SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

MAY 13, 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 AND ALISON MAHONEY, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]

P.O. LINDSAY:
All Legislators to the horseshoe, please. Mr. Clerk, are you ready to call the roll?

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

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
(Not Present)

LEG. SCHNEIDERMAN:
(Not Present)

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG VILORIA-FISHER:
Here.

LEG. LOSQUADRO:
(Not Present)

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not Present)

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not Present)

P.O. LINDSAY:
Here.

MR. LAUBE:
Eleven. (Not Present at Roll Call: Legs. Romaine, Schneiderman, Losquadro, Montano, Kennedy and Cooper)

P.O. LINDSAY:
Okay. It's my pleasure to -- I'd like Legislator Stern to lead us in the Pledge.

(*Salutation*)

Would you, please, remain standing, and Legislator Stern is going to introduce our visiting Clergy.

LEG. STERN:
Good morning. Thank you, Mr. Presiding Officer. It is my pleasure to introduce today's visiting Clergy, Father John J. McCartney of Saint Matthew's Church, located within my Legislative District in Dix Hills.

Just a little bit about Father McCartney. He was appointed as Pastor of the Parish by Bishop Murphy, and what an outstanding addition he's been to our community. He is one of the outstanding representatives of the Diocese, truly. Father McCartney is an alumnus of Chaminade High School, New York University, and I found this very interesting, an alumni of Fordham University Law School. And in speaking with Father McCartney, I think we both agree that he has certainly pursued a much, much better calling. But prior to coming to the seminary, Father McCartney did practice law as an attorney for several years, and certainly brings much wisdom to his community.

Please join me in welcoming him. It is with great privilege that we introduce today's visiting Clergy, Father John J. McCartney.

(Applause)

FATHER MC CARTNEY:
In Psalm 119, we hear the Psalmist Pray. "Lord, teach me the way of Your laws. I shall observe them with care. Give me insight to observe Your teaching, to keep it with all my heart. Lead me in the path of Your commands, for that is my delight. Direct my heart toward your decrees and away from unjust game. Avert my eyes from what is worthless. By your way, give me life." Let us pray.

Almighty and Everliving God, our lives, our efforts, our struggles, our hopes, are truly meaningful only if they are grounded in You. We stand before You today at the beginning of this general session of our Legislature, and we ask you to look down upon us with love and mercy. We ask that you grace this chamber and this body with your presence, so that every day you will assist and guide them in the difficult decisions they must make for the welfare and well-being of our citizens. Give to these men and women, our elected representatives, health of mind and body, strength of will and heart. Allow them to look to you for inspiration and support. Take them under your care. Direct the members of this honorable assembly and be their helper and guide. Give them the spirit of wisdom and understanding, the spirit of right judgment and courage, the spirit of knowledge and reverence. Fill them with a spirit of wonder and awe in your presence. Grant them the strength to transcend all personal interests and to seek only after the common good for all. Bless them, Lord, so that everything they do may begin with your inspiration, may continue with your guidance, and by you, be happily accomplished. Such gifts come from you alone, Almighty God, and so we turn to you, both now and forever. Amen.

P.O. LINDSAY:
If everyone could remain standing just for a moment of silence. Let us always keep in our prayers those who place themselves in harm's way every day to protect us.

(Moment of Silence)

Please, be seated. We have a number of proclamations this morning. First, by Legislator Steven Stern, and I will join him as well, to present a proclamation to the 106th Rescue Wing of New York Air National Guard on the occasion of the Unit's 100th Anniversary on April 30th, 2008. They're a great, great unit on Long Island. They've served this country well, and their 100th Anniversary is something really to commemorate.

LEG. STERN:
Good morning. Thank you, Mr. Presiding Officer. It is really a privilege to rise today to award the proclamation to a very special group of representatives of our community, the 106th Rescue Wing. Bear with me just a moment, because I think it's important information within this proclamation that we should all hear and we should all know.

This is a proclamation to the 106th Rescue Wing, the oldest flying unit of the New York Air National Guard's 102nd Rescue Squadron, and the 106th Rescue Wing is celebrating its 100th Anniversary this year. It is the only Guard Combat Rescue Squad of its kind, providing assistance and coverage not only to over one million square miles of Northeast U.S. territory, but to combat operations overseas, providing support to our troops in countries such as Iraq and Afghanistan. And whether it's responding to tragic national events, such as September 11th or Hurricane Katrina, performing open water rescues outside of the Coast Guard-manned waters, deploying personnel to overseas combat rescues, or even providing rescue and recovery for NASA space launches, the 106th Rescue Wing is always there risking their lives to save the lives of others. Of course, we know that their motto is "These Things We Do So That Others May Live."

Please join me in welcoming Colonel Canders and Colonel Cline to accept this proclamation on behalf of all of us at the Suffolk County Legislature on the Anniversary of the 100th celebration of the 106th Rescue Wing.

(Applause)

P.O. LINDSAY:
I just have one question for the Colonel. What type of aircraft did you fly 100 years ago?

COLONEL CANDERS:
Balloons.

P.O. LINDSAY:
Balloons, okay. And also joining us is Legislator Schneiderman, who's -- the 106th is based in Legislator Schneiderman's District as well.

LEG. SCHNEIDERMAN:
I also congratulate the 106th on their Anniversary. It's an honor to have them located in my District. They have not only proved extremely valuable in the efforts in Iraq, in terms of saving soldiers who have gone down, but also in things like Hurricane Katrina, and also offshore. When we've had -- when we've had boats at sea caught in storms, they have gone in to save the sailors. So it's really great to have them. I'm glad that they survived through the Brack process a few years ago when they were closing bases, and it really shows how valuable they are to our national security, but they're also valuable at home, too. And again, congratulations on your service.

(Applause)

COLONEL CANDERS:
Just briefly, I was very relieved to see that none of the signs said, "Close the 106th Rescue Wing." I was here a few years ago before the Legislature on that very point. And a very, very deep thanks on behalf of over 1,000 men and women of the 106th Rescue Wing and their families. I want to thank the Suffolk County Legislature for the tremendous support that you've given us over the past years, it's meant a great deal, and your support makes a difference to us. So I accept this proclamation with great pride, and thank you again.

(Applause)

P.O. LINDSAY:
Thank you very much. Next up is Legislator D'Amaro, who will present proclamations to the North Babylon Girls' Basketball Team. They're the winners of the Suffolk County and the Long Island Championships, and they made it to the final two for the New York State Final.

LEG. D'AMARO:
Yes, Mr. Presiding Officer. Good morning, everyone, and thank you for an opportunity to take a few moments to share with you how very proud I am this morning of the North Babylon Girls Varsity Basketball Team. I'm going to ask all of the members of the team who are here with us this morning to, please, stand up and be recognized.

(Applause)

And I'm also going to ask the School Principal, Mr. Ray Williams, if you'd come up to the podium and join me, as well as the Athletic Director, Matt Calarco, if you're here as well. Matt, come on up, please. Yeah, come on up. And also joining them is Dr. Robert Aloise, the Superintendent of Schools, is here from North Babylon as well.

And I'm really thrilled to tell you this morning that for the second consecutive year, the North Babylon Girls Varsity Basketball Team has captured the Long Island Championship in competition, and that's in addition to their other achievements of being League Champions, Suffolk County Champions, and this year they were the New York State competition finalist, making them the Number 2 ranked Girls Varsity Basketball Team within the entire State of New York.

(Applause)

I want to point out that many of the girls have earned individual awards and recognition, ranging from Rookie of the Year to All State Honors. But I want to particularly single out two of the team members here this morning. That would be Bria Hartley and Eugeneia McPherson. Bria and Eugeneia combined to score 46 of the Team's 54 points in the Suffolk County Championship game, sending the entire team to the Long Island Finals. That's quite an accomplishment.

(Applause)

And, of course, a team like this doesn't achieve that kind of success without dedicated coaches. Here with me today is their Head Coach, Michael Petre. He was named Newsday's Suffolk Coach of the Year, Coach of the Year by the Basketball Coaches Association of New York for the second consecutive year and the third time in his career. Both of the Team Assistant Coaches also received awards for their coaching of this wonderful, wonderful team in North Babylon.

So we're here today. We're going to be presenting proclamations to all of the members of the team, the Coaches, the School Administrators on behalf of the Suffolk County Legislature. You've made us all very, very proud. It's particularly special to me, because I happen to reside in North Babylon as well, so it's really my home town team.

So, girls, congratulations. You did a wonderful job, and we'll see you do it again next year. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Legislator D'Amaro, for bringing that to our attention. Next up is Legislator Kennedy, who will present. I'm sorry, I'm very sorry.

