books so as not to have to have their wages garnisheed for child support. In effect, the County has to track these people down and this all costs me as a taxpayer. I end up paying my share as well as for others who do not pay into the tax base. You do not have the luxury to pick and choose the laws you wish to enforce. These laws have to be enforced in the interest of everyone.

This situation has gone on for far too long and refusal by many in this Legislative body to deal with this has created the debacle we are now experiencing on a day-to-day basis. I am asking you to support Legislator Brian Beedenbender's bill, IR 1105. It is a valuable first step that will go a long way to end the unfair hiring practices that have hurt so many honest businesses, workers and taxpayers in this County. This bill is not anti -- is not an anti-immigration bill and it never was as is being portrayed by some who are being dishonest, but a bill which will make sure that the law is enforced for the good of everyone. The contractors will be able to check to make sure that the

documents presented to them represent the person whose name they have on file. It will address the craftsmen whose skilled workers such as electricians, plumbers, etcetera, as well as the laborers and anyone else they have in their employ. Your failure to do this, letting this linger for far too long may be assisting one small group at the expense of the other larger group who are not breaking the law.

In Legislator Schneiderman's own words in a quote from Newsday, "How can I vote against a bill that requires the people to obey the law?" Can the rest of you Legislators vote against a bill that requires folks to obey the law? Mentioned in Newsday as well regarding the underground economy, "This issue is significant, according to Hofstra economist Greg Defreitis, who as much as 126 billion is believed to be lost in revenue between Nassau and Suffolk County because as many as 150,000 or more are suspected of working off-the-books." I would say this is a very low estimate and please vote for this bill. Thank you.

Applause

P.O. LINDSAY:
Nancy Dwyer followed by Sheila Croke.

MS. DWYER:
My name is Nancy Dwyer, I'm a member of Pax Christi, Long Island, the local branch of the Catholic Peace Movement. I spoke to the Public Safety Committee on April 17th about the March 29th arrest at the Smithaven Mall of Deacon Don Zirkle for the offense of wearing a T-shirt like this one. This is the front and on the back it has the same word that Pope Benedict used in regard to the war, "Enough."

Applause

There were four of us sitting together at a table in the food court, all senior citizens, all four wearing the same T-shirt for which Don was subsequently arrested. We had taken part in an anti-war demonstration along Route 25A. Mall security took Don into custody, then handed him over to the Suffolk Police who took him away in handcuffs. And all this is at the mall owner's pleasure, he has all the rights. Don, you, I, everyone here, we have absolutely no rights in a shopping mall, only those the mall owner wishes to grant us as though it were his private home. It is not his private home, it is a public space to which he devotes a lot of effort to attract the public in huge numbers.

So successful has the mall owner been that the mall has displaced the public town square and is now the only place where Americans, in all their marvelous diversity -- age, race, religion, income -- gather to stroll, to meet, to talk. Several states have taken note of that. New Jersey Supreme Court in 1994 noted that the town squares, traditionally the home of free speech, have been displaced by today's malls and, therefore, the New Jersey Supreme Court ruled that the malls must allow access to protesters who wanted to distribute leaflets on social issues.

Similarly, the California Supreme Court in 1979 extended free speech protections to shopping malls describing them as the modern equivalent of the town square. The California Supreme Court said petition gatherers should have access to malls and be able to express their views without interference from the mall owners. Free speech is a vital American value. Today in America we've had to give up so many rights because of security concerns, but this free speech right, this is one -- a right we can and should insist upon.

Note this; when security picked up Don from the food court chair and put him in a wheelchair, the people in the food court, those diverse Americans I mentioned, booed security. When we three women with Don followed him and the eight security officers out of the mall, all wearing our T-shirts, the people applauded our little procession. The people get it and I hope you do too. I urge this Legislature to draft and to pass a Sense of the Legislature resolution calling for an appropriate action, an appropriate change in our State law and to send that on to the Governor and the State

Senate and the Assembly for action. Thank you.

Applause

P.O. LINDSAY:
Thank you, Ms. Dwyer. Sheila Croke followed by Peter Gollon.
MS. CROKE:
Thank you for the opportunity to speak today. My name is Sheila Croke from Greenlawn and a member of Pax Christie Long Island. I have come to address the issue of freedom of speech.

At the Suffolk County Public Safety Committee two weeks ago and again today, there will be this discussion of the need to protect our young drivers on our roadways. Yet at the Smithaven Mall, I and others faced arrest for reading the names of our young soldiers killed on the roadways of Baghdad, {Falugia} and {Anbar Provence} and throughout Iraq. I decided to read those names in a public space to bring attention to the human cost of war. Where there should be coverage of the loss of life and the long-term suffering of our American soldiers and of Iraq and Afghanistan civilians, there is instead a vast abyss of information.

Just a week ago today another Long Islander, Jordan Haerter, age 19, was killed in Iraq. His life, his story, his loss, although reported in Newsday for one edition, was not carried in the national newspapers or TV or radio. Only the flag at his high school in Sag Harbor was at half-mass, one flag. A study was made of pictures published by the New York Times and the San Francisco Chronicle related to the Iraq War during a period of 1,389 days. Of 6,000 front page photos in a war that has killed 4,000, wounded 25,000 Americans and killed at least half a million Iraqis, these newspapers showed an average of 36 photos on the front page each year, and these were mostly Iraqi and Afghani civilians. There are no photos of U.S. coffins or body bags or soldiers on the battle field; these are not permitted. This is just one indication of how the newspapers have served to distort the reality of the ongoing war, by covering up the loss of life and misery of the civilians and of those fighting, involved in the fighting. The public is not given the information needed to make a judgment about the war, whether or not it is worth the pain and suffering of so many and the consequences upon their own futures.

Martin Luther King said, "There is a time when silence is betrayal." To be silent as our young men and women put their lives at risk in a misbegotten war, that is a betrayal. To be silent when they are stop-lost, exhausted, traumatized, that is a betrayal. To be silent when they themselves, our own soldiers have become prisoners of this war with no way home, that is betrayal. To be silent when a grave injustice is being committed against our own sons and daughters, that is betrayal. Their voices have been silenced. Our vices have been silenced.

P.O. LINDSAY:
Please wrap up, Ms. Croke.

MS. CROKE:
We ask your help in bringing back the voices of American citizens without fear of harassment or reprisal. Thank you very much.

Applause

P.O. LINDSAY:
Peter Gollon followed by Charlotte, it looks like Young.
MR. GOLLON:
She's Charlotte Koons. Good morning. My name is Peter Gollon. I've lived in Huntington for the past 29 years and I'm the President of the Suffolk County Chapter of the New York Civil Liberties Union.

I want to speak on the mall case. As you heard, some of those who were ejected from Smithaven

Mall, including the 80 year old Deacon Don Zirkle, were ejected merely for wearing T-shirts that the mall management found offensive. Unfortunately, the law is clear, although outmoded. Malls invite the public in for commercial, social or other purposes and many communities those malls have supplanted the main streets as centers of activity. Nevertheless, mall managements have complete authority to determine what conduct or expressions of opinion they'll prohibit on their -- from their property. I find this absolute discretion to be offensive.

I brought my own T-shirt. This is -- the T-shirt has the First Amendment to our Constitution, adopted in 1791. It guarantees to everyone the right to worship as they choose, to speak their mind without government interference and to make requests of their government, as I am now doing. However, in spite of the glorious history of our Bill of Rights and the inspirations ideas have provided to oppressed people throughout the world. The management of the Smithaven Mall or any other mall would be completely within their rights to prohibit me from wearing this T-shirt because that mall is private property. They could also prohibit anyone from wearing a T-shirt with a U.S. Flag or one declaring "Jesus Saves". They can prohibit Clinton T-Shirts but permit Obama ones or the other way around, or prohibit all T-shirts endorsing a candidate.

This is more than offensive. It's an outrage that as a condition of my purchasing items that I need for my life and putting dollars into the pockets of store and mall owners, I can be forced to remain silent on matters of national concern. The mall managers will say their mall is private property and they should have complete authority over what's permitted on it, but they have no such complete authority. In many areas, our society has limited discretion of property owners for the public good; zoning and building safety codes are obvious examples. Fifty or 60 years ago, business owners could decide whom they did not want as customers. Some hotels discriminated against Jews, many hotels and restaurants in the south refused to serve people of color. They all claimed that as businesses operating on private property they could serve or not serve whomever they chose; in other words, they could discriminate on whom they would allow as patrons. Ultimately, we as a society decided the property owner's power to discriminate was wrong and was -- and we prohibited it through the Civil Rights Act.

My point here is that control over private business property is not absolute and the balance between onus power and the public need is often shifted by legislation and I believe that time has come. It's time to limit the power of malls to prohibit on their property speech that they do not like, or to prohibit all such speech on their property. They must be made to accommodate limited and non-disruptive exercise of free speech, and such free speech must be permitted in a manner which does not discriminate on the basis of content.

Those who are concerned, as the previous speakers were and actually as everybody who has spoken today was concerned with social issues, they need face-to-face access to the public so they can share their thoughts with them. And in many of our communities, face-to-face access is most easily achieved in shopping malls and in some communities it's the only place it can be achieved.

P.O. LINDSAY:
Mr. Gollon, if you can wrap up, you're out of time.

MR. GOLLON:
Right, thank you. Unfortunately, as you heard, New York Courts did not take the same progressive stance as those in New Jersey. But this backwardness can and should be cured by legislation and I ask you to exercise leadership, to lead the State by bringing pressure to bear on the State Legislature for this purpose. Thank you.

Applause

P.O. LINDSAY:
Charlotte Koons followed by Megan O'Hanpley.

MS. KOONS:
Good morning. I'm Charlotte Koons and I'm a board member of the Suffolk Chapter of the NYCLU and I'm here to oppose IR 1105.

Political posturing, Skokie, Illinois, further stigmatizes immigrants, redundant, bad business practice, obnoxious, unfair, unpatriotic, violates the U.S. Constitution, xenophobic, racist, attempt to white wash Suffolk County, associated with intolerance, discriminates, flawed system, backlash, businesses closed, skin heads came in to celebrate; all these are words taken from editorials, opinion columns, talking points by various organizations.

But a picture is worth a thousand words and so I have this invitation for each of you Suffolk County Legislators. "Honorable Suffolk County Legislator, Vick {Skolnick} and Charlotte {Skye}, cofounders and co-directors of the Cinema Arts Center, 35 years as Long Island's only viewer-supported film window on the world, independent and not-for-profit, invite you as their guest for the showing of "The Visitor". Please present this, along with documentation proving you are a Suffolk County Legislator, for a free pass to the showing of "The Visitor". I saw this film recently and felt it should be required viewing for people dealing with immigration issues. Details appear on the other side of this free pass. Viewers for compassionate, practical strategies and programs that provide adequate, procedural protection against discrimination. Respect our core American values and reject government-sponsored xenophobia. Thank you.

Applause & Boos From Audience

P.O. LINDSAY:
None of that, stop. Megan O'Hanpley followed by Scott Belford.

MS. O'HANDLEY:
Good morning. I'm Megan O'Handley, I'm a resident of the Village of Babylon and Co-Director of the Long Island Alliance for Peaceful Alternatives, a non-profit organization that promotes citizen education on peace and security issues and public engagement in shaping national policies.

The alliance is here today to support free speech and a call for a Sense of the Legislature Resolution that affirms the right to free expression is one of this nation's most cherished civil liberties, as was noted in {Shad} Alliance versus Smithaven Mall. The majority decision in that case to ban leafleting at the mall should be challenged by the Suffolk County Legislature. In that earlier case the mall enforced a no leafleting policy and by its action deprived the community of information. Now the management of the Smithaven Mall has banned the wearing of a T-shirt on which was printed six words of truth, "4,000 troops, one million Iraqis dead, enough". In 2003, a man at a mall in Albany was arrested for wearing a T-shift with the simple message "Give peace a chance." What's next as our rights under the Constitution are eroded? Leafleting, gathering signatures on petitions and now wearing T-shirts with messages are banned at malls. But which T-shirts will be banned, all T shirts with messages or only certain kinds of messages? And who will decide which messages are permissible and which are considered to be offensive? The banning of the dissemination of information, whether that information is printed on a leaflet, on a petition or on the front of a T-shirt, has a negative effect on the right to free speech.

The marketplace of ideas envisioned by Jefferson now takes place at the mall, the public square of the 21st Century. And because the mall is our public space, the rights of those invited in to shop and consume should not be abridged by mall owners. Free speech is basic to be an American and to living in freedom. Are we so willing to give up this basic constitutional right? The Long Island Alliance for Peaceful Alternatives calls on the members of the Suffolk County Legislature to protect the right to free speech everywhere, even at the mall.

Applause

P.O. LINDSAY:
Thank you very much. Scott Belford followed by James Duffy.

MR. BELFORD:
Thank you. Good morning. And thank you for having this moment to speak to you, Legislators. I'm here representing New York City District Council Carpenters, Local 2287. I'm here in support of Brian Beedenbender's 1105.

This bill is not about immigration, it's about rights for workers. As a guy who is out there on the field as an organizer with Local 2287, I meet the men who are being abused and aren't receiving the proper wages and fringes. And we fight to get them the wages and fringes that they deserve and on occasion we are able to bring these members, future members into our local, so we do not hold any anti-immigration on entrance into our unions. And I believe this is a good bill and I support it. And I also am a proud tax supporter of Suffolk County for 45 years.

Applause

P.O. LINDSAY:
Thank you, Mr. Belford. James Duffy followed by Beth Wahl.

MR. DUFFY:
Good morning. My name is James Duffy, I am a Vice Chairman of the Suffolk County Conservative Party and I am speaking on behalf of our party and its Chairman, the Honorable Edward M. Walsh, Jr.

I am sure that it has come to your attention that if anyone attempts to take a responsible position in a fight against the unchecked evasion of Long Island by 100,000 uninvited interlopers, the adjectives will start to fly. In yesterday's Newsday Editorial, it reflexively attacks that Beedenbender bill as redundant and unworkable; that and a lot worse is what usually greets any attempt to control illegal immigration in our community. The pro-illegal alien community constantly obfuscates the difference between legal and illegal immigrants; that is a slap in the face to the millions we have welcomed here legally.

Applause

Look at it yet another way; comparing a legal immigrant and an illegal immigrant is like equating a drug dispenser, namely a pharmacist, with a drug pusher. We have been accused of pandering to the most basic instincts and, above all, racism. Yeah, racism. All who support the rule of law in this country on this issue are open to the charge. It's probably the most ugly but shocked-warn charge in American society. I am of Irish extraction, but I oppose illegal Irish immigrant as quickly as that of Latinos, Asians and everybody else.

Applause

Members of the Legislature, don't be surprised to see the race card dealt with at this hearing and don't expect that deck to be limited to 52 cards.

Now I'm going to give you some indisputable facts. Fact; the illegal immigration is a drain on most every facet of our local budgets. Schools, hospitals, our environment and, of course, our criminal justice and law enforcement. Fact; the underground economy is bleeding us into a large sea of red ink, this must not be ignored. Fact; it is the obligation of this Legislative body to do all in its power to protect the businesses and workers who pay your salaries. You must fight the illegal economy that is crippling the honest businesses and lowering the pay scale and job opportunities of our citizens and legal resident workforce.

UNKNOWN AUDIENCE MEMBER:
Yes.

Applause

MR. DUFFY:
Fact, and you all know this to be true, a large majority of Suffolk County residents oppose illegal immigration and all the yields associated with it. You are our elected representatives, so take that title seriously and represent us, your constituents. Not the special interest and professional protesters who are more often than not feeding off the County taxpayers.

UNKNOWN AUDIENCE MEMBER:
Yeah.

MR. DUFFY:
You know what we want. We didn't see any of you out there campaigning this past year to open up this County for illegal immigration.

P.O. LINDSAY:
Please wrap up, Mr. Duffy.

MR. DUFFY:
Sure. Fact; the Beedenbender bill is no panacea, but it's a step in the right direction. More needs to be done. The Cooper bill does not target the prime cause of the underground economy, illegal immigration. The Cooper bill is a step backwards. The people want the Beedenbender bill passed today.

Applause

Finally, finally, the days of elected officials being able to slip one past the Suffolk County Conservative Party and it's constituency that we represent are over. If you think we will be asleep at the wheel on this, forget about it. We plan to engage this honorable Legislature on behalf of all who vote on our line and we will support our friends on this issue accordingly. I don't think you would expect us to do any less. Thank you very much.

Applause

P.O. LINDSAY:
Beth Wahl and on deck is Susan Wischhusen.

MS. WAHL:
Good morning. My name is Beth Wahl, I'm here representing the William Floyd Community Summit and the Community Coalition of the Mastics, Moriches and Shirley which is comprised of several community civic groups as well as the Chamber of Commerce and the Montauk Highway Merchants Association. We are urging the passage of Legislator Browning's IR 1186. It is essential for the future development of the tri-hamlet area that dry sewer lines be installed at the time of the reconstruction project on Montauk Highway, County Road 80 in Shirley and Mastic. It makes sounds, fiscal sense to instill them during the construction since the cost will escalate tremendously in years to come. It would also cause undo hardships to both our residents and businesses that will be affected for approximately 18 months during the construction process and then have to endure another phase of construction seems unconscionable.

During County Executive Levy's State-of-the-County Address, he discussed the importance of establishing sewer districts for our downtown business areas and cited Montauk Highway as a prime example of an area that would benefit greatly from a sewer district. We feel this is our opportunity

to see an economic upturn for the community that has been victimized by poor planning for decades. I would like to quote Carl Sandberg who said, "Nothing happens unless first we dream." Well, we have the dream to see our community flourish, our quality of life improve and our businesses enjoy economic growth. We are now imploring you to help us make that dream come true and the first step is to approve this resolution. Thank you.

Applause

P.O. LINDSAY:
Okay, we have Susan Wischhusen followed by Elaine Kahl.

MS. WISCHHUSEN:
Good morning. My name is Susan Wischhusen and I'm here representing Save the Forge River and the Rotary Club of Shirley and the Mastics and I'm here in support of IR 1186.

The Mastic-Shirley area needs sewers. Not long ago I attended a business breakfast and County Executive Levy stated that he couldn't justify spending $3 million on a maybe. He said this in reference to the burying of dry sewer lines in conjunction with the Montauk Highway project in Mastic and Shirley. I'm not asking you to spend money on a maybe, I'm asking you to make an investment in a community, our community, my child's community.

Many of the socioeconomic problems that plague our community can be directly attributed to the poor planning of the past. The lack of infrastructure has prevented economic revitalization of the area and has had devastating effects on the Forge River. Just in a few weeks we anticipate yet another fish kill as the bottom feeders like juvenile fluke, eel and crabs have no oxygen on the bottom of the river so they float up and die.

{Jonah} Sulk once said, "Hope lies in dreams, in imagination and in the courage of those who dare to turn dreams into reality." My dream is simple; I dream that my children can continue to live in a community where they grew up in, where they can teach their children to fish in unpolluted waters, a community that can have restaurants and downtown areas. You have the power to make my dream a reality; I hope that you have the courage to make my dreams real. Thank you.

Applause

P.O. LINDSAY:
Thank you, Ms. Wischhusen. Elaine Kale followed by Herbert McCay.

MR. KALE:
Good morning. Thank you for having this session. I'm here as a spokesperson and co-chair of the Suffolk County Coalition for Legal Immigration No Amnesty. We're here to totally support Beedenbender's bill, 1105. I did, however, look over Legislator Cooper's bill at his bequest and I requested it as well because I believe in a fair, fair debate. Having said that, Brian Bendenburger -- Benden --

LEG. ROMAINE:
Beedenbender.

MS. KALE:
Beedenbender, thank you so much.

LEG. BEEDENBENDER:
It's okay, Elaine.

MS. KALE:
I apologize.

P.O. LINDSAY:
Just call him Triple B.

MS. KALE:
Okay, Triple B.

LEG. BEEDENBENDER:
That's fine.

MS. KALE:
I would like to say that he has from the very beginning been honest, been straightforward, did not use the race card, was a people person. He wants to protect the workers. He wants to protect Suffolk County.

Applause

And I have to tell you, after we gave testimony last week or the week before, I was very, very honored by the Federal Unions of Nassau and Suffolk, the trading and building department. I've been pinned. I've been pinned. And our organization is very, very honored because we support these men and women who have worked very hard, who are legal residents, who are paying the bills and we honor them. So we the taxpayers are getting together and we're going to sit with these people, my husband was a union man. I honor Suffolk County and we're going to get the taxpayers back to being treated fairly.

And I would like the arrogance of the illegal immigration group to please step back and let us come forward and say to you we bring you peace, we bring you joy, please follow our rule of law and we will say welcome to all. Thank you very much.

Applause

P.O. LINDSAY:
Herbert McKay followed by Christopher DeStio.

MR. McKAY:
Good morning, Legislators. And I trust that's what you are, our Legislators. You're going to look at this thing fair. My name is Herbert McKay. Yeah, Jay, I come from Montauk and Montauk we remember. We're going look at your vote very close today. People tell me you're on the fence; I don't believe that, Jay. You know where your loyalty lies. I'm here to speak in support of 1105.

Applause

Thank you. Thank you. We have a great reason for supporting it. My committee, we have hundreds of members in my committee, the doctors, lawyers, they're all across the board, they're all in agreement on one thing, you've got to start somewhere. Brian Beedenburger, Begabooger, the Triple B, the Triple B, he's right. The man is right. He's got a great bill here. This bill --

Applause

This bill is not a middle of the road bill. It's something that we would all want to treat as a part of the Constitution. I read the newspapers the last couple of days. Brian, I don't know what they've got against you. I don't know what they've got against you.

LEG. BEEDENBENDER:
It's my last name.

MR. McKAY:
I have trouble pronouncing it, too. The problem here, we're looking at people, they're calling it an anti-immigration, a bias bill. Look at the thing, there isn't one word in there. It's about fairness. It's about taking care of the people that want to work. It's about taking care of all these people that have come here. Yes, let them come here legal, it is an invasion. Read the Constitution, Article 4, Section 4 says you can come to the country legal, but you cannot -- two or three people come across the border, that's fine, that's an invitation, come across legally. When you get 20 million, I will tell you, that's an invasion.

UNKNOWN AUDIENCE MEMBER:
That's evasion.

UNKNOWN AUDIENCE MEMBER:
Right. Right.

MR. McKAY:
And we're going to start calling it this. We're not going to sit back and take all the local lies. You've got people, last time I came here to testify I had a guy that didn't even read the bill and gets up and he's screaming, "Anti-bias," it's this, it's that. It's not that. It's a truthful bill. Mr. Cooperman -- Cooper, he's got a piece of legislation here. His legislation will work. Everybody's complaining, what's it going to cost? Let me tell you something, your salaries are not cheap and neither is the cost of government. If you want something done you're going to have to pay for it. And who pays for it? I'll tell you, interesting, the taxpayer, the man that's out there working, paying their taxes, buying the homes, supporting you people.

Applause

You people that are sitting on the fence, it's not a cute position. You're going to get knocked off. You're going to get pushed one way or the other. The answer is come across, support this bill. It's a piece of legislation that has been needed for years, it's finally in front of you. You have the opportunity to honor this and support it. I'm making an appeal to you today, support it or pay the price. To pay the price is --

UNKNOWN AUDIENCE MEMBER:
Right.

P.O. LINDSAY:
Mr. McKay, you're out of time. If you could wrap up, please.

MR. McKAY:
Okay, thank you. I just want to tell you, my committee, the Suffolk County Coalition for Legal Immigration, supports this bill and we're growing by the hundreds. And I want to tell you, if you're here legally that's fine. If you broke the law and you come here, you broke the law once, that's it. What's it going to cost to support you? We're going to take that money out of the money you're not paying for taxes and we'll be supporting you on all the benefits that you're receiving. Thank you very much and support 1105.

Applause

P.O. LINDSAY:
Christopher Destio followed by Pat Flynn.

MR DESTIO:
Good morning to everybody. My name is Chris Destio, I reside in Mastic Beach. Good morning, Presiding Officer Lindsay and good morning to all the Legislators that are gathered here today.

I know you have a very busy day ahead of you and there are many other speakers here today to express their concerns. I'm here for the reason today, and I'm sure you know, is the John J. Foley Nursing facility. I'm not here to give you numbers or facts, I'm sure you've gotten an earful from the community, the residents and the facility -- the residents at the facility and the staff.

First, I would like just to say thank you to Presiding Officer Lindsay and his staff for taking the time to meet with us and listening to our concerns about our facility. I thank you, our group thanks you and the residents thank you for the respect that you have shown them.

Next, I would like to say that Kate Browning is my Legislator. And I have -- and she has visited our facility a number of times and has always shown concern in the well-being for our residents and the staff and has always been there for us and we all want to say thank you for being there for us. Thank you, Kate.

We as a group of County employees and family members has visited 17 of the 18 Legislators in the past two months, and that 18th Legislator will be next week. We did all of this because of our residents and also time is crucial. We know that it's just a matter of time before it's brought back to the table, sooner than later. We feel we have opened your ears to the truth and you're listening. When I was in the Marine Corps back in the 80's my Captain once said to me that good things just don't happen; hard work, persistence and the true belief in what you are doing makes things happen. I believe as a small group you made the difference and we will continue to make a difference as we keep moving along. We will continue to ask the Legislators for their support and I feel that the Legislators that we have here before us today have compassion, heart and concern for our residents at John J. Foley. We are not pushed -- we were not pushed to the side and told that we could only meet with their staff members or told that, "We don't have time for you."

The Legislators in front of us today stood up to the plate and showed us what they are made of. They came to visit our beautiful facility, talked with the residents, staff and administration. We in the near future will do follow-up reports with all the Legislators and will continue to move in a positive direction. Once again, the residents need your continued support and we will support you in return, because without the Legislators here today, cries would have fallen on deaf ears. Thank you.

Applause

P.O. LINDSAY:
Thank you, Chris. Pat Flynn followed by Luis Valenzuela.

MS. FLYNN:
Good morning. My name is Pat Flynn, I'm from the Suffolk County Coalition for Legal Immigration No Amnesty. I just want to say that I back Mr. Bendenbeeder's Bill 1105.

Cheers & Applause

And remind the Legislators that we will remember in November. Hi, Jay.

Applause

P.O. LINDSAY:
Luis Valenzuela and Thomas Dean is on deck. I saw Luis before. Here he comes. And Tom, you're on deck.

Boos From Audience

P.O. LINDSAY:
Stop; no booing.

MR. VALENZUELA:
Good afternoon, distinguished gentlemen, distinguished ladies. It's a sad day that we're here again today on 1105. It's an unnecessary bill, it is duplicative, laws already exist to address this issue. There are serious problems on Long Island that we could be dealing with. There's 259,000 Long Islanders that go to bed every night hungry, something we could be dealing with, a real problem. Again, for the third time, I will ask you what is the scope of the problem that this bill pretends to address? Where is the data? Show us the numbers. Show us something. We do have serious problems in Suffolk County that we could be addressing. There's a $150 million deficit and we're here debating a bill that really has no place, no place here before this Legislature.

Boos From Audience

P.O. LINDSAY:
Stop. No booing. No booing.

UNKNOWN AUDIENCE MEMBER:
It's expression.

MR. VALENZUELA:
Well, Federal law has jurisdiction over immigration, plainly, clearly; that's incontestable. A bill like this, if it were to pass, you've heard testimony about the consequences; ultimately it will be ruled unconstitutional.

UNKNOWN AUDIENCE MEMBER:
It's declared constitutional.

UNKNOWN AUDIENCE MEMBER:
That's a joke.

P.O. LINDSAY:
Continue.

MR. VALENZUELA:
So I think that the people of Suffolk County are not going to continue to tolerate these types of events, these types of laws that take up time, cost money and do absolutely nothing when we have real serious problems here in Suffolk County. You have families making 50, 60, $70,000 a year who can't afford health care and we're here debating a bill that's a solution looking for a problem that doesn't exist.

UNKNOWN AUDIENCE MEMBER:
How about solving a problem that exists?

P.O. LINDSAY:
Stop. Let him continue.

MR. VALENZUELA:
You know, there are some of our communities where there's -- there are parks that are unlit and when we ask for the parks to be illuminated we're told, "It's a great idea. But you know what? If we illuminate the parks, other people from outside the community are going to come, so do you want that?" Now, why do we have to make those types of decisions when we should have parks for our young people? But we'd rather be here today, or some of you would rather be here today debating a bill that is a solution looking for a problem that doesn't exist.

UNKNOWN AUDIENCE MEMBER:
Oh, come on.

P.O. LINDSAY:
Please wrap up, you're out of time.

MR. VALENZUELA:
Again, show me the data, show me the numbers. What's the scope of the problem? What's the magnitude of the problem?

UNKNOWN AUDIENCE MEMBER:
Research them.

MR. VALENZUELA:
And again, thank you.

P.O. LINDSAY:
Thomas Dean followed by Mario Mattera.

MR. DEAN:
Good morning. Thank you, Mr. Lindsay and full Legislators. My name is Tom Dean, I'm a nurse at John J. Foley. This is my third time here. We're hoping that to continue to meet with you individually and we're hoping that you will come out and see the home for yourself and maybe you'll see what we see and at that time you'll feel the way we feel about it. Thank you.

Applause

P.O. LINDSAY:
Okay. Just hold up one minute, Mario. I need a motion to extend the public portion.

LEG. ALDEN:
Motion.

P.O. LINDSAY:
Motion by Legislator Alden, seconded by Legislator Mystal.
All in favor? Opposed? Abstentions?

MS. ORTIZ:
Ten.

P.O. LINDSAY:
Okay. Mario Mattera followed by Greg Maney.

MS. ORTIZ:
Eleven (Not Present: Legislators Browning, Viloria-Fisher, Montano, Horsley, D'Amaro, Cooper & Lindsay).

P.O. LINDSAY:
Go ahead, Mario.

MR. MATTERA:
Good morning, Mr. Chairman and all Legislators. I'm very proud to be here in front of everybody today and thank you for letting me speak on this very, very important bill, 1105. My name is Mario Mattera, I'm the Business Agent with Plumbers Local Union 200. I'm a 44 year resident of Suffolk County and very proud of that, I want my family to stay here. I live in St. James. I represent approximately a thousand union plumbers that 80% of them live in Suffolk County and raise their families. My union is a very diversified membership and I'm very proud of that. I don't care if

you're white, you're black, you're purple; you work hard, you pay your taxes, that's all I care about.

Applause

This bill -- this bill is not a race issue, and I'm very appalled by everybody bringing the race issue. This bill is about contractors exploiting workers, case closed. I'm out there every day. I know you Legislators, you actually go and you speak to the people about a lot of other things. I'm out there every day. Remember, construction is the backbone of the whole economy. And I'm going to tell you something, without construction going on and the monies going back into the system, we've got a major problem here and now we have the problem.

What's happening is these contractors are not paying Workmen's Comp. One of my contractors pays -- excuse me. One of my contractors pays $30,000 a month in Workmen's Comp and what he's doing is he's supplementing the bad contractor. What's happening here is they're not paying Social Security because there's fake Social Security numbers out there, okay? Unemployment Insurance is not being paid for the system, so all my contractors and non-union contractors are supplementing this. I have friends in the non-union world. Like I say to everybody when I try to get the jobs, union, non-union, Grand Union, Soviet Union, we're just here to work to get jobs so people can go to work and put money back into the system.

We do not need a different bill. Mr. Cooper -- I'm sorry he's not here to hear this -- wants another bill and at the eleventh goes against Brian Beedenbender, which I can say his name right. I'm going tell you something, I'm appalled by that. Brian's bill is the right bill to get things rolling here. We need to be on a level playing field. Our contractors need to pay -- my contractors have to pay taxes. Do I have to go back to them and say, "Guess what, the guys can be half on the books and half off-the-books," is that what we're talking about here? Ninety-four percent of Suffolk County and Nassau County taxpayers with News 12 approved of this bill when they had a survey. Did everybody see that?

Applause

Look at what we're listening to right over here. Look at this, why do we have people out here today? We have unemployed people here. Raise your hand that's unemployed here, please. That's horrible. It's horrible. And like you say, they have to pay unemployment tax on their unemployment.

Like I said, this is not a white or a black or a purple issue. Please, let me have a couple of more minutes. I have a target fund that my membership has to give back to get projects. My contractors then have to bid against the contractor that's bad to get projects. I have to go as a salesman to try to get these jobs. We had a gentlemen called Mr. McLeod from the ABC, he gets up a couple of meetings ago, he has to say, "I'd rather see someone pay $100 for the illegal to dig a trench so he doesn't go steel my GPS out of my car"? That's racist. I am not here -- it's the contractor exploiting the worker. Keep to the basics, keep to the subject. That's what this bill is all about. Please --

P.O. LINDSAY:
Mr. Mattera, finish up.

MR. MATTERA:
Thank you. I just want to say, Brian, I commend you again. Thank you very, very much, Brian.

Applause

And not just Brian, all the Legislators that I spoke to. I'm going tell you -- you know what, can I please? All you guys that I spoke to, and everybody knows it, you guys are great, I appreciate it. We need to do something for Suffolk County to help keep our monies here for infrastructure, keep all these monies here. Thank you. Any questions?

Applause

P.O. LINDSAY:
No questions allowed.

MR. MATTERA:
No questions, huh?

P.O. LINDSAY:
Not allowed. Greg Maney followed by Carolyn Sandisk.

MR. MANEY:
Good morning. My name is Dr. Gregory Maney, I'm an Associate Professor of Sociology at Hofstra University. I'm also a member of the Immigration and Social Services Committee of the Irish American Society of Nassau, Suffolk and Queens County. I'm here today to urge you to vote against IR 1105.

UNKNOWN AUDIENCE MEMBER:
Oh, come on.

MR. MANEY:
If enacted, IR 1105 will violate human rights, will beep in social inequalities and will harm community relations. Article 23 of the Universal Declaration of Human Rights states everyone -- and it states, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and the protection" --

UNKNOWN AUDIENCE MEMBER:
(Inaudible).

P.O. LINDSAY:
Quiet down. This man has a right to speak like everyone else.

MR. MANEY:
Thank you.

P.O. LINDSAY:
Continue.

MR. MANEY:
And to protection against unemployment. IR 1105 violates these fundamental human rights. Some contractors will refuse to hire Latino workers regardless of their legal status for fear of being investigated by the County. Others will use the act as a tool to pressure immigrant workers to work for lower pay and unsafe conditions. They'll say to workers, "I'm taking a big risk hiring you, so you better make it worth my while." By driving down wages further, the law would give more of a competitive advantage to employers hiring undocumented workers; that's hardly the fairness that the bill's proponents claim to seek.

As a Sociologist studying ethnic group relations, I'm aware of the tremendous suffering of that starving famine era Irish immigrants faced as a result of being scapegoated for unemployment, for crime and for poor housing conditions in the US. As an Irish American, this historical knowledge makes me determine to ensure that no economic and political refugees to our shores will ever again have to face such injustices.

IR 1105 scapegoats undocumented workers for failing businesses and the lack of employment benefit for workers in Suffolk County, yet these problems will not disappear if these workers leave

Long Island. The problems stem from widespread resistance by employers to unionization and the government's failure to provide adequate resources for the enforcement of labor laws. The solution to these problems is to support the right of all workers, regardless of ethnicity or illegal status. Research shows that when authorities point a damning finger at a marginalized and vulnerable social group, they encourage prejudicial, discriminatory and even violent behaviors against that group. IR 1105 points a damning figure -- finger at refugees who are the victims of a global economy where corporations have more rights than people. Its passage would further signal that those perceived to be undocumented immigrants are without value to the community, let alone rights that must be respected by others. The law will also contribute to discrimination of other abuses, not only against immigrants but also -- I'll wrap it up -- but also against US born citizens belonging to ethnic groups whose members are often immigrants. As such, it would contribute to a poisonous environment that has already bred vicious hate crimes in Suffolk County. Thank you for your time.

LEG. ALDEN:
Point of order, Mr. Presiding Officer?

Applause

P.O. LINDSAY:
Yes, I recognize Legislator Alden for a point of order.

LEG. ALDEN:
The nice thing about this is in America you can come out and you can speak, whichever way you want to speak on this. And the disruptions, that's really not fair to anybody. It's not fair to you who would support the bill, it's not fair to the people that do not support the bill and it's not fair to us because if you're out there coughing or you're carrying on conversations, we can't hear what anybody has to say and it's absolutely not fair.

And I would just suggest to the Presiding Officer that whether you're coming up and speaking for the bill or against the bill or about John J. Foley, there's a certain decorum and respect for other human beings. And I would expect everyone in this room, because you are talking about human rights, to respect each other and us. Thank you.

Applause

P.O. LINDSAY:
Thank you, Legislator Alden. Carolyn Sandusk -- Sandisk followed by Dot Kerrigan. Carolyn? Is Carolyn here? We'll pass by Carolyn. Is Dot Kerrigan here?

UNKNOWN AUDIENCE MEMBER:
Yeah, she's coming around.

MS. KERRIGAN:
Can I go around.

P.O. LINDSAY:
Followed by Regina Simmons.

MS. KERRIGAN:
Thank you, Legislators. I'd like to thank you sincerely, all the Honorable Legislators who took the time to welcome us into their offices and conference rooms and listen -- with very few exceptions, listen to us with genuine interest and gave us their support and encouragement.

My name is Dot Kerrigan, I'm a lifetime resident of the great State of New York. I was raised in Suffolk County. I moved out here when I was a toddler from Long Island, Nassau County. I brought my children up here, my husband and I own a home here. I work for the Suffolk County

Department of Health in the Health Services Division. I am proud of what I do. I am a public servant, we work for Health Services, we serve the citizens of the County of Suffolk.

I believe that these type of social welfare is -- I'm sorry if I'm misquoting here, but we actually -- going to the State of New York, the Constitution of the United States of -- the United States and of the New York Constitution, Article 17 Social Welfare and also Article 18, Housing and Nursing Home Accommodations for Persons of Low Income; this County of Suffolk has been doing this, we are proud of it, for well over a century. This home that we work at, the facility, John J Foley, started out as the Oms House, went to be called the Infirmary, is now the John J. Foley Skilled Nursing Facility; we are all one in the same. The Suffolk County Nursing Home serves the citizens of Suffolk County. It is something that we are proud of and that as Legislators we know that you support that type of support to our citizens. We do not -- we are a little offended sometimes to be portrayed as a tax -- a burden to the taxpayers of the County of Suffolk. We are not a burden, we are public servents, we serve the County. Thank you very much.

Applause

P.O. LINDSAY:
Thank you, Dot. I'll go back to Carolyn Sandisk, is she in the room now? No, still not here. Okay, Regina Simmons followed by Domenico Romero.