MR. ALOISE:
I'm sorry. I just wanted to say a word or two. I'd like to thank Mr. D'Amaro and the Suffolk County Legislature for this wonderful honor. I'd like to reiterate something that was said. It's a pleasure to honor our fine young men and women of North Babylon School District. And, also, we're here to honor the Administrators and our Coach -- our Coaches, who have realized this. We have a wonderful Building Principal, Ray Williams. They don't come better than Ray. And we have a superb Athletic Director, Matt Calarco, and they don't come better than that. And I'd like to thank them for this wonderful honor, as well as our Coach Petre. Thank you very much.

(Applause)

P.O. LINDSAY:
I'll say it again. Thank you, Legislator D'Amaro, for bringing this to our attention.

Next up is Legislator Kennedy, who will present proclamations to the Suffolk County High School Hockey League, and to Saint Anthony's Friars Hockey Team.

LEG. KENNEDY:
Thank you, Mr. Chair. I have proclamations today, and, actually, they are from clubs that are in several of our Legislative Districts, so I'm going to ask various Legislators to join me. But, first, a moment about this organization and this group.

The Amateur Hockey Association is an organization that I first came to know when one of the honorees here, my alma mater, Saint Anthony's High School many years ago was involved with a gentleman who I had the privilege to attend high school with, Mark {Sandbach}. They are a group and an organization that has worked with youth throughout the County in order to go ahead and to promote the sport of hockey, and to engage young people in the activities in the organization associated with it. It takes time, it takes commitment, it takes effort, but in the end, it gives youth an opportunity to engage in healthy competition and an outstanding support that has propelled many of them on to semi-professional and professional hockey careers. So, having said that, I'm going to ask a number of groups to come up and to join me here at the podium.

First of all, we have the groups from my alma mater, the Saint Anthony Friars. We have the Comsewogue-Port Jeff Warriors, and the Patchogue-Medford Raiders. I'm going to ask the various Legislators to join me as well. Certainly, Legislator Eddington, I guess, the Patchogue-Medford Raiders must be from your group.

LEG. VILORIA-FISHER:
Comsewogue is mine.

LEG. KENNEDY:
Comsewogue, of course. We have the Friars and we have the Warriors, and then, again, we have the Raiders. So do we have the representatives here from those various groups? Good morning, gentlemen. Hi. How are you? Thank you so much for being here.

As I said, it's our great privilege today to go ahead and to acknowledge all the efforts that you do on behalf of the youth that you involve, getting the rinks, getting the time, doing the fund-raising,

doing the travel. It's not easy, but I know, at the end of the day, you derive great satisfaction and reward from the smiles that you see on your young people's faces when they get out there and they get the chance to compete. And who do we have here from the -- from Saint Anthony's?

AUDIENCE MEMBER:
Saint Anthony's couldn't attend.

LEG. KENNEDY:
Saint Anthony's? Well, Friars show up eventually, but I'm here on behalf. In any event, as I said, it's my great privilege and our great privilege to go ahead and commend you. And I'm going to ask my colleague Legislators to join in comments as well.

LEG. VILORIA-FISHER:
Thank you, Legislator Kennedy. And just very briefly, I recently had a community meeting in Port Jefferson-Terryville, and the community members, I had about 80 people there. To a person, each one talked about how proud they are of our School District. And this particular team was mentioned by several people who said the pride that they feel should really be announced to everyone, and so we had this public meeting to express our pride. And I have a proclamation signed by all of the Legislators commending you for your good work, and hope you'll bring this home and let them know how proud we are.

REPRESENTATIVE OF COMSEWOGUE WARRIORS:
I certainly will. Thank you very much.

LEG. VILORIA-FISHER:
Thank you.

(Applause)

LEG. EDDINGTON:
I'd like to thank Legislator Kennedy for jumping out and organizing this, and certainly the Patchogue-Medford Raiders Hockey Team has been doing a great job. I happened to be a teacher when they first started the program many years ago and it's only gotten better and better. But to the gentlemen here, I want to thank you, because there's no better way to keep kids away from drugs and alcohol than what you're doing, getting parents involved, kids involved and in an athletic endeavor. So thank you very much for what you guys have been doing. Thank you. Applause.

(Applause)

LEG. KENNEDY:
Once again, thanks on behalf of the whole Legislature.

P.O. LINDSAY:
Okay. Then we have Legislator Kennedy and Legislator Montano will present a proclamation to Kenneth Collado for his outstanding performance at the New York State Wrestling Championship on March 9th.

LEG. KENNEDY:
Thank you, Mr. Chair. And, once again, I think it's important that we go ahead and take the time to acknowledge the contributions of our youth and their various athletic activities. And I step to the podium today to go ahead and recognize Kenneth Collado. And I know Kenneth and his family are here. And I'm pleased to be joined by Legislator Montano, a close personal family friend, both of Kenneth and his family. Kenneth is from Hauppauge High School and competed in the 103 pound weight class, and distinguished us as a County by going all the way to the State level and competing successfully and bringing home a title. It's a measure and a testament of his fortitude, his tenacity, and, once again, his family's commitment to the extraordinary sacrifices that I think it takes in order

to go ahead and propel a young person to ability to compete at this level. But, once again, we commend you, we congratulate you, and we thank you for doing such an outstanding job in representing us throughout the State. Congratulations, Kenneth.

(Applause)

LEG. MONTANO:
Where is John? John Collado? John, come on up, please. I just want to say, although Kenneth doesn't live in my Legislative District, he really is from Brentwood. Bill and Vicky Collado are very close personal friends, as well as John Collado. And John and Bill have the law firm Collado, Collado and Fiore, a very successful law firm in my District. And I just want to say that Kenneth is living out the legacy of his father and his uncle. Bill Collado is a championship wrestler from Brentwood High School, had very deep roots in Brentwood. I think Vicky graduated from Brentwood High School also. John graduated from Brentwood High School and I attended there. They're close personal friends. And, Kenneth, I was a former wrestler myself at Brentwood. I want to wish you and, you know, convey to you our congratulations for the success that you've achieved and the success that you're going to achieve in the future.

I also want to note, by the way, that the Hauppauge team, Mr. Kennedy, was undefeated this year. They went 18 and 0 and they took first place in League 4. And I think we're joined by Coach Chris Messina, who's here today. Chris, come on up. Stop taking pictures and join in one of them. I just want to give you all a congratulations.

(Applause)

Thank you very much, members of the Legislature.

P.O. LINDSAY:
Next up is Legislator Viloria-Fisher who will present a proclamation to Rick Doran, a retired New York City Firefighter, who was selected to carry the Olympic torch during its U.S. Ceremony in San Francisco.

LEG. VILORIA-FISHER:
Bear with me, because I do want to read through this and take you on the journey.

"On September 11th, Stony Brook resident, Rick Doran, realized the true value of cell phones, and by sharing his story, Doran has been given the opportunity of a lifetime to carry the Olympic torch this April in San Francisco during its only U.S. stop. Mr. Doran, a retired New York City Firefighter, is one of only five people chosen nationwide to carry the torch on April 9th. 'It's going to be a real thrill and an honor,' he said."

"A Rescue Company Firefighter at the time, Mr. Doran responded to the World Trade Center attacks on September 11th and called his wife via cell phone to let her know that he was okay. While he and his colleagues were recovering and trying to identify victims, he realized that many still had their cell phones with them. Instead of isolating their belongings, he thought to include the cell phones in the body bags transported to a temporary morgue. The phones helped officials identify the victims and notify their families."

Mr. Doran not only is a retired New York City Firefighter, but he's a very dedicated volunteer in the Setauket Fire Department. We're truly proud of him. We're honored and privileged to have him as one of our own Setauket residents. He does so much in the community. And so, Rick, it's my honor and privilege to give you this proclamation on behalf of the entire Legislature and Long Island. You make us all proud to have represented us as being one of the torch-bearers. Thank you very much.

MR. DORAN:
Thank you.

(Applause)

P.O. LINDSAY:
And last is Legislator Jon Cooper will present a proclamation to William Rusinski of Commack, a 30-year Bayman who helped rescue 12 students and a Coach from Saint Anthony's Crew Team, who capsized in Lloyd Harbor on May 2nd.

LEG. COOPER:
Thank you, and good morning. William Rusinski has been a Bayman for 30 years. Going about his routine the morning of May 2nd aboard his 20-foot motorboat, William started working in the Bay, but retreated to Lloyd Harbor when it got too windy. A glance across the water at two boats filled with a dozen students on the Saint Anthony's High School Crew Team changed the course of his day. He noticed that first a scull and then a chase boat had capsized in the choppy waters of the Harbor, and the crew members and their Coach were clinging to the boats. William immediately went back out and began pulling the students and their coach aboard his motorboat. A second chase boat came back to take some of the students off William's boat, because it, too, was in danger of sinking with so many people aboard. William brought the students safely ashore at Coindre Hall. All of them were taken to Huntington Hospital, where they were subsequently treated and released. The crew team members were so resilient that just two days later, they raced in Bayville Harbor and won the League Championship.

It's my great honor to present William Rusinski with this proclamation in recognition of his brave and selfless act, and in celebration of his being in the right place at the right time.