MS. SIMMONS:
I just wanted to say good morning, Legislators, everyone here. I am not supporting the bill IR 1105. This bill is just pandering on the verge of hatred, it's divisive and hurts relations in Suffolk County, especially in neighborhoods like where I am; I'm from Central Islip. This bill, it will increase discrimination against Latinos, immigrants living in the U.S.. If Suffolk County were serious about improving the lives of workers, they would be talking about enforcing minimum wage and overtime pay laws, not punishing hard working immigrants and saddling taxpayers with the bill. This is happening against a backdrop of tough economic times and a darn housing economy.

Adding insult to injury is not the way Suffolk County's leaders can help us stay out of a recession. This bill is bad for business and it will reduce the County's competitiveness. This bill would be an economic disaster, it threatens both one of our most vulnerable economic sectors, that is housing, and tries to idle one of our strongest economic engines, this economy and contributions of the immigrants. Home construction costs will rise as contractors are forced to pay the cost of immigration reinforcement which the Federal government should be paying. They also get to wonder whether projects will go unfinished as contractors are driven out of business. Voters have been clear, they want solutions to our immigration challenges that help everybody win, a path to citizenship for those who work hard, follow the rules, pay taxes and learn English. I thank you very much, Ladies and Gentlemen.

Applause

P.O. LINDSAY:
Thank you, Ms. Simmons. I'll try one more time; Carolyn Sandisk?
No, still not here. Domenico Romero followed by -- it looks like Beatrice Link. Dominick Romero?

UNKNOWN AUDIENCE MEMBER:
He's right here.

P.O. LINDSAY:
Okay. We'll wait for you. Beatrice Link, is she here?

MS. LINK:
I'm here.

P.O. LINDSAY:

Okay, let Dominick go first and Beatrice, you're on deck.

UNKNOWN AUDIENCE MEMBER:
Take the sign-off.

MR. ROMERO:
Hello. My name is Domenico Romero and I'm Director of the Long Island Civic Participation Project. My organization works in partnership with labor unions in order to look for better conditions of life and of work for all workers; not for some, not for a few, not for a specific kind, not for some color but for all workers. And I'm very disappointed to be here again talking about this bill as we have talked before because this bill, as many people have already said, is unnecessary. We know that it's not going to do anything, it's unenforceable. And also, even more disappointing than that because this bill is just dividing people, it's just dividing workers.

You have seen how the pandering around this bill has created more division and more contention, as you can see in this hall and outside from people who are suffering the same economic conditions, the same problems with housing, the same problem with gas prices, we are all facing the same things. Hopefully we will look for you all to look for solutions to that and not just trying to divide us thinking in your political future.

Especially I'm very sad and disappointed because of the way this bill was brought into the plan in a very strange maneuver within the committee where the bill has been tabled before. Now we have it here in a procedure that is very dubious to me, the right procedure. I don't think that that is going to hold and I hope that all you Legislators who are here trying to find out solutions for the County for all the workers, from all the unions who are here represented will look for solutions that improve workers's wages, workers pay, workers with overtime and will stop this kind of political pandering. Thank you very much.

Applause

P.O. LINDSAY:
Beatrice Link followed by Michael Brylewski.

MS. OGNO:
My name is Linda Ogno, I'm reading this on behalf of Beatrice Link

P.O. LINDSAY:
No, you can't do that.

MS. OGNO:
I can't do that?

P.O. LINDSAY:
You can't do that.

MS. OGNO:
Thank you.

P.O. LINDSAY:
Beatrice isn't here, she can't.

MS. ORTIZ:
You can submit the statement.
P.O. LINDSAY:
Michael Brylewski followed by Ken Lederer.

UNKNOWN AUDIENCE MEMBER:
Take the sign off.

MR. BRYLEWSKI:
Take it off me.

P.O. LINDSAY:
No, no, you're on the clock. Don't be starting,

MR. BRYLEWSKI:
Ladies and gentlemen of the committee, my name is --

P.O. LINDSAY:
Hold on. Michael, right now, if you agitate the audience I'll escort -- I'll have one of the Sheriffs escort you out.

MR. BRYLEWSKI:
I was asked and answered only.

P.O. LINDSAY:
Well, I don't want any back talk between the audience and yourself. You have three minutes, go.

MR. BRYLEWSKI:
No problem. My name is Michael Brylewski, I thank you for the chance to speak in opposition to IR 1105. This is the first time I've been at a public hearing about anything in my life. I feel strongly about this. I drove over a hundred miles taking a day off of work to be involved in a local policy that's impossible.
How do you debate a topic that is borderline absurd to begin with? IR 1105 is at best redundant. We have a State law in place ready to be enforced when need be. We've heard there is not enough money nor a way to investigate or enforce this new resolution effectively. If it were to pass as a small business employer, I do not have the means nor training to verify documentation. So why am I here? As a son of immigrants, an Eagle Scout and the father of five children, I find IR 1105 to be divisive, discriminatory, potentially economically tripling. I'm also a retired member of 825 Operating Engineers.

Your jurisdiction is Consumer Protection. Who's really being protected here? As a responsible consumer, I'm mostly concerned that whomever I employ as a contractor is paying his or her fairly and providing proper safety gear and training, and this is not even being enforced. These are my concerns. I'd like to be protected against those employers that hand chemicals to an untrained worker and tell him to start spraying without the proper PPE. Do I believe the sponsors of this resolution have malicious intentions? Not by a long shot. I do believe that the sponsors of IR 1105 have simply lost site of the fact that immigration is and should remain the purview of the Federal government. The question of immigration and reform must be answered by our Federal government with legislation that covers our country uniformally. If IR 1105 is not about immigration, then why has every speaker spoken against the bill hammered on this topic? Thank you.

Applause

P.O. LINDSAY:
Ken Lederer followed by Lisa Votino-Tarrant.

MR. LEDERER:
Thank you. My name is Ken Lederer, I'm a resident of Brentwood and also the Executive Director of the Central American Refugee Center. Our organization is a non-profit immigration legal services organization and we assist immigrants from all nations to apply for citizenship. Hundreds of immigrants go through our organization each year applying for their citizenship and are eager to vote now and they're aware of what occurs in this Legislature. And unfortunately I'm back again to

say that our organization is in opposition to bill 1105 for obvious reasons, because there's fallout from this bill. Promoters of this bill have said, "Oh, there's nothing in the writing for 1105 that talks about immigration." Well, you have to really look between the lines.

This year the EOC, the Economic Opportunity Commission, put out a report and it stated that have over the last year there was an increase of 9% of employer discrimination against immigrants and what we're seeing in this electoral arena this year is it's let's get the immigrant a population, it's the most vulnerable. And they are the targets, not just here in Suffolk County with this bill, but in the electoral campaign nationwide.

What we're afraid of is the fallout from this bill. The great majority of immigrants in this County are legal permanent residents and citizens and they're going to be affected by this bill.

UNKNOWN AUDIENCE MEMBER:
Why?

MR. LEDERER:
Why? Because employers who will be very hesitant to hire anybody who looks like a Latino or an immigrant from another country --

UNKNOWN AUDIENCE MEMBER:
Oh, stop it.

MR. LEDERER:
Because they're afraid that their papers are not going to be real, they're not going to take the time to verify whether a person is able to work or not. Because of what we're seeing -- because of what we're seeing in the rise of employer discrimination, this is a real serious issue that has to be considered by this Legislature. We're going to add to the possibilities of real discrimination against the immigrant community and the immigrant community, as has been said before, is one of the more vital engines of our economy.

P.O. LINDSAY:
Mr. Lederer, you're out of time.

MR. LEDERER:
Thank you.
P.O. LINDSAY:
Lisa Votino-Tarrant followed by Paul Sonn.

MS. VOTINO-TARRANT:
I'm a little short. I'm going to ask for the same respect that I've given everybody else in speaking today. And hi, Jay; I'm here, too.

Hello. My name is Lisa Votino-Tarrant and I am with Long Island Wins, an organization that promotes practical immigrant solutions that work for all Long Islanders. We're also the organization that presented a panel discussion on April 15th entitled "Don't Make Our Mistakes; Lessons from Riverside, New Jersey on the Cost of Attacking Immigrants," which all of you were invited to yet only a few sent staff members and only one Legislator attended, Ms. Viloria-Fisher. I found it precarious that this bill, 1105, was being discussed at the Legislature, yet only a few of you took advantage of researching possible long-term effects of anti-immigration legislation. I want to research a topic fully and with utmost respect to those with differing opinions. I have to admit, I felt a little slighted when there were over 80 attendees, including many community leaders, business owners and union officials, yet our elected officials who would be making these difficult decisions were nowhere in sight.

Had you attended you would have heard from Matthew Crossing, President of the Long Island

Association, an example that left many in the room with a feeling of dread in their stomach. He asked the room what they thought of when he said the word Skokie, Illinois and many replied with the word "Nazi". For the youngins in the room, he recalled that about 30 years ago Nazi tried to protest in the Skokie, Illinois. What most people don't know is that the protest never happened, yet 30 years later people associate Skokie with Nazis. His point was that perception is everything and legislation like 1105 will send the wrong image about Suffolk County to the world.

Since I live on the east end and have many friends in construction, I asked what their feelings were on 1105. One friend's answer really struck me, he said that he feels that even though he is a citizen, some contractors may consider him -- may not consider him for a position because he is Latino and there would be an added emphasis on employers being worried about forged documents. My friend is one of thousands of Latinos on Long Island that bring money in to the local economy; $201 million net to be more precise.

They also have created 52,000 jobs on Long Island and contribute to the arts, food and music of our culture. If we pass 1105, this sends a message to all immigrants, whether documented or not, that they are not welcome in Suffolk County. This isn't the first time that I've spoken on a bill that would target immigrants here and I'm sure it won't be the last. The shameful thing this time is that people worked hard to try and share information with you that you could actually use and you didn't deem it important enough. Are your decisions well-rounded or must they all be politically motivated? And of course this is coming at a time when our economy is slowing and small businesses are already starting to feel the sting. And the industry most affected will be construction. This bill threatens one of our most economic -- successful economic sectors, housing, and tries to idle one of our strongest economic engines, the economic contributions of immigrants.
We can see home construction costs rise and delays in repairs.

P.O. LINDSAY:
Please wrap up, Ms. Tarrant, you're out of time.

MS. VOTINO-TARRANT:
I will. Long Island Wins is completely in favor of leveling the playing field, but we believe the way to do that is with practical solutions, not band-aids that are unenforceable. If the Legislature is interested in leveling the playing field, they should focus on enforcing minimum wage and overtime laws that Suffolk County's working families so desperately need. With high gas prices and rising food costs, the average Long Islander is really feeling the pinch. We should all be working together to find practical, working solutions --

P.O. LINDSAY:
Ms. Tarrant, you're out of time. You're out of time.

MS. VOTINO-TARRANT:
-- that work for everyone.

P.O. LINDSAY:
You're out of time.

MS. VITINO-TARRANT:
That's good, I'm done.

P.O. LINDSAY:
Paul Sonn.

(*The following was taken by Lucia Braaten & Transcribed by Kim Castiglione - Legislative Secretary*)

MR. SONN:

Thank you. Presiding Officer Lindsay, Members of the Legislature. My name is Paul Sonn. I'm with the National Employment Law Project. I've had the opportunity to work with you all over the years on a variety of pieces of labor legislation. I for many years was at NYU's Brennan Center, and we worked together on the Living Wage Law in 2002, the Fair Share Health Care Law in 2005.

I come as an ally of the Labor Movement, and with -- to applaud you for having identified a very serious problem, widespread violations of basic labor standards in our economy. It's serious in construction, but it's a problem across our economy. But with the greatest respect, my allies in the Labor Movement and the building trades with whom we work on many things, with due respect, we believe 1105 is not the right response to this problem. This problem is a growing one. Our organization has done some of the leading national research documenting how pervasive these violations are. I'd be happy to talk more about it. And the answer, though, is improving enforcement of prevailing wage, of overtime laws, of Workers Comp, of making it not possible for workers to be paid off the books, not to be paid overtime, not to be paid Workers Comp.

1105, however, by punishing undocumented workers and employers who employ them risks driving them further underground, creating a more exploitable group of workers who can't -- in lowering wages. That's what we've seen elsewhere in the country and our research has shown that.

The Cooper Bill is a far superior alternative by focusing on wage enforcement. I would urge, though, that it actually be strengthened. I think prevailing wage standards should be added -- considered to be added to the Cooper Bill. And we should also explore ways to expand the prevailing wage standards to capture more large construction in Suffolk County. A step that the Legislature can do right now is to expand prevailing wage to IDA financed projects. You have right here in Hauppauge major firms, like Bactolac Pharmaceutical, receiving taxpayer subsidies and not paying prevailing wages. These are productive steps that we could take to address the real problem.

A next step might be to convene a meeting of the Labor Movement with immigrant worker advocates. And I think an excellent resource here is the New York State Labor Commissioner, Patricia Smith. She's a great ally of the building trades and the Labor Movement, yet she has really highlighted how important it is to separate labor standards enforcement from immigration enforcement. I think she's a key ally here. She's looking to expand prevailing wage right now to IDA stuff at the State level, and she would be a great resource, because we actually don't have to wait for the State to act for the IDA here. The Suffolk County IDA Board, which you all sit as, my understanding is, as the IDA Board could adopt it tomorrow. And if you're nervous about adopting it unilaterally without Nassau acting, you could negotiate with Suozzi to have the two Counties go together. Those are the sorts of steps that can really expand and strengthen the building trades and livable wages for Suffolk's working families. Thanks very much.

Applause

P.O. LINDSAY:
Thank you, Mr. Sonn. Frank Nitto, followed by Judy Marlow-Ratway. Frank Nitto. I don't see Frank Nitto. Okay. Judy Marlow-Ratway, followed by Bishop Andy C. Lewter.

MS. MARLOW-RATWAY:
Good morning. Bravo to Legislators Beedenbender and Eddington. Legislation Number 1105-2008, introduced by Legislator Beedenbender and Eddington to the County Legislature, proposed a Local Law to promote fair business practices by strengthening requirements for occupational licenses be enacted by the County Legislature of the County of Suffolk. This law states that no one can be hired here without showing proof, which consists of a United States passport, green card, foreign passport with a temporary green card stamp, employment authorization document that contains a photograph, foreign passport with a Form I-94. Status can also be proven through a culmination of documents, including a driver's license, Social Security card and birth certificate. This law must be enforced now.

Applause

Illegal immigrants are killing our economy with Federal grants, giving them free housing, education, tuition, books, child care, medical and hospital care, credit cards, and free gas all with no payment -- payback requirements. Enough is enough.

Before my retirement, I was employed many years in Human Resources. I had to enforce these laws and could not even hire anyone without seeing proof of citizenship. Legislators who refuse to obey these laws and hire illegals will never be respected, and believe me, will not be backed or voted for in future elections.

Applause

Please consider carefully your decision on this issue. Will you stand with the law enforcers or will you aid in breaking the laws of the United States of America? Ilegals are illegal.

Applause

They broke the law to get here. They are being given extraordinary benefits at the present time and this will no longer be tolerated at the expense of honest contractors and employers. It is important to send this message to employers that are hiring undocumented workers, who's numbers on Long Island are as high as 100,000, must end now. We will be watching your vote. Which of you Legislators will withhold the laws of the United States of America and which of you will break them? Citizens of Suffolk County, your influence counts. Use it.

Applause

P.O. LINDSAY:
I have Bishop Lewter, followed by Thomas Humphrey Senior. And, Bishop, just a reminder, the mike works. You don't have to yell, okay? Thanks.

BISHOP LEWTER:
Good morning, Ladies and Gentlemen of the Legislature. My name is Bishop Andy Lewter. I'm a principal of the Long Island Organizing Network, a County-wide social justice advocacy organization. I rise to voice my concern over bill 1105. While we affirm and recognize the need for a level playing field, as has been obviously demonstrated today, there are both fragile and tense relations that exist in our community that this bill perhaps has the potential to antagonize. I believe, Ladies and Gentlemen of the Legislature, that you have the ability to produce a more creative and imaginative legislative solution. I, therefore, encourage you to table subject to call this bill until a more equitable and inclusive solution can be reached. Thank you very much.

Applause

P.O. LINDSAY:
Thank you, Bishop Lewter. Thomas Humphrey Senior, followed by Cynthia Turner.

MR. HUMPHREY:
Good afternoon, everyone. My name is Minister Thomas Humphrey from Grace Community Church of North Amityville. I live in Amityville. I'm here on behalf of LION, Long Island Organization Network, to ask you to vote against I.R. 1105. LION is a faith based organization made up of unions, congregations, community and civic groups united to improve Long Island. LION has consistently opposed efforts by Suffolk County to pass legislation that scapegoats immigrants and that is our reason for being here.

First, let us say that we totally support one part of this bill, that every employer need to play by the

rules, paying Social Security, State and Federal unemployment, Medicare and all types required by law. We would even go further. We think every employer should also be required to pay minimum wages, Workmen Compensation premiums and overtime for all of their workers. We would support a serious effort by Suffolk County to ensure that these laws are obeyed, not just by people seeking license, but every contractor they employ in Suffolk County.

This bill, however, is not a serious effort. If the author of this bill were serious, they would have asked for money to hire the staff to enforce this bill, not just asking the 16,000 license holders to pay lip service to this law. When you pass this -- when you pass a bill like 1105, you do not solve the problems you say you want to solve. What you do is drive a wedge between the heart of my family and other families made up both of legal and undocumented members, so-called illegals. They are hard working members of our family and our community. Do not subject us to another media circle -- circus that put neighbors against neighbors. Please vote no for this bill. Thank you very much.

Applause

P.O. LINDSAY:
Cynthia Turner, followed by Ruth Mulford.

MS. TURNER:
Hi. Good morning. I'm Cynthia Turner. I'm actually the organizer for Long Island Organizing Network. I just wanted to stand and concur with Bishop Andy C. Lewter and one of our leaders, Thomas Humphrey. LION does not support 1105. We actually support the resolution that was introduced by Legislator John Cooper. Legislators, I urge you to table subject to call 1105.

Applause

P.O. LINDSAY:
Ruth Mulford, followed by Lawrence Schillinger.

MS. MULFORD:
Good morning, members of the Suffolk County Legislature. My name is Ruth Mulford. I'm the Vice President of the Associated Builders and Contractors, Region One. We are a not profit organization representing the interest of independent businesspeople. I've spoken with you before and I'm sure every one of you is aware that I am against -- I represent the independent businessmen in Suffolk County, and women, and I'm here to talk about that. I've heard 40 speakers before me. Some are talking about the Foley issue, and some are talking about other issues, but the majority are talking about a very, very important economic issue, and that's the backbone of the United States is small business. And the way that people are talking today are -- the special interest groups, are painting a picture that just isn't true.

The reality is that 75% of the contractors and the builders in Suffolk County are not affiliated with a union; they choose to be independent. They have that right. They cannot speak for the majority, they never will. And what's scary to me is that this process -- I've been to many, many, many public meetings in front of Legislators all over my region, which stretches to Orange County. And what is scary to me is on public record people from special interest groups will stand up here and openly, subject to the minutes of the meeting, threaten how you vote. I hope that you see that for what it is, that you understand that that is what is happening, that the people who aren't here today speaking, the business people, the contractors, the neighbors in the neighborhoods in which you live aren't here because they're earning a living and they are hiring many, many, many people. None of them want to be doing anything illegal.

I'm not going to say that there aren't people out there doing what you -- this bill covers, which is hiring people that do not have the correct credentials. However, I would say that both sides of the table hire people that are undocumented and illegal. For years people have had to produce I-9's,

passports and other forms of identification in order to obtain employment. If it's not being enforced the way it should, then that is the job of the United States government and the immigration officials. Contractors cannot be held responsible, nor should they be held responsible, for proving who they employ is documented or illegal. It is very easy to get credentials today, very easy.

When I look at Legislator Cooper's bill, to me if it's not an issue about race, if it's not an issue about undocumented then why would you want to take a look at Jon Cooper's or Legislator Cooper's bill. Obviously it takes that very volatile, very emotional piece out of the bill. Please vote no on this or at least table it so that we can get on with this and have an equal opportunity to vote the right way. Thank you.

Applause

P.O. LINDSAY:
Lawrence Schillinger, followed by James Capasso.

MR. SCHILLINGER:
Good morning. Just so I don't confuse anybody, I'd like you to know that I'm not here to speak about resolution 1105. My name is Lawrence Schillinger. I'm an environmental attorney. I serve as counsel to the New York Chapter of the Institute of Scrap Recycling Industries, and I'd like to speak about resolution 1129. That resolution would create an article tracking system for the purchase of scrap metal. This legislation is flawed. It's fatally flawed.

The reason why it's flawed, it's based upon a law that was created to track items that are purchased by pawn shops. We're talking about pawn shops that buy identifiable articles such as jewelry, Rolex watches, works of art, things of that nature. Things that are identifiable, that have serial numbers, that could be readily distinguished from other transactions. Pawn shops have a very limited number of transactions. I can't imagine that that many Rolex watches are being purchased on any given day by pawn shops located in Suffolk County, so if a homeowner has a Rolex watch stolen it's easy with an article tracking system to find out which pawn shops may have purchased -- a pawn shop over a specific period of time. And, in fact, for a pawn shop, what the article tracking system can do is it could, if it's successful, return that Rolex watch to the victim of the burglary.

But now we're talking about scrap yards, and it's apples and it's oranges, and the two just don't mix. Scrap yards process thousands of truckloads of mixed metal materials every day -- steel beams, copper material, aluminum material. These are items of commerce that cannot readily be distinguished or identified in an article tracking system. It just doesn't work. There's no public benefit to be derived by requiring scrap processors to identify through an article tracking system purchases of scrap metal. The burden on scrap processors far outweighs any punitive benefit to law enforcement.

This legislation would significantly add to the cost of doing business in Suffolk County, and in doing so it will make Suffolk County recyclers much less competitive with recyclers located either in Nassau County or in New York City. No, a more meaningful approach is encompassed by a State law that went into effect in January of this year. That law requires that scrap processer take and keep --

P.O. LINDSAY:
You're out of time, Mr. Schillinger. Please wrap up.

MR. SCHILLINGER:
I'll wrap up. Take a copy of a government issued photo ID on every scrap purchase. That is an effective investigatory tool and I implore local police in Suffolk County to enforce that law to make sure that that law is applied.

To wrap up, it has come to my attention that Legislator Stern has introduced legislation that would establish a County law which would also require a photo ID on every purchase of scrap metal and

failure to comply would subject a scrap processor to substantial and significant fines. That is legislation that's supported by the scrap industry. It would level the playing field, and it's legislation that we recommend be adopted.

P.O. LINDSAY:
Mr. Shillinger, you're out of time.

MR. SCHILLINGER:
Thank you very much.

P.O. LINDSAY:
James Capasso, and then I have another card for Paul Sonn, who I believe spoke already. You cannot speak twice. There's a different Sonn? No? Okay. Followed by Mark Smothergill. Mr. Capasso, go ahead.

MR. CAPASSO:
Good morning. Thank you for the opportunity to speak about proposed bill 1129, article tracking system legislation. I'm a member of the Legislative Committee of the New York Chapter of the Institute of Scrap Recycling Industries. I'm a third generation owner-operator of a scrap metaling recycling facility located in the Bronx, New York. Standing before you as a representative of the scrap recycling industry I have to tell you that the proposed legislation is seriously flawed. It will not provide any meaningful benefit to law enforcement, but it will significantly add to the cost of being in the scrap business in Suffolk County.

The economic burden to create thousands of electronic entries every day to report scrap purchases will require at least two additional full-time employees and probably more at every scrap yard. In addition, the information provided to law enforcement agencies is useless. All types of metal are bought and sold in thousands of transactions every day. There's virtually no way that electronically reporting a sale of a particular metal, copper for instance, can be related to a particular instance of theft. Scrap yards are not pawn shops. Copper pipe is not a unique and special product. One truckload of scrap metal cannot be readily distinguished from another in the same way as an original work of art or an item of jewelry. This so-called article tracking system is a complete waste of time and effort for both scrap businesses and law enforcement agencies. Being a part of ISRI, this is a bad piece of legislation.

As a business owner there is, however, a positive that has been offered by the proposed article tracking legislation. As an owner of a scrap metal recycling business located in New York City, I believe that the proposed law will provide me with a substantial competitive edge over competing business located in Suffolk. The increased cost of doing business in Suffolk, due to the cost of complying with the article tracking system, will enable me to offer better prices for scrap and I will be able to divert large suppliers of scrap metal away from Suffolk County scrap yards. Even factoring in transportation costs I will still be able to offer a better price for scrap, particularly to large industrial accounts than the price Suffolk scrap processors will be able to offer due to increased costs of doing business. Come to think of it, the article tracking legislation will fund college educations for my kids right out of the pockets of scrap recyclers located in Suffolk County.

The proposed article tracking legislation represents government regulation that is useless and unnecessary. I respectfully suggest that this proposal be tossed on to the scrap heap of bad legislation. Thank you for your time and attention.

Applause

P.O. LINDSAY:
Mark Smothergill, followed by Cesar Malaga.

LEG. BROWNING:
I think Mark left.

P.O. LINDSAY:
Mark left?

LEG. BROWNING:
I believe so.

P.O. LINDSAY:
Okay. Cesar Malaga, followed by Reverend Ronald Richardson.

MR. MALAGA:
Good morning, Presiding Officer. My name is Cesar Malaga. I'm the President of the Hispanic American Association. I have three topics to talk about, but let me start with I.R. 1105. We are completely opposed to I.R. 1105.

Pope Benedict XVI stated in Washington people despite years of contributing to society with their hard work and ingenuity now find themselves increasingly dehumanized and persecuted. Immigrants, legal or documented, are part of the economy of Suffolk County. What are you doing with -- what you are doing with this bill is denying the right to work and earn some money to support their families here in Suffolk County and their country. These immigrants do the work that other people born in the United States would not want to do. I'm sure many of you do not provide monetary support to your parents, brothers, sisters or your community as many of these immigrants do. Many of the people who work -- many of the people who you do not want them to get jobs, to work, they have children that were born here in the United States and they are U.S. citizens, and their parents must care for them. Vote no for I.R. 1105.

Now, the author, Legislator, of this 1105, said it's not an anti-Latino bill. Let me ask you, do people looking for work in areas such as Farmingville and Southampton have light skin, blond hair, blue eyes or green eyes? Of course they do not have. They are like me. They have dark skin, brown eyes, and black or gray hair. Do not insult the intelligence of us Latinos. I.R. 1105 discriminate against Latinos. It is an anti-Latino bill.

If the County wants to play Federal Government, issue work permits to the issue people who do not have documents. Other cities that passed similar bills as 1105 are having economic problems because the undocumented immigrants left those cities. Undocumented immigrants are part of the economy of Suffolk County. Vote no for I.R. 1105.

Now, the other topic I want to discuss, I have spoken about many times, is Yaphank. The 400 acres of land now that the taxpayers of Suffolk County should not be -- should remain as it is. This 400 acres should not be destroyed to develop industrial or housing as proposed by County Executive. There is no need for the proposed plans. There are beautiful turkeys and wildlife in those 400 acres and they should not be displaced. There are many empty buildings in the so-called industrial areas with available existing utilities and streets. Let's not destroy that 400 acres.

The other thing I want to speak about is affordable housing. I was here many times speaking about affordable housing.

P.O. LINDSAY:
Mr. Malaga, you're out of time. Could please wrap up.

MR. MALAGA:
Okay, sir. Next time I will discuss affordable housing, plus I was planning to discuss about the County budget, but I will provide my statement to the Clerk.

P.O. LINDSAY:
Thank you very much.

MR. MALAGA:
Thank you very much.

Applause

P.O. LINDSAY:
Reverend Ronald Richardson and Monica -- looks like Diaz.

REV. RICHARDSON:
My name is Father Ronald Richardson and I'm a Pastor in Suffolk County in Bridgehampton. I'm a part of an organization that is an international organization. It is the Roman Catholic Church. And over the years we've been on record consistently as favoring workers rights. The Catholic Church worldwide has supported unions, is concerned about working conditions.

A few years ago the Bishop, former Bishop of Rockville Centre, Bishop John McGann, released me to spend two years in the south working with the National Interfaith Committee for Worker Justice. I was working in Georgia with Latinos and also with African-Americans in the poultry industry, trying to organize those individuals. So the church does have a sense, a deep sense of commitment to workers rights and to workers concerns.

The church also has a concern about immigrants, whether they are legal or illegal. Most recently, the country was very gracious in hosting the trip of our Holy Father Benedict. Benedict is not somebody who is, who relativizes things. He's quite clear about what's right and what's wrong and has no hesitancy to speak to that. While he was here he did speak about immigration and concern about the United States and its policies towards immigrants.

The issue that faces the Legislature in terms of the legislation that you're debating, it would seem to me is far greater than Suffolk County. It has to do with national policy. I'm sure you're aware that there's a tremendous food crisis, not just in the United States, but in the world. It's not going to get better. And that's going to mean that more and more people will be migrating. We're not going to see an end to migration. I think the issue has to do very much with national policy. And I'd ask you to allow the nationals to do what they have to do. Thank you.

Applause

P.O. LINDSAY:
Thank you, Father. Monica Diaz, followed by Michael O'Neill.

MS. DIAZ:
Good afternoon. My name is Monica Diaz. I live in Suffolk County. I live in Wyandanch. I'm here to ask you to vote against 1105. The proposed law is here to intimidate our community, the Latino community, and to segregate, to divide our neighbors. To also intimidate employers from employing us, people that don't look Anglo. So, please, I will ask you to vote against it and oppose it. Thank you.

Applause

P.O. LINDSAY:
Michael O'Neill, followed by Cate Poe. Michael O'Neill? Going once, twice? Is Cate Poe in the room? Evelin Castellon? Debra Alloncius? Okay. I see Debra.

AUDIENCE MEMBER:

Cate Poe is here.

MS. POE:
Hello, everyone. Sorry for the delay. I'm sure you're -- the flurry of events is as hard for you to keep up with as it is for us out in the hallways. I'm here on behalf of the Long Island Organizing Network. While we had earlier speakers from the Babylon and actually from Legislator Mystal and Legislator Horsley's area, I just want you to understand that the position on LION -- from LION to oppose this bill is shared by all of our chapters throughout Suffolk County. And that our position is that there is a better way to serve the interests of achieving a level playing field that our, you know, our brothers in the building trades can live with at the same time not doing this in a way that divides us and makes immigration the central issue.

So I urge all of you all, excuse me, I was rushing in, to pull out your pencils and your thinking caps and work on a creative solution that is the best for Suffolk County. The divisions that are happening in this room and that are out in the corridors and that are flooding your offices every day are not going away. The question is whether you can exercise some leadership to try to help us all get on the same page, or whether you just want to keep having us at each others throats all the time. So I urge some thoughtful consideration here for you all to go back in your caucuses and see what you can come up with. Thank you very much.

Applause

P.O. LINDSAY:
Okay. Debra Alloncius is going to be the last speaker for the morning. We're going to go into Executive Session at 12 o'clock. We will resume the public portion after the public hearings. The public hearings start at 2:30, and if there is anybody else who has signed a card under the public portion I will call their names after we finish the public hearings. Debra, you got your three minutes.

MS. ALLONCIUS:
Good morning, Honorable Legislators. I thank you for this opportunity to speak on behalf of Cheryl Felice and the 8,000 members of the Suffolk County Association of Municipal Employees. My name is Debra Alloncius. I am the Legislative Director for the Suffolk County AME. I would like to thank the residents and the dedicated staff of the John J. Foley Skilled Nursing and Rehab Facility for the job that they are doing here in pleading their case, and I beg you to please work with us as we go along.

I am here to speak to I.R. 1307, specifically the buy out portion. We are in support of the resolution as we do not want to stand in the way of our of loyal employees from separating from County service, and there are a number of them. But we speak to the notion with great concern for the minimal backfill as the situation could not be more dire as we head into this buy out. We look forward to coming up with solutions to fill these spots if necessary. We don't need to plead with you anymore. We have shown you how we are reaching critical -- we have reached critical mass regarding the lack of staffing. Thank you for your time. Have a good afternoon.

Applause

P.O. LINDSAY:
Okay. Could everyone vacate the room? We're going to go into Executive Session. Would the attorneys for the Broadwater lawsuit please come forward? I need a motion to go into Executive Session by Legislator --

LEG. LOSQUADRO:
Motion, Mr. Chairman.

P.O. LINDSAY:
Legislator Mystal, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eleven (Not Present: Legislators Romaine, Browning, Viloria-Fisher, Montano, Alden & Kennedy - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Okay.

(The meeting was recessed at 12:02 PM and reconvened at 12:32 PM)

P.O. LINDSAY:
Okay. We're back on the record. I'll accept a motion to recess.

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Recess for lunch by Legislator Alden, second by Legislator Barraga. All in favor? Opposed? Abstentions? We stand recessed for lunch.

MS. ORTIZ:
Fourteen (Not Present: Legislators Viloria-Fisher, Losquadro & Eddington - Absent: Legislator D'Amaro)

(The meeting was recessed at 12:32 PM and reconvened at 2:34 PM)

P.O. LINDSAY:
Mr. Clerk, are you ready?

MR. LAUBE:
I am.

P.O. LINDSAY:
Could I have all Legislators back to the horseshoe, please?

(Roll called by Tim Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Present.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. VILORIA-FISHER:
(Not present)

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:

Present.

LEG. MONTANO:
Present.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present)

LEG. NOWICK:
Yes, here.
LEG. HORSLEY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
(Absent)

LEG. COOPER:
(Not Present)

D.P.O. MYSTAL:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:
Fourteen.

P.O. LINDSAY:
Before I start the Public Hearings for this afternoon, if there is anyone here that's left over from this morning, I just have a statement that I'd like to read.

Before we begin the Public Hearings, I want to let this audience know that the Supreme -- the State Supreme Court Justice, Carol Mackenzie, issued an order this morning restraining this body from voting today on IR 1105, a Local Law to promote fair business practices by strengthening requirements for occupational licenses. The order resulted from a legal action that was instituted yesterday by Legislator Montano. Of course, this Legislature will comply with the Court ruling, but I want to state for the record that I'm disappointed that the County of Suffolk will have to expend monies during these difficult economic times to hire outside counsel to represent the Legislature in the court proceedings.

Additionally, I want to say that I'm surprised and disappointed that a Judge would take the extraordinary step of blocking this Legislative Body from taking a vote on a bill that is before us. I believe the Judge oversteps her bounds when she stops the democratic process dead in its tracks, as has happened here today. With that, I'm going into the Public Portion.

LEG. MONTANO:

May I be --

P.O. LINDSAY:
No.

LEG. MONTANO:
May I be heard, Mr. Speaker?

P.O. LINDSAY:
No, sir. We're going into Public Portion.
LEG. MONTANO:
Well, I think that's inappropriate. Point of order. I would like to be heard on those comments, since I'm the one that brought the action.

P.O. LINDSAY:
We're going into Public Portion.

LEG. MONTANO:
I think I'd like -- will repeat, point of order. I would like to address the comments, since they were directed at actions that I took.

P.O. LINDSAY:
I heard you.

LEG. MONTANO:
I think it's unfair to make unilaterally -- unilateral statements condemning actions that I took and not allowing me an opportunity to respond.

P.O. LINDSAY:
Do we have the cards for Public Portion -- for the Public Hearings?

LEG. MONTANO:
Are you going to deny me the opportunity to respond to your comments, Mr. Lindsay?

P.O. LINDSAY:
Yes.

MR. LAUBE:
Are we going to public --

LEG. MONTANO:
I will address them at a later forum.

P.O. LINDSAY:
Public hearings. The first one first one is the ***2009-2011 Capital Budget and Program.*** I don't have the cards yet. Is there anyone in the audience that would like to address us on the Capital Budget? Seeing none, I will entertain a motion to recess, being that we're mandated to have a similar public hearing in Riverhead on Friday.

LEG. SCHNEIDERMAN:
So moved.

LEG. ROMAINE:
So moved.

P.O. LINDSAY:

I have a motion by Legislator Romaine, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:
Thirteen (Not Present: Legislators Browning, Beedenbender, Viloria-Fisher & Stern - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Mr. Clerk, I was remiss in asking were all the publications for the public hearings in order?

MR. LAUBE:
Yes, they are.

P.O. LINDSAY:
Thank you. ***I.R. 1046, A Local Law to prohibit text messaging while driving.*** I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion to close.

P.O. LINDSAY:
Motion to close. Is a there a second?

LEG. LOSQUADRO:
Second, Mr. Chairman.

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

MR. LAUBE:
Twelve ****RECORDED VOTE: 11-0-0-7** (Not Present: Legislators Browning, Beedenbender, Viloria-Fisher, Horsley, Stern & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1054, A Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:
Motion to recess.

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

MR. LAUBE:
Who made the motion on that? I'm sorry.

D.P.O. MYSTAL:
Eddington.

MR. LAUBE:
Thank you. Eleven (Not Present: Legislators Browning, Beedenbender, Viloria-Fisher, Horsley, Stern & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:

I.R. 1174, Approving rates established by the Davis Park Ferry Co. I don't have any cards on this subject. Kevin, are we --

MR. DUFFY:
The applicant has not yet submitted all his information, so the public hearing has to be recessed and our 45 day period does not begin to run until the application is complete.

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

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Eleven (Not Present: Legislators Browning, Beedenbender, Viloria-Fisher, Horsley, Stern & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1216, A Local Law to reduce the use of fertilizer near wetlands in Suffolk County. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? What is your pleasure, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion to close.

P.O. LINDSAY:
Motion to close.

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Thirteen (Not Present: Legislators Viloria-Fisher, Horsley, Stern & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1250, A Local Law requiring placement of consumer deposits in escrow. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Barraga?

LEG. BARRAGA:
Motion to close.

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

MR. LAUBE:
Thirteen -- fourteen (Not Present: Legislators Beedenbender, Viloria-Fisher & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1251, A Local Law further strengthening protections for residents of planned

retirement communities. And I have a few cards on this subject. Rocco Famiglietti is the first speaker. Would you please come forward, sir? You have five minutes.

MR. FAMIGLIETTI:
Yes, sir. First of all, I would like to thank you for the opportunity to speak to you today, and I just would like you to know that I'm from an adult community, Greenwood Village out in Manorville, of which I have several people with me. If the people would raise their hand that are from Greenwood Village?

P.O. LINDSAY:
Did you leave anybody home?

MR. FAMIGLIETTI:
Well, we couldn't get a bus because it was too late. But I'm here to speak on the law that County Legislator Ed Romaine had written. It was a Local Law further strengthening protection for residents of planned retirement communities. This law is written because we have a company that we lease the land from in Greenwood Village who is making it mandatory for people to sign waivers before they purchase a home in Greenwood Village. Essentially they're asking people to waive their rights.

In America, okay -- I served three years in the United States Army. This is an adult 55 and over community, of which we have many veterans who have fought in different wars, who have fought for the right for Americans to have rights, and now we have a company that's coming along asking people to waive their rights, okay, and we don't think this is fair.

P.O. LINDSAY:
Is that all?

MR. FAMIGLIETTI:
Yes, I believe so.

P.O. LINDSAY:
Does anyone -- yes. Legislator Romaine has a question for you, Mr. Famiglietti.

LEG. ROMAINE:
Yes. It's good to see you, Rocky.

MR. FAMIGLIETTI:
Hi, Ed.

LEG. ROMAINE:
Thank you for serving as President of the community, of the Homeowners Association. Let me ask you, does everyone pay the same maintenance fee in Greenwood Village?

MR. FAMIGLIETTI:
No.
LEG. ROMAINE:
And who makes those decisions?

MR. FAMIGLIETTI:
The corporation.

LEG. ROMAINE:
And if you go to sell your house and you were early, say a very early buyer in there and your maintenance charges are about $475, maintenance -- the management firm can say to your buyer we're going to charge you almost $900 now a month for maintenance. Is that correct?

MR. FAMIGLIETTI:
Yes, sir.

LEG. ROMAINE:
Does that, in fact, reduce the value of the ability of anyone to sell their home at a competitive price?

MR. FAMIGLIETTI:
Yes. Every time the maintenance charges go up in Greenwood Village, and it's only dictated by the corporation, it's not dictated by what's being done in Greenwood Village because we're not getting anywhere near the services that we should be getting. But every time the maintenance charges go up from this corporation the home values depreciate at least $20,000.

LEG. ROMAINE:
Let me ask you one other question. Are your roads in good or excellent condition?

MR. FAMIGLIETTI:
The roads are absolutely deplorable.

LEG. ROMAINE:
Does maintenance do proper maintenance of your lawn and garden facilities?

MR. FAMIGLIETTI:
No.

LEG. ROMAINE:
Do they open the pool on time?

MR. FAMIGLIETTI:
No.

LEG. ROMAINE:
Do they pave your driveways when they need paving?

MR. FAMIGLIETTI:
No.

LEG. ROMAINE:
Do they simply take your money without even saying thank you?

MR. FAMIGLIETTI:
Yes.

LEG. ROMAINE:
Thank you.

P.O. LINDSAY:
Does anybody else have anything for Mr. Famiglietti? Thank you very much, Mr. Famiglietti.

MR. FAMIGLIETTI:
You're welcome. Thank you.

P.O. LINDSAY:
Leo McGinity.

MR. McGINITY:
Good afternoon. Thanks for the opportunity to address you this afternoon. I'm the attorney for

Greenwood Village, and I assume that the Legislature is aware that in January of this year the Appellate Division of the Supreme Court issued an injunction against the County of Suffolk and all of its agencies and instrumentalities and bureaus preventing any steps to enforce the Local Law, which is the underlying law to the one that's being talked about today. I wonder if anybody can comment or perhaps Counsel can comment?

P.O. LINDSAY:
George, do you want to comment on that?

LEG. ALDEN:
Why don't you just tell us why you here?

MR. McGINITY:
Well, I think that's the first reason why I'm here, is just to make sure that the Legislature was aware that I think that what's being talked about today has been enjoined by the State Supreme Court and really probably shouldn't be voted on until there's at least an opinion that it's something that could be done without violating the current injunction.

LEG. ALDEN:
Thanks for coming down.

MR. McGINITY:
My second point is obviously we take issue with a lot of the things that Mr. Famiglietti addressed, but that's an issue that's before the Appellate Division. We expect a decision on the appeal, on our challenge to the Local Law, probably -- I'm going to say in three to four months.

I guess the last point I'd like to make before I sit down is if Greenwood Village is such a deplorable place and if the management really has so little regard for the residents there, why did.

LEG. ROMAINE:
Just move his father into the community? Thank you.
P.O. LINDSAY:
Mr. Brown -- hold on, let's have some order. Mr. Brown, did you want to answer that gentleman McGinity's comments?

MR. BROWN:
No, I really don't want to answer them, but thank you, sir. The only thing I just wanted to point out to the Legislature, that there is litigation pending, so before any comments are made, you might want to take that into consideration. Thank you.

P.O. LINDSAY:
Thank you, Mr. Brown. Do you want to comment?

MR. NOLAN:
I would just say that I believe the Legislature can vote on this bill today. I think we all recognize that this bill and the underlying bill, which established the rights for the people in these parks, will not be enforced until the Appellate Division hears the appeal. Supreme Court Justice upheld the law, but it is being appealed.

P.O. LINDSAY:
Okay. I don't have any other cards on 1251. Is there anyone else in the audience that would like to address us on 1251? If there is, just raise your hand. Seeing none, Legislator Romaine.

LEG. ROMAINE:
I'd like to make a motion to close, and in closing I'd like to thank all those who came down to represent their community. Thank you very much for your public participation.

P.O. LINDSAY:
Do I have a second to the closing motion? Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Kennedy & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Next is ***I.R. 1272, A Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores.*** And I have several -- two cards. First, Andrew Hackman. Is Mr. Hackman -- oh, here you come.

MR. HACKMAN:
I have copies of testimony here for the record. Thank you. Good afternoon, members of the Suffolk County Legislature. My name is Andrew Hackman. I'm here on behalf of the Consumer Specialty Products Association in opposition to 1272, a proposal that we require lockup and storage of certain consumer products, either at five foot high shelves or in locked shelving containers.

We are the Consumer Specialty Products Association or CSP for short. We represent over 250 companies that manufacturer a wide spectrum of consumer products. Names that you might recognize would be Proctor and Gamble, Clorox, Lysol, SC Johnson. We represent everything from antifreeze to bleach, from floor polish to air fresheners, a wide spectrum of formulated consumer products.

We're concerned with this legislation first because it is unnecessary in light of child resistant packaging that's currently required at the federal level and two, because it is an incredible burden for retailers to implement the specifics of this law. I've provided written copies of my testimony so I won't go into detail on that, but I will have that reflected for the record.

The first point I'd like to make, though, is the fact that all of the products that would be subject to this legislation are required by either two different versions of federal law to be contained in child resistant packaging. Both the Federal Insecticide, Fungicide and Rodenticide Act requires that consumer pesticide containers in containers less than five gallons have to have child resistant packaging on them, and the Poisoning Prevention Packaging Act, which is enforced by the Consumer Product Safety Commission, also requires that retail containers that have these warning terms on there have child resistant packaging.

The CPSC reports that over 700 injuries and poisonings have been prevented since child resistant packaging has been introduced in the United States. It has been an effective tool for our industry to insure that consumer products and products that could cause harm if accidentally ingested by a child are used and used properly. This law would not increase consumer safety. The vast majority of exposures, according to American Association of Poison Control Center Data, occur at home. They do not occur at the retail establishment. In fact, the CPSC advises that consumers should take care and that the best thing that they can do is educate themselves on properly storing and using consumer products and then reengaging those child resistant packages.

The last point that I'd like to make is the way this legislation is structured, it's key to warning terms that are contained in the Federal Hazardous Substance Act. It's not key to specific product categories. So, for example, a bottle of bleach may have the warning terms that are required under this law, but the warning terms are not linked specifically to products, so a retailer is going to have to look product by product to understand which products would have to be locked up or placed on five foot shelves and which products would not. It's a logistical nightmare.

The final point I want to make is that pesticides are already preempted from this requirement. The New York Department of Environmental Conservation has preeminent authority to regulate

pesticides in their sale and use in the State of New York and would be prohibited from enacting that portion of this law.

Again, I stress that these products are safe. They are formulated to be used properly, and there are explicit warnings protecting consumers. And we ask you to vote against this legislation, because, again, we believe it's not needed. Consumers are protected. I can answer any questions that you may have.

P.O. LINDSAY:
Legislator Alden and then Schneiderman.

LEG. ALDEN:
Just to clarify who you represent. You represent the manufacturers. You're not a retail association representative?

MR. HACKMAN:
No. No, we represent the manufacturers, Proctor and Gamble, Clorox. Two-hundred and fifty members, small and large companies.

LEG. ALDEN:
Thanks.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Two points. One is, and I apologize for this mix-up. The law from the start was supposed to exempt those containers that had tamper proof, you know, child safety locks on it. I tried to put in an amendment. For some reason it fell through the cracks and wasn't done in the proper time. So the bill is being amended to exempt those products, you know, like the bleach bottles that have the child safety locks. And I believe that the law is also -- you keep saying five foot shelves. I think it was a four foot shelf. I'll have to look at the bill and make sure it was written properly that way as well. I will look also into the other issues that you mentioned. But I wanted to make you aware that the bill in its final form will certainly exempt those containers that have those childproof locks.

MR. HACKMAN:
We believe that's advisable. I can't comment on the amendment, I haven't seen it, but we certainly think that that is a good step.

P.O. LINDSAY:
Anyone else for Mr. Hackman? No? Thank you very much. Patricia Brodhagen.

MS. BRODHAGEN:
Good afternoon. I'm Pat Brodhagen, the Vice President of Public Affairs for the Food Industry Alliance of New York State, which is the trade association that represents grocery stores, so we are a group of stores that would be impacted by this. Our members are pretty much any grocery store in your county that you can think of, 100 plus of them, but certainly King Cullen and Stop and Shop and ShopRite and Waldbaums and Pathmark and the IGA's and then a whole host of independent operators, and it's on their behalf that I'm here today to oppose this bill. Legislator Schneiderman, I heard what you just said. I'm going to go ahead and make my comments on the bill in front of me, but I am very aware of what you said and do appreciate that.

The bill that we looked at would require us to do two things, and that is to put any product with that label danger, danger warning or poison either five feet off the ground or behind lock and key. And it has -- there's just a host of practical problems for us and I would think any retailer who has these

things like hardware stores or garden centers or anybody else who sells anything -- bleach always come to our mind. Any member I talked about the first thing that popped into their head was bleach because many bottles of bleach do, in fact, say danger. They are also very big and heavy and in our judgment they should be on the bottom shelf. It's much safer for them to be on the bottom shelf than on a tall shelf where, you know, it's not the child you are worried about, but there's plenty of customers who wouldn't be able to reach it and if it were to fall then we actually would have a problem. So we tend to put those low where they are safe.

And then the other thing is lock and key. I just don't know how we would do that. There would be that whole aisle would essentially have to be behind glass with keys and we'd end up shopping for our customers. They wouldn't be able to get to the products that they wanted without getting assistance from someone to open it up. So there are, you know, huge practical problems in a store.

But the big issue really is whether we need to do this because of the child resistant packaging and because of the careful labeling which is geared to help consumers at home. That's when you look at the federal law, it -- the point of child resistant packaging and all of that labeling and assessment of each and every product based on it's chemical composition is so that once we buy these things, when we take them home and we open them, we use them according to these safe standards and do, in fact, store them well out of the reach of children and reengage that child resistant packaging.

To my knowledge, an unopened, sealed package of a product bearing one of those labels is perfectly safe so long as it's on the shelf in a store. I don't -- I don't know of any poisoning occurrences. I think the real danger is at home and that's why these things are so labeled. So, for those reasons, we respectfully oppose this particular bill. Thank you very much.

P.O. LINDSAY:
Hold on, Ms. Brodhagen. Legislator Nowick has a question for you.

LEG. NOWICK:
Hi, Pat. Just to remind me, how far up were these supposed to go if the bill was passed?

MS. BRODHAGEN:
The bill I have says five feet. So I'm five feet six so it would be about here.

LEG. NOWICK:
So that would mean all of those half gallon of Cloroxes and ammonias and all that stuff would have to go up -- was this your intention?

LEG. SCHNEIDERMAN:
No, no.

LEG. NOWICK:
No?

LEG. SCHNEIDERMAN:
It was not. Again, my intention was anything with a childproof lock would be exempted from this bill, so those containers all have childproof locks.

MS. BRODHAGEN:
So that does -- I mean, that makes it a different bill.

LEG. SCHNEIDERMAN:
It was an error. I had put my request in to Legislative Counsel. It didn't happen unfortunately. It wasn't George's fault, but it didn't happen. So I'm going to be amending the bill to make sure that problem is solved, as well as the four foot problem. I'm also not in a particular hurry here. I want to do a little bit more research and find out how many products would be affected by this. It was

my experience going into some garden centers that I found some, you know, highly poisonous substances that were, you know, small containers on lower shelves that children could easily get to. It may require only a small number of containers to be placed out of reach, maybe behind a -- behind the front desk there, you know, the front counter.

LEG. NOWICK:
All right. I'm glad I asked because I thought it was everything that was labeled like that.

LEG. SCHNEIDERMAN:
No.

MS. BRODHAGEN:
I think it is in this version.

LEG. SCHNEIDERMAN:
Those substances that are labeled poison or danger is because of the level of toxicity, that a taste to a teaspoon is a lethal dose. We're talking about strong toxins. And I'm willing to work with the industry, certainly, and see if we can come up with a bill that is better than the current one.

LEG. NOWICK:
Would something like a Windex be labeled toxic?

LEG. SCHNEIDERMAN:
No.

LEG. NOWICK:
I guess so. A teaspoon of that --

LEG. SCHNEIDERMAN:
It would have caution, typically.

MS. BRODHAGEN:
You could ask. I don't know if this is kosher. Andy probably knows better from the manufacturers point of view. Without the product right in front of me I don't know. It has to do with the formulation, you know --

LEG. NOWICK:
So it's not caution, it's if it says toxic.

MS. BRODHAGEN:
If it says danger.

LEG. SCHNEIDERMAN:
There's really three categories, danger, warning and caution. And of that danger, some will specifically say poison as well.

LEG. NOWICK:
So yours is for poison.

LEG. SCHNEIDERMAN:
Those that are marked danger or poison or both.

LEG. NOWICK:
Okay. All right. Thank you.

LEG. SCHNEIDERMAN:

Windex, I believe, has a caution on it.

P.O. LINDSAY:
But at any rate you're going to table the bill because you're still working on it.

LEG. SCHNEIDERMAN:
Yes.

P.O. LINDSAY:
Okay.

MS. BRODHAGEN:
And we would be very happy to look at amendments.

P.O. LINDSAY:
Thank you very much. Anybody else have any questions for Ms. Brodhagen? Thank you very much.

MS. BRODHAGEN:
Thanks.

P.O. LINDSAY:
Is there anyone else in the audience that would like to speak on 1272? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I'm going to make a motion to recess.

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

MR. LAUBE:
Fourteen. ***RECORDED VOTE: 15-0-0-3** (Not Present: Legislators Viloria-Fisher & Romaine - Absent: Legislator D'Amaro).
P.O. LINDSAY:
I.R. 1273, A Charter Law to limit the use of water quality protection funds for employee salaries. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Close this one.

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

LEG. ROMAINE:
Second.

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

MR. LAUBE:
Fourteen. ***RECORDED VOTE: 15-0-0-3** (Not Present: Legislators Viloria-Fisher & Montano - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1300, A Local Law to expand the membership of the Water and Land Invasives

Advisory Board. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on 1300? I don't see Legislator Fisher in the room. I don't know whether she wants to close it.

LEG. LOSQUADRO:
Pass over.

P.O. LINDSAY:
Yeah, let me just pass over that until she can step back in the room. She might be in the ladies room.

I.R. 1308, Proposed increase and improvement of facilities for Sewer District No. 18 - Hauppauge Industrial (CP 8126) and repealing the terms of inconsistent Resolution Nos. 598-05 & 1041-07. And I have one card. Ben Wright is here. He wants to speak on this resolution as well as 1309. Mr. Wright?

MR. WRIGHT:
Good afternoon. There are two public hearings, Resolution 214 of '08, which is the increase in improvement, and 215 of 2008, which is the extension to Sewer District 18 - Hauppauge Industrial. I filled out one card for both because the comment or the statement is the same. But as a result of the public notice comment was received on scheduling of the user cost of the proposed increase in improvement and extension. And the comment recognizes that the increase in operation and maintenance costs will not take place until construction is started and that the issuance of bonds is staggered and will require a repayment schedule with different levels being initiated in 2009, 2010.

So in response to that comment we adjusted some of the appendices and one of the pages within the report that is a supporting document to the public hearings. The maximum repayment year is 2011 and a revised schedule and appendices have to be incorporated into the supporting report or the report map and plan and recommendations that is termed.

The revisions don't change anything that was in the public notice. That information that's in the public notice includes current and anticipated annual rates and is expressed in dollars per thousand gallons for this industrial district. So what I'd like to do is just for the public hearing purposes to hand out a statement and the modified appendices for both of those -- both of those hearings.

P.O. LINDSAY:
Okay. And, Mr. Wright, we have a few questions. Legislator Alden.

LEG. ALDEN:
Ben, the notice that you put out is separate from the notice that we file for the public hearing?

MR. WRIGHT:
No, that is what was done by the Clerk's Office, yes.

LEG. ALDEN:
Oh, okay. I get it. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Ben, we've seen this come before us a couple of times now over the past couple of Legislative cycles. Are you still trying to get approval from the Comptroller or conform this to what the Comptroller's looking for? Why do we keep seeing this?

MR. WRIGHT:
We did have public hearings back in November, but the advertisement or the public notice which is very lengthy was shortened, so the Comptroller's Office indicated that that was inappropriate and we have to redo it. So we've done it and it's properly advertised. There's ongoing, I'll call it negotiations, with the State Comptroller trying to satisfy the questions they've come up with. It seems like it's getting closer and hopefully we'll have a conditioned approval that will only wait for the findings resolution, you know, on both public hearings.

LEG. KENNEDY:
Do you -- there's a very lengthy meets and bounds that runs associated with the resolution. Do you have a physical rendition that actually shows the perimeters where the district is going to expand?

MR. WRIGHT:
Yeah. That's in the report that was the supporting documents for the public hearing.

LEG. KENNEDY:
Which the Clerk must have?

MR. WRIGHT:
Yes.

LEG. KENNEDY:
Okay. Fine. I'll take a look at that. Thank you.

P.O. LINDSAY:
Does anyone else have any questions for Mr. Wright? No? Legislator Kennedy, do you want to make a motion on this resolution?

LEG. KENNEDY:
Absolutely, Mr. Chair. I'll move to close. Thank you.

P.O. LINDSAY:
Move to close, second by Legislator Alden. All in favor? Opposed? Abstentions? Before I go back to the resolution, Ben, if you could stay there.

MR. LAUBE:
Sixteen ***RECORDED VOTE: 15-0-0-3** (Not Present: Legislators Beedenbender & Montano - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I want to do the other one that you had a card in on. ***I.R. 1309, Proposed extension of Sewer District No. 18 - Hauppauge Industrial (CP 8126) repealing the terms of inconsistent Resolution No. 1040-07.*** Do you have anything additional to say on that one?

MR. WRIGHT:
No, I have the same statement and I did hand to Legislative Clerk the same document.

P.O. LINDSAY:
Okay. Does anybody -- Legislator Kennedy.

LEG. KENNEDY:
No, I'll make the motion.

P.O. LINDSAY:

Motion to close by Legislator Kennedy. Seconded by Legislator Alden. All in favor? Opposed? Abstentions? It stands closed.

MR. LAUBE:
Fifteen (Not Present: Legislators Beedenbender & Montano - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Okay. Let's go back to ***I.R. 1300, A Local Law to expand the membership of the Water and Land Invasives Advisory Board.*** Vivian, you were out of the room so we skipped over it.

LEG. VILORIA-FISHER:
Motion to close.
P.O. LINDSAY:
Motion to close. Do I have a second?

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Okay. And last, ***I.R. 1310, A Local Law to require cash deposits --***

MR. LAUBE:
That was 14 (Not Present: Legislators Beedenbender, Montano & Kennedy - Absent: Legislator D'Amaro).

P.O. LINDSAY:
-- to be made in accounts at authorized banks or trust companies. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll entertain a motion. I'll make a motion to close. Do I have a second? Come on folks, wake up.

D.P.O. MYSTAL:
Second.

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

MR. LAUBE:
Fourteen (Not Present: Legislators Beedenbender, Montano & Kennedy - Absent: Legislator D'Amaro).

P.O. LINDSAY:
We do have another public hearing that wasn't listed on the agenda and it's a little complicated and concerns one of your bills, Legislator Alden.

LEG. ALDEN:
Yep.

P.O. LINDSAY:
I'm going to ask Counsel to explain it, because I think I'll probably get it wrong.

MR. NOLAN:
It's got an I.R. No. 1434 of '08. It's to streamline the process by which resolutions and local laws are introduced. It's sponsored by Legislator Alden. Legislators may recollect that we passed this identical resolution, Local Law, several meetings back. Unfortunately, the County Executive's public hearing, which is a prerequisite for adopting a Local or Charter Law, was not properly advertised. So the County Executive, I believe, in consultation with Legislator Alden agreed to bring it back as a CN. The public hearing has been posted. We're going to conduct a public hearing now and it will be eligible to be voted on later.

P.O. LINDSAY:
So before us is ***I.R. 1434, Adopting a Local Law, a Charter Law to streamline the process by which resolutions and local laws are introduced.*** I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Alden?

LEG. ALDEN:
Motion to close.

P.O. LINDSAY:
Motion to close. Do I have a second? Second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fourteen (Not Present: Legislators Beedenbender, Montano & Kennedy - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Setting the date for the following public hearings Friday, May 2, 2008, at 10:00 A.M., at the Riverhead Town Hall in Riverhead. The 2009-2011 Capital Budget and Program that was just recessed until that date and place and time.

Setting the date for the following public hearings Tuesday, May 13, 2008 at 2:30 P.M. at the Rose Caracappa Auditorium, Hauppauge, New York. I.R. 1315, a Charter Law to make the County's leasing process open, competitive and accountable; I.R. 1343, A Charter Law to change the Legislative term of office; I.R. 1357, A Local Law to protect the County's historic and culturally significant properties; I.R. 1358, A Local Law to reduce the emissions of pollutants from the County's diesel-fueled motor vehicles; I.R. 1364, A Local Law to promote fair business practices; I.R. 1411, A Local Law amending the Suffolk County Empire Zone boundaries to include Mini Graphics, Incorporated. And that's it.

With that, we are going back to the public portion that was not completed this morning. I'm going to go through the names. I see there's far less people here now. I'll read the name; if you're here, please jump up and let me know. Evelin Castellon. I don't see anybody. Patricia Duffield. Dawn Hopkins. Jennifer Tay.

MS. TAY:
Right here.

P.O. LINDSAY:
We do have someone.

MS. TAY:
Good afternoon. Thank you very much. I don't envy you your positions. It was very disheartening to see what went on this morning. You have difficult decisions to make and, you know, my heart goes out to you. I hope that you could all find a good way to communicate. That's what a lot of

those people needed.

First, I would like to thank each and all of the County Legislators who took time to speak with representatives from John J. Foley Skilled Nursing Facility. Indeed, it is your open mindedness that has led us here today. It is a comfort to know that sometimes one small voice can prevail. We are truly grateful. I would be remiss, however, if I did not take a moment to speak on a recent undated letter from Doctor Chaudhry, Commissioner of Health, addressed to our family members and residents.

Doctor Chaudhry states that Suffolk County is fully committed to the continued quality care of the residents of John J. Foley. He continues that if Suffolk County choses to surrender its license at least 90 days advance intention will be given. This is a clear example of Mr. Levy's secret potion, doing more with less. At least our residents can count on the minimum.

According to Chaudhry, a number of reputable hospitals have inquired, yet a decision has not yet been made. Chaudhry states if a decision is made to change the current status, additional personnel will be brought in to assist with the resident needs during the transition and to assist the families in finding appropriate facilities. There is no need to panic. For the record, panic has already stricken at John J. Foley. The transition period has long been underway, ever since first reports in the news surfaced.

His promise to assist with transition is altogether too late. As if our jobs are not challenging enough, a complex task when we, the staff, are uncertain and unsure of what tomorrow may bring. We are expected to work with minimal staff requirements while facing more and more pressure every day. Mr. Chaudhry reminds residents and family members not to be scared by misinformation being spread by certain interest groups. He continues that the County is unable to run the facility as effectively as a private entity could. If Mr. Levy and Dr. Chaudhry were more careful they would not continue to instill fear and uncertainty in our residents.

The County Executive and Commissioner should now step up to the plate and claim responsibility for an increase in stress, anxiety and agitation on it's residents and its employees. A direct causal effect of these negative looming threats to close or privatize have impacted the health of our residents directly and it's staff. Chaudhry's letter makes no mention whatever of any of the staff at John J. Foley. This speaks volumes to what we've been attempting to convey all along. The County Executive has no conception of John J. Foley's worth nor of our worth.

P.O. LINDSAY:
Miss Tay, your time is up. If you could wrap up.

MS. TAY:
He should not have the power to sell us out. I encourage you to drop by our facility to see exactly what we do with less. You might notice lotions, soaps, clothing, radios, sneakers, TV's, shampoo, blankets and recently, soda, all for our residents out of humble pockets. We have always done more with less. It's time for a change. Thank you.

Applause

P.O. LINDSAY:
Thank you, Ms. Tay. Arno Herwerth. Arno Herwerth. No? Pat Young. Jim Claffey. Don Friedman. John Ficker. Philip Fava. Kevin Gershowitz.

MR. GERSHOWITZ:
Good afternoon. Thank you. As most of you know here, I'm here to talk about the scrap metal legislation. I want to thank you for taking the time to listen to our industry on this important issue that affects not only law enforcement, but our businesses and the role they have in the local economy and environmental conservation.

Over the past two years the subject of metal theft legislation has been ongoing. While scrap metal is already a heavily regulated industry, during that time period legislation on the State level was enacted and became effective on January 14th of this year. With this new State law, only in its infant stage at nearly four months old, the State law has not been given enough adequate time to be measured in its effectiveness and it has not been uniformly enforced, making the proposed County legislation unnecessary.

In addition, there is additional legislation being considered in Albany that passed the Assembly on March 17th of this year and has been delivered to the Senate. This additional legislation has many components but its most important is that it will establish a task force that be known as the New York State Metal Theft Task Force. This commission will compile and analyze data regarding the incidents of metal theft and is ordered to assess the need for further statewide legislation and makes specific recommendations to the Legislature to deter the theft of metal. This also makes the proposed County legislation at this time unnecessary.

The Suffolk County scrap metal industry is not opposed to additional regulation. As a matter of practice we encourage it and embrace good regulation. The current proposal is not good regulation. Recently, Virginia Governor -- West Virginia Governor Joe Manchin recently vetoed similar legislation citing fourth amendment rights against unreasonable searches and seizures. The use of the County's article tracking system known as ATS is a Legislative attempt to fit a square peg in a round hole. The County ATS system is designed for an industry where goods are identifiable and recoverable, like the watch I'm wearing which has a serial number.

On an average day this industry handles over 3,000 transactions. Using the ATS would require duplicate entry of transactions. My company alone would have to hire eight employees to do this. It is estimated that industry wide in the County we would need 100 employees to be hired, adding upwards of seven and a half million dollars in new business costs to County businesses.

Our companies understand that something has to be done to send a strong message to stop criminals from stripping churches and homes of copper and other commodities. However, we ask you, please, not legislate by photo opportunity. The companies that stood here earlier today and before you today already follow recently enacted State law covering our industry and regularly cooperate with law enforcement.

We're not opposed to further regulation, however, the proposed legislation is oppressive and the bottom line issue is it will not achieve or accomplish any of its intended goals of preventing crime, deterring the sale of stolen goods, or the recovery of stolen goods. Instead, the proposed legislation will create a burden --

P.O. LINDSAY:
Kevin, you are out of time. Could you wrap up?

MR. GERSHOWITZ:
Could I have 45 seconds?

P.O. LINDSAY:
Wrap it up. Two sentences.

MR. GERSHOWITZ:
I'll finish up. The proposed regulation will create undue burden upon local industry with no benefit. We ask of you to please consider alternatives such as giving the police real punitive tools to have an effect. We support increased fines and uniform enforcement. Our region is clearly in a recession. Ours is the last remaining manufacturing industries on Long Island. We consider ourselves vital to the economy and environmental efforts. We ask you to please consider alternatives. This current

proposal is the wrong law with the wrong reasons. Thank you.

P.O. LINDSAY:
Thank you. David Rush. Not here. Larry Schillinger.

AUDIENCE MEMBER:
He spoke already.

P.O. LINDSAY:
Okay. James Capasso. He spoke already, right? Kirby Einhorn. Thomas Triola.

MR. TRIOLA:
Hi, how are you doing? I'm speaking in support of 1105. I'd like to address as an effect of this legislation the affect that it would have on the safety of the residents of Suffolk County, which has nothing to do with race, national origin, religion, gender or any of the other factors like that. This is a matter of ensuring compliance by license contractors with other employment laws and making the public safe. Who would allow entry into their home by someone who the homeowner did not know or trust? Not many people would. A careful resident will require either credentials or other identification or otherwise be expecting the visitor to their home after having made prior arrangements for them to visit.

In the case of a licensed Suffolk County contractor, the trust and invitation stems from the first checking of the credentials of a contractor with Consumer Affairs and after first verifying that the firm is licensed, inviting the contractor into their home or on to their property to perform certain required services. The resident trusts that Suffolk County has already properly vetted this contractor and deems him trustworthy and reliable to engage his business enterprise within Suffolk County.

One would think that this would be the primary goal in the Department of Consumer Affairs, to protect this resident -- its residents, excuse me, from unscrupulous contractors. Without this trust and without the licensing procedure, hiring a contractor would be like doing business in the blind. Obviously prior lawmakers of this County saw fit to address this critical issue by creating consumer protection laws and setting up a mechanism for enforcement. They did so because they saw the need for regulation and fulfilled that need. Of course, if contractors were all perfect, there would have been no need for the Department of Consumer Affairs to license them in the first place.

When a resident hires a contractor he would have expected at least that the contractor ran a lawful and honest business. If the contractor had no record of his employees identities for any reason, including those because there might be undocumented aliens, he does not know who he's employing. He is obviously running his business under the table which is illegal. He could be employing a wanted individual or a child molester. However, when his employees are documented with conflicting identities or information an employee is usually required to produce, I should say with identities required to produce, he can run the due diligence background checks readily available to employers to make certain that the prospective employee is who he says he is and make certain that the information he provided is verified, including criminal history.

Conversely, when they are not documented they cannot perform these due diligence checks. When an employer fails to conduct a due diligence check on his prospective employee, he obviously does not care who he employs nor does he care --

P.O. LINDSAY:
Mr. Triola, you're out of time. If you could wrap up I'd appreciate it.

MR. TRIOLA:
Nor does he care who he puts in his home or in the proximity of your family. We're all aware of school districts sending out notices for child molesters and sexual violators and how upset everybody

gets. That's with individuals who are documented. The others who are not documented, nobody knows who they are. Nobody knows what their records are, whether it be in another state or another country.

P.O. LINDSAY:
Thank you very much.

MR. TRIOLA:
Thank you.
P.O. LINDSAY:
Michael Girardo.

MR. GIRARDO:
Senator Grassley has an axiom that says when you reward illegality, you get more of it. And that's what has been going on here in Suffolk County. It's been going on all over the country. We know what the problem is, we know it's the failure of the Federal Government. The failure of the Federal Government to secure the borders, the failure of the Federal Government to enforce immigration laws. 1105 is a bill that makes commonsense. When the Federal Government fails that's when the Suffolk County Legislature has to step in, and Legislator Beedenbender's bill is a commonsense solution to a problem that's plaguing our communities. It's the hiring of illegal immigrants by contractors. That's what draws illegal immigrants to this area in the first place, because they know they can get away with getting jobs. They have no respect for the law because nobody's enforcing the law, and that's what this bill will do.

It will solve a number of problems. It will solve -- it will level the playing field for contractors who do things legally, it will level the playing field for taxpayers who are subsidizing the illegal workforce, and it will help solve the immigration problem, because once the jobs dry up, then the illegal immigrants will start to go elsewhere, maybe go back to their original countries. And if they come back legally they'll be welcome with open arms, because I think most people welcome legal immigrants to this country. It's the illegal immigration problem that people are concerned about.

And the other factor that you have to remember, that Mr. Cooper's bill, who is supposed to be an alternative to this, is not going to address. A lot of the money that illegal immigrants get from being employed by corrupt contractors who hire them illegally, it doesn't stay in Suffolk County, it doesn't stay in our communities. It gets sent back to the original countries where the illegals came from. So Mr. Cooper's bill is not going to stop that. Mr. Beedenbender's bill will, because once the jobs dry up and people are forced to hire people legally, those people will be legal residents of Suffolk County, and that's what's important.

So I hope -- we'll be back in May once we start talking about this, but it's always about illegal immigration and the corrupt contractors that provide the magnet that's creating the problem in our community. So I hope you approve 1105. Thank you.

P.O. LINDSAY:
Thank you, Mr. Girardo. William T. Harris.

AUDIENCE MEMBER:
Not here.

P.O. LINDSAY:
Shirley Aldebol. Looks like John Eilenberger.

AUDIENCE MEMBER:
Not here.
P.O. LINDSAY:
Not here. Michele Lynch. I don't see Michele here. Michael O'Neill. Looks like Ruth Trujullo. No?

Ruth Trujullo? John Zaher. John Zaher, are you here?

MR. ZAHER:
Yes, I am.

P.O. LINDSAY:
Okay.

MR. ZAHER:
Members of the Legislature, thank you for taking the time to listen to the scrap metal industry regarding this important legislation. I just want to outline for you some of the reasons why the scrap metal industry opposes the proposed legislation. First, scrap metal is already heavily regulated. You heard from several people today about that. A New York State law went into effect on January 14th, barely three months ago. This has not been uniformly enforced nor has it been given adequate time to measure its effectiveness.

Second, on an average day, just the three largest companies in Suffolk handle over 2,000 transactions. The County's ATS system is designed for an industry where goods are identifiable and recoverable. Using ATS would require either the expansion of scrap metal facilities, probably nothing this Legislature wants to see happen, or the duplicative entry of transactions. It is estimated that up to -- that this legislation would require up to 100 employees be hired industry wide in Suffolk County and upwards of $7.5 million in new business costs.

Third, the legislation raises numerous privacy and fourth amendment issues, in essence by deputizing the scrap metal industry. In fact, as Kevin Gershowitz mentioned, West Virginia Governor Joe Manchin, a Democrat, recently vetoed similar legislation citing fourth amendment rights against unreasonable searches and seizures.

Fourth, scrap metal is not pawn. The County's IM tracking system handled 419,000 transactions over the past four years. This system is not being fully complied with. A recent survey conducted by our industry has shown there are hundreds of jewelry stores, we've all seen the ads on television, who buy and sell gold and other precious metals that are not on the County's article tracking system. This has created a black market environment. The last time the police were here before you they admitted they were unaware of how many scrap metal companies exist in Suffolk County. Shouldn't this be the first priority?

Fifth, the expansion of ATS would have added costs to the County. Web based systems need to be serviced, require programming, and have data storage and backup demands. To date, this program has not been done. The County's IT Department suggests that its current tracking system can be operated at no additional cost. However, is this practical considering the number of transactions will increase by over 4,000 per day? Using the Police Departments own numbers, this is a 750% increase.

Sixth, since scrap moves, this legislation will not be effective in preventing crime. You all heard from Mr. Capasso earlier today how this legislation will be a boon to his business. He's located in the Bronx. More than 30 companies operate from outside Suffolk County, such as City Scrap, advertise on television how they will pick up scrap at your location. Will this legislation apply to companies who have pick-up in Suffolk County? Is this practical? How will this be enforced?

P.O. LINDSAY:
Could you wrap up, Mr. Zaher? You are out of time.

MR. ZAHER:
Thank you very much. That's all I need. Appreciate it.

P.O. LINDSAY:

Doreen Brennan. Doreen Brennan. Nope. Delia McKernan. Nope. Okay. That's all the cards I have. Is there anyone else in the audience that would like to address us on the public portion? Seeing none, I'll make a motion to close the public portion.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Could I have the Legislators who are outside the room come back to the horseshoe? We're going to start the agenda. First up -- first of all, the Consent Calendar. Do I have a motion to accept the consent --

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Legislator Losquadro makes a motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Browning & Cooper - Absent: Legislator D'Amaro).

Tabled Resolutions

P.O. LINDSAY:
Resolutions tabled to April 29, 2008. ***I.R. 0011, Designating two (2) alternating Newspapers as one of the Official Newspapers of the County of Suffolk.***

LEG. LOSQUADRO:
Mr. Chairman, I'm going to make a motion to table this one more time. We thought we were ready to move on this today and I promise at the next meeting we're going to move on it no matter what.

P.O. LINDSAY:
We have a motion to table.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Browning & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1064, Adopting Local Law No. 2008, A Charter Law to clarify the budget process and restore flexibility in the allocation of sales tax revenue. I'll make a motion to table.

D.P.O. MYSTAL:
Second.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Browning & Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1215, 1215A, Appropriating funds in connection with the improvements to the Board of Elections (CP 1459). Do we have the bond on this?

MR. NOLAN:
We do.

P.O. LINDSAY:
Okay. I'll make a motion to approve, second by Legislator Eddington. On the question, Legislator Alden.

LEG. ALDEN:
On the motion. Because we are going into such dire times, or that seems to be the consensus, has anybody looked at the priority of any of these things that we've been voting on? Because I've noticed in the first couple of months of this year we've approved more than $20 million worth of bonded projects, and if part of our idea to fix a hole in the budget is to sell off our tobacco settlement to pay off some of our bonded indebtedness, all we're doing right now is running up that amount of debt. And this actually falls in that category. Is this something that really should be taken another look at? Do we need to go in --

P.O. LINDSAY:
No, what this is about is we're mandated by Federal law to have the new voting machines for I believe it's this November's election. We have no place to store them.

LEG. ALDEN:
Right.

P.O. LINDSAY:
This is an expansion of the warehouse to store the new machines.

LEG. ALDEN:
And what are we doing with the area that the old machines were in?

P.O. LINDSAY:
Well, I think that we need that in addition to this.

LEG. ALDEN:
Okay. Then my comments still stand that we've really got to prioritize what we're going to go and spend money on.

P.O. LINDSAY:
I agree.

LEG. ALDEN:
And if we have warehouse space somewhere else then maybe that's where we have to look at. If we're going to spend another million dollars here, or a couple of million dollars here, we've already gone and created more debt this year of upwards of $20 million. And on this agenda today there's another, I don't know, it's millions of dollars more of indebtedness. So, I really think that projects should be reprioritized and maybe just if we slow down a little bit and take a look at what we're doing and then go forward from there.

P.O. LINDSAY:
I agree with you, Legislator Alden, but I don't think this is one project that we can do that with.