(Applause)

P.O. LINDSAY:
Could I have the remainder of the Legislators at the horseshoe, please? I'm about to go into the public portion. Before I go into the public portion, last week, one of our members, Legislator Mystal, resigned because of a conflict with his family and his residence, and a number of people have asked me what happens to that seat. By our Charter, from the time of the vacancy, we have 90 days to have a special election to fill that vacancy. So there will be an election within probably, the next -- less than 90 days now.

All right. I'm going to call the names. I'll call two names, the speaker and one on deck. If you could be ready to speak, because we have a lot of cards. Your remarks will be held to three minutes. First up is Charlotte Koons, followed by William Mitchell.

MS. KOONS:
Good morning. I'm Charlotte Koons and I'm here representing the Suffolk Chapter of the New York Civil Liberties Union. It's indeed quite sad, because while waiting out here in the lobby, I was called communist, un-American, and told that I should not have the right to speak, but I do and I will.

Suffolk County should not be known as the County of Intolerance. Suffolk I.R. 1105 is destined to hurt our County's residents, businesses, economies, and anyone who looks or sounds different. This resolution does not level the playing field for workers, nor does it prevent bad business practices. Instead, it throws more wood on the fire of hate and suspicion. The resolution hurts individual contractors, potential consumers, workers, and the Suffolk County economy. Suffolk County's proposal is yet another attempt by Local Lawmakers to address the problem associated with the Federal immigration system, yet Suffolk County cannot legislate its own set of immigration laws. Moreover, because such attempts are preempted by Federal Law, similar proposals in other states have all but bankrupted the municipalities that have adopted them.

The proposed legislation not only contributes to false perceptions about Suffolk County's residents and exposes the County to potential litigation, it will also lead to discriminatory practices by

employers who are attempting to comply with the law, exposing these employers to potential civil rights lawsuits. For example, after the passage of the Immigration Reform and Control Act of 1986, IRCA, employers engaged in defensive hiring and denied many documented workers jobs because of their color or accent.

Finally, Suffolk County already has agencies, investigators and a violation system in place to enforce health, safety and minimum wage laws and go after bad business practices. At a time of massive budget deficit, this resolution would require massive government restructuring and would be extremely expensive.

The County Executive, who supports this resolution, stated in his State of the County Address that there will be a 100 to 200 million dollar budget shortfall for 2009. Can Suffolk spend money it does not have to enforce a hateful law which will -- which the Federal Government has the responsibility to control? Though not perfect, I ask for I.R. 1364 by Jon Cooper to be thought of instead. Thank you.

(Applause)

P.O. LINDSAY:
Before you start, Mr. Mitchell, I'm going to let you speak, and then I overlooked a presentation by the Visitors Bureau, so I apologize for that. So let Mr. Mitchell speak, and then, please, do your presentation. You're on, Mr. Mitchell.

MR. MITCHELL:
Good morning, Legislators. I am here in support of Bill 1105, and two basic reasons. One is it protects the citizens of this country and in this County from invasion of people that are here illegally, taking jobs away from them.

I believe that the Legislators, some of them, are participating in identity politics, putting in, you know, injunctions, etcetera, etcetera, to stop the law from being enforced. So identity politics seems to be prevalent in some people's -- some people on this Legislature's agenda here. And I believe to protect the citizens of this County, 1105 will be and should be passed.

And, also, some people have said that the bill cannot be funded or, you know, enforced because of no money. Well, you know, there are not as many cops as there are stop signs in this County and stop signs do, in some ways, you know, effectively keep, you know, law and order. Well, a law that is not always, you know, funded still is the law and, you know, maybe it will stop other employers from participating in hiring illegal aliens. And I -- you know, I say again, please pass this law for the citizens of this country and County. Thank you.

(Applause)

P.O. LINDSAY:
Okay. Again, I apologize. It's that time of the year where we get our semiannual report of the Long Island Convention and Visitors Bureau. Moke, if you want to --

MS. STARK:
I'm Michelle Isabelle-Stark from the Department of Economic Development and Workforce Housing, and I am the member of the Department that sits on the Board of the Long Island Convention and Visitors Bureau -- Bureau, excuse me, as its ex officio member. And as per Resolution 1238-2005, our Department is required to report to the full Legislature on the activities of the Long Island Convention and Visitors Bureau.

You should have been given a copy of the annual report in a binder. Everybody has that. So Moke McGowan, who's the President and Chief Executive Officer of the Long Island Convention and Visitors Bureau, is here to answer any questions you may have regarding their activities in 2007.

MR. MC GOWAN:
Thank you. I really haven't prepared any formal remarks on this, in light of the report that you have been received -- you have received, but there are a couple of things that I would like to make note of. One is that, by almost all measures that we have looked at, 2007 was a banner year for Long Island's tourism industry. It was better than we have seen since literally 2001 in terms of demand for our product, demand for our lodging, in terms of occupancy and the rates that the lodging properties were able to obtain. That said, in Suffolk County, however, while we saw a very nice increase of 5.3% in demand for lodging, because of our over-inventory of hotel rooms in Suffolk County, occupancy was only up slightly, and that was at the sacrifice of rain. That said, we are very pleased with the level of activity and the returns on those activities through our advertising, through our internet, Interactive Marketing Programs, through our public relations, through our sales, both in conventions, corporate groups and sporting events and their impact on Suffolk County.

We face some very, very challenging times, and I am very hopeful that 2007 isn't the last of the good years that we have seen, but, unquestionably, we do face some significant challenges on the horizon, and, hopefully, they are challenges that we'll be able to address and continue to see a healthy tourism industry.

With that said, I'd be happy to answer any questions you may have.

LEG. VILORIA-FISHER:
May I?

P.O. LINDSAY:
Yeah, let me just -- and then I'll turn it over to you, Legislator Fisher. In light of the slowing national economy, and particularly the increasing cost of air travel by the increasing cost of fuel, do you see a lot of people staying local this summer in terms of vacationing, rather than going around the world or to another part of the country? Or is there any early indications of what our summer season will look like?

MR. MC GOWAN:
You know, the environment changes day to day with the increase of gasoline prices, and, ultimately, that will have a major impact. AAA predicted about a year ago that the real tipping stone would be 4.50 a gallon of gasoline. What we have seen in all the surveys that have taken place thusfar, Zogby International, AAA, of its members, and what have you, essentially says that Americans are not going to change their travel plans, other than to say they're not going to be traveling overseas. They will stay pretty much closer to home, but they will travel. The only real question at this point is how far, how long they'll stay, how much they'll spend.

Zogby International's most recent poll in mid April, the respondents to their survey, 70% said their plans were not going to change for summer vacation travel plans here in the States. However, 57% said they will have less money that they will utilize during that travel.

We think, as we look at the American traveling consumer, that instead of traveling -- historically in 2007, it was three to five times during the year. They'll probably only travel two to three times during that year and then spend a lot of their vacation time at home doing backyard activities, barbecues and things of that nature. But we are looking to attract those folks who are still going to travel, get away, recharge their batteries, and take advantage of what we have to offer.

I think we're very fortunate on Long Island, and I say that from two perspectives. One is we have a mass of people within a 250-mile radius that we can continue to market to, and the second element is that we have three major international gateways right in our own backyard. And in 2006, we took the steps to start to address and attract a targeted international market, predominantly U.K., Irish visitors, as well as German and German-speaking visitors. They have, as you know, been coming to New York City. It is the number one draw. They anticipated in New York City last year to enjoy

about 7 million overseas visitors; they actually enjoyed 8.5 million.

So I think that we will see some resiliency in our tourism industry, simply because of the dynamics that are at play and, hopefully, the aggressiveness of our own programs.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Actually, Mr. Chair, I had the same questions.

P.O. LINDSAY:
Okay.

MR. MC GOWAN:
Same answer.

P.O. LINDSAY:
I noticed in the book the numbers from Germany and the U.K. were up by 74%, big numbers.

MR. MC GOWAN:
Well, when we started in 2006, we knew that we had not been in the international market before. We knew that we had to lay a foundation if we were going to address the international market. And, certainly, the internet and the interactive marketing disciplines are key to that because of obvious distances and costs involved in marketing to the international markets.

We translated our website into three different languages, actually, in 2007, into German and Spanish. This year, we've already translated into French. Prior to 2007, we only saw about fifty-four hundred U.K. visitors to our website, that jumped 74% to ninety-four hundred. And the same level of increase, not the same level, but a 54% increase in German and German-speaking visitors to our website. There's clearly interest in Long Island and what we have to offer. I think the thing about -- that we keep in mind with the international visitors, they come for a holiday of five to fourteen days, and we want to capture at least two to three of those days while they're here on holiday.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Hi. In your experience, do you think that a NASCAR track or a Formula 1 event would be beneficial to Long Island?