LEG. ALDEN:
All right. I respect that, but that's the discussion we should be having on any spending bill right now.

P.O. LINDSAY:
I agree one hundred percent. And, you know, we are going to get the County Executive's Capital Budget to work on it in -- probably within weeks we'll start working on that, and I agree with your philosophy on this, that we should take a hard look on everything on that list.

LEG. ALDEN:
Even to the point where today there's another, and I didn't add it all up, but it's millions of dollars worth of debt that we're going to run up today if we approve everything on our agenda. As you pointed out, this might be a project that we have to do, and the other ones might be a project we have to do, but we have got to take a serious look at the outstanding debt. We're at a half a billion dollars on outstanding debt.

P.O. LINDSAY:
I agree with you.

LEG. ROMAINE:
Mr. Presiding Officer.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Just on the issue of debt and, obviously, nothing against the Board of Elections, but I think it should be mentioned a while ago I had asked Budget Review Office to tell me the amount of available balances in capital projects in which we had appropriated funding for. Gail, could you -- with your permission, sir, could I ask the Budget Review Office to give us that balance?

P.O. LINDSAY:
Go right ahead.

LEG. ROMAINE:
How much capital funds have been appropriated that still have balances, which meant we've appropriated it but it hasn't been spent. And Legislator Alden made a very interesting point. We're about to sell tobacco securitization. We're about to sell our tobacco settlement off for the future to try to handle it now and pay off debt now. How much outstanding debt do we have that we've appropriated that remains unspent, these projects undone, unaccomplished? I have the report here.

P.O. LINDSAY:

So you have the answer already.

LEG. ROMAINE:
You never ask questions if you don't have the answer. But I believe, if I'm not mistaken, that it is in excess of $600 million that we have appropriated that remain unspent. And then you have to ask yourself --

LEG. VILORIA-FISHER:
He's going to take off the mask. Sorry.

LEG. ROMAINE:
-- what are we going to do. All right. I'll stop.

LEG. VILORIA-FISHER:
You sounded like the New York State Lottery guy.

P.O. LINDSAY:
Ms. Vizzini, do you want to answer that rhetorical question?

MS. VIZZINI:
Yes. Actually, several Legislators have asked us for similar information in terms of what capital projects have outstanding balances. Legislator Romaine is correct. In the aggregate, and this is not just General Fund, this is all funds.

LEG. ROMAINE:
Right.

MS. VIZZINI:
And, you know, we -- it was a lot of work to put this together. It's only as good as the information that was input into the financial system, but it does give you an idea of what is still available and unexpended funds in all funds.

LEG. ALDEN:
And how much is that?

MS. VIZZINI:
Five hundred and ninety-nine million.

LEG. BEEDENBENDER:
Bill.

LEG. ROMAINE:
About $600 million.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
I just wanted to just, for the record, just so everybody understands. I had actually requested this from Gail and I'm glad to see that some other Legislators got it, too. Through the Public Works Committee this is something that, you know, if anybody wants to work on this please come to me, because this is the next big thing we're going to try to work on in the committee, looking at some of this projects that, you know, there has been a budget allocated for years and no money has ever been expended. Well, can we take that out of the pipeline and rescind the authorization? We're going to be looking at all of this, so if anybody wants to work on that, you know, please contact me and we'll be working through Public Works on all this.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
One last question. I know in the Operating Budget we vote for personnel, and we vote to tax people to pay those personnel, and that personnel is never filled. And now we have 1,500 vacancies in County government that people are paying taxes for that remain unfilled. They're being taxed for services they're not being provided.

Now we find we have $600 million that as a Legislature we appropriated for capital projects that are not being done. And it raises the question like why should I even vote for appropriations anymore? Why should I even vote for debt appropriation if we're voting for projects that we think are going to get done but never get done? And that's a question that we all have to ask, because it looks like we're not in control of even half the government. And the last time I looked it usually takes the Executive and the Legislature, you know, to waltz together to make something happen. But if we vote for things and they just don't happen, then you've got to ask yourself. And then you have to ask yourself what is the debt service, Gail? What is the current debt service for this County?

MS. VIZZINI:
Debt service in the General Fund is about $90 million and based on -- you know, we'll have more information for you when we do our capital review, but debt service has been increasing over the past several years by approximately in excess of $10 million a year.

I would just like to clarify that the 599 million are projects that some money has been expended. It may be -- each of these projects is going to have a different story. In providing the information to each of you who requested it, I clarified that you really need to dovetail with the Public Works report in terms of status because it could be indicative of perhaps something like the jail, where planning has been expended to the tune of $11 million, but no money has been expended yet for construction. That's a project that we're not going to rescind in any way, shape or form. Those monies have been appropriated.

P.O. LINDSAY:
But a lot of the construction money has been spent, too. I mean, they've already prefabricated all the cells. They cleared the property out there. They didn't do that for nothing.

MS. VIZZINI:
Yes, but it can be reflected in here that some of these the planning has begun, but the construction has not.

P.O. LINDSAY:
Okay. Legislator Alden.

LEG. ALDEN:
And to understand the debt, I think that there's a couple of other components that have to be understood. What's the actual outstanding debt of the County and then you have authorized but unissued debt, and then you have this almost 600 million of unspent basically. Now, would that be something that we've already bonded for?

MS. VIZZINI:
Well, this is part of the authorized unissued.

LEG. ALDEN:
Right. But there's another little component that would have to be looked at that's on top of that. So we have authorized the 600 million, we didn't spend all of it. How much do we have that's authorized but hasn't been bonded yet?

MR. LIPP:
The authorized unissued is the 600 million or just under 500 million in the General Fund purposes. There's -- well, we're counting from IFMS, but you'd have to look at it on a project by project basis, $100 million that in theory we haven't spend anything on those projects at all. So those are the things you might want to look at more closely.

LEG. ALDEN:
Wait a minute. Now I'm confused. The 600 million is authorized but unissued.

MR. LIPP:
Correct. That's pipeline debt.

LEG. ALDEN:
Okay. How much debt do we have outstanding?

MR. LIPP:
I don't have that off the top of my head, but the --

LEG. ALDEN:
Roughly.

MR. LIPP:
Well, I'm not sure what the roughly is. I'd have to calculate that. I haven't looked at that. But we are spending quite a bit. We were in the $50 million in 2005 because we refunded debt, and now we're up to the $90 million range in debt service and rising because we have spent not nearly that much on the jail construction.

LEG. ALDEN:
That has to reflect almost half a billion dollars then of outstanding debt. Now, in the 600 million, that's not reflective of that -- the quarter cent, and I'm going to call it a diversion of quarter cent money because originally the quarter cent money was for pretty much all cash projects, whether it be in the sewer districts -- you could expand sewer districts, you could do things with that cash. Now all that money has been, I'm going to call it diverted, to pay for authorized debt. We didn't issue that debt yet, but that's a half a billion dollars worth of debt that was authorized under that program. So that would have to be included on top of this.

P.O. LINDSAY:
That confuses me now because I -- the quarter cent is cash.

LEG. ALDEN:
It's not cash.

P.O. LINDSAY:
Are we bonding the quarter cent? We're not bonding the quarter cent.

LEG. ALDEN:
We're bonding and then paying it off with the quarter cent. That's exactly what passed the referendum.

MR. LIPP:
Well, if you look at monies that would be due to the General Fund, for instance, that's a little less than 500 million in terms of pipeline debt, unauthorized unissued. The quarter cent money is not directly shown in the Capital Program, you know, whether you should or not is an open question, but that is, as Legislator Lindsay is saying, that's money, yes, we will start to bond. There's very little that we have bonded so far. We will start to bond for that but it will be paid directly out of those

proceeds. It will not affect the General Fund.

LEG. ALDEN:
Right. But we authorized up to a half a billion -- approximately up to half a billion dollars worth of debt.

P.O. LINDSAY:
But could I just make a point, and I don't mean to interrupt you.

LEG. ALDEN:
No, that's okay.

P.O. LINDSAY:
An initiative that I think we all should look at, and actually the County Executive has started to do some of that now, is changing some of the land acquisition programs to the Quarter Cent Program that's cash, to pay for it with revenue that's coming in now rather than to increase our debt for land purchases. And towards the end of the year if we continue in that policy we're going to run out of money to purchase land.

LEG. ALDEN:
Well, that's true, but under the old -- under the old Quarter Cent Program it was a pay-as-you-go type of program for everything, whether it be sewer expansion, whether it be purchase of property. Now we've actually authorized, but it's unissued, we've authorized the issuance of a half a billion dollars worth of debt to purchase property, which has tied the hands of us as Legislators. If it had been in the old program, at this point in time we could actually very easily put in a referendum that would allow us to use that quarter cent towards a budget gap, but now you can't because that money had now been pledged to go for $500 million worth of debt. That's my point. Our hands have been tied by actions that we're taking and we've taken actions in the past approving debt. So that would actually bring it up to close to a billion dollars worth of approved, authorized but unissued debt. If I'm not -- maybe I'm not adding right.

MR. LIPP:
Well, you can look at it that way. The approach that we're taking is given that the quarter cent extension exists already, what the -- what the impact would be on the General Fund in particular is we have pipeline authorized unissued debt of just under 500 million. On top of that we have debt service on outstanding bonds of 90 million. But -- and what you're saying is true, if we didn't do that or, you know, the referendum to extend the quarter cent.

LEG. ALDEN:
But let's look at -- how much is a quarter cent of the sales tax money?
MR. LIPP:
About 66 million.

LEG. ALDEN:
Sixty-six million dollars. If we had the ability today to go out on a referendum to the public and say hey, look. We're in trouble, you're going to be in trouble because we might have to raise taxes or we might have to shut down major portions of government, is it okay instead of buying land like we are going to do by borrowing and going -- and buy land of a half a billion dollars, can we use that $66 million to plug a gap next year. And then we will pick up -- after the economy picks up then we'll pick up the land purchase program on an expanded basis in the future sometime. But we can't do that because we've tied our hands with this authorized yet unissued half a billion dollars worth of debt. That's my point. So if you're going to look at the debt structure of Suffolk County, there's stuff already that's out there that we owe on and we're paying $90 million a year as service to, and then there's the authorized -- I'm sorry -- authorized but unissued of almost a billion dollars more. It kind of makes you -- it puts you in a very inflexible position and we've got to know that whole condition.

P.O. LINDSAY:
Okay. Are you done, Legislator Alden?

LEG. ALDEN:
I think I am for a few minutes.

P.O. LINDSAY:
Legislator Viloria-Fisher. Just to bring everybody back, we're talking about an extension on a warehouse.

LEG. ROMAINE:
A little far afield.

LEG. VILORIA-FISHER:
It's just that I just was a little confused by what Legislator Alden said regarding our ability to bond money on acquisitions using future revenues from quarter percent to pay for that. But we don't start paying interest on that until we spend it, isn't that so, until we use it.

MR. LIPP:
Well, the Quarter Cent Extension Program allows for borrowing.

LEG. VILORIA-FISHER:
Right.

MR. LIPP:
Previously we only borrowed a very small amount, I'm guesstimating like seven million.

LEG. VILORIA-FISHER:
I understand that. It's just what he just said about --

MR. LIPP:
We have not borrowed yet for that.
LEG. VILORIA-FISHER:
So we're not paying any interest, we're not -- we haven't encumbered any kind of extra --

MR. LIPP:
Right, but the plan is that we will be doing some borrowing. It remains to be seen how much.

LEG. VILORIA-FISHER:
But at this point in time, because we haven't borrowed against it yet, we aren't paying any interest on that.

MR. LIPP:
Right. I think Legislator Alden's point is that money in theory if we didn't --

LEG. VILORIA-FISHER:
Is tied up.

MR. LIPP:
Yes. In theory perhaps we could have used it for these types of purposes.

LEG. VILORIA-FISHER:
If we don't use it this year, let's say we don't use -- if we don't borrow against it, then is it available next year?

MR. LIPP:
That's -- I mean, the referendum dedicated the money for that purpose. It can only be used for that.

LEG. VILORIA-FISHER:
All right. But there are other parts of that program, the tax stabilization portion of it.

MR. LIPP:
Yes, it's not all for land purchases, that's correct.

P.O. LINDSAY:
Okay. Legislator Mystal and then Alden wants to speak again?

LEG. ALDEN:
No, no, no. I'm done.

P.O. LINDSAY:
Okay.

D.P.O. MYSTAL:
Just to bring us back to what the original question is. It's expanding and renovating and putting air-conditioning at the Board of Election and increasing the storage space, which we are mandated to do if we are going to have machines that are basically computers. And if we do not do that, since we are all elected officials, you may have some serious problem in 2008 and 2009 when you have your election. This money is crucial to do that for the Board of Election. It's not, you know, I don't -- I agree with Legislator Alden, we should watch our p's and q's when it comes to expending more money, but this one is essential that we do because those machines require air-conditioning in the warehouse, which we don't have now and we are mandated by the Federal Government to do that. That's the bottom line for this bill.

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

LEG. ALDEN:
But in answer to your statement, if this is like top priority, then I would feel more comfortable finding something of a million dollar nature that is not top priority and cancel that spending and spend this money. I'd feel a lot more comfortable, especially since, you know, we're going to be left with very, very few choices going into 2009 and we're already seeing proposals come forward to cut services and actually chop major pieces out of the County function. So, you know, if this -- and you and Bill have actually convinced me that this is probably, you know, right up there on a top priority. But I'd like to find something that --

P.O. LINDSAY:
I would not like to touch this, and the reason why is I think we have 400 machines on order that we need for September, which is the first shipment. The second shipment is next year where the bulk of them is going to come. This is just that we have one of the new devices in every polling place to assist the handicapped. Next year the whole -- the whole group is going to be converted. So I agree with you, you're looking for an offset to anything that's prioritized.

LEG. ALDEN:
Something along that line, right, where we can --

P.O. LINDSAY:
Was this in the -- I asked Ms. Vizzini, this was in the Capital Program, the 2008 Capital Program?

MS. VIZZINI:

That's correct, adopted.

P.O. LINDSAY:
But when we look at the 2009 Capital Program, we'll also get a look back of what's in '08 and we might be able to make some changes there as well.

D.P.O. MYSTAL:
One question. Aren't we supposed to be reimbursed by the Federal Government or the State for that money?

P.O. LINDSAY:
Just for the machines.

D.P.O. MYSTAL:
Just for the machines.

P.O. LINDSAY:
Not for the storage.
D.P.O. MYSTAL:
Not for the storage.

P.O. LINDSAY:
And that could be another problem, because it's yet to be determined whether we'll get enough money to replace all the machines. We might have to wind up paying for some of the machines ourselves, too.

LEG. ALDEN:
Mr. Presiding Officer, in response to your comments, yes, we should take a look. But the other thing that we traditionally don't do, we don't look at the authorized unissued debt from the past and the projects that have been sitting out there, as were identified today, where some money has been expanded but there's a balance. So I think that we've got a lot of work to do, and especially if we're going to pass and decide that some of these things today are priority one, then we've got a lot of work to do to make up for this. Because we're just increasing a balance that we're going to end up, you know, possibly selling our tobacco money into the future, that revenue stream, to pay off a balance that we're increasing today. That just doesn't make any sense.

LEG. BEEDENBENDER:
Mr. Chairman, just through the Chair.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Legislator Alden, we're going to be a lot of this at the Public Works Committee so I'd like to invite you to come because I think what you said is on point. We have to start looking at the things that we approved that might not be a priority anymore, and there's things that are approved that just nothing has happened. We might be able to rescind that as well. So I'd invite you to come to the Public Works Committee because we're going to start taking this up next time and probably do it as a bulk two meetings from now, so if you'd like to come and join that we'd like to have --

LEG. ALDEN:
Schedule the meeting. I'd like to be there.

P.O. LINDSAY:
Okay. I'll make a motion on 1215. Do I have a second?

MR. LAUBE:
You have a motion and a second.

P.O. LINDSAY:
I have a motion and a second.

MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?
LEG. BARRAGA:
Opposed.

P.O. LINDSAY:
One opposition.

LEG. ALDEN:
No, two in opposition. Sorry, I was talking.

MR. LAUBE:
Two in opposition? Legislator Alden and who -- Legislator Barraga.
Fourteen (Opposed: Legislators Alden & Barraga - Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Okay. Same motion, same second. Roll call on the bond.

(Roll called by Mr. Laube - Clerk)

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
Yes.

D.P.O. MYSTAL:
Yes.

MR. LAUBE:
Oh, excuse me, Legislator Cooper.

LEG. COOPER:
(Not Present).

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

LEG. COOPER:
Yes.

D.P.O. MYSTAL:
Yes. I voted twice.

MR. LAUBE:
Fifteen (Opposition: Legislators Alden & Barraga - Absent: Legislator D'Amaro).

Budget and Finance

P.O. LINDSAY:
Okay. ***I.R. 1302, Refunding Bond Resolution No. 2008, Refunding Bond Resolution of the County of Suffolk, New York, adopted March 2008, Authorizing the refunding of certain outstanding serial bonds of said County, stating the plan of refunding, appropriating an amount not to exceed $170,000,000 for such purpose, authorizing the issuance of not to exceed $170,000,000 refunding bonds to finance said appropriation, and making certain other determinations relative thereto.***

LEG. MONTANO:
Motion.

P.O. LINDSAY:

Motion by Legislator Montano. I'll second it. And just one question for Budget Review. This is a part of the financial recovery plan to get the refunds, some of this stuff?

MS. VIZZINI:
Well, not exactly. This is a refunding of existing debt anticipated to save in the area of 680 -- $678,000.

P.O. LINDSAY:
Okay. I believe that's something that we were counting on, though. Does anybody have any questions? No? All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1307, I think we're going to skip over it. We're waiting for a modified version via CN, is that correct?

LEG. VILORIA-FISHER:
Yes, Mr. Chair. I've spoken with Mr. Zwirn.

P.O. LINDSAY:
Okay. We'll skip over it. 1105 we cannot address.

1264, Amending the Adopted 2008 Operating Budget, amending the 2008 Capital Budget and Program and appropriating New York State Department of Transportation, Aviation Bureau funds and County matching funds in connection with airport improvements (CP 5740). Do I have a motion on this?

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. STERN:
Second.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. Any questions on this issue? Yes, Legislator Alden.

LEG. ALDEN:
And to Budget Review, this is State aid of $180,000 and a County ten year bond of $20,000 with interest of approximately $4,400?

MR. REINHEIMER:
I think this has been revised. I think it's now pay-as-you-go funds.

LEG. ALDEN:
So it's not a bond.

MR. REINHEIMER:
No.

LEG. ALDEN:
Great.

MR. ZWIRN:
We changed it because we knew that there would be a question. Normally -- in the old days we used to bond it but we used cash for this one.

LEG. ALDEN:
Good. Thanks, Ben.

P.O. LINDSAY:
No other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper & Absent: Legislator D'Amaro).

LEG. VILORIA-FISHER:
We have that resolution. Did you want to do it now or later, the one on 1307?

LEG. ALDEN:
It's a CN.

P.O. LINDSAY:
I'll do all the CN's when I get to them.

Environment, Planning & Agriculture

I.R. 1153, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law 24-2007 (Zoumas Property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000).

LEG. ROMAINE:
Motion.

LEG. SCHNEIDERMAN:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion. Well, okay. We have a motion and a second. Let me go back to your discussion before. Oh, this is quarter cent money?

LEG. ALDEN:
Old quarter cent.

P.O. LINDSAY:
Old quarter cent. So we're actually paying for this cash, right?

MR. NOLAN:
No, it's coming under new New Drinking Water. The Department of Energy and Environment asked that the program be switched from multifaceted to the New Drinking Water Program, so we made

that amendment after the last committee meeting.

P.O. LINDSAY:
Which means it's bonded, but it's backed up by the separate revenue stream.

MR. NOLAN:
Correct.

P.O. LINDSAY:
Okay. Legislator Alden, did you --

LEG. ALDEN:
You just answered the question.

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

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Abstain.

D.P.O. MYSTAL:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1181, Authorizing acquisition of land under the old Suffolk County Drinking Water Protection Program [former Section C12-5(E)(1)(a) of the Suffolk County Charter] for the South Bay Street property, Town of Babylon (SCTM Nos. 0103-025.00-02.00-018.000 and 0103-025.00-02.00-019.000).

LEG. HORSLEY:
I have just learned that I have one more hurdle. It's got to go to CEQ so I am going to table it for this next term.

P.O. LINDSAY:
We have a motion to table. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1247, Directing the Department of Planning to file Open Space Rating System forms with the Legislature.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:

Motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second. Just a question. Don't we get this at committee now?

LEG. ROMAINE:
We get this at committee, but it's not only the people at the committee, but all 18 of us that have to vote on land acquisitions. It would be nice to know how these different land acquisitions are rated so that we can make some intelligent decisions. I used to get everything in the committee when I served on it. I'm not on the committee. It's hard for me to figure out, you know, where these --

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
Fall in the scheme of things.

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

LEG. ALDEN:
Eddie, I thought you went by address.

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

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

P.O. LINDSAY:
IR 1254-08 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program for the Karras Property, Miller Place/Yaphank Road NP Addition, Town of Brookhaven (SCTM NO. 0200-188.00-05.00-006.000) (County Executive).

LEG. LOSQUADRO:
Motion.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro.

D.P.O. MYSTAL:
Kate said second.

P.O. LINDSAY:
And Legislator Browning second. Now, what program, which program are we in, Multifaceted?

MR. ZWIRN:

Yeah. If I may?

P.O. LINDSAY:
Yes.

MR. ZWIRN:
There are a couple here that are under the old Multifaceted from 2007. These were -- the contracts were already executed and from here on end, except for the few that are here from 2007, we are going ahead with Quarter Percent money as the debate. And I'd like to thank Legislator Romaine, all the planning steps -- and Legislator Stern, who had planning steps or resolutions in, they changed the program to Quarter Percent so we would have less pressure on the General Fund with debt service.

LEG. ALDEN:
Can I ask Ben a question?

P.O. LINDSAY:
Yes. Mr. Zwirn, if you don't mind, Legislator Alden has a question.

MR. ZWIRN:
Sure.

LEG. ALDEN:
Ben, this money was already borrowed?

MR. ZWIRN:
Yeah, this is part of the -- yes. This is 2007.

LEG. ALDEN:
But we already borrowed this money, it's sitting in a bank account?

MR. ZWIRN:
I don't -- yes, yes.

LEG. ALDEN:
It would have to be, right?

MR. ZWIRN:
Yes, it would have to be for them to make the deal.

LEG. ALDEN:
If you went to contract.

MR. ZWIRN:
Yes, yes.

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

LEG. BARRAGA:
Opposed.

D.P.O. MYSTAL:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Mystal & Barraga - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
IR 1255-08 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program for the Rodick Realty Corp Property, Mastic-Shirley Conservation Area II, Town of Brookhaven (SCTM Nos. 0200-983.40-06.00-034.000, 0200-983.40-06.00-035.000) (County Executive).

LEG. BROWNING:
Motion.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Motion by Legislator Browning. Seconded by Legislator Romaine. And which -- oh, this is Multifaceted. Is this the same type of deal?

MR. ZWIRN:
Yes, Mr. Presiding Officer. 1254, 1255, 1257 and 1278 are under 2007 with executed contracts.

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

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Opposed.

D.P.O. MYSTAL:
Opposed.

MR. LAUBE:
Thirteen (Opposed: Legislators Mystal & Barraga - Abstention: Legislator Alden - Not Present: Legislator Cooper - Absent:
Legislator D'Amaro).

P.O. LINDSAY:
1257-08 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program – Open Space Preservation Program for the Verrico Property, Patchogue River Wetlands Addition, Town of Brookhaven (SCTM No. 0200-865.00-03.00-053.000) (County Executive).

LEG. EDDINGTON:
Motion to approve.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed?

Abstentions?

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Opposed. Mystal and Alden.

D.P.O. MYSTAL:
Opposed.

MR. LAUBE:
Thirteen (Opposed: Legislators Mystal & Barraga - Abstention: Legislator Alden - Not Present: Legislator Cooper - Absent:
Legislator D'Amaro).

P.O. LINDSAY:
1258-08 - Approving planning steps for the acquisition of Farmland Development Rights, March, 2008 (County Executive).

D.P.O. MYSTAL:
What is that?

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
I don't know where it is.

D.P.O. MYSTAL:
What is it?

P.O. LINDSAY:
Do we have -- motion by Legislator Losquadro. Do I have a second?

LEG. VILORIA-FISHER:
I'll second.

P.O. LINDSAY:
Second by Legislator Fisher. For someone who has the resolution in front of them, we'd like to know where the locations are.

LEG. LOSQUADRO:
It varies.

LEG. VILORIA-FISHER:
It varies, it's that farmland list.

LEG. ROMAINE:
Scattered.

MR. NOLAN:
Fifteen sites.

P.O. LINDSAY:
Fifteen sites, okay.

LEG. ALDEN:
How much?

P.O. LINDSAY:
And which program and how much?

LEG. LOSQUADRO:
It's planning steps.

MR. NOLAN:
Well, it's 400 acres and the resolution references the various the programs that have the farmland component.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

D.P.O. MYSTAL:
Opposed.

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fourteen (Opposed: Legislators Mystal & Barraga - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

LEG. ROMAINE:
Would the Clerk please list me as a cosponsor.

MR. LAUBE:
Yes, sir.

LEG. ROMAINE:
Thank you.

LEG. SCHNEIDERMAN:
And myself too, Tim.

MR. LAUBE:
Gotcha.

LEG. VILORIA-FISHER:
They found a lot of farms in Wyandanch.

D.P.O. MYSTAL:
No, there's one farm left in Wyandanch and we can't afford it.
We offered him $20 million for it, he said no.

P.O. LINDSAY:
1259-08 - Approving planning steps for the acquisition of Farmland Development Rights - Delea Farm Outparcels and others (County Executive).

LEG. LOSQUADRO:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Losquadro.

LEG. BROWNING:
Second.

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

LEG. BARRAGA:
Opposed.

D.P.O. MYSTAL:
Opposed.

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fourteen (Opposed: Legislators Mystal & Barraga - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1263–08 - Directing the Department of Planning to file rating system forms with land Acquisition Resolutions (Cooper).

LEG. COOPER:
Motion to approve.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Okay, motion by Legislator Cooper and seconded by Legislator Romaine. Maybe Legislator Cooper could tell me how this differs from the resolution we passed for Legislator Romaine?

LEG. COOPER:
Right. This is if a -- if we have a land acquisition resolution before us right now, we normally don't have the rating form -- we never had the rating form attached and when we ask for information from Planning they often don't have it readily available. So this would require that if a rating form was attached to a planning steps resolution, it will automatically be attached to the acquisition resolution when it's ultimately before us.

LEG. ROMAINE:
My rating --

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
By clarification, my rating forms would be before us when we would be doing planning steps.

LEG. COOPER:

Right, and this is before when we're doing acquisition resolutions.

LEG. ROMAINE:
And this would be for acquisition, so they compliment each other and I support Jonathan's and will cosponsor Jonathan's resolution on this.

P.O. LINDSAY:
But how do you get a rating form before it's appraised?

LEG. ROMAINE:
When someone introduces a planning steps resolution --

P.O. LINDSAY:
Yeah?

LEG. ROMAINE:
-- people on the committee get a rating form and a little map of where it's at.

P.O. LINDSAY:
The map, but it can't have a rating number yet because we haven't appraised it yet.

LEG. ROMAINE:
Oh, it does, it gets a rating number --

LEG. VILORIA-FISHER:
Yes it does.

LEG. ROMAINE:
Oh, yeah.

LEG. LOSQUADRO:
It's just an internal rating, not an appraisal.

P.O. LINDSAY:
Okay, all right.

LEG. VILORIA-FISHER:
Planning goes out and looks at it.
LEG. ROMAINE:
Very much so.

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

LEG. VILORIA-FISHER:
Cosponsor, Mr. Clerk.

MR. LAUBE:
Yes, ma'am.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Cosponsor.

LEG. SCHNEIDERMAN:
Cosponsor, Tim.

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
1278-08 - Rescinding --

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
I'm sorry. ***1278-08 - Rescinding Resolution No. 1292-2005 and authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation Program, for the Wetzel Property - Mastic Shirley Conservation Area Phase I, Town of Brookhaven (SCTM No. 0200-982.10-06.00-005.000)(County Executive).***

LEG. BROWNING:
Motion.

P.O. LINDSAY:
So this is two things, it's authorizing the purchase and it's changing the program; am I right?

MR. NOLAN:
You are correct.

P.O. LINDSAY:
Okay. We have a motion by Legislator Browning. Do I have a second?

LEG. EDDINGTON:
Second.

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

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Abstain.

D.P.O. MYSTAL:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Mystal & Barraga - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1286-08 - Appoint a member to the Water Quality Protection & Restoration Program and Land Stewardship Review Committee (Kevin McDonald)(Presiding Officer Lindsay).

LEG. VILORIA-FISHER:
Motion.

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

LEG. SCHNEIDERMAN:
Tim, cosponsor, if I'm not already.

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

LEG. ALDEN:
Did he come before --

P.O. LINDSAY:
A question; did he come before the Environment Committee?

LEG. SCHNEIDERMAN:
He personally did not come before, but he was familiar to, I think, all those on the committee.

LEG. ALDEN:
Unfortunately I have to change my vote, then, to an abstain. Because it's tradition here that the person that we're going to appoint for the first time has to come before either the Legislature or the committee, and there is no exceptions made really in the past.

LEG. SCHNEIDERMAN:
He -- yeah. I mean, there's a couple of environmentalists on it. One is -- he is the one who -- there's specific seats and his seat goes to somebody who must be either on the Peconic Estuary Committee or the Long Island Sound Committee. He's I think the only person actually in -- who has a residency in Suffolk County who qualifies, so I'm not sure there's another person you can even put on that would meet the criteria. But he was familiar to all of us and --

LEG. ALDEN:
But he didn't come before the committee.

LEG. SCHNEIDERMAN:
Right.

LEG. ALDEN:
Okay. Is the --

P.O. LINDSAY:
You didn't call -- did you call the vote yet, Mr. Clerk?

MR. LAUBE:
On 1286?

P.O. LINDSAY:
Yeah.

MR. LAUBE:
It was seventeen.

LEG. MONTANO:
No, had you called it before is the question.

MR. LAUBE:

Yes.

LEG. ALDEN:
I have to abstain.

P.O. LINDSAY:
Okay.

MR. LAUBE:
Sixteen

LEG. BARRAGA:
In the negative.

P.O. LINDSAY:
Do you want to go back?

LEG. MONTANO:
Mark mine as an abstention.

P.O. LINDSAY:
All right, I'm going to make a motion to go back and reconsider.

LEG. ALDEN:
Second.

LEG. MONTANO:
Second.

LEG. LOSQUADRO:
Second.
P.O. LINDSAY:
Second by Legislator Losquadro. All in favor of reconsidering 1286? Opposed? Abstentions? Okay, 1286 --

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
No. Okay, 17 to reconsider.

1286 is back before us and we still -- we have a motion by -- who made the original motion?

LEG. VILORIA-FISHER:
I did.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher and Legislator Schneiderman seconds it. Is there any other motions?

LEG. KENNEDY:
Yeah, I -- no, not a motion, just a question on the motion, Mr. Chair.

P.O. LINDSAY:
Okay. So we have just a motion to approve. To stay consistent, I'm going to make a motion to table.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden.

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. SCHNEIDERMAN:
If it's going to be tabled you might as well recommit it then, because do you want Mr. McDonald to come before the full Legislature?

LEG. KENNEDY:
Well, Mr. Chair, I was going to ask if an invitation was extended to him from the committee?

LEG. SCHNEIDERMAN:
He was supposed to come, his wife had, I guess, emergency surgery and he was not able to be there. We all know Mr. McDonald quite well and didn't feel it was necessary to bring him before the committee. Even though he's new on this committee, I think we know where he stands pretty clearly, but it's up to the Legislature. I'm comfortable moving forward with Mr. McDonald serving in this capacity.

D.P.O. MYSTAL:
Mr. Presiding Officer?

P.O. LINDSAY:
Legislator Mystal.

D.P.O. MYSTAL:
I don't think it's a question of whether or not whether you know the person, it's a question of process and procedure. We do have a procedure that everybody who is going to be appointed do come in front of the committee or the General Meeting. I understand he may have had an emergency, but if we say like, you know, we all know the guy therefore he doesn't have to come --

LEG. SCHNEIDERMAN:
If you are a little more comfortable in sending -- I would just say rather than table it recommit it, recommit it and I'll -- we'll wait till an opportunity when Mr. McDonald can make it to the committee.

P.O. LINDSAY:
That's fine. I'll change my motion from tabling to recommit. Who is --

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. So we have a motion to recommit before us. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Horsley - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1289-08, Authorizing certain technical corrections to Adopted Resolution No. 833-2007 (County Executive).

LEG. ROMAINE:
Motion.

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

LEG. LOSQUADRO:
Second.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fifteen (Abstention: Legislator Alden - Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1290-08 - Authorizing certain technical corrections to Adopted Resolution No. 836-2007 (County Executive).

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second by Legislator Browning.

LEG. ALDEN:
Just one --

P.O. LINDSAY:
On the question, Legislator Alden.

LEG. ALDEN:
All these next ones are the same as this last one.

LEG. LOSQUADRO:
Yes.

LEG. ALDEN:
These are going under a different program now? These are going to go under the New Quarter Cent Program, is that what the --

MR. NOLAN:
They're all originally approved, the next six or seven were approved for purchase under the Drinking Water Program, Open Space Component. They're being changed to the New Drinking Water Program, Environmental Protection Component. But these are all purchases that were previously approved under the Quarter Penny Program.

LEG. ALDEN:
But this will be under that New Quarter Cent --

MR. NOLAN:
Yes.

LEG. ALDEN:
Okay, thank you.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Thirteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Being that they're pretty much the same, can I do --

LEG. LOSQUADRO:
Same motion.

LEG. SCHNEIDERMAN:
Yes.

P.O. LINDSAY:
-- ***1291-08 (Authorizing certain technical corrections to Adopted Resolution No. 917-2007 (County Executive),*** same motion, same second, same vote; is that all right with everybody?

LEG. VILORIA-FISHER:
Yes.

LEG. SCHNEIDERMAN:
Yes, please.

MR. LAUBE:
Thirteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1292-08 - (Authorizing certain technical corrections to Adopted Resolution No. 921-2007 (County Executive), same motion, same second, same vote.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1293-08 - (Authorizing certain technical corrections to Adopted Resolution No. 1134-2007 (County Executive), same motion, same second, same vote.

MR. LAUBE:
Thirteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1294-08 - (Authorizing certain technical corrections to Adopted Resolution No. 1137-2007 (County Executive), same motion, same second, same vote.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1295-08 - (Authorizing certain technical corrections to Adopted Resolution No. 1246-2007 (County Executive), same motion, same second, same vote.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1296-08 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Jill Estate Property) Town of Huntington (SCTM Nos. 0400-249.00-04.00-019.000 and 0400-263.00-04.00-072.000)(County Executive).

LEG. STERN:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Stern.

LEG. COOPER:
Second.

P.O. LINDSAY:
Seconded by Legislator Cooper. On the question anybody? All in favor? Opposed? Abstentions?

D.P.O. MYSTAL:
I'm voting for that one, in Huntington.

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
You're voting for that one? Fifteen (Opposed: Legislators Alden & Barraga - Absent: Legislator D'Amaro).

P.O. LINDSAY:

Okay, ***1303-08 - Authorizing certain technical corrections to Adopted Resolution No. 830-2007 (County Executive).*** Is this -- can I assume that this is the same as the prior ones?

MR. NOLAN:
The only difference is these are resolutions -- the original acquisitions were under the Old Drinking Water Program but for Farmland Protection, so they're coming under the New Drinking Water Protection, Environmental Protection which has a Farmland component. So yes, basically the same.

P.O. LINDSAY:
Do I have a motion?
LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro. A second?

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Opposed.

D.P.O. MYSTAL:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1304-08 - Authorizing certain technical corrections to Adopted Resolution No. 999-2007 (County Executive). Can we do same motion, same second, same vote?

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1305-08 - Authorizing certain technical corrections to Adopted Resolution No. 1140-2007 (County Executive). Same motion, same second, same vote.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1306-08 - Authorizing certain technical corrections to Adopted Resolution No. 1253-2007 (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Fourteen (Opposed: Legislators Barraga & Mystal - Abstention: Legislator Alden - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Labor, Workforce & Affordable Housing:

1237-07 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of East Hampton for affordable housing purposes (SCTM No. 0300-162.00-02.00-002.000)(County Executive).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman. Do I have a second?

LEG. VILORIA-FISHER:
I'll second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

LEG. SCHNEIDERMAN:
Cosponsor, Tim, please.

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
1238-07 - 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 (County Executive).

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro. Do I have a second?

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. On the question, Legislator Alden.

LEG. ALDEN:
When these -- and there's a number of them with the same thing. When it says sale, we're being reimbursed for the County's layout of cash; do we know?

MR. NOLAN:
I thought Christopher Kent had testified at committee when it's a 72-h for affordable housing purposes, I believe they may waive the back but I'm not a hundred percent sure.

LEG. ALDEN:
Actually, in Ways & Means there were a couple that we got reimbursed for. And then these are in a different committee so I didn't, you know, I didn't have the opportunity to ask a question.

P.O. LINDSAY:
Can Budget Review answer that? Question, are we being reimbursed for these 72-h's? Because they say sale.

LEG. NOWICK:
Yeah.

MR. NOLAN:
The fifth RESOLVED clause says we're getting one dollar.

LEG. NOWICK:
Oh, there you go, one dollar.

P.O. LINDSAY:
Does that answer your question?

LEG. ALDEN:
Yes, it does. And we've reimbursed these towns for the taxes, actually we've paid the taxes to the town and now we're giving them property, too.

D.P.O. MYSTAL:
Can I say something?

P.O. LINDSAY:
Legislator Mystal.

D.P.O. MYSTAL:
The town does not get the property. The town received the property because the County cannot give a piece of property to an entity who cannot give property to a municipality or a town. We use the town as a conduit to give the house to another agency which will usually rehabilitate that piece of property and then sell it and put it back on the tax roll. Otherwise the property would just sit there abandoned and never come into anything.

LEG. ALDEN:
Well, in answer to your question, it could be sold at auction if this is available to be built on.

D.P.O. MYSTAL:
Yeah, you could sell it at auction, but a lot of times what happens, some slumlord will buy it and then put it up for rent and then will create a problem in the community.

LEG. ALDEN:
Well, not according to Kate Browning's new resolution you can't do that.

D.P.O. MYSTAL:
The resolution hasn't passed yet. We have the same resolution but it happens all the time. Let's say we're buying it for owner occupied? Guess what, they get it and then it becomes a slum again.