MR. MC GOWAN:
It certainly wouldn't hurt. I mean, any kind of a major program like that will certainly do two things. One is it will generate awareness of Long Island as a venue of NASCAR racing, and, certainly, NASCAR has been one of the fastest growing spectator sports in the nation over the past probably decade. It is and it certainly will draw folks to the races as they take place, be it an actual sanctioned NASCAR event on the circuit, or a multitude of the other types of programs that take place. It is, however, relatively seasonal. So, ideally, a program that really bolsters or shoulder in off-seasons would be great, greatly looked for.

LEG. ALDEN:
Something like gambling?

MR. MC GOWAN:
Well, gaming is -- it's one of those programs that certainly has a very large potential draw. It's not

something from a product perspective. I would not turn my back on it. If it were built, we would certainly incorporate it into our marketing plans as a draw. I'd be hard pressed, probably, to come out one way or the other. We welcome, however, the development of quality products that helps us draw visitation to the Island.

P.O. LINDSAY:
Anyone else?

LEG. SCHNEIDERMAN:
Yeah.

P.O. LINDSAY:
No? Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Yeah. Maybe I've overlooked it in your handout, but I'm looking for the gross revenues LICVB received in '07 versus '06, because that's a direct relationship to the -- since it's a sales tax that's imposed on hotel stays, that would give me a pretty good indication of growth overall in the industry. Do you have that?

MR. MC GOWAN:
As far as gross tax sales receipts that we received from the County?

LEG. SCHNEIDERMAN:
Right.

MS. STARK:
From both COUNTIES.

MR. MC GOWAN:
That -- from both counties it was about -- I didn't bring that with me. There's one thing. However, let me just call attention to --

LEG. SCHNEIDERMAN:
Right. Yeah, I would be interested, obviously, in the difference between Suffolk growth and Nassau growth, and any other breakdown in terms of region, particularly the East End region.

MR. MC GOWAN:
In the report, I did point out the level of taxes generated in both Nassau and Suffolk County that we received. Now, that was net to us, but since both tax bases are the same, that is, we receive two-thirds or three-quarters of 1% here, as well as in Nassau County, it does give an indication of growth. Nassau County itself -- let me ask you to hold for just one second.

LEG. SCHNEIDERMAN:
Oh, it's okay. Take your time.

MR. MC GOWAN:
In 2006, Suffolk County's tax growth to us was about -- 2007 over 2006 was 4.6% increase. In Suffolk County, or rather in Nassau County, that was a 6.6% increase.

LEG. SCHNEIDERMAN:
Can you explain why the growth is faster in Nassau than in Suffolk?

MR. MC GOWAN:
Supply and demand, predominantly. You have 12,000 rooms in Suffolk County, you have 5,000 rooms, roughly, in Nassau County. Nassau County is predominantly about 80% business travel or

corporate group focus in their marketplace. Their proximity to New York City itself positions them as a very affordable alternative for those corporate groups that can't afford to meet in New York City, but can have access to New York City.

LEG. SCHNEIDERMAN:
Do you have a breakdown or approximation off the top your head in terms of how much of your money is being spent toward corporate versus leisure?

MR. MC GOWAN:
In our budget of 2.4 million dollars, corporate is probably only about 14% of the program budgets.

LEG. SCHNEIDERMAN:
And the rest is toward leisure?

MR. MC GOWAN:
Predominantly, yes.

LEG. SCHNEIDERMAN:
Okay. Thank you.

P.O. LINDSAY:
Legislator Alden again.

LEG. ALDEN:
Mr. McGowan, have you done any studies, or are there any studies out there, and I don't expect them to come today, but the effect on sales tax on --

MR. MC GOWAN:
We have not -- we have discussed the ability to try to look at that with Pearl Kamer as an individual who can bring to the table the research methodology to determine that. We both basically decided or arrived at a thought that our best bet is to look at what we call a conversion analysis of our advertising expenditures, and we are actually going to try to do that on the basis of 2007. That basically takes those dollars that we utilize solely for advertising and not for sales, not in the international market and working to attract the travel trade, and analyze the dollar return for dollar investment of each of those advertising dollars spent. In doing so, we will be able to look back on exactly what those dollars were able to do in generating sales tax revenue.

LEG. ALDEN:
But what I meant is, if you go to a -- like you go down to the Carolinas and they have a substantially higher tax rate than what we have down here, even if you go into New York City, they have a per room tax rate that's probably 100 times what we charge.

MR. MC GOWAN:
Yeah.

LEG. ALDEN:
So that would be something that I'd be interested in looking at, what that -- if the tax was risen -- raised, would it decrease in the amount of people and the amount of visitors that would come to this area?

MR. MC GOWAN:
If I'm understanding correctly, Legislator Alden, what you're asking is if we increase the tax to increase the promotion, what impact might that have on our business.

LEG. ALDEN:
Correct.

MR. MC GOWAN:
And I would -- off the top of my head, would immediately say it would have a dramatic impact. We are in a highly competitive environment, competing against individual counties spending between 5 and 14, 15 million dollars. That's not in the Northeast, but if you look at individual counties, say in Florida, Pinellas County, which is Saint Petersburg, Clearwater, you look at Fort Meyers and Lee County, etcetera, they are all utilizing 5 to 6% hotel sales tax -- hotel tax dedicated to tourism development that generates those kinds of dollars that we're competing against on a continuum. And even in our own backyard in New York, we are competing against other destinations in New York State of budgets of 4 to 5 million dollars. So it's -- we're trying to leverage every dollar that we have.

What I think, in this competitive environment, these economic circumstances ultimately would be beneficial if we could promote with greater dollars. That said, I think the hotel community would really want to study that, because they're fearful that an increase in the tax would go to general funds, as opposed to promotion.

LEG. VILORIA-FISHER:
No signs. No signs.

LEG. ALDEN:
And, also, one final question.

LEG. VILORIA-FISHER:
Excuse me, Mr. Chairman, the man in the front row keeps holding a sign up, and I think we have a rule here about not holding up signs in the auditorium.

P.O. LINDSAY:
Okay. We'll take care of it.

LEG. VILORIA-FISHER:
That's Mr. Mitchell.

P.O. LINDSAY:
We'll take care of it. Let him continue.

LEG. ALDEN:
Governor Patterson just announced some tweaks to the I Love New York Program, and it looked like there was a Downstate component that was being expanded. Is that something that you're aware of or --

MR. MC GOWAN:
I've heard of it, and, quite honestly, they will be holding the Governor's Conference -- Annual Governor's Conference on Tourism at Lake George tomorrow through Friday. I'll be attending that to learn more about it.

LEG. ALDEN:
Oh, good. Thank you.

P.O. LINDSAY:
And we have the lowest tax in New York State.

MR. MC GOWAN:
One of the lowest taxes in the nation, as far as a hotel tax.

P.O. LINDSAY:

Yeah. I mean, it's three-quarters of 1%. I think even Erie County is 3 or 4%, right?

MR. MC GOWAN:
Yeah.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Hi, Moke. Did I understand correctly, that you feel that we are in competition with the tourist industry in Saint Petersburg or down in Florida? You feel we're in competition?

MR. MC GOWAN:
I think, to a great extent, we do compete from a standpoint of our shoulder and off-season, predominantly, our shoulder season.

LEG. NOWICK:
What does that mean, our "shoulder season"?

MR. MC GOWAN:
That would be, if you look at our prime season of basically Memorial Day to Labor Day, then the couple of months in the Fall, a couple of months in the Spring leading up, and out of that prime season. Yes, to a great extent, we are. And I think, if we look at even our own media that we view on television during the day and read, and things of that nature, you're going to see a lot of advertising in our backyard by folks down South, and especially with the direct lift that we have, whether it's out of JFK, whether it's out of the MacArthur/Islip through Southwest Airlines, Spirit Airlines, Jet Blue, Air Tran, etcetera, folks that are looking for that quick getaway, recharge of the battery. And so any draw of people out of Connecticut, out of Pennsylvania, out of our prime markets that we work to attract to go down South, yeah, that's part of the competition.

LEG. NOWICK:
See, I would think it was --

MR. MC GOWAN:
Keep in mind, we also compete against people's reluctance to do anything.

LEG. NOWICK:
Well, that is -- I think that's the biggest compete. I think people that want warm weather are going to go to Florida, but I think that maybe that's the right point, people that say, "Oh, a little extra money." But I didn't realize that you felt we were competing against the southern tourist industry.

MR. MC GOWAN:
When you look at the overall budgets, let's bring it closer to home, even Providence, Rhode Island, we're dealing with a competitor in our own backyard, that's around 7 million dollars, and that's for a single community, not the region.

LEG. NOWICK:
I would think the price of gasoline would keep people on the Island a little bit more.

MR. MC GOWAN:
You know, it will -- they'll be looking, like I said, during the year to still get away.

LEG. NOWICK:
Okay, thank you.

MR. MC GOWAN:
At least once or twice.

P.O. LINDSAY:
Anyone else? Okay. No? Thank you very much, Miss Stark, and thank you, Mr. McGowan.

MR. MC GOWAN:
And thank you all.

MS. STARK:
Thank you.

P.O. LINDSAY:
I need Legislators at the horseshoe. If I don't have a quorum, I am going to call a recess.

LEG. ALDEN:
You've got ten.

P.O. LINDSAY:
Got ten, okay. Back to the public portion. Suzanne Grant, followed by Elaine Kahl.

LEG. ALDEN:
Now you've got nine.

MR. PEARSALL:
You have nine, Mr. Chairman.

P.O. LINDSAY:
Guys, if you don't stay in the room, I'm going to call a recess, it's that simple. Suzanne Grant.

MS. GRANT:
Before I go further, I'm Suzanne Grant. The reason I'm wearing a sign is because I checked last time and they said it was okay, as long as it's a small sign, because the others at the last time, when they had the injunction, said it was fine and they had their signs around their neck, and I have my sign around my neck. So, please, ask and check, and I'll take it off if you want me to. But I did check last time and they said it was okay if I take this sign.

P.O. LINDSAY:
Okay. You've got three minutes, Ms. Grant, go.

MS. GRANT:
Okay. I'll just -- I'll be real fast. My name is Suzanne Grant, I'm from Farmingville. I'm with the Long Island Coalition for Immigration Control and Enforcement. I just have to say a few things.

Please, do not chicken out again, and, please, vote for 1105, the contractors bill. The County needs the revenue, the citizens and the legal immigrants need those jobs, and I, as a taxpayer, I'm sick and tired of paying taxes while others are working the underground economy and putting their money in their pockets. And before some woman came up and mentioned that the County is losing -- the County will not be able to enforce this bill. Well, according to what I've been reading, an Economist, Greg DeFreitas of Hofstra, said between Nassau and Suffolk County, 126 billion dollars is lost in revenue, and I believe that's very ample to enforce this bill, it's more than enough. Thank you very much.

(Applause)

P.O. LINDSAY:
Elaine Kahl, followed by Kathleen Reeves.

MS. KAHL:
Well, good morning, everyone. I'm here today to -- I am a spokesperson for the Suffolk County Coalition for Legal --

LEG. ALDEN:
Ma'am, you have to speak into the microphone.

MS. KAHL:
For Legal Immigration/No Amnesty. And I'm here to support Brian Beedenbender -- got it right -- bill today, after much, much investigation and much review, and speaking with many, many people. And I have heard all sides of the argument. I've sat in on many meetings, and I have to tell you that if the Federal Government was enforcing the laws, we wouldn't be here today. Having said that, we are the law, you are the law, we are the citizens. All we ask from our organization is the rule of law. We ask that our citizens, our unions, our taxpaying people that run businesses hire legal immigrants and citizens from our County, State, and the United States. We are not against anyone, we are not against immigrants.

(Applause)

But I have to -- I come here today because I want to share a piece of information that sort of like got me very upset last night, and I got it out of the Atlanta Journal Newspaper out of Georgia. And it seems down there -- I'm going to present this to Legislator Beedenbender, how far, how rampant the problem is. There's a group of China businessmen that have settled in Georgia. They are staffing their restaurants, and their want-ads with "Mexicans are Hired Here, Whether Legal or Illegal". They are bringing in people from South America, Guatemala, wherever, and making -- and making them pay for their servitude to come in here. I mean, the whole situation is so out of whack. I have the facts here. I don't believe that at present that we are doing right by people who enter legally or illegally, because nobody knows who's on the left or right. Brian's bill will, with some teeth in it, will put things in the right perspective. You will increase your Suffolk tax base and you will let the citizen go home, be calm, be pleasant, and talk to everyone and not worry who's coming over the back fence. Thank you very much.

(Applause)

Thank you, Miss Kahl. Kathleen Reeves, followed by Jennifer Tay. Miss Reeves?

MS. REEVES:
Yes. Good morning. My name is Kathleen Reeves and I'm an RN at the John J. Foley Skilled Nursing Facility.

AUDIENCE MEMBER:
Microphone.

MS. REEVES:
First, let me thank Presiding Officer Lindsay for the drafting of, in the Health and Human Services Committee, for the passing of the Resolution of 1436 last week. It is something that you, as Legislators, have done for -- excuse me -- to help our residents, our families and the facility as a whole. John J. Foley, as a facility, has been set up to fail, and we have heard this from more than one source.

Management studies have been done. My question is, have any of the members of the Legislature received copies of these or any reports stemming from this study? And was this study done impartially or was it done with a preconceived conclusion in mind? We, as employees, had identified

money-saving issues within the facility, which have not been corrected or even looked into. The facility has, and continues to have -- has had, and continues to have, monies which are outstanding, and, yet, is only recently that a collections firm has been hired to recoup these funds. It is also only recently that a firm has been hired to bill for Medicare Part B.

Mr. Levy says that there's a 12-million-dollar deficit a year from John J. Foley. And, again, I say this because it was said before, 3.5 million of that goes towards the bond issue, which is basically the mortgage for the facility, and there's a $500,000 chargeback to DPW. We also have approximately 600 million dollars worth of monies that are not being received by -- from residents, because -- who have no insurance through Medicare or Medicaid, or even private, due to lack of compliance on their part, or because they're not eligible due to owned assets that they're not coming forth with. Ladies and Gentlemen, that adds up to approximately 10 million dollars of this deficit.

We also have two of our employees who were sent in 2005 to a Medicare seminar strictly to be able to fill out Medicaid applications. It is not being done. And, also, due to a lack of inhouse staff, agency nurses have cost the facility almost one million dollars in the Year 2007. The exact number is roughly $743,000, and over $150,000 so far this year. All right? All of this translates into roughly nine full-time nurses with benefits.

So I really hope that you will pass the -- for the full Legislature, will pass this resolution, and that an impartial study can be done, because we really do feel that John J. Foley can work as a pride of profit. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Miss Reeves. Jennifer Tay, followed by Michele Burstin.

MS. TAY:
Good morning. Thank you. My name is Jennifer Tay. I serve as a Registered Nurse on the Dementia Unit at John J. Foley. And I know you have this bill up today that you're considering, and we ask that you would pass it and that you would stay on top of it, that you wouldn't just let those three people take care of it. We want you to really come down and take a look, because there are so many ways that we can save money in this facility. We know it, the people working in the facility know it, and we want to make you aware of it.

It's very easy for Mr. Levy to capture headlines. Once again, he's in Newsday today. And every time we read something from him, we all get discouraged, because he's not sensitive to the issues there, he's one-sided. He puts a dollar figure out there that isn't even accurate. And he's more than willing. If he could do it today, he'd shut that building down. And it wouldn't just hurt us, the people that are -- you've seen many of us, we're familiar to you. We've come on our days off. This has been going on for months. Just think, we all have kids, we could be doing other things, but that's how important it is. We're willing to take our day, our one day off on a split-week schedule to come and tell you how important John J. Foley is to Suffolk County. It's not just about our jobs, it's not just about the residents that are there now, the ones that we care for, the ones that are our family, that we treat like our family, it's about the future. I mean, let's face it, an inmate doesn't have to worry about three hots and a cot. We have to worry about a small -- a drop in the bucket of people, the neediest of the neediest, and that's a crying shame.

And I look at each one of you and I say there's just no way, there's no way that you're going to look at this the way that Levy does. He's a dollar-and-cents man and that's it. It's nonsense, it's nonsense. He's a dollar-and-nonsense man. And he's going to move up and on, and you all -- you all were elected by people that support you because of who you are and what you stand for and what we stand for. We are all servants. We take lower salaries for a reason, it's because of the satisfaction that we get from the work that we do. We don't need to go to work in a hospital and make $15,000 more. The overtime that I work, when I'm allowed to, I could easily make if I want

to work at Stony Brook as a base salary, but I don't want to, because that's how satisfied I am at the end of the day. I can hang my head at night and say, "I did" -- "I helped someone today." All right? That's about it. Pass that through.

(Applause)

P.O. LINDSAY:
Thank you, Miss Tay. Michele Burstin, followed by Christopher Destio.

MS. BURSTIN:
Good morning, Members of the Legislature, and thank you for allowing me the opportunity to speak today. My name is Michele Burstin and I am employed as a Social Worker at the John J. Foley Skilled Nursing Facility and Rehab Center. Since Mr. Levy proposed closing or privatization of John J. Foley, approximately 19 residents and/or family members have requested transfers to other nursing facilities for fear that they may lose their current residence. PRIs, which are Patient Review Instruments, were sent to various nursing facilities for these 19. Only three have been accepted for admission to other facilities, and two have already been transferred. These were elderly individuals, requiring minimal care, with no behavioral issues. Consider the young individuals present with multiple psychiatric, psychological and behavioral issues, where will they go? For example, I have a 40-year-old resident with multiple sclerosis and a personality disorder who requested to be closer to his family in Nassau County. I had sent out approximately 45 PRIs and request for nursing homes within the Nassau and Suffolk Counties. Not one of those facilities have accepted him. This is only one individual out of 264 patients.