P.O. LINDSAY:
Well, I don't want to confuse it with Legislator Browning's new bill, but it attaches a covenant to the

property.

LEG. ALDEN:
Right.

P.O. LINDSAY:
Okay. 1238, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1239-07 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-787.00-03.00-046.004) (County Executive).

LEG. VILORIA-FISHER:
Motion.

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1271-08 - Establishing an application fee waiver policy for Civil Service examinations for volunteer firefighters and EMT personnel (Eddington).

LEG. EDDINGTON:
Motion to approve.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion by Legislator Eddington, seconded by Legislator Losquadro.
On the question?

LEG. LOSQUADRO:
Cosponsor.

LEG. ALDEN:
On the question.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Do we currently have a policy in Suffolk County that if you make under a certain amount of money your fee is waived? So -- and what's that cutoff?

LEG. BROWNING:
Say again?

LEG. ALDEN:
What would the cutoff be? So if you made under X number of dollars you don't have to pay a fee.

LEG. BROWNING:
No, I did a bill I think in 2006, it's a fee waiver for people who are on Social Services and unemployment.

LEG. ALDEN:
How about just somebody that goes to work every day and makes $10,000 a year, they want to take a Civil Service exam, do they pay the full amount?

LEG. BROWNING:
No, that wasn't in my bill.

LEG. ALDEN:
Okay. So then the question is can somebody answer that?

MR. NOLAN:
Mr. Schneider.

LEG. ALDEN:
Oh, you have -- is that all right, Bill?

P.O. LINDSAY:
Sure, go ahead. Alan, maybe you could tell us?

LEG. ALDEN:
Yeah, can you tell me?

P.O. LINDSAY:
Come on forward.

D.P.O. MYSTAL:
He wants to speak on the next bill anyway, so he can stay there.

LEG. ALDEN:
Yeah, he gets to come forward.

D.P.O. MYSTAL:
He's going to come up anyway.
LEG. ALDEN:
Hi, Alan. If you go to take a Civil Service exam in Suffolk County and you make under a certain number of dollars, is there a waiver of the fee?

MR. SCHNEIDER:
No, there is not.

LEG. ALDEN:
Okay.

MR. SCHNEIDER:
There isn't because there is no way that we would be able to judge without going through people's individual income tax statements what their actual income was.

LEG. ALDEN:
Now how about this bill; do you have an established procedure to see if people meet the criteria on this one? This waives the fee for --

MR. SCHNEIDER:
All somebody on this one would have to do is verify that they are a volunteer fire fighter and they would be exempt from the fee.

LEG. ALDEN:
Okay, if I walk in there and say I'm a volunteer fire fighter, is that good enough?

MR. SCHNEIDER:
No.

LEG. ALDEN:
You're going to --

MR. SCHNEIDER:
You've got to show -- yeah, you walk in, you show your volunteer fire fighter --

LEG. ALDEN:
Identification. Okay, thanks.

MR. SCHNEIDER:
-- ID and you would be exempt.

LEG. ALDEN:
Thanks, Alan.

P.O. LINDSAY:
Do we have any idea knowing what this will cost? Yes, Alan.

MR. SCHNEIDER:
You know, just going from the history of volunteer firefighters, we do not have all that many volunteer fire fighters applying for Civil Service jobs in Suffolk County. However, when we give the Police exam we do have volunteer firefighters. I don't know what number that would be, but for the most part volunteer fire fighters, remember, to take the Police exam you have to be 35 or under. A lot of the volunteer firefighters that are in Suffolk County already are in jobs, they're not applying, for the most part, for Civil Service jobs. But I don't know what that number would be and I couldn't put a dollar figure on it.

LEG. ALDEN:
What's the cost of the exam?

P.O. LINDSAY:
I don't know, you want to ask him that?

LEG. ALDEN:
Alan, the Police exam is $500 or 250?

MR. SCHNEIDER:
No, the Police exam is $100.

LEG. ALDEN:
Oh, $100. Okay.

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

LEG. HORSLEY:
Cosponsor.

MR. LAUBE:
Sixteen (Not Present: Legislator Romaine - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1301-08 - Amending the Suffolk County Classification & Salary Plan in connection with new position titles in the Department of Civil Service/Human Resources (Director of Classification, Director of Examinations, Employee Health Plan Administrator, Personnel Services Administrator and Risk Management Coordinator)(Presiding Officer Lindsay). I'm going to make a motion to start the ball rolling.

LEG. BROWNING:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Browning.

LEG. VILORIA-FISHER:
Question.

P.O. LINDSAY:
Yeah, I'm going to ask -- I've got the first question and then I'll turn it over to -- Alan, maybe you could go through this for the group and explain it.

MR. SCHNEIDER:
I'd be happy to do that. And I understand the difficult times that we're in, but I think some people are perceiving this as me simply giving people raises, this is absolutely not the situation. I ask you to take into consideration the fact that in the Department of Civil Service & Human Resources, I am the only management employee in the department; I am the only department head in this County that doesn't have a Deputy.

Approximately four years ago a retirement in the department, a lot of you know the person, Paul Greenberg retired, he had 39 years in Suffolk County, he was responsible for supervising the five individuals that are on this resolution. At the time, I made a conscious decision not to replace Mr. Greenberg's -- not to fill Mr. Greenberg's position, that was a grade 37 position in the department. I was able to do that because these five individuals took over the responsibilities, the supervision and the decision making that all came under this individual. I reorganized the department at that time into five divisions, these people have become my division heads. There was never a quid pro quo that they would get a raise out of this, but they took on very significant additional responsibilities. And I want to say that over the four years that Mr. Greenberg is gone, we haven't filled his job, we abolished his job, we have saved over $600,000 in salary and benefits and it's because of the five individuals that are on this resolution.

I had come to a point a year ago where their jobs had changed so significantly that I felt I should create titles that now describe the responsibilities that they had. Yes, there are raises that are going along with this, the total amount is $23,000. However, through their efforts, I have been able to save this County $600,000 by not replacing the one individual. In addition, I am going to and this

resolution will abolish a Personnel Analyst position in the department that, in effect, with salary and benefits, comes out to approximately $55,000, possibly even a little bit more than that.

Now, I heard the question was asked that this position was a vacant position anyway; in actuality, the person who occupied this position took a promotion to the Probation Department as a Probation Officer with a one year probationary period which ended in 2007. So this position has been funded and in the event this person did not pass probation would have come back to the department. But since we have been able to take that person's responsibilities, divide them up among other analysts, we have been able to additionally now go forward and save an additional $55,000.

I just want to say, as many of you know, I've been in this job for 25 years. I've come before the Legislature many times over that period of time, but I've never come before the Legislature and asked for anything for people that work in my department. These five people are the key people in my department. Whenever anyone comes to me looking for assistance, these are the people I go to and get things done. Many of you know a lot of the people that are in this group. This is something that I need to continue to run the department as efficiently as my department runs. We do not operate with any overtime, we have overtime once every four years and that is on the day of the Police exam, but on that day we also have brought in $2.8 million in revenue into the County.

Two of these people are responsible for discovering the discrepancies in the EHMP, what was referred to as an EMHP scandal four, five years ago that led to a recent settlement with the consulting company that was previously employed by the County that led to six-and-a-half million dollars in settlement monies coming into the County last year. Both of those people were recognized by the County Attorney as being instrumental in winning that settlement.

So I come before you today seeking your support on this. I am asking for your support, I need your support and I would appreciate it. Thank you very much.

LEG. MONTANO:
Is there a list?

D.P.O. MYSTAL:
Yes.

LEG. MONTANO:
Put me on.

D.P.O. MYSTAL:
Legislator Viloria-Fisher, please.

LEG. VILORIA-FISHER:
He answered my question, Elie.

D.P.O. MYSTAL:
I had some questions for you, too, but I think you answered it. Legislator Montano?

LEG. MONTANO:
Alan, is -- was this issue brought before -- are these positions the same positions that were included in the recommended budget by the County Executive?

MR. SCHNEIDER:
For 2008?

LEG. MONTANO:
For 2008.

MR. SCHNEIDER:
Yes. I initially last May, June, when I was submitting my budget, was at the point where I made the determination to put these titles in. It came in --

LEG. MONTANO:
All right, and these --

MR. SCHNEIDER:
These were on the resolution with the exception of the Deputy position that also was on that resolution.

LEG. MONTANO:
Right. But my point is that these --

MR. SCHNEIDER:
Yes, they were.

LEG. MONTANO:
-- items were actually in the County Executive's recommended budget with the exception of the new position dealing with, I guess, your Assistant Personnel Director; am I correct?

MR. SCHNEIDER:
The Deputy position.

LEG. MONTANO:
The Deputy, I'm sorry, the Deputy. And did you not appear before the Budget Operating Committee at least once, maybe more, to discuss these positions?

MR. SCHNEIDER:
I appeared before the committee one time under very short notice with a very limited timeframe to make my case, which I tried to do as best as I could.

LEG. MONTANO:
And the operating budget --

MR. SCHNEIDER:
One time.

LEG. MONTANO:
And the Operating Budget Committee deleted these --

MR. SCHNEIDER:
Yes, they did.

LEG. MONTANO:
-- increases from the budget.

MR. SCHNEIDER:
Yes, they did. I certainly didn't have the opportunity to make the kind of statement that I'm having the opportunity to make today.

LEG. MONTANO:
Well, I'm sorry that that happened. What has changed between -- because it seems to me that we considered this back during the operating budget process and it was rejected, you know, for whatever -- what has changed between now and then that compels you to come back in and make the case again? Are there any changes in circumstances, is there any reason other than you just want a second bite at the apple, if I can use that term?

MR. SCHNEIDER:
Well, that's an unfortunate comment, I think, for you to make.

LEG. MONTANO:
All right, then I'll strike that. What brings you now --

MR. SCHNEIDER:
What brings me here today is the fact that I do not come to this Legislature and ask for things from my department unless I believe they are extremely well deserved. What these people have enabled me to accomplish, these are people, they don't look at the clock, they are there after five o'clock at night, they are handling virtually everything that enables me to make the final decisions on anything coming out of the department. We represent 47,000 public employees in addition to the 11,000 County employees, 36,000 in the towns, schools, villages and libraries, we deal with the eleven County Union Presidents, 62 Union Presidents representing employees in all the other jurisdictions. This has come about as a result of now four years of these individuals taking on the additional responsibilities; for me it's a matter of equality and resolving what I consider to be an inequity. We are the lowest graded department in the County, the highest grade we have is a grade 32. Hopefully I've answered your question, Legislator.

LEG. MONTANO:
What does a grade 32 make?

MR. SCHNEIDER:
What does a grade 32 make? It depends on how long you're there.

LEG. MONTANO:
What does a grade 32, the last step in your department make? And I assume that all the employees that you're talking about are at the last step because they've been there --

MR. SCHNEIDER:
No, that is not true.

LEG. MONTANO:
All right, well --

MR. SCHNEIDER:
That is not true. A lot of these employees have come up through the ranks to the division head level.

LEG. MONTANO:
Okay. Well, what is a grade -- I've let you go on, but what does a grade 32 make? And what are the other salary scales that we're talking about with respect to this resolution?

MR. SCHNEIDER:
It's all on the resolution, the grades.

LEG. MONTANO:
Well, the grade, the grade but not the salary. Maybe I'll ask Gail; Gail, could you just give me an idea of what the salaries --

MR. SCHNEIDER:
I can tell you that.
LEG. MONTANO:
All right, Alan, you'll tell me.

MR. SCHNEIDER:
Unfortunately I need my glasses.

LEG. MONTANO:
I understand that.

MR. SCHNEIDER:
Unfortunately I've got it on a --

MS. VIZZINI:
The range in salary for a grade 32 --

MR. SCHNEIDER:
Thank you, Gail.

LEG. MONTANO:
Thanks.

MS. VIZZINI:
-- entry-level would be seventy-two six, top step would be one fourteen five.

LEG. MONTANO:
A hundred and fourteen thousand? Alan, I'm not sure -- I know that you spoke at length, but I'm not sure that you answered my question when I said what has changed between the time that you appeared before the Operating Budget Committee and today that brings this resolution -- maybe you don't know; I mean, maybe nothing has changed.

MR. SCHNEIDER:
Well, I certainly do. Well, what has changed is that we have continued to save the money of the grade 37 position that's no longer in the County, no longer in the department and these people continue to work at a higher level, at a division head level while still getting paid in their titles that I'm seeking to abolish and replace today. What has changed is the time that these people are still --

LEG. MONTANO:
So other than the fact that six months later, you know, really nothing has changed is what I'm getting.

LEG. SCHNEIDERMAN:
I disagree with you.

LEG. MONTANO:
I don't -- well, then what has --

MR. SCHNEIDER:
Do you want me to say that nothing has changed?

LEG. MONTANO:
No, I don't want you to say, I want you to say what's on your mind, I'm just asking the questions. And I don't mean to be -- let's switch gears now.

Are you aware of resolution -- because I appreciate the fact that your staff works very hard, as does mine. Now, let me ask you this; are you aware of Resolution 1307 and what's contained in that with respect to the striking of the -- and I believe it has to do with -- and I don't have it in front of me, I know that we have two amended versions the same day with a C of N, but I believe it decreases -- oh, there you go. It eliminates the --

LEG. VILORIA-FISHER:
Exempt employees.

LEG. MONTANO:
It suspends the step increase for exempts in '09; you're aware of that?

MR. SCHNEIDER:
For management people.

LEG. MONTANO:
Right.

MR. SCHNEIDER:
Yes. These aren't management people, Legislator Montano, these are union people.

LEG. MONTANO:
No, I understand that, I understand that. But at the same time that we're -- my trouble is that at the same -- my trouble is two points. One is that we dealt with this issue, and I note that the Presiding Officer is not here. I would -- you know, I was on the Budget Operating Committee, I believe that we discussed this, we considered this no less than five times, I could be wrong, maybe it was -- you were there once, you were there once; I'm not talking about you, I'm talking about us. I was on that committee and we discussed this at length and we made a decision back then that it would not be included in the operating budget. Now we're in a fiscal crisis, we're eliminating salary increases for management position but you're back here I don't know how many months later.

MR. SCHNEIDER:
Five.

LEG. MONTANO:
Five months, asking for the same relief, and I believe that we've already entertained this at least five times. Not you, I understand you were there once and you feel that you got short-stripped on, you know, your presentation, but I can assure you that we in the Budget Operating Committee reviewed it a number of times and made a decision and I'm just trying to find out where -- you know, where the renewed interest is or why it's come before us again if, in fact, we considered it.

MR. SCHNEIDER:
Because --

LEG. MONTANO:
And you may not have the answer to that.

MR. SCHNEIDER:
I do have the answer, Legislator.

LEG. MONTANO:
What is the answer?

MR. SCHNEIDER:
The answer is it's the right thing to do.

LEG. MONTANO:
Uh, in your opinion.

MR. SCHNEIDER:
Absolutely.

LEG. MONTANO:
Okay, and you're entitled to your --

MR. SCHNEIDER:
And hopefully my opinion --

LEG. MONTANO:
You're entitled to your opinion.

MR. SCHNEIDER:
I am, and hopefully my opinion would be valued because our job is to make sure that all 11,000 employees of this County are treated fairly and equitably, and that's what I've built the reputation of this department on.

LEG. MONTANO:
You and I go back --

MR. SCHNEIDER:
Now I'm coming to you for five people in the department that have the responsibility to carry out Civil Service administration.

LEG. MONTANO:
You and I go back many years.

MR. SCHNEIDER:
Twenty-five.

LEG. MONTANO:
Twenty-five years; I value your opinion, but I may have a different one. Thank you.

MR. SCHNEIDER:
That's fine.

D.P.O. MYSTAL:
Legislator Losquadro?

LEG. LOSQUADRO:
Thank you. In fairness to Mr. Schneider, I don't think anything has changed for him. He hasn't given up on the idea of wanting to do the right thing by his employees. He came before the working group, of which I was a part of, we did discuss it somewhat, but at least to my mind some new information has come forward. I was not aware -- I knew about the elimination of the position of the person who took a new job, but I was not aware at that time of the fact that the previous Deputy position had gone unfilled. So I was certainly willing to reconsider this and now I've -- I'm saying that I am in favor of this, I think that this department has shown tremendous fiscal discipline and this is just really a case of doing the right thing by employees who are currently working out of grade to begin with. So I support this legislation.

LEG. NOWICK:
Bill?

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
I just -- you know, many of my concerns were voiced by Legislator Montano and I agree with almost

everything that he said on this.

I think the one thing that I would add is while I do understand, Alan, that your employees do work hard and they don't look at the clock, I think the point that Legislator Montano made about the exempt employees works as well. I mean, all of our Legislative Aides are exempt employees and I know I was on the phone with mine at eleven o'clock last night and mine -- a couple of mine have been working extra hours, I'd be willing to bet that there are several Legislators around this horseshoe whose aides have been working extra hours. You know, I'm in the special position where, you know, I just hired these people a couple of months ago and it was predicated on the fact that there would be raises and now they are not going to get them.

So I'm not dispassionate to the argument that you make, but there are a lot of employees that do -- that go above and beyond and, you know, it's very difficult for me to cast a vote in favor of five employees when I know that later on I'm going to cast a vote that would harm 400. So for that reason and for that reason alone, I just can't support it.

MR. SCHNEIDER:
Can I just say one thing?

LEG. BEEDENBENDER:
Yeah, please, yeah.

MR. SCHNEIDER:
And that is I really think -- I mean, I mentioned it that they work hard, they don't watch the clock, they're here after work, but that's not why I'm here.

LEG. BEEDENBENDER:
No, I know.
LEG. SCHNEIDERMAN:
I'm here because their jobs have changed dramatically, materially over a span of four years; they've got nothing for that. They haven't complained about it, it is me as the department head coming through the budget process to recognize the fact that what these people have accomplished for me, to enable me to eliminate the highest position in my department, a grade 37 job, now we have the highest position is a grade 32. That's why I'm here today.

LEG. BEEDENBENDER:
No, I understand.

MR. SCHNEIDER:
Not because they work hard.

LEG. BEEDENBENDER:
Right.

MR. SCHNEIDER:
Everyone in my department works hard. Everyone in the County works hard. So thank you.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Wait, I have a list. Legislator Eddington.

LEG. EDDINGTON:
Nowick.

P.O. LINDSAY:
Oh, Nowick, I'm sorry, Nowick first.

LEG. EDDINGTON:
Ladies before gentlemen.

LEG. BEEDENBENDER:
That's an easy confusion.

LEG. NOWICK:
Alan, I, too, was on the Operating Budget Committee and actually I believed in what you said then and I believe in what you're saying now. But my question to you is I was under the impression, I remember when -- in my former job as Tax Receiver when some of the employees were labor, were union and when they were working out of title it was up to me to write a recommendation and to let the powers that be know that these people were working out of title and then they were moved into title.

MR. SCHNEIDER:
That is correct.

LEG. NOWICK:
Is that -- I was under the impression that that was some type of a Civil Service law, if you will.
MR. SCHNEIDER:
It is.

LEG. NOWICK:
And how has it --

MR. SCHNEIDER:
It is.

LEG. NOWICK:
-- been so long that they were working out of title? I mean, how did you get away with that so far and is that some type of a Civil Service law?

MR. SCHNEIDER:
Because as I said, these jobs have evolved over a span of four years to what they were when I first put into the budget last May. Now, we have the responsibility in our department -- and as many of you know, I report to the State Civil Service Department for all Civil Service administration, I report to the County Exec for all personnel and human resource responsibilities in the County. We're a unique County because in every other County, when we reclassify a job, we reclassify people into existing job titles; we don't come to the Legislature to do that. We do the same thing when we reclassify people in the outside jurisdictions, Town of Smithtown where you are. But when we reclassify people into new titles because there are not titles that adequately describe what they are doing and our department is such a -- has such a narrow perspective that there aren't titles out there in the universe that we could have reclassified these people to; if I could have done that I would have done it and I wouldn't have been here.

I can't create new titles without coming to the -- I can create new titles, but I can't do it without coming to the Legislature for you to put it into the salary plan. And that is the reason that I'm here on this because it's new titles, but at the same time we, ongoing, reclassify people. And as a result of more and more positions not being filled in the County, there are constant reclassifications of people going on because if a supervisor leaves in a department and the position is not filled, somebody's got to do the supervision.

LEG. NOWICK:

Well, I must say, I, like Legislator Losquadro, was only aware back then of the one woman that went to Probation. I wasn't aware of the savings from Mr. Greenberg's position, so thank you for letting us know.

MR. SCHNEIDER:
Okay. And you know, again, in answer to Legislator Montano, when I came before Budget Committee, if you recall, the one time I was there, a lot of the questions that were put to me were about the Deputy. I really -- I was told I had five minutes; I didn't have an opportunity to make the kind of presentation and try to justify and even mention the grade 37 position that was abolished.

P.O. LINDSAY:
Okay. Legislator Eddington.
LEG. EDDINGTON:
Yeah, I think you've made a great argument. I truly respect rewarding people that work harder, take on more responsibility. I also think you made a great argument for our exempts; I think they fit into exactly what you've said, I hear the exact same thing.

And since it's been mentioned a couple of times, the C of N, 1307, I'm not going to be supporting it because as a person that's been in the union, today and when I was 16 and every year since then, the rational for doing this to the exempts is because we can; that sounds like the best rallying call for a union I've ever heard.

So I support what you want to do. And I will not, for the same very reasons that you've given us today, be supporting taking money away from 400 people who count on it to continue working and who are doing more every day, at least I can speak for three. So thank you for making the argument for the exempts.

LEG. ALDEN:
You've got some smiles over here, Jack.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
I think Mr. Schneider has made a very good case in terms of how his department has operated in the last four or five years. I mean, as he's pointed out, he did not fill and he could have filled the Deputy spot, but of course the County gets in total dollars and benefits an additional $600,000.

And also, he points out that there's another position he could have filled as well for an additional $55,000. What he's asking for is a change of title for five individuals that in 2008 will cost the County for the remaining portion of the year less than $15,000. So I think he's made every effort to take a very conservative approach in terms of how he runs his department.

And I don't normally second-guess an individual Commissioner or department head in terms of how he runs or she runs a department. There's money allocated, run it accordingly, but if you do need additional dollars for whatever the reason may be, certainly come back to us. And I think there's justification in this particular instance for an additional 15,000 and for the change of titles for these five individuals.

In fairness to my colleague Mr. Montano, I've known Mr. Schneider for over 30 years. In fact, I was there the day he went into instant retirement playing softball with a bad slide into home plate that cost him 54 stitches. So I take -- I have a great admiration in terms of his position as a department head in terms of what he really needs. I don't think this is a real heavy hit financial on the part of the County and I think it's something that we should as a Legislature approve. Thank you.

P.O. LINDSAY:
Legislator --

MR. SCHNEIDER:
If I could just correct you, Legislator Barraga; it was 82 stitches.

P.O. LINDSAY:
So what does that tell us? That you're a great administrator, you're a horrible slider.

MR. SCHNEIDER:
Actually, it was into a fence.

LEG. ALDEN:
Well, how could you slide into a fence?

LEG. BEEDENBENDER:
So you're a bad runner.

P.O. LINDSAY:
Does anybody else want to speak on this subject?

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Just a quick question. Alan, you make a compelling argument, as everybody has said, and I admire the way that you've elected to run the department. And as a matter of fact, I wish that other Commissioners and department chairs would take a page from your individual work ethnic. As a matter of fact, the ability to go ahead and hold vacancies at that executive level really does portend for a savings that comes to all of the taxpayers. And the dollar and cent amount that we're talking about is relatively small compared to what you've offset. But I'm going to ask you one other question to help me distinguish what you've presented to us from what any other department may now feel that they could come to the podium and state. How do we say you're separate and apart from Social Services or FRES or any other area; what makes this unique?

MR. SCHNEIDER:
What makes this unique, Legislator Kennedy, is that the Department of Civil Service does not have a Deputy. The Department of Civil Service has one management employee, that's myself. These are union employees who have stepped up, I'll use whatever cliche I can, taken the bull by the horns, become division heads taking on this responsibility and done a phenomenal job for me, and that is what has enabled me to eliminate -- I don't have a Deputy, the Deputy position was proposed, I believe, at grade 39 or grade 40. I eliminated the highest title in the department, that was a Civil Service job, that was a grade 37 position and that is, to me, the difference between this department and the other departments.

LEG. KENNEDY:
Okay. Thank you.

LEG. ROMAINE:
Mr. Presiding Officer?

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
A very quick comment. All of us serve as Legislators, we can respect what Mr. Schneider is saying. We understand the need for Salary & Classification Plan so that he can pay people.

I've also served as a department head for 16 years and I've got to tell you, I've never felt more blessed by having a professional Civil Service Department headed by Mr. Schneider, we worked very closely together. And when you're trying to make something -- I mean, as a Legislator, we try to serve our constituency, write legislation, we try to exercise oversight over County government. As a department head, we have to make our departments run, we have to make things happen.
Mr. Schneider is a key component of that, his staff was absolutely great, fabulous. And I know what he talks of, having run a department, and I have great respect for this man and the service he's given to this County. Thank you.

LEG. VILORIA-FISHER:
How about a vote?

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
No, not yet. I would just like to state, in case anyone has forgotten, I served as a department head in the County of Suffolk for eight years myself. I ran a department; in fact, Mr. Schneider and I know each other because we basically had offices next door to one another, I believe I started in the County before him. But I also understand the budget process and we did, as a committee, review the budget recommendations that were made and we -- and I believe that we reviewed them fairly. I'm sorry that you feel, Alan, that you didn't get your full opportunity to make your case. From where I sit, I believe certainly in my mind -- and I, you know, I won't speak for the others -- but I think that you did get a fair hearing and you did get fair consideration, because when you left the room we did have plenty of dialogue on whether or not we should fund the position that we did not fund and also consider these raises.

But I have to tell you that, quite frankly, you know, there are other department heads who made similar requests, we had to deny those also. And I think that this issue should be reconsidered in its proper context and that is when the 2009 Operating Budget is presented and not in mid year. So I'm going -- you know, I'm going to -- I respect your opinion. You and I are -- you know, we go way back, we are friends, but I cannot support this initiative. Thank you.

P.O. LINDSAY:
Okay. Anyone else? Okay --

LEG. BEEDENBENDER:
I'm just going to make a motion to table.

P.O. LINDSAY:
Motion to table by Legislator Beedenbender. Is there a second to the tabling?

LEG. MONTANO:
I will second that.

P.O. LINDSAY:
Second to the tabling. I'm going to call a roll call on this. We have a motion and a second to table, the tabling goes first, and we have a motion and a second to approve.

MR. LAUBE:
Ready?

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Table goes first.

MR. LAUBE:
This is to table.

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

LEG. BEEDENBENDER:
Yes.

LEG. MONTANO:
Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
(Absent)

LEG. STERN:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
No to table.

LEG. VILORIA-FISHER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
No.

D.P.O MYSTAL:
No.

P.O. LINDSAY:
No.

LEG. COOPER:
No to table.

MR. LAUBE:
Three (In Favor: Legislators Beedenbender, Montano & Eddington).

P.O. LINDSAY:
We have a motion to approve. Call the roll.

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

P.O. LINDSAY:
Yes.

LEG. BROWNING:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BEEDENBENDER:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
Yes.

MR. LAUBE:
Fifteen (Opposed: Legislators Montano & Beedenbender - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Okay, 1301 is approved.

MR. SCHNEIDER:
Thank you, all. I appreciate it.

P.O. LINDSAY:
Parks & Recreation:

1253-08 - Reappoint Gretchen Oldrin-Mones as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 2)(Viloria-Fisher).

LEG. VILORIA-FISHER:
Motion.

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

LEG. NOWICK:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
1260-08 - Authorizing use of Blydenburgh County Park by the Care Center for its Annual Walkathon Fundraiser (County Executive).

LEG. KENNEDY:
Motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Kennedy. Second by who?

LEG. VILORIA-FISHER:
Me.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Beedenbender - Absent: Legislator D'Amaro).

P.O. LINDSAY:
1261-08 - Authorizing use of Gardiner County Park by Almost Home Animal Rescue & Adoption for its Dog Walkathon Fundraiser (County Executive).

LEG. BARRAGA:
Motion.

LEG. VILORIA-FISHER:
Motion.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Beedenbender - Absent: Legislator D'Amaro).

P.O. LINDSAY:
Public Safety:

1129-08 - Adopting Local Law No. 2007, a Local Law establishing crime prevention requirements for scrap metal processors (Eddington).

LEG. EDDINGTON:
Motion to approve.

LEG. LOSQUADRO:
Motion to table, Mr. Chairman.

P.O. LINDSAY:
We have a motion to table by Legislator Losquadro, a motion to approve by Legislator Eddington. I'll second the motion to approve. Do we have a second on the tabling?

LEG. SCHNEIDERMAN:
I'll second.

P.O. LINDSAY:
Legislator Schneiderman makes a motion to table, seconds the motion to table. Anybody want to talk? Heard enough. We have the Police, I had asked at the request of Legislator Alden, to be here to answer some questions. Chief of Detectives, maybe you could come to the podium, I know Legislator Alden has some questions for you.

LEG. ALDEN:
My first question would be why did you want to see these changes, in light of the changes that New York State made recently in the law?

CHIEF VARRONE:
Basically these crimes are very unique in that we know where the stolen property for the most part is going; it is going to the scrap metal processors. The scrap metal processing industry is largely unregulated. This Local Law, as proposed by Legislator Eddington, will help us identify suspects by providing valuable information, valuable leads that will help us identify and arrest criminals. It will allow us, based on the Article Tracking System, a similar principal that we're doing with our precious metals, to allow our investigators from a computer desktop to evaluate what is being sold, where it is being sold and who is selling it, what items are being sold over the State requirements, it's mandating a specific description which is very paramount.

LEG. ALDEN:
How many scrap metal dealers would this actually apply to, this law?

CHIEF VARRONE:
We've identified 14 scrap metal processors within the County of Suffolk.

LEG. ALDEN:
Fourteen?

CHIEF VARRONE:
Yes, sir.

LEG. ALDEN:
This would only apply to 14 people?

CHIEF VARRONE:
No, it would apply to others.

LEG. ALDEN:
Okay. How many would it apply to?

CHIEF VARRONE:
You asked me scrap processors, vehicle dismantlers.

LEG. ALDEN:
No, no, I said how many people does this law apply to?

CHIEF VARRONE:
Businesses?

LEG. ALDEN:
People, businesses, whatever?

CHIEF VARRONE:
Sixty.
LEG. ALDEN:

About 60?

CHIEF VARRONE:
Approximately 60, yes.

LEG. ALDEN:
Okay. Do we have any ability -- and I've been noticing the ads on television, you call up a 1-800 number, you can mail stuff to them and they mail you a check. Other companies you can call a 1-800 number or out of Suffolk County, they'll actually come to your house or they'll come to a convenient location and pick stuff up. Would this law apply to those people?

CHIEF VARRONE:
Yes, we would anticipate that anyone who did come into the County and made those purchases would be bound by the law.

LEG. ALDEN:
What have we done so far up until today to make sure that those people that have been conducting business in Suffolk County, that they have complied with the law up until today? And if this does pass you'll have a different tool, but right now you do have a tool, don't you?

CHIEF VARRONE:
Regarding the people that come from outside of the State?

LEG. ALDEN:
Right.

CHIEF VARRONE:
Outside of the County.

LEG. ALDEN:
Right. Some of them do come from outside the State, by the way, also, yes.

CHIEF VARRONE:
We're not doing any enforcement within that -- in that regard.

LEG. ALDEN:
And why wouldn't you be doing enforcement on that, manpower?

CHIEF VARRONE:
Manpower, yes.

LEG. ALDEN:
Okay. But your bill, you know, your request to Legislator Eddington didn't include the filling of a whole bunch of authorized positions. And I just wondered that if you're not able to do certain things right now because of manpower, because you get this bill passed if that's going to change anything. Because this will give you another tool, but you still have to have the man power to go out to those individual, whatever you want to call them, scrap dealers or whoever it is, to investigate these type of crimes, and I'm seeing a big increase. So you hate to see people like the church that was brought up, and that was in your district, Elie, or is it --

D.P.O. MYSTAL:
(Shook head yes.)

LEG. ALDEN:
You hate to see something like the thing that happened at the church, but thinking about it, you're not going to be able to prevent that with this tool and you're probably not going to be able to make

an arrest on some type of crime like that, as bad as it is. So I'd like to see, you know, the distinction on your part how the reporting system that exists today is no good and that the reporting system, you know, that you would put in place with this law would make it so great that we're not going to see those kind of bad -- and they're bad crimes.

CHIEF VARRONE:
It will allow the Police Department to utilize computer technology to do a lot of the work that would have to be done by Detectives individually visiting each location and going through records. It's taking criminal investigation and law enforcement more into the new millenium and making use of the newest technology. It will save a tremendous amount of Detective leg man hours. It will result in the solving of more crimes, it will result in the arrest of more criminals, it will deter crime and we think it will decrease the thefts in our County.

LEG. ALDEN:
Okay. Now, so I can have something to compare to, right now the scrap metal -- not scrap metal, but the people that deal with gold and jewelry, they're on this kind of reporting system?

CHIEF VARRONE:
Yes, sir.

LEG. ALDEN:
Okay. I could tell you from experience with the people in my district, that crime has gone up and it hasn't gone down. So if I can draw the correlation between what we're doing on gold and jewelry and go forward and see what we're going to do with scrap metal, it probably won't create a situation where the crime -- the number of crimes are going to go down.

The other thing that I wanted to ask you, the people that are actually manning these computer terminals, what are they doing right now?

CHIEF VARRONE:
They'll be Detectives who are in our Investigative Unit right now who are looking at the Article Tracking System for the precious metals. If I could just -- you made a reference to that program. That Article Tracking System which was put into place in this County, in the year 2004 the Suffolk County Police Department recovered about $41,000 in recovered stolen precious metals; in the year 2007 we recovered $1,077,000 of precious metals. We believe that this will allow us to significantly recover a lot more of the stolen items. Actually, that is not as important in this case because it's scrap metal, but the more important issue is identifying criminals and arresting them.

LEG. ALDEN:
Right, that was another point I was going to make. This stuff is useless. Once it's been all chopped up and taken to the dealer, you can't give it back to the church and say, "Here's your pipes, hang them on the wall. Here's your wiring, go and put it up." They've got to go and buy replacements for this.

But I have to relate to you some stuff that I've watched and I've had other people that live in my district come in and relay to me. When you go into a jewelry store, and recently I had to go in because I wear a little prayer around my neck and it actually broke, and while I was standing on line, I had to leave this place, the four people in front of me sold jewelry to -- whatever you want to call him, this business man. He was operating with the cash register open, handing them cash, didn't take any ID from them and didn't give them a receipt, didn't take a picture of them or anything. So if that's our system today, there's some holes in it.

Now, getting back to as far as the manpower, you're going to have to take manpower away from the precious metals, the gold and jewelry and those Detectives are going to have to now man computer screens for this type of theft?

CHIEF VARRONE:
Here's the issue with Detective manpower. The scrap metal thefts, and this is how they had previously been reported, for the first two months of each year of the last three years have gone up from 16 in 2006 to 109 in 2008. Residential burglaries in the County of Suffolk in Police District year-to-date to last year are up 30%. Every one of these are serious crimes usually involving invasion of a private dwelling or a commercial business and we have to investigate that..

LEG. ALDEN:
I'm sorry, can you go back though? You just said that crime is up 30%.

CHIEF VARRONE:
Residential burglaries.

LEG. ALDEN:
Burglary, I'm sorry.

CHIEF VARRONE:
And it's the only major crime category in the County that has gone up.

LEG. ALDEN:
So --

CHIEF VARRONE:
And we believe the scrap metal thefts, as well as the economy, is a large contributing factor.

LEG. ALDEN:
So we're dedicating more resources in the Police Department to those --

CHIEF VARRONE:
There are more crimes, there are more crimes being committed, we have to dedicate Detective investigative man hours to solve these crimes --

LEG. ALDEN:
No, but how many new --

CHIEF VARRONE:
-- and to deter additional crimes from occurring.

LEG. ALDEN:
How many new Detectives have been made in the past period of time that you referred to this 30% increase? How many SCINS have been filled and how many left and then how many were brought in?

CHIEF VARRONE:
Don't hold me to the numbers.

LEG. ALDEN:
Just a rough idea.

CHIEF VARRONE:
Maybe 15 to 20 Detectives within the last year.

LEG. ALDEN:
So you have an additional 15 to 20 Detectives.

CHIEF VARRONE:
No, we're just keeping neck and neck. As we lose --

LEG. LOSQUADRO:
Retirement.

LEG. ALDEN:
We're treading water, is that what you're saying? We had 15 to 20 leave, 15 to 20 made?

CHIEF VARRONE:
Yes, sir.

LEG. ALDEN:
Okay. So we're going to try to do this with basically less manpower than really should be dedicated to it. If the statistic is that it's gone up 30%, how much would be the increase on the other types of thefts like what happened at the church; is that up 10%, 5%?

CHIEF VARRONE:
The scrap metal thefts?

LEG. ALDEN:
Scrap thefts.

CHIEF VARRONE:
They're up like 700% in the last three years.

LEG. ALDEN:
Seven hundred percent. So one category is up 700%, the other is up 30% and we have no more manpower dedicated to those types of crimes than we had before this huge increase.

CHIEF VARRONE:
That's correct.

LEG. ALDEN:
How does this work if we have no more -- and the other thing is unfortunately -- and, you know, I don't mean to be disrespectful, but you're saying that this is going to help your Detectives. But if you have the same number of Detectives, what you are telling me is that these guys aren't doing anything and then now because we can do it on computer that they'll be able to do a lot more Detective work; but I know that's not the case because I know a lot of your Detectives, they're out there working their butts off every day. So you're giving them another tool, but it doesn't seem to me like it's -- maybe it will make them a little bit more productive, but it certainly is not going to make them 700% more productive. And I'm not being disrespectful to you so I hope you're not taking it that way but, you know, how do you answer that?

CHIEF VARRONE:
We have an extremely highly professional dedicated police force, they're probably among the best Detectives in the country. We do the best with what we have. Crime trends spike and change. The issue of the scrap metal theft is a national issue. This dilemma law enforcement faces in our community is being faced across the country. And most law enforcement experts looking at it say it's largely, a part of the problem is no regulation in the industry. So I think this is absolutely a step in the right direction and I think this is something that we really need and I think it would be a great

benefit to the residents of Suffolk County.

LEG. ALDEN:
Okay. Again, no disrespect, men, but New York State has established some criteria. And as a matter of fact, Legislator Eddington's wife is an Assemblywoman, so Assemblywoman Eddington thinks it's enough of a problem that she has put together a task force or a study group to see what laws should be tweaked, because New York State just tweaked their laws.