Many of these residents with ongoing behavior management issues consist of the following variables: Noncompliance, mentally ill and substance abuse, with poor or no natural supports. John J. Foley serves a younger population. Since -- I'm sorry -- deinstitutionalization, there is no place for these individuals to go. It is difficult to place them, as many residents do not require skilled care. Please give it some serious thought. They can and may end up in any of your backyards.

John J. Foley is truly a facility of last resort. In addition, we have been receiving minimal PRI referrals for new admissions, as the public does not want to place their loved ones in a facility they fear may close. An exorbitant amount of uncollected monies are due to us as a result of the failure of residents and family members to cooperate with our admissions policy. We have residents that are on Community Medicaid who are not turning over their social security checks and are not providing the proper documentation needed to convert to Chronic Medicare. For example, one individual has a full income, receives social security benefit and a pension, and he refuses to give or sign over his monies for his stay. He does not qualify for Medicaid, because he has too much income. His family is uncooperative and will not return our phone calls. We cannot discharge him, because he has no safe place to go. This is money that we are losing. He is a young man, basically healthy, and no longer has a reason to stay in a skilled nursing facility. We try to work with him. However, he is extremely uncooperative, refusing to look for a place and refusing our help in locating a place. Now he flaunts his bill for $100,000, encouraging others to do the same. Last week, another resident refused to sign a contract, pay her bill or give up her car, referring to the previous resident. This second resident also has no skilled nursing care.

The County Attorneys have been made aware of problems like these over the years, however, have failed --

P.O. LINDSAY:
Miss Burstin, could you wrap up? You're out of time.

MS. BURSTIN:
Have failed to pursue the collections. If we, as employees, cannot identify all of the above issues, it becomes apparent that the Executive Branch is not looking to solve the problems, but, rather, just to close the doors. We are pleading with the Legislature to work with us, solve the problems, and to

help the facility run in a more cost effective and efficient manner. Thank you.

(Applause)

P.O. LINDSAY:
Christopher Destio, followed by -- I have problems with this one. Linda Ogra --

MS. OGNO:
Ogno.

P.O. LINDSAY:
Okay. I can't make out your handwriting.

MR. DESTIO:
Good morning. My name is Christopher Destio, residing in Mastic Beach, and I'm an employee of the John J. Foley Nursing Facility.

Did the Legislators here know that the County invested 4.2 million dollars into expanding our Daycare and Rehab Department? That's just a year ago, and it's not being utilized to its fullest extent -- excuse me -- to its full potential, because we don't have enough staff, and it's not being marketed properly.

"John J. Foley Skilled Nursing Facility fulfills a pressing need by assisting adults who cannot care for themselves. This is just another service that Suffolk County offers to its residents, providing the state of the art technology, combined with professional, compassionate care," said County Executive Steve Levy, May 22nd, 2007. That's less than a year ago.

(Applause)

And I really have a hard time understanding this. Under the annual report for 2003 under John J. Foley, quote, "John J. Foley Skilled Nursing Facility has a higher number of Medicaid-only residents than other facilities as a result of its commitment to caring for the residents that other nursing facilities will not admit. Many of these residents are younger, between 20 and 50 years old. They do not qualify for the Medicare Program. Many of these residents are sicker, need more assistance, and on more medications per day, and are generally more demanding than other residents in other facilities." This was when Commissioner Harper was in.

Chapter 431, Senior Citizens Bill of Rights, under the Laws of Suffolk County, Paragraph A, "This Legislature here finds and determines that our senior citizens constitute a treasured resource, as evidenced by enormous contributions they have made to our society, to our young people, and to our community, who, in their twilight years, become the most fragile, vulnerable segment of our society, thereby deserving the utmost protection." And follow this. "Individuals and/or businesses intent" -- excuse me. "With the utmost protection against individuals or businesses with the intent on exploiting them for economic benefit or advantage." Selling or closing John J. Nursing Facility is exploiting them for economic benefit.

While our County Exec wants to dispose of our nursing facility, Nassau County, A. Holly Patterson is planning to build a new placement building instead of disposing of theirs, at the cost of 100 million dollars.

(Applause)

There are currently 35 County-run nursing homes in New York State and two are being built as we speak, one in Rockland County and one in Broome County. Here's another quote: "The County of Rockland have fully funded the operation of these facilities for the past three decades," said County Exec C. Scott Vanderhoef, wrote in a letter to the Department of Health. "We have always provided

the necessary support to meet the service needs of our constituents and will continue to do so." The Budget Director said, "Even if the facility does not operate at a break-even point."

P.O. LINDSAY:
Chris, could you wrap up? You're out of time.

MS. DESTIO:
Yes, sir. A break-even point, we'll continue to fund as we've done in the past. I'm going to wrap it up right now.

The idea of a new nursing home has been discussed locally for years in Broome County. In 2006, the State Commission of Health Care Facilities for the 21st Century, known as the Berger Commission, recommended that Broome County build a new facility. We are one of the richest counties in our nation. Our nursing home should not be closed or sold. It's just that we need to correct our inefficiencies. And if anybody wants some of this documentation, I have it here. Thank you for your time.

(Applause)

P.O. LINDSAY:
Thank you, Chris. Linda. Linda, there you go, followed by Lisa Votino-Tarrant.

MS. OGNO:
Good morning, Mr. Lindsay, and good morning to the entire Legislative body. My name is Linda Ogno. I've been a dedicated employee for 20 years at John J. Foley Skilled Nursing Facility. Many employees go above and beyond for the residents that we care for, and many are second-generation workers. I myself have two sons that work there and they have been volunteering their services for many years. Many residents have come to know my children and come to know my family as theirs. My youngest son even switched his day off last year to help with our annual barbecue for the residents, because he's helped out since he was a young teenager. I tell you this, because this is the kind of dedication that is more a rule than an exception from the staff at John J. Foley.

I've given everybody an invitation that has been given to me by the Resident Council President to invite you all to the annual barbecue at John J. Foley. I know that Mr. Levy --

(Applause)

-- has his own agenda, but our fate is in your hands. I'd also like to present to the Legislature these petitions with over 7,000 taxpaying signatures on them and more coming in every day. Suffolk County taxpayers do not wish the John J. Foley Skilled Facility to close. The will of the people is to keep it open. Not keeping John J. Foley County-owned and operated is wrong for our residents at John J. Foley, it's wrong for its dedicated employees, and it's wrong for the taxpayers of Suffolk County. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Linda. Lisa Votino-Tarrant, followed by Cesar Malaga.

MS. VOTINO-TARRANT:
Hello. My name is Lisa Votino-Tarrant. I am a resident of Hampton Bays, and today I represent Long Island WINS. I spoke at the last meeting on I.R. 1105 and I am here to address this issue again today.

Yesterday, many immigrant advocate groups, clergy members, and concerned citizens attended vigils at Legislators' offices to urge them to vote against I.R. 1105. Over and over, we heard how

this law was already on the books on the Federal level, and that our Federal Government has failed us on the topic of immigration. Well, I couldn't agree more. It is redundant and impractical to think that Suffolk County and the contractors within could take on a task that the Federal Government has failed at.

I know each one of you cares about this topic, but what does differ is how each one of you thinks we should handle immigration and workers' rights on the County level. While this bill is one Legislator's solution, it is not a collective effort representing all of Suffolk County. Its intended cause is to protect workers' rights and enforce the law. However, that comes with a price of discrimination of immigrants on Long Island and further economic hardship for our small businesses. I would ask that each one of you consider how this may impact your constituency. I believe we have crossed a line between anti-immigrant legislation and practical solutions to the immigration issues that work on a level -- local level, so that all residents of Suffolk County benefit and find increased economic opportunity.

Long Island WINS works to promote practical local immigration solutions which can work for everyone on Long Island. We aim to showcase the contributions immigrants make to our local economy and our cultures, because they're not fully recognized or appreciated by the governing forces. Adelphi University, as well as many other research institutions across the country, have done research and has found time and time again that immigrants are contributing more money to the communities than they are taking out in services.

We implore the Legislature to table Legislator Beedenbender's bill today. There are many other practical options for achieving workers' rights and leveling the playing field, which would work for all Suffolk County residents. We ask that you take the time and weigh the cause and effect of each of the bills before you on this topic before you make your decision. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Miss Tarrant. Cesar Malaga, followed by Deborah Kelly.

MR. MALAGA:
Good morning, Presiding Officer Lindsay and Legislators. My name is Cesar Malaga. I'm the President of the Hispanic-American Association. Once again, we are here to oppose I.R. 1105. There are other things we could be addressing here and not waste taxpayers' money and time. We could be discussing County budget, ethics about the Legislators, affordable housing, gas and food prices.

But one thing I would like to do is, first, to thank Legislator Alden about County-owned vehicles. Legislators should not be using County-owned vehicles, they should be using their own cars.