And just so I make myself 100% clear, I think you guys are doing a great job. I just don't agree with the concept that by putting this law in place we're going to solve the problem. I think that there's a huge problem here and until we actually commit the number of resources that the Police Department should have and did have -- actually, when I was elected to office 10 or 11 years ago, we had more cops. We had more cops in the COPE Patrol, we had more cops in -- oh, we had a DARE Program back then which we don't have anymore, we had Police in other divisions like, for instance, the Gang Units, we had more cops in there, we had more Detectives. I think we had a bigger force that was more flexible in fighting crimes. And now we're seeing, because we've decreased the amount of Police we have, we are seeing the increases on these crimes and these are quality of life crimes that when it happens to somebody they are -- they just go completely nuts.

Here's a whole congregation that feels violated, and they were. And they look to us Legislators and we look to you guys to protect them from this. And we're seeing people, more and more people, too, in their homes, their jewelry is being stolen, things that have been in households for generations. And I commend you for actually collecting a million dollars worth of it and getting it back to the people. But unfortunately, if you don't get more cops, more Detectives, this type of technology is not going to help; maybe a little bit, but it's not going to help solve the problem. Thank you.

P.O. LINDSAY:
All right, I have a list but I have myself on the list and I have a couple of questions. We received testimony before that there is roughly 2,000 transactions a day by scrap metal dealers in our County. Would this legislation cover all 2,000 of those transactions?

CHIEF VARRONE:
We've spoken to Sharon Cates-Williams who is head of the Suffolk County IT section and she deferred it to Matt Jones, our Direct of IT and Peter Frank, our Database Manager who have been both here on a previous occasion and they feel very comfortable with the fact that our computers and our databases can easily handle --

P.O. LINDSAY:
Okay, you misunderstood my question.

CHIEF VARRONE:
Okay.

P.O. LINDSAY:
Maybe the sponsor could answer this then. Does your bill cover all 2,000 transactions?

LEG. EDDINGTON:
It's only non-ferris metals below $1,500, so it's not -- when you look at a scrap yard, it's a huge amount of scrap; it has nothing to do with that.

P.O. LINDSAY:
My point is it doesn't cover all 2,000 transactions, it only covers a small amount of those 2,000.

LEG. EDDINGTON:
Only scrap metal under 1,500, you know, back in your trunk and stuff.

P.O. LINDSAY:
Okay. Currently, under the new State regulations, when somebody sells under 1,500 pounds, you have to produce identification and the dealer has to note the identification of the person selling it, the vehicle, and a description of the material that he's selling under the State regulations.

D.P.O. MYSTAL:
(Inaudible).

P.O. LINDSAY:
Is that correct?

CHIEF VARRONE:
A description, no. They just list the amounts of the various products. It doesn't mandate any kind of a specialized description.

P.O. LINDSAY:
Okay.

CHIEF VARRONE:
It's for any purchase $50 or more.

P.O. LINDSAY:
Okay, they just passed me one and there's a copy of a license, there's a description insulated copper wire and there's a price. I wouldn't ask this question, I guess it's redundant because they just handed me the information; everything I ask it seems to be the answer is yes.

LEG. BARRAGA:
Right. Everything is down there.

P.O. LINDSAY:
Everything is down here. So my question is then this legislation makes or requires that the dealer, the scrap metal dealer has to transmit this information electronically to your department, right?

CHIEF VARRONE:
Yes, sir. And that's, of course, the big --

P.O. LINDSAY:
And your intention is rather than sending Detectives out to each one of these scrap metal dealers to check these records, they can do it via a terminal in the office. And if they see an amount of material that corresponds to a robbery, then you would dispatch them into the field to the -- for further investigation of the scrap metal dealer?

CHIEF VARRONE:
Yes, sir.

P.O. LINDSAY:
Okay. So in effect, it would make you more efficient, you wouldn't need as much man power, right?

CHIEF VARRONE:
That is correct. That is my opinion.

P.O. LINDSAY:
Okay.

LEG. BARRAGA:

But the scrap dealer would need a lot more man power to put down all the information on a common form that they want them to use for all the dealers, that's the problem.

P.O. LINDSAY:
Well, the problem is that evidently this looks like it's been generated by some type of computer, the computer would have to be tied in to the Police network.

LEG. BARRAGA:
But you need people to do that. Because it's a separate form, I understand.

LEG. VILORIA-FISHER:
Can you talk into the mike, Tom? I can't hear you.

LEG. BARRAGA:
I apologize.

P.O. LINDSAY:
Okay. Is there a separate form that you're requiring or does this information that looks like it's been generated on a computer by this scrap metal dealer, if that's just transmitted to you electronically, that won't work?

CHIEF VARRONE:
That would be a database, a form that he could fill out at the terminal, at the computer terminal.

LEG. LOSQUADRO:
So the answer is no.

LEG. BARRAGA:
The answer is no.

P.O. LINDSAY:
Okay. But is it your opinion if they change this database it would replace the current form that they have here?

CHIEF VARRONE:
You're not looking at the New York State form, are you?

P.O. LINDSAY:
No, no, no, I'm looking at a form that was generated by the retailer that purchased the scrap metal.

CHIEF VARRONE:
That's his own individual form.

LEG. NOWICK:
Bill?

P.O. LINDSAY:
Okay, I have a list. Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. And before I get into my other questions, I'll just touch on that issue. Those are customized computer software solutions that each individual business pays for and they pay a lot of money to develop those systems for themselves. So to answer Legislator Lindsay; no, those programs they have are individual, they're customized, they're not compatible with our ATS. So

they would have to key in the -- do data-entry to put that information into our Article Tracking System. So just to the answer that question quickly.

Chief, I keep hearing different numbers. And Legislator Lindsay just asked you -- the latest number now that I'm hearing, the last time when I asked you said you didn't know what the universe was of businesses that would be affected in Suffolk County and now I hear you saying 14 processors and approximately 60 total businesses?

CHIEF VARRONE:
Yes, I didn't have it the last time we --

LEG. LOSQUADRO:
Last I had looked, that number was as high as 75. What businesses are you including in that?

CHIEF VARRONE:
I have a printout.

LEG. LOSQUADRO:
Why type of -- just give me a type of businesses. Because in the definitions that I'm looking through here in the legislation, I don't even see -- I don't even see what you would commonly refer to as a junk yard because the way that legislation is written, it would only be for those people who are purchasing parts which may have been a vehicle or vehicle part for processing into a form other than a vehicle or vehicle part. So are, you know, your regular car or salvage yards excluded?

CHIEF VARRONE:
Yes, they are excluded because they're covered by -- under the Department of Motor Vehicles, they are completing forms, every vehicle that they take. And basically, the vehicles are being used for parts, that's correct.

LEG. LOSQUADRO:
Well, they sell many of the --

CHIEF VARRONE:
He's talking about junk yards.

LEG. LOSQUADRO:
Well, there are many parts -- if they get a vehicle and they may part some of it out, but there are other parts of the vehicles such as catalytic converters and other parts of the car which they may have their own arrangements to buy or sell. You know, there are a lot of things that go on within that industry that aren't covered here and I think if you start looking under the strict definitions of this, the universe might expand greatly of the type of people that you're going to have to comply with this legislation. You want to comment on that?

CHIEF VARRONE:
I'm going to ask the Sergeant, Detective Sergeant Capute to respond to that a little better.

DETECTIVE SERGEANT CAPUTE:
With regards to the vehicle dismantlers, or junk yards as you call them.

LEG. LOSQUADRO:
Yeah.

DETECTIVE SERGEANT CAPUTE:
At present, there's approximately 55 or 60 licensed vehicle dismantlers within the County, 50 to 60. We have not been able to identify each and every one of them as of yet. But as of -- these vehicles, these vehicle dismantling businesses would be required, if they were to purchase a vehicle to

dismantle, to report under this law; under my understanding of the law they would be required to do that.

LEG. LOSQUADRO:
So would that be on top of the 60 number you're talking about?

DETECTIVE SERGEANT CAPUTE:
No, this would include. There's approximately --

CHIEF VARRONE:
This would be the 60.

DETECTIVE SERGEANT CAPUTE:
There's approximately 14 scrap metal places and maybe 54 distmantlers, so we've got somewhere between 60 and 70 businesses that we're going to be looking at as of now.

LEG. LOSQUADRO:
All right, on to another subject. We discussed this last time and I know that, Chief, your response was, "Well, we need to do spot checks, we need to do stings," and I asked you how many and what we've been doing since January. Because unfortunately, as we know, manpower is an issue and we know that -- and you've readily agreed with the fact that especially the larger dealers have been already providing you and your Detectives with information when it's been requested; is that correct.

CHIEF VARRONE:
Right, but I think --

LEG. LOSQUADRO:
Let me continue.

CHIEF VARRONE:
Okay.

LEG. LOSQUADRO:
With all of these other businesses throughout Suffolk County, with this new State law in effect since January, how many spot checks have we done on businesses throughout Suffolk County and how many fines have been issued in checking on compliance with this new State law?
CHIEF VARRONE:
What, about 70? I would say we've done about 12 to 15 spot checks.

LEG. LOSQUADRO:
At how many different businesses?

DETECTIVE SERGEANT CAPUTE:
While we were --

LEG. LOSQUADRO:
Because to my understanding, the checks have really only been taking place at a few places.

CHIEF VARRONE:
Well, perhaps -- while we were investigating the amount of these locations, we're trying to determine which locations are, number one, licensed, number two, actively purchasing via scrap metal or vehicles for dismantling or vehicles as scrap. This has largely been an unregulated business with very minimum oversight by any type of law enforcement, whether it's local, State or Federal.

We've identified the businesses that would be affected by it. And due to that, we've been able to identify one particular business that actually, number one, wasn't licensed; number two, his records were completely inadequate. And with a joint effort of Amityville Village Police Department -- this business was being conducted in the Village of Amityville -- and the State Environmental Conservation Police and the Amityville Village Fire Inspector, we arrested this subject after investigation and charged him not only with operating without a license, but failure to keep proper business records and numerous other environmental conservation violations.

LEG. LOSQUADRO:
I'm certainly not telling you how to run your department. But when you're sitting here telling us that we've seen a 700% increase in these crimes in the past three years and you're only now even doing an inventory of who's conducting this business, whether or not they're licensed, whether or not they're even complying with laws that were on the books prior to this January, and now we even have new more stringent laws, I think that if we should be doing something it should be giving the current State law even more power and we should be looking to get our businesses in Suffolk County, find out exactly who they are. Because --

CHIEF VARRONE:
We've identified -- I think you're getting a mispresent -- a misunderstanding of what we're doing.

LEG. LOSQUADRO:
No, I understand it perfectly.

CHIEF VARRONE:
There's 14 scrap metal processors, the major players, and we've been in every one of those lcations probably several times this year investigating crimes.

LEG. LOSQUADRO:
I understand that.

CHIEF VARRONE:
Okay.

LEG. LOSQUADRO:
What I'm saying is I think we need to get a handle because there are other businesses. I know that there are individual companies that operate out of homes that move very, very large numbers of catalytic converters; you know, there are a lot of other businesses throughout this County. And I also don't see a really clear plan or I haven't heard something from you as to how we're going to start effectuating stings and ensuring compliance on the part of businesses that are coming in to Suffolk County to do business here, even complying with our current laws.

I would be in favor of, especially in a time of tight budgets, giving the Police the ability to go issue really substantial fines, not just something that these guys are going to consider the cost of doing business and let you go out and really drop the hammer on them and ensure compliance here in Suffolk County. And once we have that and these guys know that they're going to have to follow the State law that's on the books, then we can move towards transitioning either this industry into something that they can really work with our IT department instead of just saying, "We'll work it out," in terms of these multi-million dollar computer systems that they have, not being compatible with our systems, the data dumped into them. Because that doesn't do any good because your Detective is just going to have to sort through random information and that doesn't make for the type of efficiency that you're looking for.

I think we need a first step and then we need a second step. That's my opinion and I would very much like some of those numbers as to location. It doesn't have to be names, but even just a breakdown of where these enforcement actions have taken place and what the overall plan is. Because the amount of advertising money that's being spent on television for these out-of-County

and even out of State dealers tells me they are making a lot of money here in Suffolk County; they would not be spending the TV dollars if they weren't. So I would like to see a really clear plan of how we're going to deal with something that's not only finding a way to skirt our laws but also affecting commerce here in Suffolk County and that's one of the things we're charged with protection. So we look forward to getting that information.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Chief, you hit on a lot of issues and I commend Legislator Eddington for trying to move forward with this. This is a complex issue. I mean, I just tried to do a little bit of math on the back of the envelope and if we have 60 dealers and we have 2,000 transactions, we're talking 730,000 transactions a year. Certainly you could probably double or quadruple your personnel force and still not have enough people to police it all.

That notwithstanding, a couple of areas that I'm concerned about. And I think I had spoke about this in committee, where some of the larger dealers that you know of now and who have been before us, like PK Metals or Arrow who have invested in proprietary computing and record-keeping systems, you have a relationship with them now and you're looking to try and go ahead and track down material that may have been taken overnight. We heard about the KeySpan robberies over the course of months and you went to these outfits. There's a relationship with them that you have and you're relying on a record-keeping system that's already been established to a certain extent; correct?

CHIEF VARRONE:
Yes.

LEG. KENNEDY:
Why are we telling them, then, that what they've developed in the normal course of operating their business now must be done in a manner different, one that we adopt, and that we won't take the data that they normally capture in their every day course of business and just populate a system that we elect to go ahead and construct for the convenience of our personnel? Why aren't we going that route?

CHIEF VARRONE:
New York State law has got no teeth, the maximum fine is $200, number one. Number two, we need specific descriptions. I don't need to know that it's 50 pounds of aluminum, we need to know if it's eight vehicle rims and four beer kegs. We don't need to know that it's 60 pounds of platinum mix, we need to know it's six catalytic converters. We don't need to know that it's a bronze, ten pounds of bronze if it's a statue, we need to know -- we just had a case where light stanches were taken from a utility and it's -- what was it described as, so many pounds of --

DETECTIVE SERGEANT CAPUTE:
No. 1 steel?

CHIEF VARRONE:
No. 1 steel; that does the Police Department absolutely no good. Originally the law was designed that they hold the property; I for one was quick to realize that was something that was impossible to ask a 72-hour hold. All we're asking for is an accurate description, we need to know who they're selling -- who they're buying from. When we have a theft, at the very least I would have to send Detectives to 14 different locations to start thumbing through hand records. It makes no sense in this day and age, it makes the task almost impossible; this legislation will make it much easier for us.

LEG. KENNEDY:
And I hear what you're saying. And as a matter of fact, I think as we try to go ahead and go through this process, you hit the nail on the head. We should be having this industry compile their records at point of transition so that if, in fact, there is something untoward, you can quickly cease it and intercept.

But then my next question goes to we had one revision with 62 that just took effect and we have another bill that's in right now at the State level. Have you commented or have you asked at the State level that that be added so that we don't deal with the gentleman who was here from the Bronx earlier today saying he's going to mop up on this as soon as we go ahead and put this into effect. Have you had any dialogue with the Senate or the Assembly to go ahead and talk about having that addition of 62 of General Business Law?

CHIEF VARRONE:
No, sir

LEG. KENNEDY:
You have not.

CHIEF VARRONE:
I have not.

LEG. KENNEDY:
Let's talk about city scrap or some of the out-of-towners. Now, you've said it's your understanding that somehow they'll be regulated when they come into Suffolk County. How is that going to happen? If I've got 200 pounds of {mungo} in my backyard and I call him up and tell him, "Come on out tonight and we'll vend it", how is that going to happen? Are you going to see him on the Expressway? What's going to go on?

CHIEF VARRONE:
Well, that's one of the ways. You'll see their advertising, you'll see their trucks. If we apprehend someone, a criminal and he tells us where and how he sold it, we'll have to do spot checks.

LEG. KENNEDY:
Chief, what's your predicate to stop him? I mean, a vehicle here that's got the logo in Suffolk County?

CHIEF VARRONE:
I'd love to stop all crime, Mr. Kennedy.

LEG. KENNEDY:
I'm not saying --

CHIEF VARRONE:
You know, we understand we have to work within reason and this is the dilemma of law enforcement and this is a dilemma we all face. I mean, you know, drug use, you name the crime, we'd love to resolve it and solve it all but we can't.

LEG. KENNEDY:
Chief, I want you to have the hardest bill you can have. I had it ripped one block over from my neighborhood, and AC Electric is right down the street from me where the two cable wheels came that might be in somebody's fancy commercial now. I'm not saying this isn't a poignant, important issue that needs to be dealt with now. I'm just questioning what we have before us and what we may do to get it to the point where it works for you and doesn't penalize a legitimate businessman. We don't want to put the guys that are cooperating on the run and the guys that are underground we want to make them do the right thing; that's the point of my questions here. I'll yield.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Wow, this has become more and more confusing. I think it's great that we're bringing attention to this because I know it's something personally I never would have thought of. But I just don't understand one thing. How -- if somebody goes to a scrap dealer that's not honorable with -- and you have to forgive me because I -- I guess it would be a long piece of pipe or something. Would they go with the long piece of pipe or would they cut it up and how would -- how would the -- would the retail -- would the person buying it, the company buying it, do you think that they're going to go on that computer and say -- if they know what their -- they know pretty much, right, that they're doing something illegally? Do you think that they're going to report this? Even if they have the technology, I'm wondering will they actually go to the computer and say, "Hey, I know these are illegal and they're cut up in 14 pieces. But you know what? I'm going to send it in."

And again, I'm going to say I know we need something and it might be Legislator Eddington's bill and it might be another bill that's coming out, but enlighten me. Do you think that that will --

(*The following was taken by Lucia Braaten &. Transcribed by Kim Castiglione - Legislative Secretary*)

CHIEF VARRONE:
We absolutely need -- I understand what you're saying, and absolutely. The bill is only as good as the company that's accepting the items, and probably more importantly the individual, the employee, who was actually assigned who engages in the transaction. That's why the industry standards across the country stress it as being a partnership with the industry. We absolutely require their voluntary compliance. It requires training, it requires cooperation. If we do a sting outside a place we could set up a license plate reader and read the license plates of everyone who is entering and then go in and check to see if that place in fact, documented the purchases. Most of the times --

LEG. NOWICK:
I think that that's where it's going to go. It's going to go to a sting, whatever bill does get passed. I think that the --

CHIEF VARRONE:
It's an enforcement technique, a sting.

LEG. NOWICK:
I think that the corrupt are going to be corrupt, and the, like Legislator Kennedy said, the businesses, the law abiding businesses, are still going to do the same thing. I think it's going to have to be some type of a sting. I know time's short so I'm going to leave it at that.

P.O. LINDSAY:
Legislator Schneiderman, do you have any questions for the Chief?

LEG. SCHNEIDERMAN:
Yep, comments, like others.

P.O. LINDSAY:
Go ahead.

LEG. SCHNEIDERMAN:
First, let me say I appreciate you being here. I appreciate the work you do and you do it well. And your request to have more tools to do your job -- I also understand that metal theft crimes are on

the rise, and you're looking for more enforcement powers in that area. You also did say, though, that for this to be effective you need industry cooperation, a partnership. And, you know, my understanding in the past is the industry, particularly the larger players, have worked with you at numerous times to help catch the bad guys, so to speak. But the industry, as we heard today, does not seem to be in support of this particular bill. You said that the industry doesn't want to regulate itself, but it's my understanding that there's another bill, I think Legislator Stern has been working on, that supposedly is a tougher bill that the industry would work with. So I'm not sure the industry is saying no, we don't want to work at all with you. It just seems like we may not have gotten there yet.

I'm in the hotel business and I'm -- there's a requirement that I have to -- every guest that checks in must fill out a registration card and I believe the requirement is I've got to keep that information for seven years. There's no requirement that I have to go on to some internet and give the police that information, but, you know, sometimes the bad guys are on the run. They stay at hotels, and I understand why I have to keep that information. But if I had to log it there'd be a lot of privacy questions that would arise and potentially people would say you know what? I'm not going to stay at hotels in Suffolk County because some people want privacy. They're not bad guys per se, but they just want -- they don't want that information of where they are staying per se out there in the public.

LEG. ROMAINE:
Spitzer for one.

LEG. SCHNEIDERMAN:
Like ex-governors perhaps. Maybe current governors. Either way, you can understand that that can affect the business. So as a hotel owner I want to cooperate with law enforcement and do everything. But there's a certain point where it's going to overly impact that business. And, of course, when the police have called in the past saying look, we're looking for a particular person, the records are available, you can look at everything. I always have held them for seven years as I believe I'm required to.

I think it's important that the industry is on board, and if the industry is saying we can't comply with this, there are privacy issues, there are staffing issues that make it impossible, I think we take a step back and bring the industry back into the discussion and say what can you live with. You need the tools. I think that they want to work with you. Maybe it's more along the lines of what Legislator Stern is working on. That's where I'm at. I want to give you the tools, but I want the cooperation and the partnership to be in place.

P.O. LINDSAY:
Okay. Legislator Barraga.

LEG. BARRAGA:
Thank you, Chief, for being here. I guess my concern centers around the overall cost associated with implementing your proposal. The other day I had a number of people from the industry visit me, and of course there's always, you know, two sides to every story. They showed me what they normally generate and Mr. Lindsay basically went over this particular form that they gave me. And the form is pretty much in conformity with, I believe, the new State law which was sponsored by Patricia Eddington in the Assembly.

It's my understanding that what they would have to adhere to would be the County's Article Tracking System. They would have to adhere to that particular system, and the industry, from what I'm told, would have to, as a result of that, hire about 100 new employees that would cost the industry about $7,500,000. Chief, that's the problem. It's the methodology being used to transmit the information. The industry winds up having to absorb a tremendous amount of cost. You're on the receiving end. You can take the technology and your detectives can take it and do whatever they have to do with it, but it still has to be generated by the industry at a tremendous cost to them.

That question I'm concerned about.

If that can be solved, I mean, I think this can go a long way. I mean, someone can always come along and say look, at the end of the week everybody in the industry take these things and just mail them to headquarters, police, and let you guys put the information in, but you don't have the ability to do that, not if it's going to generate 100 new employees with the industry. You don't have the police personnel to do this. Unless you solve this problem this bill should go nowhere because it has too much of a negative fiscal impact on the industry. That's why they're fighting it. Thank you.

LEG. EDDINGTON:
Bill, can I just respond to that?

P.O. LINDSAY:
I have you down on the list. You want to respond now?

LEG. EDDINGTON:
Just quickly.

P.O. LINDSAY:
The sponsor, Legislator Barraga, would like to respond to that question if you don't mind.

LEG. BARRAGA:
You mean Eddington.

LEG. EDDINGTON:
Yes, because that was a concern, that when the police came to me I had the same concern. And my understanding is that they've dealt with that. I don't know why the Chief's not verbalizing it, but he said that he was going to go -- the police were going to go to each one of these sites and not require our system, but our system or a comparable system and they weren't going to ask the industry members to comply with the law until they could facilitate that connection. So that they're going to work with the industry to make it so that they can comply, not force them to only go by one system. I mean, that's my understanding. Am I correct?

CHIEF VARRONE:
Yeah, I apologize. I thought that our position on that was clear and I wasn't prepared to argue what the industry's position is --

LEG. EDDINGTON:
Nothing is ever clear.

CHIEF VARRONE:
-- and how much it's going to cost them. I would dispute that. I think as a normal -- from our investigators going into each one of these establishments, what they're doing now is the normal part of everyday business keeping, is not much more of a lift for us to get that data. So I would question their estimate of cost. And we think that we can upload the data in a way compatible to some of the -- some of the systems that are out there so that they wouldn't even have to do individual entries.

LEG. BARRAGA:
If I may.

P.O. LINDSAY:
Go ahead.

LEG. BARRAGA:
I think the industry would disagree with you. You are indicating it's not much of a lift. They're telling me it's one hell of a lift, to the tune of 100 new employees in their industry at $7,500,000.

So obviously there is a major difference of viewpoint here.

P.O. LINDSAY:
Okay. Legislator Stern.

LEG. STERN:
Yes. Thank you, Mr. Chair. Chief Varrone, thanks so much for being here. It's always good to see you. First of all, let me say I think we all know by now, in fact, that the scrap metal industry is a highly regulated industry. We've heard over and over again how there is very little regulation here. In fact, it really is the exact opposite to address Legislator Alden's question from before, you know, how many people does this affect, how many people does this impact? Not only does it have an impact on the 14 or so companies that have been identified, not only does it have an impact on the 75 or so companies, and then when you add in the car part dealers as well, it affects everybody who is involved with the industry on every single transaction. This is a bill that goes not just to the scrap processors, but to the sellers as well on every single transaction. I mean, you can take a look and say that this applies to hundreds of thousands of people. Every single transaction has to be recorded and then ultimately sent over in electronic format to the Police Department.

So this is a bill that goes to not just a couple of companies in a particular industry, it goes to potentially hundreds of thousands of people are covered under this legislation, and I have a tremendous problem with that, the way it's currently worded. I mean, what are we really trying to do here. We're trying to prevent crime, we're trying to deter crime, we're trying to punish criminal activity. I think the question here is really how do we best accomplish those goals and at the same time how do we at this level of government have some type of an impact on an industry that is probably in need of significant reform and change and certainly needs to come into the 21st century in some way. I don't believe that this proposal does that.

We've heard before from the industry this has been tried in other jurisdictions. There have been problems with the courts. There have been vetoes by governors, even where this legislation passed overwhelmingly because of fourth amendment concerns, and I share those concerns. Legislator Schneiderman brings up a very good point. As a business owner, you know, how far does one need to go in providing, you know, this type of information, private business proprietary information, to law enforcement. Of course as business owners we want to do whatever we can do to assist the Police Department in investigating, in prosecuting crime.

I was on line the other day, I was at Dick's Sporting Goods, and I was just buying a baseball bat for my five year old. The woman at the cash register then goes on to ask me about my personal information, not just my zip code, for my credit card, but now she wants my address and she wants my telephone number because of course she wants to put me on a mailing list and she wants me to get additional advertisements and she's probably going to --

LEG. NOWICK:
How old was she?

LEG. STERN:
She's probably going to sell my e-mail address, you know, to some list company.

LEG. ROMAINE:
She was looking for a date.

LEG. STERN:
I wasn't the only one that she asked. But, you know, how much personal information do we give? And here, I have to tell you, personally I'm going to think twice about giving my scrap metal business when I do work on my kitchen or my bathroom to a dealer in Suffolk County when I can go across the arbitrary town line and deal with somebody in Nassau County where I don't have to give over that type of personal information. This is very much a business and cost of business issue for

me. It's also one of privacy. I think it's an unwarranted and undue intrusion into day to day business, and of course we've heard about the tremendous cost of compliance.

We're trying to, and I think it was said very well before, you know, really trying to fit, you know, round peg into a square hole here. We're trying to utilize a tracking system that was really not developed for this particular industry. It's one that's not being used to its fullest extent already on an industry that it's supposed to apply to. How do we think we're going to have 14 or 75 or hundreds of thousands or even a million transactions fit into this computer system? How do we think it's going to have that kind of impact on crime that we all want to have an impact on now. We don't want to wait years while this type of crime continues to grow.

There's a New York State law that's already there. There is proposal up in Albany already to extend that law. That law has not been given an opportunity to really take hold. And I have to tell you, I don't think that the current proposal is going to have that kind of impact.

Now, I have submitted an alternate bill that I think will have a significant impact, because I say that rather than electronic reporting, rather than sending proprietary information to the Police Department, where you really have an impact on this type of illegal activity is by hitting scrap metal dealers and those that sell to scrap metal processors in the pocketbook where it hurts. We're looking at current legislation that provides for a $250 fine or a $500 fine. It goes up from there. I think where you have a real impact is on hitting people where it hurts and that is in their pocketbook. I'm proposing legislation that raises fines significantly, $1,000, $5,000, $10,000 for more than one offense.

We talk about who this applies to. This is legislation that only goes to those purchasers of $1,500 or less. I'm proposing legislation that would apply to every single transaction, even larger transactions. I think that's a much more comprehensive approach. I think it's an approach that strikes the right balance, that goes to fighting crime, that hopefully gives law enforcement the tools that you need being able to go into not just the 14 that you've been able to identify, not just the 75 that might be on some list, but to even the much smaller companies that haven't shown up on your radar screen.

Police will have the opportunity to go in, ask to review this information, if they have it, great. If they don't have it it's an immediate fine of $5,000 for every single offense where a corporation doesn't have that information readily available for the Police Department. There is no discretion there. It's not a low number, it's not a high number. It applies to every single person and company doing this type of business in Suffolk County.

I think it strikes the right balance. I think that it goes much further in imposing significant fines, in having that kind of an impact, while not having too much of a chilling effect on legitimate business conducted in Suffolk County. Thank you.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Just very quickly. I happen to agree with Legislator Stern's proposed legislation entirely. But, Chief, one of the things you mentioned before when you were conversing with Legislator Eddington, was that somehow there would be some sort of flexibility on your part as to when businesses would have to comply. And, again, looking at the bill, the effective date of this legislation is immediately. So from a legal standpoint I don't know quite where that flexibility is, and then you say you think that there can be compatibility.

For a piece of legislation that shall take effect immediately upon filing in the Office of the Secretary of State, I don't see how we can have a law on the books without knowing conclusively whether or

not from the IT standpoint, from an enforceability standpoint -- I mean, we could run into a situation where we could be subject to a lawsuit if we decided well one guy, you know, his system is more compatible so we're going to start enforcing it on him sooner. I don't see how we can do that and have another business out there saying well, you know, our system is going to be much tougher to make it compatible, so it might not apply to us for a year. That type of subjectivity doesn't work with the law. I mean, you know that as a law enforcement officer.

CHIEF VARRONE:
If I could respond. Maybe Mr. Nolan could address the fact I believe there are sections of the law that allow for flexibility and implementation and enforcement, and we certainly from the Police Department's perspective plan on working with every one of these -- every one of the sites to bring them into compliance.

LEG. LOSQUADRO:
I'm sure you, do but that still doesn't address the basic -- I'm not even an attorney and I could shoot this thing full of holes from 1,000 yards away. It takes effect immediately and to have that type of subjectivity, to have one business that it's the County's discretion at that point of within a given -- because it's open-ended. We could have one business that it might not apply to for three years if you decided that their system was so far removed from ours that it took a long time to get it -- you know, to get the two to match. To me, that type of subjectivity doesn't work and I think it's just too open-ended. So, thank you.

LEG. EDDINGTON:
Can we vote?

P.O. LINDSAY:
I just -- did you want to say something, Chief?

CHIEF VARRONE:
I wanted to respond to some of Mr. Stern's comments if I could.

P.O. LINDSAY:
Go ahead.

CHIEF VARRONE:
Only because he referenced his new legislation which we had an opportunity look at and I don't share his opinion as to the fine structure. I want to point out exactly what's missing from that law that to us is a great detriment. The one he acknowledged, the big one obviously is there's no requirement for transactions to be entered into the Article Tracking System. Obviously that's the biggest thing we like about the law, Mr. Eddington's proposal.

Additionally, there's no section in the law in his proposed legislation which will comply with an order to hold for property that is suspect property, property that may be across maybe from a utility, that kind of thing.

Additionally, and very importantly, there's no requirement for a specific description of purchase, which is similar to what the New York State law already has. Mr. Stern addressed the right to privacy, address information. That information is already recorded and mandated by the State for every purchase over $50. We're not asking for any more information other than a description of the property. We're just looking that that information be more easily retrievable by the Police Department.

Regarding the fine structure, unless I misread it, Mr. Eddington's proposal calls it as an unclassified misdemeanor, and actually is a stronger law because it mandates that the fine be not less than $500. It also lists the same maximum in both laws, a maximum fine of 1,000 for an individual and $5,000 for a corporation. So I don't -- unless I'm misinterpreting the law as written, I don't think

Mr. Stern was fair, unless I'm interpreting it incorrectly.

P.O. LINDSAY:
Okay. I just want to just share something with everybody. I was out in California last week and I was going across the desert and there in the middle of the desert there is a big billboard from the utility company that they put up T.V. cameras on the poles because the thieves out there are actually shorting out the transmission cables and stealing them.

LEG. ALDEN:
So they don't get electrocuted.

P.O. LINDSAY:
Well, the thieves that don't short them out first there's no problem in catching them. So, I mean, the reason for that story is that it's a major problem all over the nation. And I respect the police asking us for a tool to help solve that problem, and I respect Legislator Eddington for trying to solve the problem.

CHIEF VARRONE:
Mr. Lindsay, can I make one more point?

P.O. LINDSAY:
Go ahead.

CHIEF VARRONE:
I just want to remind everyone that the District Attorney, as well as the Police Commissioner, are in favor of Local Law 1129 in its present form. Also, we've been trying to get some type of legislation passed for over a year now and the crimes are increasing. From the Police Department's perspective we'd like to see some action as soon as possible and we think it would be relief.

P.O. LINDSAY:
Last word, Legislator Eddington.

LEG. EDDINGTON:
Thank you. I want to thank all my colleagues for taking so much time and giving so much consideration to this resolution. And I do mean so much time. The saga of this bill reminds me of the Sprint Nextel commercial that's currently on T.V. This ad very cleverly, I think, pokes fun at politicians by satirizing how convoluted and complicated we made this legislative process. In case you haven't seen it, it's the firefighters gathered in a chamber a lot like this voting on public policy issues. They use their Nextel walkie talkies and the Chief asks a series of questions. And he says, "How about the budget?" The firefighters grab their walkie talkies chirping and all respond "Balance it". "Anybody want better roads?" Again, the firefighters grab their walkie talkies and say "We do". "What about clean water, guys?" Again, without batting an eye they pipe in "Aye". The humor comes from the firefighters ability to make a swift decision on very basic issues that we politicians sure can drag out ad nauseam.

I'm sure you'd have to agree that the debate on this bill has been the antithesis of that ad. Four separate resolutions filed, hours and hours of testimony heard, countless revisions and endless debate. All over an issue that initially when brought to me I thought was a no brainer.

You know, when I joined this Legislature two years ago I was proud of the tradition of the Suffolk County Legislature as a vanguard of working with private industry to combat problems of the day. Allowing diners to enjoy an evening out without having to be exposed by deadly secondhand smoke. Recycling, or requiring supermarkets to recycle bottles to safeguard our water supply. To protecting our most vulnerable citizens by requiring nursing homes and day-care centers to screen their employees against the State Sex Offender Registry. All these laws done by Suffolk County because responsible public officials and responsible corporate citizens worked together to protect the public

health.

To my mind, this scrap metal bill is about protecting the health of our local economies. I don't know if you haven't seen it, but it's been in the headlines. Poof, aluminum bleachers disappear. Well, there goes our school district taxes. Poof, tubing from a public pool vanishes. Sorry, kids, you've got to do something else this summer. Poof, private construction homes have their guts ripped out overnight. Isn't that just what our housing market needs? And, Ladies and Gentlemen, even our places of worship and cemeteries have been desecrated by these lowlife criminals and their all too willing accomplices. These crimes cost all of us living here in Suffolk County. Home repair rates have gone through the roof. Rising insurance premiums for our businesses and higher taxes for us all, all exacerbated by this unending pledge of scrap metal theft.

Now, I'm not a doctor, but it is obvious that the health of our economy is not good and it continues to deteriorate. And I think we could agree that our economy is in the ER, and unless we take action pretty soon it is going to be brought into the ICU. And I'm not saying this bill will be the end all or cure all, but the experts on this issue, our District Attorney, our Police Commissioner, the five eastern town Police Chiefs and even the contractors have been begging for this tool for two years. That's not just too long, it's a disgrace and it does a disservice to the brave men and women we rely upon to protect our public safety, as the two representatives here.

In good conscience I can't understand how anyone around this horseshoe can allow this dilemma to fester a second longer. I think we need to decide once and for all where we stand individually and correctively on combating this incessant injustice. That's why I say to you let's be like the firefighters in that commercial, and let's make a decision -- excuse me for a second. Do you want to be tough on crime? Yes. Thank you very much.

P.O. LINDSAY:
Okay. I'm going to call for a roll call. We have a motion to table would come first.

MR. LAUBE:
Yes.

(The role was called by Tim Laube, Clerk)

LEG. LOSQUADRO:
Yes to table.

LEG. SCHNEIDERMAN:
Yes to table.

LEG. COOPER:
Yes to table.

LEG. D'AMARO:
(Not Present)

LEG. STERN:
Yes.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Pass.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes to table.

LEG. EDDINGTON:
No to table.

LEG. VILORIA-FISHER:
No to table.

LEG. BEEDENBENDER:
No to table.

LEG. BROWNING:
Yes to table.

LEG. ROMAINE:
Yes.
D.P.O. MYSTAL:
No.

P.O. LINDSAY:
No.

LEG. KENNEDY:
No.

MR. LAUBE:
Ten. (Opposition: Legislators Lindsay, Mystal, Beendenbender, Viloria-Fisher, Eddington, Kennedy, Horsley; Not Present: Legislator D'Amaro)

P.O. LINDSAY:
Okay. It stands tabled. ***I.R. 1177, Adopting Local Law No. 2008, A Local Law to maintain the integrity of drug and alcohol screening tests.*** Do I have a motion?

LEG. STERN:
Motion to approve.

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

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. Any discussion? All in favor?

LEG. STERN:
Yes.

P.O. LINDSAY:
What?

LEG. STERN:
On the motion.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Very quickly, Mr. Presiding Officer. I didn't have an opportunity to speak on the bill when it was in committee so just bear with me for one moment. This is legislation that we can all appreciate. Several occupations that have an impact on public safety, such as school bus drivers, you know, test prospective employees and even current employees for illegal drugs and alcohol use. As a parent of young children myself who ride the buses every day, you know, it's of particular importance to me.

There are several products these days that are on the market, you know, in these general nutrition stores, and even on-line sites that are intended specifically to defraud tests by altering the results of these tests either by diluting samples or adulterating samples or even substituting for samples.

This actually was a product that was purchased by my Aide not too long ago. It's a bottle of Qcarb, and you can get it at so many of the different outlets within Suffolk County. She specifically told the clerk that her husband was taking opiates and wanted to quote clean his system. She was offered this $40 bottle of liquid that was actually kept behind the counter in order to do just that. It's becoming more and more blatant and should be more and more obvious to us.

Fourteen states throughout our nation have banned the sale of these products. The Federal Government is actually seeking a ban as well. Suffolk County would actually be the first county in New York State to ban these products that really have no other purpose than for masking drug tests. So once again I'm asking my colleagues to take the lead and set an example for the rest of state, but really more importantly, you know, this legislation I think helps provide and enhance our public safety that, of course, affects all of us. Thank you.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yeah. I was wondering how this -- they will deal with, you know, like people that by poppy seeds and take them that can mask or herbs from herb stores. How is that going to be dealt with?