Now we opposed I.R. 1105 at the last hearing. I indicate that this Legislature's Anti-Latino bill discriminates against the Latinos, Hispanics. There is no white skin, blue-eyed or green, or blond hair waiting to get hired to work. The people looking for to get jobs are like me, hardworking individuals with dark skin, brown eyes, black or gray hair.

There were some people at the last hearing saying that undocumented immigrants do not pay taxes, they are criminals, are not -- are taking away jobs from Americans. These undocumented people are also Americans. They might be -- they might not be U.S. citizens, but they were born in America. These undocumented workers paid more than 9 billion dollars per year in taxes. It is easy to get this report from the IRS.

After retiring from the company I worked for 32 years, I went to work for the IRS. I gave temporary social security number to those who sent their 1040 forms. Many said that undocumented immigrants are criminals. They are not criminals. U.S. Attorney Christopher Christie indicated being

in this country without proper documentation is not a crime unless that person reenters the country after being deported.

I was at a meeting in Southampton with Congressman Bishop about three weeks ago where small business people were worried about not getting enough people to come to work for their businesses, the visas did not get approved. I did not see any of the Legislators from the East End at that meeting. I would like you to read, you know, some paper I'll give to Ms. Ortiz, so you can read each of those reports. "Summer in the Hamptons: Sun, Sand and a Labor Shortage." Now you should vote no for this legislation, I.R. 1105.

Now this Legislative body passed bills. They were the first in the nation, perhaps in the world. You passed a smoking bill, use of the cell phones while driving. Why not give a license -- issue a license to these hardworking people? We need them. They are part of the economy of Suffolk County. To get a contractor's license cost $525 for two years. Issue a subcontractor's license for a year is $100, the cost of $100. These Legislators of Suffolk County will be the first one in the nation to deal with undocumented immigrants, same as the Senate, as the Congress.

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

MR. MALAGA:
Senate and Congress failed to pass the Comprehensive Immigration Reform. Think about this license for the hardworking people who are part of the economy of Suffolk County, we need them. Thank you very much.

P.O. LINDSAY:
Thank you.

[APPLAUSE AND AUDIENCE MEMBERS BOOING]

No booing. You can applaud. I don't want booing. I don't want any talking between different groups here. Deborah Kelly, followed by James Claffey.

MS. KELLY:
Good morning. My name is Deborah Kelly. I am an employee for the County of Suffolk.

LEG. BEEDENBENDER:
Can you talk into the microphone, please, ma'am?

MS. KELLY:
I am an employee for the County of Suffolk at the John J. Foley Nursing Facility in Yaphank. I am here on behalf of our residents, past, present and future, and my fellow coworkers of John J. Foley. We are here in opposition to County Executive Steve Levy's intention regarding the possible sale of our facility.

John J. Foley Nursing Facility offers quality care to the residents of Suffolk County and piece of mind to their family members. Many of us will face, at some point in our lives, the heart-wrenching decision on how to best care for our loved ones. In the midst of crisis, we will be comforted in knowing, if we choose to admit our loved one to a nursing facility, it would be a local facility that we may visit and assist in our loved one's care and one that is financially attainable. By selling John J. Foley, we would potentially displace hundreds of residents who call our facility home. Our residents are moms and dads, sisters and brothers, and neighbors who are in their neediest time of their lives. Many have worked their entire lives and deserve the quality of care they receive at our facility.

For many years, the people of Suffolk County had rendered loving care to her most needy and helpless neighbors. Are you going to be the Legislative body that stopped caring for the people

whose needs are the greatest?

Our patients suffer most horrendous and debilitating diseases, including Alzheimer's, dementia, terminal cancer, HIV/AIDS and other infirmities. How could we, in good conscience, consider such a proposal? I urge you to seriously consider the effect this decision will have on our current residents, their loved ones, and those who, unfortunately, will follow in their wake?

A letter to our residents' family members from Commissioner of Health Services Chaudhry mentions, in quotes, "Our facility is losing 12 million dollars annually, despite the efforts of many to improve efficiencies and cut costs without curtailing services." We now know this not to be true. Enough effort has not been made to see this facility become the success we civil servants know it can be.

We applaud Presiding Officer Lindsay and Legislator Kennedy for bringing Resolution 1436 to the table. This resolution will give us the opportunity to prove what a jewel John J. Foley is and should continue to be to all residents of Suffolk County. Resolution 1436 will give us a bipartisan committee that will prove that the issues we have been faced with in the past can be corrected for the future. As baby boomers get older and illness more widespread, John J. Foley should continue to be available to all residents of Suffolk County. The Legislative Body, the County Executive, and the Suffolk County residents should be proud that the civil servants at John J. Foley have worked tirelessly and remain so dedicated and committed to this facility and the residents who live with us.

I urge all of you to pass Resolution 1436 and give us what we have worked so hard for. Please, give us the opportunity to continue to serve the people who need us most and repair the system under which we work.

(Applause)

P.O. LINDSAY:
Thank you, Miss Kelly.

MS. KELLY:
I would just say, in addition, I went through the Freedom of Information and I received the financial statements for our facility for 2005 and 2006, which I would like to enter for all of you to have a copy and look over. It makes interesting read.

P.O. LINDSAY:
Thank you.

(Applause)

James Claffey, followed by Brian Young.

MR. CLAFFEY:
Yes, good morning. My name is James Claffey, Long Island resident, employed by the Long Island Community Foundation. I'm here to share the view that passing I.R. 1105 would be a great failure in leadership. The bill's focus is clearly anti-immigrant. It is entirely disingenuous to pretend that it's really about protecting workers.

In terms of the immigration debate, which only can be resolved on a national level, the most important thing that real leaders can do on the local level is to tone down the rhetoric and emotion, so that reasonable discussions based on real facts can occur, rather than the outpouring of personal opinions without basis and fact. Bills like these, and we've seen several in this County, only serve to rile up the community, create backlash and bad will, and provoke distrust and fear, even among immigrants who are citizens and legal permanent residents.

The timing is also surprising to me. These are shaky economic times, and solid arguments have

been made about how this bill will only hurt Long Island's economy by forcing a slowdown in business and home repair, labor shortages, and general confusion in the workforce. There's also a myth at work here that to speak against 1105 is somehow to oppose U.S. born workers. That's simply not true. I'm not even sure it's a question of unionized versus nonunionized. All of the research supports the notion that the only real solution is not to divide, but to unite all workers, regardless of origin, by affording them all a just wage, health and safety protections on the job, and the right to organize. Any other strategy, like 1105, only creates a second class of workers in terms of labor rights and opens the door to exploitive business practices, which hurts us all in the end. This Legislature can do better. I urge you to be leaders by defeating 1105. Thank you.

(Applause)

P.O. LINDSAY:
Hold on, Brian. Brian Young, followed by Patrick Young.

MR. BRIAN YOUNG:
My name is Brian Young. I'm here from the College Democrats of New York, I'm their Legislative Director, and we're here to speak out today against I.R. 1105. It is in our interest that the College Democrats say "Vote No" on this bill.

This bill seeks to hurt the Democratic Party throughout the State. This will be the only Legislature that is controlled by Democrats that will be against immigrants. This is a racist bill that seeks to prevent Hispanics from getting jobs. It's not going to be me that can't get a job, it's going to be my friend that came up from El Salvador legally, that might have been born here, that isn't going to get a job, because his documents are going to be brought into question. I find that this is against every principle of our country and of our party.

We stand as a country that was created by immigrants, people that came here to get a better life. That's all these people are doing. They are coming here to get jobs, to save their families. And what does Suffolk County want to do? Suffolk County wants to prevent them from getting jobs, increase the poverty. They can't go back to some of these countries and, yet, we want to say, "You cannot get a job here. We will prevent you." So what are they going to do? They're going to live on the streets, they're going to join gangs, use drugs, create violence. Is that our best interest? I don't think so. I think the best interest of Suffolk County is to work with the Federal Government to get them jobs, get them legal status in the United States, so they can become productive citizens of the United States.

It is not Suffolk County's job to create Federal legislation on immigration. That is a Federal issue, not a local, not a State issue. Leave it up to the Federal Government to create these laws, to make them legal citizens. And I think it is in Suffolk's best interest to have people in the County working, not sitting on the streets, not causing trouble. It is in their best interest to be working. So, I say "Vote No" on 1105 today. Thank you.

(Applause)

P.O. LINDSAY:
Okay. Before Patrick Young comes up, I need a motion to extend the public portion.

LEG. VILORIA-FISHER:
So moved.

LEG. ROMAINE:
So moved.

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

MS. ORTIZ:
Fourteen.

P.O. LINDSAY:
Fourteen, it carries. Patrick Young is at the mike, followed by Paul J. Forthmuller.

MR. PATRICK YOUNG:
My name is Patrick Young. I'm the Program Director of the Central American Refugee Center. And I've spoken here before on this issue, but I just want to briefly run through the ten things that are likely to be the result of the passage of this bill.