LEG. ALDEN:
The herbs are drugs.

LEG. EDDINGTON:
Well, not really.

D.P.O. MYSTAL:
Not all herbs are drugs, Alden.

LEG. ALDEN:
Oh, you don't mean the smoking herb.

LEG. EDDINGTON:
So there's no way of dealing with that. It's just the ones that are bought specifically. Is that what we're being told?

P.O. LINDSAY:
To the sponsor, you want to answer that?

LEG. STERN:
Sure. It would cover those products such as this one that's specifically sold for this purpose.

LEG. EDDINGTON:
Okay. So it wouldn't cover other things like herbs that people can get that can mask it, just specifically sold ones.

LEG. STERN:
If those even work. You know, sometimes it might be marketed as such. But, again, it goes to those products that are specifically sold for this purpose.

P.O. LINDSAY:
Okay. We have a motion and a second. Am I correct, Mr. Clerk?

MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
All right. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Legislators Montano and D'Amaro)

P.O. LINDSAY:
I.R. 1284, Designating May as "Youth Traffic Safety Month" in Suffolk County.

LEG. COOPER:
That's you, Steve.

LEG. ALDEN:
Ask for a motion.

LEG. STERN:
Yeah, motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion by Legislator Stern. Second by Legislator Losquadro. No discussion? All in favor? Opposed? Abstentions?

LEG. VILORIA-FISHER:
Just very quickly. It seems to be -- I think we've run out of months.

P.O. LINDSAY:
We could always expand the calendar.

LEG. ALDEN:
You can double up on it.

LEG. VILORIA-FISHER:

I mean, how are we getting the word out about this? Is this a kind of national thing, Steve, on this?

LEG. STERN:
It is, in fact, a national event. And this Legislature, in fact, helped with the cause over the past couple of sessions, giving a forum to companies like Allstate that has a very unique and innovative program where they're offering $1,000 grants to school districts throughout Long Island that can come up with these kinds of programs to continue to get this message out, not developed by us, but by the students themselves, which we know is a more compelling way to get that message out. So by not only having this month but by giving a forum to, whether it's local businesses or school districts themselves, you know, we're playing our role.

LEG. VILORIA-FISHER:
And how is the County providing that forum for Allstate?

LEG. STERN:
We gave them the opportunity to come and speak as part of --

LEG. VILORIA-FISHER:
Here?

LEG. STERN:
They were here. They were here a couple of times.

P.O. LINDSAY:
And I think they sent a letter to all of our district offices.

LEG. STERN:
Not only have they sent a letter, Mr. Presiding Officer, but I think they've sent a copy of their materials and a sample application that they are asking us as Legislators to distribute to the school districts within our Legislative Districts, encouraging those school districts to participate in their program.

P.O. LINDSAY:
And my office I know has contacted every principal in my district with that information.

LEG. STERN:
In fact, they were kind enough to come back once again here before this Legislature to announce that they were actually going to extend their deadline asking for our assistance.

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

MR. LAUBE:
Sixteen. (Not Present: Legislators Montano and D'Amaro)

Public Works and Transportation

P.O. LINDSAY:
I.R. 1186, 1186A, Amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share of the reconstruction of CR 80, Montauk Highway, Shirley/Mastic (CP 5516) for construction of sewer infrastructure. We're going to table, Legislator Browning, because we have a CN?

LEG. BROWNING:
Yes, we have a CN.

P.O. LINDSAY:
Okay. I'll make -- Legislator Browning makes a motion to table. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Legislators Montano and D'Amaro)

P.O. LINDSAY:
Which makes the bonding resolution moot. ***I.R. 1231, Adopting Local Law No. 2008, A Local Law to prohibit illicit discharges and illicit connections to Suffolk County's Municipal Separate Storm Sewer System.***

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Legislators Montano and D'Amaro)

P.O. LINDSAY:
I.R. 1265, 1265A, Authorizing the purchase and installation of diesel engine emissions component upgrades on Suffolk Transit Buses and amending the 2008 Capital Budget and Program and accepting and appropriating Federal Aid and State Aid (CP 5648).

LEG. LOSQUADRO:
Motion to approve.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro, second by Legislator Viloria-Fisher.

LEG. ALDEN:
Just on the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
Can we just put it on the record how much it is and how much the County share is?

LEG. LOSQUADRO:
I can answer that.

LEG. ALDEN:
And also, this could have been avoided if they would have followed Legislator Viloria-Fisher's and my suggestion years ago to go to gas. But anyway, now we have millions of dollars worth of upgrades

because they didn't listen to that.

LEG. LOSQUADRO:
This is 90% Federally funded. The total cost is 1.195 million, and the County share 119,500. And it's a five year bond, so the interest for us is only 15,000.

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

MR. LAUBE:
Sixteen. (Not Present: Legislators Montano and D'Amaro)

P.O. LINDSAY:
Okay. Same motion, same second on the -- 1265A, the pending bond resolution. Roll call.

(Roll called by Tim Laube, Clerk)

LEG. LOSQUADRO:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
(Not Present)
LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Yes.

MR. LAUBE:
Sixteen (Not Present: Legislators Montano and D'Amaro)

P.O. LINDSAY:
I.R. 1266, 1266A, Appropriating funds in connection with the purchase of highway maintenance equipment (CP 5047). Do I have a motion?

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender. Do I have a second?

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
How much is the total of this, and also do they rank these things now as far as is this a top priority?

LEG. BEEDENBENDER:
It's 1.65 million, Legislator Alden. I don't know the ranking, though.

LEG. ALDEN:
Then we would have to rank it. Do we think that, you know, going into --

LEG. NOWICK:
Thirty-five.

LEG. LOSQUADRO:
Bill Hillman is here.

P.O. LINDSAY:
Mr. Hillman, do you have any -- shed any light on the question?

MR. HILLMAN:
No, I'm sorry.

LEG. ALDEN:
So somebody's saying priority ranking is 35. Is that 35 out of 100 or 35 of out -- because, again, it's over a million dollars that we're going to go into debt. We have a big problem and because we're going to replace some lawnmowers and some of these other highway equipment I'm not so sure that, you know, maybe we can't afford it at this point. No other information? Okay.

P.O. LINDSAY:
Does anybody have any information? Nope? You don't have any, Robert? We have a listing of the equipment. I mean, that was attached to the bill, I believe. I assume that the equipment being replaced is worn out.

LEG. ALDEN:
Yeah, but unfortunately the people that live in Suffolk County that pay the bills for this, they're using worn out lawnmowers and we're going and replacing stuff that I haven't had any testimony that says it's worn out, so that's a leap of faith that I wouldn't make.

LEG. ROMAINE:
Mr. Hillman's here.

P.O. LINDSAY:
He doesn't have any answers. He doesn't have the answer. He's in charge of highway, he isn't in charge of maintenance. Okay.

LEG. ALDEN:
I'm going to make a motion table.

P.O. LINDSAY:
Motion to table. Is there a second to the tabling motion?

LEG. KENNEDY:
I'll second that motion.

P.O. LINDSAY:
Legislator Kennedy seconds the motion. Okay. Tabling motion comes first. All in favor? Opposed? I'm opposed. Abstentions?

LEG. BEEDENBENDER:
Wait. That was the tabling motion?

LEG. ALDEN:
Yeah. You better do a roll call.

P.O. LINDSAY:
Roll call. Roll call on the tabling motion.

(Roll called by Tim Laube, Clerk)

LEG. ALDEN:
Yes to table.

LEG. KENNEDY:
Yes to table.

LEG. COOPER:
No to table.

LEG. D'AMARO:
(Absent).

LEG. STERN:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes to table.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
No to table.

LEG. VILORIA-FISHER:
No to table.

LEG. BEEDENBENDER:
No to table.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Seven. (Opposed: Legislators Lindsay, Mystal, Schneiderman, Browning, Beedenbender, Viloria-Fisher, Losquadro, Horsley, Stern and Cooper; Not Present: Legislator D'Amaro)

P.O. LINDSAY:
Okay. We have a motion to approve. Roll call.

(Roll called by Tim Laube, Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

LEG. MONTANO:
No.

MR. LAUBE:
Twelve. (Opposition: Legislators Romaine, Montano, Alden, Barraga, Kennedy; Absent: Legislator D'Amaro)

P.O. LINDSAY:
Okay. Accompanying 1266A, the bonding resolution. Same motion, same second. Roll call.

(Roll called by Tim Laube, Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yep.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
No.

LEG. EDDINGTON:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Twelve. (Opposition: Legislators Romaine, Montano, Alden, Barraga, Kennedy; Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R. 1267, 1267A, Appropriating funds in connection with the replacement of Public Works Fleet Maintenance equipment (CP 1769). I'll make a motion.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.

LEG. ALDEN:
What kind of equipment? Is this an emergency? Is the equipment worn out? And, again, this is a bond. I would like to put the amount on the record and also the amount of interest we're going to pay. This is some serious stuff because later on we're going to consider some draconian steps that are going to hurt people. And to go and spend money like this, like we just did on the last resolution, a million bucks throw it away here, a million dollars there, and then we are going to go and hurt people like the people that sit behind us and do all the work, you know, freeze their salary or maybe even take some salary away from them or do something else to the people of Suffolk like close down the Foley Nursing Center, then we better be prepared to make some sacrifice, too. And I don't see any sacrifice being made today. I don't even hear a justification for the equipment we just approved. Over a million dollars and we didn't even hear any justification for it. This is only $100,000. Where's the justification?

MR. REINHEIMER:
This is $100,000 for Public Works fleet maintenance equipment, auto lift, for one of their maintenance garages.

LEG. ALDEN:
And the auto lift broke? The lift that there's broke or what happened to it.

MR. REINHEIMER:

I think this is a replacement from my recollection from the committee, a replacement lift.

LEG. ALDEN:
So something that was there broke?

MR. REINHEIMER:
I'm not sure on the status of the equipment that was there, but I'm pretty sure that this was replacement for equipment that they needed for an auto lift.

LEG. ALDEN:
And, Lance, this is not you because, you know, you are just trying to give us the information, but that's --

MR. REINHEIMER:
That's about all I know and that was from the committee meeting that I attended, Public Works.

LEG. ALDEN:
That's not enough to convince me to put the people in Suffolk County into another debt situation.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. Possibly someone could tell me the number of vacancies that we have in fleet maintenance? I have spoken to some of the people that work there and they say it's so bad now that if you have -- need to get an oil change you've got to wait a long, long, long time.

LEG. ALDEN:
Maybe we don't need the lift then.
LEG. ROMAINE:
So maybe why are we buying equipment if we don't have the manpower to staff it? I'm very skeptical of this. And, you know, if you ask about County maintenance I am told there is a long, long wait period to even do basic maintenance because there are staffing problems. Not because this Legislature did not put enough people there, not because this Legislature did not appropriate the money, because these vacancies are left vacant and we get taxed for these vacancies for services that we don't get. And yet we need equipment for jobs, for people that aren't there to service this equipment. I don't know.

P.O. LINDSAY:
Anybody else want say anything?

LEG. ALDEN:
Just one more thing on the record?

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
And I don't know where it came from, but this says it's got a priority ranking -- the last one had a ranking of 35. If that's out of 100 that's pretty sad. This one has got a ranking of 23. If that's out of 100 that puts it in the lower -- what do you call it, quadrant.

LEG. BEEDENBENDER:
Presiding Officer Lindsay, if I could just -- the priority ranking works the other way. One is the highest.

LEG. ROMAINE:
No, it works the other way.

LEG. BEEDENBENDER:
It works the other way?

LEG. ROMAINE:
Works the other way.

LEG. ALDEN:
Then, Brian, what does it go up to? Do you know?

LEG. BEEDENBENDER:
No, I was incorrect, so I will withdraw what I said.

P.O. LINDSAY:
Ms. Vizzini, who sets that ranking, do we?

MS. VIZZINI:
The ranking form was adopted by the Legislature, updated and revised this last capital cycle. It's based on specific criteria, economic impact, availability of outside funding, things that the Legislature adopted as significant.

P.O. LINDSAY:
Is 35 a high ranking?
MS. VIZZINI:
It's probably in the mid -- mid to low range.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
What does it go up to? Do you know?

MS. VIZZINI:
Well, it has the potential to go to 100, but even sanitation projects and public safety projects, the things that hit all the buzzwords usually hover between 50 and 70. I'd be happy to share the ranking form with you. It's used by Public Works, it's used by --

P.O. LINDSAY:
Okay. Well, the only thing we have before us is a motion to approve.

LEG. ALDEN:
I make a motion to table.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Who seconded?

LEG. KENNEDY:
I seconded it.

P.O. LINDSAY:
Legislator Kennedy. Okay. We have a motion to table as well as a motion to approve. The tabling

motion comes first. I guess you might as well call a roll.

(Roll called by Tim Laube, Clerk)

LEG. ALDEN:
Yes to table.

LEG. KENNEDY:
Yes to table.

LEG. COOPER:
No to table.

LEG. D'AMARO:
(Not Present)

LEG. STERN:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes to table.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
No to table.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
Yes to table.

LEG. VILORIA-FISHER:
Yes.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
No.

P.O. LINDSAY:
I'm going to go along with the tabling until we get more information.

MR. LAUBE:
Eight. (Opposition: Legislators Schneiderman, Browning, Beedenbender, Eddington, Montano, Horsley, Stern, Cooper and Mystal; Not Present: Legislator D'Amaro)

P.O. LINDSAY:
So the tabling fails. We have a motion to approve.

MR. LAUBE:
I need the second. Somebody said it but I didn't catch it.

P.O. LINDSAY:
I made the motion?

MR. LAUBE:
You made the motion.

P.O. LINDSAY:
Does anybody want to second it?

LEG. COOPER:
Second.

P.O. LINDSAY:
Seconded? Where did the second come from?

MR. LAUBE:
Legislator Cooper.

LEG. ALDEN:
Brian.

P.O. LINDSAY:
Okay. Legislator Beedenbender.

MR. LAUBE:
Roll call?

P.O. LINDSAY:
Yeah, might as well.

(Roll called by Tim Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. COOPER:
Yep.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
No.

LEG. VILORIA-FISHER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

D.P.O. MYSTAL:
Yes.

MR. LAUBE:
Eleven. (Opposition: Legislators Romaine, Losquadro, Alden, Barraga, Kennedy, Nowick; Not Present: Legislator D'Amaro) ***1267 was reconsidered in a later vote***

P.O. LINDSAY:
Same motion and same second on 1267A, the bond. Roll call. This one needs 12.

LEG. BEEDENBENDER:
Mr. Chairman. In light of the fact that this bond is not going to pass I'd like to make a motion to reconsider the vote we just had so we could -- the tabling motion so we can find out more information rather than just kill it. Because if the bond fails then we're in a predicament, so.

LEG. SCHNEIDERMAN:

I second.

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

LEG. ALDEN:
Opposed.

MR. LAUBE:
Sixteen. (Opposition: Legislator Alden; Not Present: Legislator D'Amaro)

LEG. ALDEN:
We're wasting time.

P.O. LINDSAY:
It passed, right? So 1267 is back before us.
LEG. BEEDENBENDER:
Motion to table.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion table by Legislator Beedenbender.

D.P.O. MYSTAL:
On the question. You can pass the resolution and then wait later on to pass the bond. We've done that many times.

LEG. VILORIA-FISHER:
But we can table it for more information.

D.P.O. MYSTAL:
Yeah, we can table it for more information.

P.O. LINDSAY:
We have a motion to table. Do we have a second?

LEG. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed?

LEG. ALDEN:
Opposed.

P.O. LINDSAY:
Abstentions?

MR. LAUBE:
Sixteen. (Opposition: Legislator Alden; Not Present: Legislator D'Amaro)

P.O. LINDSAY:
Okay. Tabled. ***I.R. 1269, Amending the 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and***

appropriating funds in connection with stormwater remediation to Green Creek at County Road 85, Montauk Highway (CP 8240.319). I make a motion.

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R. 1276, Requesting Department of Public Works to update excess strength surcharges.

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley. I'm going to second it for the purpose of discussion and then Legislator Horsley is going to explain this to us.

D.P.O. MYSTAL:
Thank you.

LEG. HORSLEY:
All right. Okay. This is a resolution that's working along with the sewer folk, Ben Wright included, to look at the surcharges on those companies that are putting pollutants into our -- into our sewer system that are over and above -- that are toxic. And so there's going to be greater fines, greater charges, to put effluent into the sewer system that are bad stuff.

P.O. LINDSAY:
Sounds good.

LEG. NOWICK:
Yeah, we like that.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Wayne, how does that work? When somebody applies to hook up they have to tell us what they are going to discharge and then --

LEG. HORSLEY:
Yes. They actually can monitor. They'll pick up the bad stuff in the --

LEG. ALDEN:
But we allow them to discharge.

LEG. HORSLEY:
Yeah, I guess that they would have to be allowed to do it, yeah.

LEG. ALDEN:

They are allowed to discharge, then it just costs us extra to clean it up.

LEG. HORSLEY:
That's the reason why the would charge them more, to make sure that it's acceptable. If it's a certain poison I'm certain they're not going to let that go through. But this is, you know, these are effluent that is considered difficult to clean up, costs more money to clean up, and that's -- and they're going to charge more for it.

LEG. ALDEN:
How did you come to decide how much to be charged for --

LEG. HORSLEY:
That is -- we're just asking Public Works to come with a new schedule.

LEG. ALDEN:
I get it. Okay.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1279, Authorizing the Department of Public Works to employ a maximum of four temporary workers to perform Vector Control functions on Fishers Island.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. Is Fishers Island in Suffolk County?

LEG. ALDEN:
You know what's over there? Maybe you and I should go check it out. There's some mosquitoes --

LEG. NOWICK:
Well, you are not going without me.

LEG. BEEDENBENDER:
There's also a golf course over there.

LEG. ALDEN:
What do you mean a golf course?

LEG. LOSQUADRO:
Never heard of such a thing.

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

LEG. ALDEN:
The Presiding Officer and I will go over and check out on this project.

LEG. ROMAINE:
Cosponsor.

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1285, Authorizing transfer of four (4) surplus County computers, four (4) surplus County monitors, four (4) surplus County mice to Tri-CYA of Huntington.

D.P.O. MYSTAL:
Cooper.

LEG. COOPER:
Motion.

P.O. LINDSAY:
Motion by Legislator Cooper. Anybody want to second the mice?

LEG. LOSQUADRO:
I'll second the mice.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1287, 1287A, Appropriating funds in connection with dredging of County waters (CP 5200). I'll make a motion.

LEG. COOPER:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Opposition: Legislator Barraga; Not Present: Legislator D'Amaro).

LEG. COOPER:
Tim, cosponsor if I'm not down already.

P.O. LINDSAY:
Same motion, same second, on the pending bond resolution. Roll call.

MR. LAUBE:
Just a second.

(Roll called by Tim Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Pass.

MR. LAUBE:
Pass?

LEG. ALDEN:
Pass.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
(Not Present)

LEG. LOSQUADRO:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
Yes.

LEG. ALDEN:
Yes.

MR. LAUBE:
Fifteen (Opposition: Legislator Barraga; Not Present: Legislator Eddington - Absent: Legislator D'Amaro)

P.O. LINDSAY:
Okay. ***I.R. 1288, 1288A, Appropriating funds in connection with the reconstruction of CR 17, Carlton Avenue Early Implementation project, Town of Islip (CP 5097).***

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. On the motion? All in favor? Opposed?

LEG. ALDEN:
Just on the record.

P.O. LINDSAY:
On the record, Legislator Alden.

LEG. ALDEN:
And, Rick, I think you could probably address this. What does this project do and how long has this been in the wait?

LEG. MONTANO:
Bill Hillman is here. This project has to do with improvements to that intersection, I believe, right across the street from the high school. Am I correct on that, Bill?

MR. HILLMAN:
That's correct.

LEG. MONTANO:
They're going to widen the street there. It's a safety factor. You got kids walking up and down the street from the high school. It's in my district, it's a dangerous situation. I think we had moved this up from the Capital Budget but it's in the works for a while. And is there federal money on this also?

MR. HILLMAN:
The long-term project is federally aided.

LEG. MONTANO:
It's like 13 million or something?

MR. HILLMAN:
Yes. The school districts were able to give us property right away. They dedicated the property, therefore we were able to do the improvements right away in front of the schools.

LEG. MONTANO:
And by the way, I might add the sidewalks in that area are atrocious.

MR. HILLMAN:
Yup, we're going to replace them.

LEG. MONTANO:
And I appreciate that. Thank you. Does that answer your question, Cameron?

LEG. ALDEN:
Absolutely. Thanks.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Opposition: Legislator Barraga; Not Present: Legislator D'Amaro)

P.O. LINDSAY:
Same motion, same second, on 1288A, the pending bonding resolution. Roll call.

(Roll called by Tim Laube, Clerk)

LEG. MONTANO:
Yes.

LEG. KENNEDY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Opposition: Legislator Barraga; Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R.1297, Authorizing transfer of surplus County computers, monitors, keyboards and mice to Central Islip Civic Counsel.

LEG. MONTANO:
Motion and it's mouses, not mice.

P.O. LINDSAY:
But it says mice in the resolution.

LEG. LOSQUADRO:
We had this discussion.

LEG. MONTANO:
We had this discussion in Public Works.

P.O. LINDSAY:
We have a motion. Do I have a second? Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

Ways and Means

P.O. LINDSAY:
I.R. 1032, Adopting Local Law No. 2008, A Local Law in relation to disposition of auction properties.

LEG. BROWNING:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Browning.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. What does this do? Any question? An explanation, please.

MR. NOLAN:
This law would change the rules as it applied to auction properties. When the County auctions habitable properties the purchaser has to agree to live there for five years. This would change that to ten years, but it would not have to necessarily be the original purchaser. It just means the person who owns the property would have to live there so it could change hands during that ten year period, but there's a home -- the owner, residency requirement, ten years, and that's the change.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
And I'd like to compliment Legislator Browning because she did incorporate some things in this bill that will make it enforceable. It's going to be something that's recorded with the original deed. It will basically come up on a title report, so that if somebody tries to pull a fast one it will be brought to our attention. So that was a great change.

LEG. BROWNING:
Thank you for your suggestion.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R. 1230, Adopting Local Law No. 2008, A Charter Law to formalize the vacancy procedure relating to boards, commissions and agencies. I'll make the motion.

LEG. NOWICK:
Second.

P.O. LINDSAY:
Second by Legislator Nowick. And I'll answer the question, what's this about. What we're finding is a lot of our boards and commissions have vacancies that we don't even know about.

LEG. ALDEN:
Is this on my X drive or my Y drive?

P.O. LINDSAY:
No, there's a Z. So what this does is it puts a requirement on the boards and commissions to notify us 15 days from the time of vacancies.

LEG. ALDEN:
Cool.

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

LEG. ROMAINE:
Question.

P.O. LINDSAY:
Opposed? Oh, Legislator Romaine.

LEG. ROMAINE:
Very quickly. Do we get an update on the commissions and boards report? Is there an update on the membership and what they do? Isn't that one of the requirements of the Legislature?

P.O. LINDSAY:
We do get minutes from some of the board meetings. Other board meetings I do send representatives from my office to attend and to monitor.

LEG. ROMAINE:
Don't we get a binder of all the boards and commissions? Aren't we required -- isn't the Legislature required to provide everyone with a binder of all the commissions?

P.O. LINDSAY:
It's on the T drive they're telling me.

LEG. ROMAINE:
It's on the T drive?

P.O. LINDSAY:
Yeah.

LEG. ROMAINE:
Thank you. I'll look there.

LEG. ALDEN:
Up until last week I didn't even have one.

P.O. LINDSAY:
See, you thought it was on the Z drive. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R. 1236, sale of County-owned real estate pursuant to Local Law 13- 1976 Michael J.

O'Donnell and Holly R. O'Donnell, his wife (SCTM No. 0800-087.00-05.00-058.000). Do I have a motion? I'll make the motion.

D.P.O. MYSTAL:
Second.
P.O. LINDSAY:
Second by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R. 1241, Sale of County-owned real estate pursuant to 72-h of the General Municipal Law (Central Islip Fire District)(SCTM No. 0500-120.00-05.00-021.000).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
I.R. 1243, Sale of County-owned real estate pursuant to 72-h General of the General Municipal Law - Town of Brookhaven - (SCTM Nos. 0200-787.00-01.00-034.000 and 0200-787.00-01.00-035.000).

LEG. BROWNING:
Motion to approve.
P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by who?

LEG. EDDINGTON:
Me.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:

I.R. 1277, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Islip)(SCTM No. 0500-321.00-02.00-002.000 et al). I'll make the motion.

LEG. BARRAGA:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:
I.R. 1299, Authorizing the transfer of property to Suffolk County Department of Parks, Recreation and Conservation. I'll make a motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

Home Rule Message

P.O. LINDSAY:
We've got a Home Rule Message. ***HR.13, Home Rule Message requesting State of New York to enact the Downstate Suburban Workforce Housing for Economic Sustainability Act. (Assembly Bill No. A10111 and Senate Bill No. S7065).*** Legislator Browning?

LEG. BROWNING:
Oh, sorry. Motion to approve. Sorry.
P.O. LINDSAY:
Motion to approve. Do I have a second? I'll second it.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro)

P.O. LINDSAY:
Okay. In the manila folder there was two procedural motions. Okay. They're eight and nine. Did everybody find them? Okay.

Procedural Motions

Procedural Motion No. 8, To set a public hearing for the inclusion of new parcels into existing agricultural districts in the Towns of Brookhaven, Huntington, Islip, Riverhead, Southampton and Southold.

Do I have a motion?

LEG. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. ROMAINE:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
We have ***Procedural Motion No. 9, Procedural Resolution authorizing funding for community support initiatives (Phase I).***

LEG. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
Okay. Red folder. Certificates of Necessity. First one I grabbed is 1186.

MR. LAUBE:
Legislator Lindsay?

P.O. LINDSAY:
Yes.

MR. LAUBE:
1186?

P.O. LINDSAY:
Yes.

MR. LAUBE:
It's being revised. It's now numbered 1439. It's being distributed now, so if you could pass over that for now and go to the next one.

P.O. LINDSAY:
Okay. So it's revised from the initial revision?

MR. LAUBE:
It has a new fiscal impact statement to accompany 1439.

P.O. LINDSAY:

I see. Okay. All right. Let's go to ***1307, A responsible plan for cost savings to mitigate an anticipated 2009 shortfall.***

LEG. VILORIA-FISHER:
Mr. Chair.

P.O. LINDSAY:
Oh, wait a minute, now. All right. I got --

LEG. VILORIA-FISHER:
There are a few revisions.

P.O. LINDSAY:
I got amended copy as of 4/29. We need the one that's marked 345.

LEG. ALDEN:
Where's the one that says 345?

P.O. LINDSAY:
Well, it says it on the top, revised. It says revised on the outside, and I can't find it either. Who doesn't have one?

LEG. ALDEN:
I don't have it yet.

P.O. LINDSAY:
All right. Well, I need staff to --

LEG. HORSLEY:
It just says revised. I don't see that number there.

LEG. LOSQUADRO:
Flip the cover page over.
LEG. HORSLEY:
Oh, mine's faded. You can't read it.

LEG. VILORIA-FISHER:
Mr. Chair.

P.O. LINDSAY:
It's 1307. Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Before we begin the discussion, I just wanted to thank Ben Zwirn and Dennis Brown because they've really been willing to make a number of changes throughout the day as I've spoken with them. So I just wanted to thank them for their help.

P.O. LINDSAY:
How about to start the discussion we need a motion.

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender, seconded by Legislator Viloria-Fisher.

LEG. ALDEN:
That's to approve?

P.O. LINDSAY:
To approve.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Now maybe someone, I mean, just the genesis of this bill. The Working Group came up with a resolution that the County Executive was sponsoring. I had some problems with it, namely I didn't want the John J. Foley home in it, I wanted the option of both examining tobacco securitization as well as tax liens. They were the two major changes that we wound up in a merged bill between -- I had an independent bill, I withdrew my independent bill, and the Executive Branch merged their bill with my bill, or I merged my bill with their bill, however you want to call it. But since then there has been some other revisions that Legislator Fisher, Viloria-Fisher, was in discussion with the Executive, and maybe we could pick up the discussion there and maybe Legislator Viloria-Fisher can explain what additional changes were made since the united -- the first united bill came forward.

LEG. VILORIA-FISHER:
Thank you, Mr. Chair. As you know, I had a very long discussion with the County Executive yesterday regarding this bill because there were certain concerns that I had. The primary concern, which was immediately addressed, the first iteration of the CN, had been in the original eighth resolved, which is that the County Executive would determine which of the two products, whether we would be going with an instrument that would deal with tobacco securitization or with tax lien, and the decision would be made by the County Executive. And I felt that we would be relinquishing too much of our own ability to make that very important decision. So the County Executive was willing to put in the ninth resolved that you see in this CN that says after --

P.O. LINDSAY:
I'm sorry. I'm sorry.

LEG. VILORIA-FISHER:
After legal and financial analysis that there would be a decision that would come -- that would be determined through a Legislative resolution. So I was happy with that change.

We then came to another discussion, which, again, Mr. Chair, you heard yesterday between myself and the County Executive, was that having two very different products before us or -- well, I guess I'll call them products before us, we need to have them both travel on similar tracks so that we can compare apples and apples. If we have tobacco securitization going through one process, and the tax lien through a totally different process, then it would be more difficult for us to form an analysis of the financial impact that each of these would have on us. And we're talking about hundreds of millions of dollars and a commitment on the part of the County to as much as 35 years.

So, again, there was a resolved which referred to the tax liens having an RFP where information that would be coming from the Treasurer's Office would have to be FOILed. They were willing to change that so that both the tax -- tobacco securitization and the tax liens would both require the same level of adherence to our County laws. Dennis, if I'm saying it incorrectly just interrupt me.

MR. BROWN:
No, I that's a good summary.

LEG. VILORIA-FISHER:
But I think that's the gist of what was disturbing me because having looked at tobacco securitization a few years ago and having looked more than once, I'm not confident that tobacco securitization is

the best way to go. We have an alternative that might be viable, might be feasible, and I believe that we should give them both a thorough vetting, thorough financial analysis, and have them both come before the Legislature so that we can make that kind of determination.
There's a lot of money involved here, and so we should take a hard look. Thank you, Mr. Chair.

By the way, I'm not thrilled with the rest of it, but, for example, the exempts, I have a problem with that, as does Jack, but I was willing to meet partway on this.

LEG. EDDINGTON:
Bill.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yes. In communicating with Mr. Zwirn, I don't want to hold up a process, because I was against the exempt wage freeze. I think it's the wrong way to go. I think anybody that's been in a union, I don't know how they could even consider this. But what I will do is sponsor a resolution to exempt the exempts from a freeze at the end of this year. And I'm going to ask the County Executive to look into, with our unions, to ask for possibly a volunteer work furlough in the summer months. There's got to be employees that would love to have July off with their kids or June or -- so I'm going to ask them to reach out to see if we can get some help voluntarily, because this is not the right way to go, to pick on a group that has no representation.

P.O. LINDSAY:
Can I -- I know Legislator Romaine wants to talk, but I just want to go through with you again about how this bill evolved. I was the one that put the exempts in there for the simple reason, originally -- the original bill, the exempts were part of the retirement program as well as some other units besides the blue collar and the white collar workforce, and there was an absolute wage freeze on us and all the exempts, both for the step increase this July, the wage increase in January and the step increase next July.

The compromise was that we would remove the exempt retirement, because there was a lot of people around the table that would object to that, and that they thought it was too harsh. And I'll remind everybody that the exempts just went in the step program about two or three years ago, prior to that they didn't. Some of the exempts are making more than we are, you know that. But the compromise was to just leave in the July 2009 freeze, and the reason for that was in the hope that when we reached the fall that we're in better financial shape than we're looking at now, that it could be revised without anybody getting hurt. All right?

But there was -- there's no doubt about it. This is a very draconian bill and the retirement program sounds like it's a good deal. I mean, we're shedding people, it's as simple as that, and it's -- we're calling it a retirement program. People could look at it and say that it's an enhanced severance package, so it depends on how you look at it. So this is not an easy bill to swallow, I'm not attempting to portray it as an easy bill to swallow, and there was a lot of give, take and compromise around the table to get to the stage we're at now. Anybody else want to question, comment?

LEG. SCHNEIDERMAN:
Just clarification.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Yeah. The only issues I have has to do with the provision for the exempts. I want to congratulate everybody who worked on this to make it a bill that I think most people could support. But I want

clarification because some of the exempts are saying that next year they're going to get under this bill exactly what they're getting this year. I thought it was just taking away the step and they --

P.O. LINDSAY:
It's just taking away the step.

LEG. SCHNEIDERMAN:
So will they get the COLA?

P.O. LINDSAY:
If there is a contract they'll get the COLA. The wages of the exempts is tied to the AME contract I believe.

LEG. SCHNEIDERMAN:
So the step is like a 1.8 or 2% step?

LEG. BEEDENBENDER:
It's closer to three or four.

P.O. LINDSAY:
It depends on which stage you're at. It depends on where you are in the step system. Am I right with that, Ms. Vizzini? It could be more than --

MS. VIZZINI:
The AME contract expires at the end of this year.

P.O. LINDSAY:
Right.

MS. VIZZINI:
If you pass legislation extending, you know, whatever contractual increases the union benefits from to the exempts, then their salaries would reflect that increase.

LEG. SCHNEIDERMAN:
Now, would that be retroactive if the contract takes longer to settle?

MS. VIZZINI:
If the contract is retroactive and you mirror that, then yes, but, you know --

LEG. SCHNEIDERMAN:
Can we talk about the size of the step verses the size of the COLA? Because they would get -- in the new contract, there'll be some increase overall.

MS. VIZZINI:
Theoretically.

LEG. SCHNEIDERMAN:
Theoretically, okay. And then there's the increment, which is the step. The step -- typically what would it be around?

MS. VIZZINI:
The step in the management salary plan ranges from three to 5%. It's not, you know, uniform the way the AME contract is, which was an issue we brought to your attention when we went to the steps.

LEG. SCHNEIDERMAN:

Okay. So it's a sizable step increase.

MS. VIZZINI:
For some people it can be, depending on where you are, where you fall.

P.O. LINDSAY:
Unless you're at the top step.

LEG. SCHNEIDERMAN:
Right. You max out at some point.

P.O. LINDSAY:
Right.

LEG. SCHNEIDERMAN:
And you get no increase that way.

P.O. LINDSAY:
Right.

LEG. SCHNEIDERMAN:
All right. But to the answer to the exempts is that even with this freeze in place they will get more next year at some point when the contract is settled.

P.O. LINDSAY:
This bill doesn't address that at all. The only thing it addresses is the 2009 step increase.

LEG. SCHNEIDERMAN:
Okay.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I'll start by saying there's a lot in here that I agree with, but unfortunately there's a lot in here that -- were you next on the list, Legislator Romaine?

LEG. ROMAINE:
That's okay. I'll just let --

P.O. LINDSAY:
I'm sorry.

LEG. ROMAINE:
At some point.

P.O. LINDSAY:
I'm sorry.

LEG. ROMAINE:
That's okay.

P.O. LINDSAY:
Go ahead, finish what you started.

LEG. ALDEN:
I'm going to be here for a while.

P.O. LINDSAY:
Well, we're not leaving.

LEG. ALDEN:
All right. There's a lot I agree with, there's a lot I disagree with, and who should I address these questions to? I guess Budget Review. The proposed early retirement, now I think I've lived through two or three early retirements here and the net effect was a huge cost to the County and a whole bunch of people that are dissatisfied because they're left in departments and now they had to do a lot more with a lot less people.

And the other thing that I noticed on this, it looks like it's targeting people that have been in the County a long time. Those are the people that I'm not so sure that we can afford to lose every one of them at the same time and replace because there's limits on the amount of people that can be replaced under that. So what under this would be the anticipated cost of this early retirement?

MR. REINHEIMER:
Most of the past retirements that we've had early retirements have been through New York State and they've been quite costly. This is our own program and it provides a certain amount of severance pay, if you want to call it that, depending on the time and years of service. We looked at the people that would be eligible for this and we looked at what we call prime retirees, people that would be able to retire at a point in time when they would, you know, people would consider retirement. The average incentive was about $27,000 per person. So that would be part of the -- that's the cost of the incentive.

LEG. ALDEN:
How many people do we think will take advantage of it?

MR. REINHEIMER:
We looked at about a little under 600 people, prime people that, you know, they would be people that we would expect would be thinking of retiring within the next two years, a little under 600. Based on the past early retirement programs, 30% participation wouldn't be unusual. About 187 people.

LEG. ALDEN:
And that multiplies out to be approximately?

MR. REINHEIMER:
As far as the incentive part of it?

LEG. ALDEN:
The incentive part of it.

P.O. LINDSAY:
Could I just jump in because I might be able to help you with this, is that the provisions they have to exercise it by July 31, 2008. And with the incentive, by getting them off the payroll this early in the year, it will save us like $5 million this year.

The other thing is that this is a very much targeted retirement. If you recall, we were all here the last time we had a State retirement and it was a disaster. It wound up costing us more money than we saved, and I was very, very concerned about that for the simple reason we had people retire in the wrong areas. We had a whole bunch of people in Social Services that were State subsidized retire. We really didn't save anything on them at all.

LEG. ALDEN:
So we have a safeguard to make sure that that doesn't happen in this.

P.O. LINDSAY:
Yes, yes. We also had, if you remember Consumer Affairs, the whole front desk retired, the people that collect the money in one of the few departments where we make money. So we put in some safeguards there as well, and then we put in a general rule of thumb that no more than 10% of any department can retire.

LEG. ALDEN:
When would be the time to do a study that -- and here's where my fear would be in that. We're going to decimate certain departments, even with the safeguards, because I know I can't think of a department in Suffolk County that hasn't come before this Legislative body and said that they're having trouble keeping up with the workloads. So we're going to end up allowing "X" number of people to go out the door and these are the senior people. These are the people that if we do have any new hires they turn to these folks for guidance. So where is the other safeguard to make sure that that doesn't happen, that we don't end up with every employee in Suffolk County that's left here, that doesn't qualify for this, you know, yelling at us that we can't keep up with it. We are blocking the ability to hire and replace the people that are going out. And like I said before, these are all senior people. I have a concern with that.

I have an overall concern that this is everything lumped together because there's a lot of this stuff that I like and I think it should possibly come over as individual proposals, and then there's a lot of it I don't like. For instance -- and some other people have already expressed this so I'll just do it real fast. I don't think even trying to balance anything on our exempts back is fair at all when there's alternatives. And we're talking about $100,000 at the most, a couple of hundred thousand dollars, on the savings for the exempts. And if we all gave up our cars right there we would put ourselves in the same position as our constituents are, where they have to pay the gas to go to and from work and when the gas goes up it would hurt them, it would hurt us, too. So we could show a little bit of leadership right there and we could probably save the same amount of money if we just gave up our cars.

And then if we looked in County government, there are some people, heads of departments and things, that use their cards mainly to commute with. And not Ben, I know Ben drives his own vehicle. But there are some areas where we could take those cars, sell them, and then we would be as County elected officials and appointed officials in the same position that our constituents are in, feeling the pain every day as the gas goes up.

But let me go through a couple more of these things. This one thing that's in here, too, as far as for compliance with item pricing. Now, that $500,000 is probably more because that's the number I had on it about six years ago when I introduced this legislation and it got killed, totally killed. But I think that we could probably look for a million dollars or two million dollars in there. So that's one of the things I actually absolutely agree with.

The fourteenth whereas clause, now these are construction laws for -- for basically for George. In here it says that there's going to be new pricing. That would have to come back to us for approval though, right.

P.O. LINDSAY:
Yes. Could I just stop and point out something? This is a roadmap type of plan. Many of the things in here are going to have to come back with individual legislation that we're going to get a second bite of the apple.

LEG. ALDEN:
And that I feel good about.

P.O. LINDSAY:
We're just trying to pass something especially I think tomorrow they're going before the rating agencies to show that we have a plan to dig ourselves out of this.

LEG. ALDEN:
Here's a quandary that I have been put in today by our voting, and then when I see in here, the fifth resolved clause, that appropriations for specific vehicles, equipment, supplies, fees for service, are hereby stricken from the 2008 Adopted Budget, but we just passed a couple of million dollars worth of -- oh, what was that? Equipment, vehicles, supplies and fees for services. So what have we actually accomplished? We increased it and then we -- did we strike some? But this actually -- this actually strikes it or gives somebody the authority to not come back to us and strike it.

MR. ZWIRN:
If I just might add. It's a difference between Operating and Capital. Today you voted on capital expenditures. This is out of the Operating Budget.

LEG. ALDEN:
And, Ben, you are a hundred percent correct, but the point I made earlier is also a hundred percent correct. We were told our carrying charges are about $90 million dollars for our capital. That's gone up $10 million dollars a year for the past couple of years. So it's nice to borrow money and save the cash, so to speak, but guess what, you have to pay it. So now we're starting to see a little bit of a problem because of the things we did two or three years ago when we increased our borrowing. Now we are having to pay that back, and like they said, $10 million a year is a substantial increase and it takes away the ability to pay for things in a cash bases. So if these were -- we were going to pay cash for them and we substituted a bond today for the same things, then I'm very disappointed that we went that route.

You've answered the question on the employees, as far as this retirement. I think you've answered it pretty well.

Now, the sixteenth resolved clause, we're again -- we did away with it on a temporary basis a few years ago. This is pay-as-you-go funding. This absolutely locks us into more borrowing and which is, you know, there's -- I don't think there's any debate about it. That's a more costly way of going about business. When you borrow you have to pay it back with interest, so it absolutely becomes more expensive than paying case. But when you actually -- when you adopt this policy, now you can't. It's not optional. If something comes up and it is $20,000 and you had the cash to pay for it or you could find an offset, you can't do it. You absolutely have to go out and borrow it. That's another -- maybe it's a minor point, but I don't like the inflexibility on it.

P.O. LINDSAY:
Could I ask a question? I mean, it isn't the intent of the Executive Branch to bond every small item that comes up, you're going to pay for some stuff with cash.

MR. ZWIRN:
And not only that, it's all going to come back to the Legislature. Today, for example, we had an item at the airport, at Gabreski Airport. We had $20,000. In the past out of a $200,000 project we were getting State and Federal had grant money for that. We found an offset and we did it with cash as opposed to going out and bonding it. So, we're sensitive to that. The County Executive's Capital Budget was smaller than it was the year before. We've asked the Legislature to cooperate on some of the land acquisitions, to go to quarter percent money as opposed to using multifaceted. And the Legislature -- Legislator Romaine did it, Legislator Stern cooperated right away.

So I think there is -- you know, one of the things I would like to say on behalf of the County Executive is to thank everybody who has worked together on this. This has been truly a bipartisan, open effort. Legislator Viloria-Fisher put her comments in yesterday. We tried to work with her

today to make sure that the Legislature's role was clearly defined, if they had a major role in this and this was coming back to them.

I know the County Exec has a meeting tomorrow morning with the rating agencies. We thought that if we had this plan, and nobody likes this plan and what's in it. I mean, I think it's fair to say that there's almost something in every part of this plan that people find -- they would not vote for on its own. That's one of the reasons why we put it all together, so we'd all have a little bit of bad medicine.

LEG. ALDEN:
I just have a couple of other quick questions. I appreciate your comments. The fifteenth whereas clause. I'm not sure that you can do it legally, but we would be approving the reduction of appropriations for 2009 for contracted agencies, and I'm not so sure you can do that in 2008.

The second part is what's the definition of fees for services? Because that's being reduced by 10% in 2008. And is there a list of things that we're going to reduce?

P.O. LINDSAY:
The fifteen resolved --

LEG. LOSQUADRO:
No, whereas.

MR. ZWIRN:
It's a whereas.

P.O. LINDSAY:
Oh, whereas. I'm sorry.

MR. BROWN:
The fees for services are listed in Attachment A by department.

LEG. ALDEN:
That I didn't get a chance to actually look at.

MR. BROWN:
They are all listed.

LEG. ALDEN:
That would scare me, you know, especially since some things have been cut in the 10th Legislative District in the past and I would hate to think that, you know --

MR. ZWIRN:
But because the Legislature passed that resolution, we're going to be able to cut the grass. We won't be cutting that.

LEG. ALDEN:
I appreciate that, Ben. So this is actually -- now, how does it work as far as for the 2009 appropriations? How do we cut those in 2008?

MR. BROWN:
If I may. This is a guideline and when the County Exec presents the budget to the Legislature in 2009 we will adhere to the 2% cut and then it will come to you for review.

LEG. ALDEN:
Okay. And that saved us $2 million. I have a little bit of a problem with that because a certain

amount of discretion, then, is being taken away from the County Legislature by itself.

MR. BROWN:
No discretion at all. We will recommend the budget and you have the ultimate choice to accept the cuts or not to accept the cuts.

LEG. ALDEN:
But would the 2%, that comes off of current?

MR. BROWN:
No. It will be 2% reduction in the 4980's. We haven't decided where or anything like that, but we will follow the whereas clause. That was the agreement that was made. So the 2009 recommended budget will have a two -- will have this amount of money reduced from the 4980's.

LEG. ALDEN:
That's not solid enough for me, you know, to say okay, you know what, the pain is going to be shared by everybody. The problem here would be you could target one or two things and just eliminate, you know, say the Health Department or health centers. Those are contracted agencies.

MR. BROWN:
In all honesty, this is April of 2008. We haven't even started it and it's not the intent to pick on anything. It's the intent to meet a Legislative targeted dollar amount.

LEG. ALDEN:
I think I'm not being real clear. I have a problem with cutting 2009 appropriations in 2008 when we don't even have a guideline for it. So I have a big problem with that.

MR. BROWN:
Okay. You'll see it in the recommended budget. That's really the answer to you, sir.

P.O. LINDSAY:
Legislator Alden, just to answer one other thing that you raised, and I apologize. I didn't realize that you were the original sponsor of the item price waiver and I stuck that in at the suggestion of our Consumer Affairs Director, and it's a work in progress. The legislation is starting to be drafted now. I would appreciate it if you would share your thoughts with it or if you want to adopt it as, you know, put your name on it, that's fine.

LEG. ALDEN:
No, I'm glad you have it in here because --

P.O. LINDSAY:
What we've done is we've taken the Nassau legislation that does generate a half a million dollars a year, and I agree with you that it should generate more money here. And we've been working with the industry, both management and labor, on what they can accept and they're marking up the legislation and it's progressing very nicely.

LEG. ALDEN:
I appreciate that. I wish it would have passed a few years ago and we would have been including that as our revenue stream.
Then to Budget Review, do you have opinions on this as far as the amount? What is the biggest thing that we're going to save here, the biggest amount of money.

MS. VIZZINI:
Well, Budget Review prepared a memo that was e-mailed to all of you on April 22 pretty much outlining what this does. The largest area for generating an up front amount of cash is the dual track, either going for tobacco or tax liens.

LEG. ALDEN:
And those have major drawbacks, because if we sell the tax liens this year, then we don't -- we don't incur that kind of revenue because we are making money on tax liens when we sell our TANS regarding borrow money at a low interest rate and we charge 9% plus penalties and interest on people that owe us money. So going forward that's going to be a negative for us, as far as we're going to forego some future revenue for a chunk of money today.

Tobacco, another thing. We get "X" number of dollars every year, and if we sell off the rights to that to get a chunk of money this year or next year, then in the future that's a huge hole that has to be plugged up, too. So there's positives and there's negatives on both of those. But those are the two largest things?

MS. VIZZINI:
The next would be the early retirement incentive.

LEG. ALDEN:
And how much, just a rough idea.

MS. VIZZINI:
A savings of --

LEG. ALDEN:
Five million.

MS. VIZZINI:
Five million dollars. And then the key with that, even though we believe that the individuals would likely be leaving over the next several years, is we will not have to budget for these individuals in the 2009 Operating Budget.

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

LEG. ALDEN:
But we also won't have people with a huge amount of experience to stay and provide services for people in Suffolk County.

Then the other thing, if you add everything up as far as what we've got here in the plan, it doesn't really come very close to plugging a budget gap of 140 million, $150 million. So there's a lot more steps that are going to have to be taken. And again, I'm going -- now I'm repeating myself and I apologize, but I would have preferred to see these type of proposals on an individual basis. Because like I said, there's a few of these that I like, there's a few of these that I don't think work at all and there's a few of these that need a lot more study and a lot more as far as information given out, what it's going to cost and what the benefit would be.

There's some other things that are missing here, too. Like for instance, Suffolk County is one of the only counties in New York State where we write all the tickets and New York State gets all the revenue. And Nassau County has their own Traffic Court where they generate I think it's at a cost of about $2 million, they generate, what, is it 20, $30 million a year. So there's an area that I would like to see us explore.

The other thing, and the County Executive is already doing it but, you know, I would just disagree with the process, we should get paid for patrolling New York State roads and we should have been getting paid all along. So I think there's some significant savings there.

MR. ZWIRN:
We agree with -- those last two comments you made we're in full compliance.

LEG. ALDEN:
And again, we're telling people that you have to absorb the increase in the price, not just of gas but the increase in the price of taxes that you pay when you go and fill up your vehicle. I think that Suffolk County should absolutely, if it's management and they've got a car and the majority of that car is used to go to and from work, let's turn that car back; let's sell it and let's show the people that we're going to feel the pain exactly the way they're going to feel the pain.

And we should really do something, and I know it's not going to fly right now, but that Quarter Cent could generate $60 million a year. And I know we just did it on a referendum, but this is an emergency. And I think that the people would appreciate us going back to them and giving back every option, and even if the option is to implement an acquisition program a little bit more in the future and use that money on a temporary basis to plug a huge gap rather than raise their taxes, I think the people might understand that and might actually go for that rather than go and incur a half of billion dollars worth of debt and pay it back for the next 25 or 30 years out of that revenue stream.

So I think that we should really be exploring everything if we're going -- if we're going to put it on the table, let's explore everything. But we also have to stop this -- you know, we're kind of almost like blindly approving Capital Projects and we've got this huge overhang that we heard before, another half of billion dollars of -- and it's authorized yet unissued debt. We've got a backup in projects that actually have the cash going to them where they're not proceeding in a real fast manner. So I think all of that should have been looked at and not just come forward with something like this, which maybe this works and the rating agencies say, "Okay, we're going to leave you alone for a while," maybe it doesn't. But we're only addressing a real small portion of the problem and we're not really looking at the couple of things that I said that might generate a huge amount of revenue.

P.O. LINDSAY:
If I could just answer that as well, is that there's no doubt about it, this solves about half the problem.

LEG. ALDEN:
Or less.

P.O. LINDSAY:
And we're going to have to face the other half in the fall, and some of the things that you suggested I think are very worth while looking at. I mean, we're trying to get the red light cameras in the Parking Violation Bureau, like you suggested, so we could set up our own Parking Violations Bureau; we've been stymied by the State over and over and over again.

MR. ZWIRN:
And if I might add, we tried to get filing fees to give us the opportunity to raise the fees on the real estate documents. The Governor, the former Governor put it in his budget and it got taken out and was not passed; it could have meant as much as 12 to $15 million a year. And we got cut on the State level, almost seven, $8 million where they transferred costs in welfare and Social Service costs to the County.

And you're right and I know that we're trying get the money to patrol the LIE and Sunrise Highway, I know because I'm up there. We don't have a lobbyist anymore up in Albany, it's us guys here, we're up there every week, we pay for our own rooms, we pay for our own meals and we're up there fighting for the taxpayers trying to get that money or trying to get State Troopers to try to get some of the relief to the taxpayers here.

LEG. ALDEN:
And that's a good thing, Ben. But the other -- Bill just mentioned it, V & T law, and you can't even

find a document that says that New York State is entitled to the money. They just set up their courts as far as I can determine just in an absence of action on Suffolk County's part.

MR. ZWIRN:
Legislator Alden, you're absolutely right. They're supposed to reimburse us for students who go to FIT, it's the law, they put no money in an appropriation. Legislator Barraga could probably tell you better than I can, that even though it's in the law that we should be reimbursed, if the money is not appropriated we don't get the money. They owe us millions of dollars, we've tried. I'm just saying, I'm agreeing with a lot of what you have to say.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Thank you, Mr. Presiding Officer. The issue before us is 1307, as revised multiple times. At the heart of this is we're like being doctors and we're hearing symptoms and we're trying to do a prescription to solve a problem.
At the State-of-the-County Message I heard the problem was $200 million as reported the next day in Newsday. Then I heard it was $150 million. Then I heard sales tax is going to be way down. And of course we all know the worst quarter for sales tax is the first, the winter months, and yet sales tax, which was projected at 1.3% growth, grew by 3.8% growth. I'm not saying there isn't a problem and I won't say that. What I'm saying is the dimension of the problem, when it comes, how great it is, is subject to change. And any wise course is to allow this Legislature as much freedom and power to change whatever we adopt to hold the reins in our hands to make alterations as the year, this year and the next year revolves.

One of the key things I don't like about 1307 is the abandonment of pay-as-you-go. I have no guarantee what this administration will do. And it's only by our raised voices that we send instruction. So when they came over to bond out $4,000 for Gabreski, until a few people raised some objections, this Legislature might have rubber-stamped that; fortunately we didn't and we sent a clear message, but we need to retain that ability.

I have grave concerns with 1307. I have grave concerns with how the RFPs or the EI's, Expressions of Interest, are going to be drafted. I have another bill in, a bill that hopefully will be before us in two weeks, a bill that calls for the securitization of tax liens. No one likes to secure anything. We've all heard the ads from JJ Wentworth, "If you have a structured settlement and need cash, call." Well, we're calling. But guess what? The tobacco deal is going to give us less, is going to create structural deficits in the future. We're going to raid future revenues. Oh, not while this County Executive is in office, but after he leaves; we're going to raid those revenues and create structural deficits in the future and get very little money for it, pay a lot in fees. The reason that tax liens appeal to me is they're past revenues that are due us, they're receivables. We're not creating a structural deficit and they're receivables each and every year. And we're going to get 95% on the dollar as opposed to maybe 50 cents on the dollar with tobacco.

If I had the power, and I don't, I'd move to table this and let my bill be considered with this bill, but I don't think that's going to happen looking around the room. But I will tell you, I have concerns that this Executive is committed to tobacco securitization over tax liens. And the RFP's or the Expressions of Interest or whatever you want I fear will be tailored to meet that interest of our Executive. Furthermore, it says it will come back to us. I saw how the health plan came back to us. It may come back to us, it will come back to us in the budget, that will be the resolution and we'll be confronted with that, here it is. And then we'll say, "My God, if we don't vote for this we'll create a deficit in 2009 and we don't have the revenue to make it up." I want to know that this is going to come back as a standalone resolution and not as part of the 2009 Budget.

Also, I know with tobacco securitization we set up a Local Development Corporation. I e-mailed both the County Executive and the Presiding Officer, I said, "Who are they appointing?" Kara Hahn

responded to me on behalf of Mr. Lindsay and said that the Presiding Officer would probably appoint himself to the Local Development Corporation; I don't know if that's been done.

P.O. LINDSAY:
No, it hasn't been done.

LEG. ROMAINE:
Good.

P.O. LINDSAY:
If I could just stop you right now.

LEG. ROMAINE:
Okay.

P.O. LINDSAY:
I have appointed Terry Pearsall, my Chief of Staff.

LEG. ROMAINE:
Thank you; makes a lot of sense. I haven't heard from the Executive. I've also e-mailed and written and asked if when those meetings of the Local Development Corporation are being held, because I'd like to attend.

P.O. LINDSAY:
The corporation hasn't been formed yet.

LEG. ROMAINE:
Right, and I'm just putting that on the record. And I hope that there will be minutes for this corporation that will be available to the public for the press and for everyone so that all of the deliberations about our budget is not done in camera, in secret, in private, that it's open and available and above board.

I truly think that the tobacco deal is a bad deal. We give up too much, we create problems for us. And guess what? The guy that convinced me is Fred Pollert, because he wrote a damning memo in 2001 against tobacco securitization when he sat in the same seat that Gail Vizzini sat in. Now, of course, it's a different story, but I guess times change and people are allowed to change their opinions. But clearly this is a bad deal.

Freezing the wages of the exempts, I do not like to create two separate class of employees. Freezing pay-as-you-go, I don't like to create. Talking generally about a cutback in contracted services without specifics in the 15th WHEREAS clause I feel uncomfortable with. I would feel more comfortable if we had the power to amend this, if we had the power to bring this back, if there was a mechanism that we could exercise the -- one of the three things, Legislators do three things; we write legislation and vote on it, we do constituent service and then the third thing, the third thing that we don't seem to do enough of, to exercise oversight over this government. And I'm afraid, concerned that this may be a blank check and we may get it back in a form that we have no alternatives and we have to adopt. I saw it happen with the Suffolk Health Plan and I'm afraid it's going to happen here.

I'd like to see this come back as a standalone resolution, not part of the budget. My resolution, which we have some sponsors on and a number of Legislators who aren't sponsors that have expressed interest, is for the securitization of the liens. That will produce $200 million. That will not affect future revenues; those are revenues that are due us. And we get 95% of everything that is due us. Well, my view financially it's a better deal just at first glance.

I would hope if this is adopted -- and I'm not going to vote for it, I'll probably abstain because I

have grave reservations, but I would hope that any RFP, any Expression of Interest, will be dealt with fairly; that both proposals will be weighed, that this Legislature will be allowed to make the final decision, that the Executive Branch does not make the final decision alone on which RFP on the responses is the best, that that come back to us as a standalone.

MR. ZWIRN:
It does.

LEG. ROMAINE:
If it doesn't, all of us have forfeited our oversight responsibilities. All of us have given a blank check to the Executive. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:
Legislator Barraga.

LEG. VILORIA-FISHER:
Legislator Barraga, would you suffer an interruption?

LEG. BARRAGA:
Sure.

LEG. VILORIA-FISHER:
Because I have a direct response to something that Legislator Romaine just brought up. Legislator Romaine, the reason we had so many iterations of this is that -- as you know, I share that concern.

LEG. ROMAINE:
You've been very vigilant, Legislator Fisher.

LEG. VILORIA-FISHER:
Thank you. So if you look at RESOLVED number nine, it does come back to us by resolution, okay. The language says that after the analysis --

MR. ZWIRN:
It's all there.

LEG. VILORIA-FISHER:
"The option of tobacco securitization or tax lien sales as determined by resolution approved by the Legislature."

LEG. ROMAINE:
That could be a budget resolution, Legislator Fisher.

LEG. VILORIA-FISHER:
No, because it's determining which one is more fiscally prudent.

P.O. LINDSAY:
Legislator Viloria-Fisher, do you want to continue with your other comments and I'll take you off the list?

LEG. VILORIA-FISHER:
No, I don't want to take Legislator Barraga's time.

P.O. LINDSAY:
You're on the list right behind him.

LEG. VILORIA-FISHER:

Okay.

P.O. LINDSAY:
If you're talking, finish.

LEG. VILORIA-FISHER:
I just briefly wanted to go back to the pay-as-you-go. We have been very vigilant here, even when we have -- when we have had other occasions where we have waived pay-as-you-go requirements, we have rejected expenditures by the County Executive because we didn't want $17,000 bonded and we rejected those bills. So we always have that ability to reject those; that's in answer to Legislator Alden and to Legislator Romaine. We have to make sure that we stay vigilant, that's the only issue here. That's all.

P.O. LINDSAY:
Okay. I'm sorry, Legislator Barraga, I skipped over you.

LEG. VILORIA-FISHER:
Thank you, Legislator Barraga.

LEG. BARRAGA:
Thank you. Just a couple of points. You should all have grave reservations about this particular piece of legislation, it's not designed to make you happy. We're on this committee for one reason, because we face a potential 120 to $150 million deficit. As was pointed out, this only closes it half the way; I don't know what's going to happen in the second half of the year.

There are things in this bill that no one is really happy with. You know, I really don't want to do tobacco securitization, I like the liens a little bit better, we have an early retirement, we have fee structure changes; all things that we would probably not even want to touch. I'd like that revenue to come in on tobacco securitization for the next 25 or 30 years, but we really don't have a lot of choice here, unless you're ready to sit down at some point and lay off a lot of people or raise taxes.

You know, there's an old saying, "Implement now, perfect later." This is just a guide. There will be other times we can take a second, third and fourth look at this, but we don't have time on our side. And the early retirement plan, I mean, the last date to participate in the plan I believe is June 30th; well, here we are getting through almost the beginning of May. We have to move on this.

Now, I know there are some concerns and there were some statements made with reference to what we should being be doing as a Legislature because of the so-called step system. Well, of all the elements I don't like that one because of my own personal history. I spent 23 years in the Assembly I good two pay raises, I'm not a happy camper. You want to get my Irish up, you start moving down in that direction. But as I understand it, if there's a contract with the union, the exempt employees during that year when they had the step, they still get their COLA. They still get the COLA. You know, I could turn around and say, "Well, I'll give up my vacation time." Oh, I'm sorry, I don't get any vacation time. I'm a full-time Legislator, no vacation. "Oh, wait a minute, I'll give up the sick time." I'm sorry, I don't get sick time either, I just recalled. "Well, how about my personal time?" Well, I get don't get that either. Most people aren't even aware of what elected officials get. When my last day in this place is, I get my last paycheck and "Good luck, Barraga. Have a nice life."

So let's be careful with this. You know, let's take a broad outlook, let's take a positive outlook. It's not good news. But what's worse is if we have to do the real draconian and all of a sudden a lot of good people wind of losing their jobs. I know there's a temptation on the part of people that say maybe we don't have this problem, maybe it won't -- you know, and they don't want to do anything. I've seen those people before. Because when the roof finally falls in, they're not about to look in the mirror and take responsibility for inaction. What they'll do, plain and simple, is blame everybody else, still blame someone else that they should have done something. Well, we have the opportunity

now to move ahead with this and we should, we should do it quickly. Implement now, perfect later. We have time on this, but don't sit around doing nothing and complaining.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. As we approach our tenth hour at this -- and boy, it's been a fun day -- I'm going to go to three particular areas, two of them for the County Executive. I'll go to -- actually three. Let's go to the fifth RESOLVED where we go through the reductions on the Exhibit A. I am going to say that I would strongly encourage four -- on pages six of seven, DPW, 5130, purchase of automobiles; I've sent queries out to all of the law enforcement sections, I see we have a 10% reduction of 600,000, I would cut that in half. I would look at three million right there and slash it. I know the Exec has just implemented the increased retirement plan as far as vehicles going from a 100 to 120 or 130,000, I think that's excellent, I think you should look at that and implement it wherever you can. And this number right here, as far as trying to hustle money, drop that and drop it big.

The other two that I would go to is seven and eight on the RESOLVEDs, I'm just going to, like all of my colleagues, I guess, talk about a desire to have a genuine ability to compare and contrast the tobacco securitization and the tax liens. I am a cosponsor with Legislator Romaine on a standalone on a tax securitization; I've spoken in favor of it for the past couple of months now. I applaud the Exec for bringing that forward, I shared that with him personally. I'm just asking you, please move forward with this side of the equation with vigilance so we can have both items before us to meaningfully debate. That's it.

MR. ZWIRN:
The County Exec would agree with those comments, Legislator Kennedy.

LEG. KENNEDY:
Okay.

D.P.O. MYSTAL:
Legislator Beedenbender.

LEG. BEEDENBENDER:
I just have a few comments, I won't be long. I think there's been kind of -- there's been, you know, a denunciation of the tobacco securitization, and I'll admit that there are concerns and the rate of return might not be optimal. But I think there's also been kind of a mischaracterized gloritization (sic) of the tax lien proposal and the tax lien proposal has just as many problems. And I don't say this because I don't support the resolution, I say this to echo the comments of Legislator Barraga that, you know, this is not -- there's nothing about this that anybody should be in love with.

But the tax lien proposal, you know, it's not a panacea, it's never been done before, it's this whole new structure. It could potentially put into jeopardy our 72-h Program, our Local Law 13 Program, our Local Law 16 Program, the Section 215 Program and on and on. So that's not -- you know, while the rate of return might be better, the opportunity cost I think is probably far greater than the tobacco program, and that's a debate that we will have and this bill allows us the opportunity to do that.

The exempt salary portion of the bill is not something that I'm in love with either. And as I said before when we were talking about the bill for Civil Service, you know, these are people that I hired very recently under the guise that they would get a raise. And for one reason several of them will not get it this year and now for this reason someone will not get it next year. I mean, we talked a lot about whether there would be a COLA provision, but I am not willing to bet that this contract will be settled before this year is over. So that means that come January 1st our exempt employees,

our Legislative Aides, District Attorneys, etcetera, etcetera, will get no 3% and then come July they will get no step. Is that a difficult task? Yes, it is. Is it somewhat -- is it partly symbolic in nature to say that we're making tough decisions? Maybe. But I think -- you know, as I've said before and I will repeat again, if we're going to -- if I'm going to tell the people that work for me that, "What you're getting paid today or what you're getting paid after July of this year is exactly what you'll be getting paid for all of 2009," I think we should do the same.

And I respectfully disagree with some of my colleagues who have a different opinion on that matter but, you know, if this bill passes and we take it away from the exempt employees, I think we should forego it as well. And I think that's an important step and I believe I've communicated to all of my colleagues around the horseshoe the procedure that has been outlined on how we do that.

So I'll just close with, you know, the goal here was to avoid layoffs and to avoid dramatic cuts in services. We don't want to close down parks, we don't want to close down health centers, we don't want to stop providing the things that the people have become accustomed to in Suffolk County. But we also don't want to add anything, no matter how minimal, to their dramatic cost of living, the disaster that they're facing at the gas pump. You know, when they go to a pizza parlor and see that dough costs more so a slice of pizza costs more. And now on top of it, you know, we read the latest story that beer costs more. So I don't know what's -- and the laughing is kind of indicative. You know, it's all these things that -- you know, it's not just gas or home heating oil, it's a slice of pizza, it's a bagel, it's a beer, and those are three things that, you know, at least from my experience are near and dear to the people of Suffolk County.

MS. ORTIZ:
Beer.

LEG. BEEDENBENDER:
Yeah, near and beer. So I think it's important that we move forward today and we show a real important step to the bond raters tomorrow that we are willing to step up and address maybe a taf, maybe it's a little bit less of this problem and see what -- and then we'll have to take other measures later. But I think this is a really noble step forward to say, "Listen, we're going to try not to lay people off and the people that go, we're going to give them a parachute of sorts in the retirement plan, in the retirement incentive." So I think we should approve this today. It is not perfect and the reason I know it's not perfect is because a lot of people agree on it, there was compromise. And that's why we can vote on this and I think we have the votes to do it, I think we should do it right now and show the message that we're willing to make some tough decisions and show the people of Suffolk County that we're not going to add to the high burdens of everything costing more with more taxes.

P.O. LINDSAY:
Anybody else?

LEG. VILORIA-FISHER:
No, no.

P.O. LINDSAY:
Okay. Madam Clerk, you want to call the roll?

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
No.

LEG. MONTANO:
Yeah, sure.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Abstain.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

MS. ORTIZ:
Fifteen (Opposed: Legislator Alden - Abstention: Legislator Romaine - Absent: Legislator D'Amaro).

MR. ZWIRN:
Thank you.

P.O. LINDSAY:

Okay, moving right along.

LEG. BEEDENBENDER:
At what pace?

P.O. LINDSAY:
All right, I have -- you should have 1439 now which is the old 1186, right?

D.P.O. MYSTAL:
Yeah.

MS. ORTIZ:
Yes, that's replacing 1186.

P.O. LINDSAY:
Right.

MS. ORTIZ:
There's a new fiscal impact.

P.O. LINDSAY:
Do I have a motion on 1439? ***1439-08 - Directing the Department of Public Works to conduct a prudency evaluation and to prepare work plans for the installation of the sewer pipes in the Shirley/Mastic Business District (Browning).***

LEG. LOSQUADRO:
Explanation.

P.O. LINDSAY:
Kate, 1439.

LEG. BROWNING:
Sorry, motion to approve.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by -- who made the second? Legislator Horsley. And we're asked for an explanation by Legislator --

LEG. LOSQUADRO:
Yes, an explanation of the changes.

P.O. LINDSAY:
Yes.

LEG. BROWNING:
Okay. I would like Bill Hillman -- I know that I had 1186 which was appropriating the monies for this project, however things have changed somewhat. So Bill, would you like to go ahead?

MR. HILLMAN:
Yes. Two issues that were not addressed in the original legislation were that the vetting process with the community had really not been addressed. We had concerns that spending $3 million and putting a pipe in the ground without understanding whether the community was willing to pay for that ultimately in the sewer district and also understand that they would have a sewer plant within

their community and have them understand the size of the sewer plant, those were two major concerns. So this legislation gives us time to evaluate those things, explain them, have a meeting with the community, explain them to the community, tell them, "Your connection fee and your annual fee will be $1,000, $500, $200," so we can avoid a situation, as Legislator Kennedy is well aware, where they expected one thing but the County is delivering something else. They expect, you know, a plant on a four acre parcel and it to be small and hidden and nobody is going to see it and it now is on a ten acre parcel adjacent to William Floyd Parkway. Those are the -- I'm not saying that those things will happen, I'm just saying that those are the types of things we need to investigate, we need to vet with the public. If after that opportunity, we've given the community that opportunity and they agree to the estimate on the fees and they agree to the estimated size of the plant, the location of the plant, we will move forward with the design and move forward with the addition of those designs into the construction of the roadway job.

LEG. BROWNING:
Okay. And to explain the $3 million, it was understood that we would have to appropriate the $3 million before we submit the design, however, that is not necessarily what we need. So this CN is guaranteeing that the plans will be in the -- the design is going to be done to include the sewer line. So at this time, no money.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
So just to be clear on it, the $3 million for the pipes to go into the road project now, we're not going to do that, we're going to go to the community, we're going to get feedback.

LEG. BROWNING:
Correct.

LEG. ALDEN:
How does that affect the road project?

MR. HILLMAN:
Well, it's quite difficult to get answers out of New York State DOT and that's been my struggle over the last several months. I believe I finally got to the right person who has identified to me that we will submit the roadway plans, as of June 1st we will be finalizing the roadway plans. They will be reviewed by the FHWA, Federal Highway Administration, and also New York State DOT. They will get approval and be funded hopefully by October 1st which is the end of the Federal Fiscal Year and everything will be fine.
Simultaneous, because we can't pay for sewers with transportation funds, they won't allow it. So simultaneously, while that process is happening, since they don't care about sewers because they're not paying for them, if the community is agreeable, we will design the sewer system and just attach it to the back of the set of plans and go out and when we go out to let this project or advertise the project in October, November, then we would just attach the plans. We have now until that point to design it and we would attach it to the roadway plans and it would just be an alternate within the contract.

LEG. ALDEN:
Through the Chair, are we going to pursue simultaneously, there are some Federal Clean Water Act funds for sewers and I think there's some New York State funds that might be available for sewers. Are you going to pursue those dollars?

MR. HILLMAN:
I don't -- I don't want to answer yes or no to that because I'm not sure.

LEG. ALDEN:

Well, if there's anything available, I mean, would you make the effort to go after it?

MR. HILLMAN:
It is in the legislation that says, "Which may practicably be secured funding as available," so within the timeframes.

LEG. ALDEN:
Good. So you're going to go and look for it at least.

MR. HILLMAN:
Yes.

LEG. ALDEN:
Thank you.

LEG. HORSLEY:
May I also add?

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
Yes. Cameron, in addition, the Sewer -- the Wastewater Task Force will be looking into those direct issues of money, it's one of our charges. So we've already met once and we've got a very credible committee that is going to reach out and put the arm on our Senators and --

LEG. ALDEN:
Otherwise, long pipes to Babylon would work for me.

LEG. HORSLEY:
No, no, no. We're looking for the money.

LEG. ALDEN:
All right.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. And I just want to say very quickly that this addresses my biggest concern which was that this project wouldn't happen and that we were going to wind up losing this funding, and that's what I had discussed with Mr. Hillman at that committee. So I'm very happy to see that this was amended and I think it's great to move forward on a parallel track like this.

LEG. BROWNING:
Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second. I'm going to try all in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
1431-08 - Amending the 2007 Capital Budget & Program and appropriating funds in

connection with the reconstruction of Shinnecock Canal Locks, Phase VI, Town of Southampton (CP No. 5343). Do I have a motion from one of the Shinnecock Lock people?

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

D.P.O. MYSTAL:
You need a second.

P.O. LINDSAY:
I need a second.

LEG. LOSQUADRO:
Second.

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

LEG. ALDEN:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Alden - Absent: Legislator D'Amaro).

LEG. SCHNEIDERMAN:
Cosponsor, please.

P.O. LINDSAY:
1432-08 - Authorizing the --

MR. ZWIRN:
There's a Bon.

MR. NOLAN:
Stop, we've got to do the Bond.

P.O. LINDSAY:
Oh, I'm sorry, we've got a Bond connected to that. We missed the Bond. 1431A, the accompanying Bonding Resolution, same motion, same second; roll call.

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

LEG. SCHNEIDERMAN:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:

(Absent).

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
No.

LEG. MONTANO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. MYSTAL:
Yes.

P.O. LINDSAY:
Yes.

LEG. MONTANO:
Yeah.

MR. LAUBE:
Sixteen (Opposed: Legislator Alden - Absent: Legislator Schneiderman).

LEG. SCHNEIDERMAN:
Tim, cosponsor as well on the Bond.

P.O. LINDSAY:
1432-08 - Authorizing the County Clerk to file an application for additional State Mortgage

Tax reimbursement.

LEG. ROMAINE:
Motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Romaine, seconded by Legislator Viloria-Fisher.

LEG. ALDEN:
Is this a Sense type of resolution?

MR. NOLAN:
No, it's standard every year.

LEG. VILORIA-FISHER:
We do this every year.

D.P.O. MYSTAL:
We do it every year.

LEG. ALDEN:
Oh, okay. We do? All right.

P.O. LINDSAY:
Yeah. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

P.O. LINDSAY:
1433-08 - Authorizing use of property at Gabreski Airport by the East End Little League.

D.P.O. MYSTAL:
Schneiderman.

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator D'Amaro).

LEG. SCHNEIDERMAN:
Cosponsor, please.

P.O. LINDSAY:
1434-08 - Adopting Local Law No. 2008, a Charter Law to streamline the process by which resolutions and Local Laws are introduced.

LEG. ALDEN:
Motion to approve.

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

LEG. LOSQUADRO:
Second.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy.

MR. NOLAN:
He wants an explanation.

P.O. LINDSAY:
Explanation.

MR. ZWIRN:
Mr. Presiding --

MR. NOLAN:
This is --

MR. ZWIRN:
Oh, you want to do it?

LEG. ALDEN:
Go ahead, Ben.

MR. ZWIRN:
Mr. Presiding Officer, this is a faux pas in the IR Department. Legislator Beedenbender is laughing because he used to handle these matters. This was a bill that was passed earlier, I think unanimously at that time, to address electronic filing of bills which we have no problem with at all, but we didn't have a County Exec Public Hearing so we had to rush it through. I called Legislator Alden when we found out that we couldn't remedy it any other way, so I asked him, we said we would like to have a CN to get this done, we had the Public Hearing today so we can get this done. It's already being implemented administratively, but I apologize on behalf of myself.

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

MR. LAUBE:
Seventeen (Absent: D'Amaro).

P.O. LINDSAY:
All right, we go to the yellow file, ***Late Starters***. Waive the rules and lay on the table the following Late Starters; 1412, assigned to Public Works and Transportation; 1413, Public Works &

Transportation; 1414, Health & Human Services; 1415, Public Works & Transportation; 1416, Public Works & Transportation; 1417, Public Works & Transportation; 1418, Public Works & Transportation; 1419, Public Works & Transportation; 1420, Health & Human Services; 1421, Public Safety; 1422, Environment, Planning & Agriculture; 1423, Public Safety; 1424, Public Safety; 1425, Public Works & Transportation; 1426, Veterans & Seniors; 1427, Ways & Means; 1428, Budget & Finance; 1429, Public Safety; 1430, Ways & Means; 1431, skip; skip 32, 33; 1435, Labor, Workforce & Affordable Housing; 1436, Health & Human Services; 1437, Public Safety and we'll set the Public Hearing for May 13th, 2:30 in Hauppauge; 1438, Consumer Protection --

MR. NOLAN:
Also set the Public Hearing for that same date.

P.O. LINDSAY:
And also set the Public Hearing for the same date of May 13th, 2:30 in Hauppauge.

MR. NOLAN:
And then the Procedural Motions, just these two, the first and the last.

P.O. LINDSAY:
And the only two Procedural Motions are the first and the last, Procedural Motion 7 to Ways & Means and 10 to Economic Development, Higher Education & Energy.

I'll entertain a motion to adjourn.

D.P.O. MYSTAL:
So moved.

LEG. VILORIA-FISHER:
So moved.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

(*The meeting was adjourned at 7:45 P.M.*)

{ } - Denotes Spelled Phonetically