If 1105 is passed, the first thing you're going to see is a labor shortage for employers. This bill is different from the bill that was passed a year-and-a-half ago. I know some of the Legislators have talked about it as being very similar. At the time, a year-and-a-half ago, I said that that bill would affect very few people, it was largely a symbolic gesture. This bill affects 16,000 employers. Many of those employers do have undocumented immigrants working for them. And I think what we've seen elsewhere in the country, there's been this push to have employers get rid of all undocumented workers. We saw that Upstate, New York in the farms, we saw that in Pennsylvania, we saw that in California and in Texas. When those undocumented workers were released, and these are jobs that pay typically 12 to $15 an hour, there were no native-born rushing in to do those jobs. In fact, as you're probably are aware, the largest tomato grower in Pennsylvania has now shut down growing tomatoes, because he can't get the 400 workers that he needs for the season. You're going to see delays, long delays in people getting contractors to do remodeling on Long Island, and that's going to have an impact on housing prices. Many Long Islanders, when they remodel, are remodeling specifically in order to prepare a home for sale. You're going to see it much more difficult for people to be able to put their houses on the market and have them sold. There's going to be a litigation explosion.

One of the things that we know about this bill is the County itself is not looking at hiring people to enforce this law, they're going to be relying on competitors and other interested special interests to go and bring charges against individual employers. So whether an employer has or does not have undocumented immigrants working for them, we can expect to see people being dragged in before Consumer Affairs in order to have their cases heard.

There's going to be a difficulty for legal and U.S. citizen Latinos and Asians. One of the things that we know from the passage of other immigration employer-sanction bills is that discrimination against those legally in the United States were Latino or Asian, increases by 20%. We're going to see a tremendous effect here, because the Suffolk bill essentially contains the death penalty for employers who hire the undocumented, and this means that people presenting documents that are legal documents will be afraid that their employers will have to give them so much scrutiny that they're going to begin engaging in discrimination. Within the Latino community, you're going to see a tremendous economic effect.

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

MR. PATRICK YOUNG:
Yes. You're going to see a tremendous economic effect. Many of the downtowns in Suffolk County were revitalized by the Latino community that moved here. If they see 10 to 20% of their customers being laid off, they're going to have to shut their doors, and many of the U.S. citizen banks, the suppliers, etcetera, for these businesses are also going to be losing their businesses.

So I'd urge you to vote against I.R. 1105, or if you want to vote for it, at least ask yourself what economic evidence has been presented that these won't be the negative results.

(Audience Members Booing and Applauding)

P.O. LINDSAY:
Mr. Forthmuller is due at the mike, followed by Rabbi Moss. But before you go, Mr. Forthmuller, this is a public portion of our Legislature. Everybody has a right to their view as citizens of this County and this Island. And I, as the Chair, will not tolerate anybody being harassed, and there's some of it going on in the audience, and if it doesn't stop, I will have you removed. Mr. Forthmuller, followed by Rabbi Moss.

MR. FORTHMULLER:
Good morning, Suffolk County Legislators. In my support for 1105, I have stressed protection for citizens and legal immigrants. One other point. I am speaking on behalf of Suffolk County Coalition for Legal Immigration/No Amnesty.

In my support for 1105, I have stressed protection for citizens and legal immigrants and the rule of law. I continue to hear how this will hurt others. The only others I can think of are those working illegally. But that is the purpose of laws, to stop illegalities. If this law so happens to prevent illegal aliens from working, so be it.

Now, in my family, I am also Hispanic. There are dozens and dozens of people in my family who are working here legally in various jobs, and their jobs are not being affected one bit. They're able to work here legally and they have no problems with that.

I've also heard mention of undocumented workers and how this is going to hurt undocumented workers. Undocumented workers are illegal aliens. Now, if this happens to hurt them, again, I say to you, so be it. They don't belong here, they don't belong working here. And so, with that, I thank you very much.

(Applause)

P.O. LINDSAY:
Thank you, Mr. Forthmuller. Rabbi Moss, followed by David -- I can't make it out. Car maybe, Cer. Rabbi Moss? I know he was here earlier. No? Must have stepped out. We'll skip over him. David Cer? Is it Cer, Car? I'm having trouble with the handwriting. No David Cer? KAPAC? KAPAC?

MR. LEE:
That's L-E-E.

MR. NOLAN:
Lee, David Lee.

P.O. LINDSAY:
Well, sorry, I can't make it out.

MR. LEE:
Okay. Good morning, Presiding Officer and all the Legislators. It is my honor to be here this morning, talk about I.R. 1105. Unfortunately, the Presiding Officer doesn't pronounce my name clearly, but I'm not a Latino, and I am not Tom and Harry and Dick, so I could be more objective. I'm the President of KAPAC, which is Korean American Public Affairs Committee. Korean Committee doesn't have too much issue with immigration, we only have very minimum, so I'm not so much concerned about that. But I have my own business in Long Island, and I -- so my friend told me, "You did made your dream come true in America as a business owner in this country," so I am so proud about that. And I didn't have many chances, which has a recession before, but because of legislation, I had my own computer software company in Long Island. I could overcome that very smartly and very nicely, but this time it's quite different than before. This is very horrible.

I have about a couple of thousand clients in the whole Metro. Most of the business owner, they claim about that. Their business is slowing down, they are suffering. So my business keep on slowing and slowing down. I'm so much concerned, can I be floating or not. Even last year, I let my own brother go, because I can't maintain it. They like my system, they like my computer program, but they can't afford to do that because of the recession. And, also, that affects over and over again, day after day, oil price going up and up again. Now I just forget about it, because I can't control. It's going to be $5 per gallon, $6 per gallon. Who knows what's going on? So economy is so shaky.

Thank God my wife got a job in County, so I understand the County people or government sector, how much comfortable. I don't have to pay anymore for medical bill, like medical insurance, which is so much helpful, and her salaries all the time come and come on time, which is wonderful, so it help me a lot. But the business point of view, so many people talk about small businesses, every business, but this is not a good time. Everybody's so shaky, so -- you know, so trembling. Can we be stay still or not? And so many statistics said this recession may be even worse than great recession, so who knows.

And I had the meeting in the City, all top cops meeting. Thank God I'm the Board Member of -- Deputy -- I'm sorry, the Honorary Deputy Commissioners Foundation in New York City, all the top cops, including NYPD and New York State, all the top cops get together. One of my Board Member, who big investor, whose name is Leslie Feldman, he said there is no money left for surviving this country, so he has a lot property in Florida.

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

MR. LEE:
Okay, no problem. The only sources for saving this country is getting foreign money, so that's -- he's looking for that. So my suggestion is I don't care what you do about illegal or whatever, I'm not illegal and we don't have problem at all. But business whole point of view, this is not a good time. Any shaky, any situation, little impact, bring a lot of impact to the business community. So, please, do not do that at this time, and hope not do it later. So that's my suggestion. Thank you.

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

(Applause)

Patricia Bruno, followed by Dot Kerrigan.

MS. BRUNO:
Good morning, everyone. I'm a family member of John J. Foley. My mother has been a resident -- my name is Pat Bruno. My mother has been a resident of John J. Foley Skilled Nursing Facility since January 2008. Mom has dementia. Mom turns 90 this year. At the age of 87, it became evident that Mom could no longer live alone. Dementia had robbed her of the ability to take care of herself. She had become a recluse and she did not even realize what was happening to her. Mom came to live with me at that time. I was able to place her in a social day-care setting and Mom came back to life. She had a purpose. In her mind, she was going to the senior citizen club once again and she was happy. Mom stayed with us a few years until she was hospitalized with pneumonia on December 27, 2007. Mom needed constant supervision. It became necessary for us to find a home away from home, and we found it for Mom at John J. Foley Skilled Nursing Facility.

I am forever grateful to the Supervisor at Mom's social day-care who recommended this facility over all the others. Mom has finally adapted to her new life at John J. Foley, because the staff at John J. Foley has embraced her. Mom no longer asks where she is or when she is leaving, she has finally let that go. When asked about her day, Mom doesn't remember the meals, she doesn't remember what

she did or who she spoke with, but we know that Mom is doing well, because her whole demeanor tells us that she is happy. She's not afraid, she's being taken care of, she is safe.

Please, don't look to save money on the backs of these residents, the residents who trust that you are looking out for their welfare. Please, don't take the easy way out. Please, don't rubber-stamp your approval to close or transfer ownership of this facility. Someone dropped the ball on this state-of-the-art facility. We are hoping you can catch it, run with it, and fight fiercely to keep it. Fight as if you were the one who may lose your home and family. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Miss Bruno. Dot Kerrigan, followed by Peter Quinn.

MS. KERRIGAN:
Good morning, Honorable Suffolk County Legislators. Thank you for hosting this public session. My name is Dot Kerrigan. I have spoken before you several times on this same subject, our Suffolk County nursing home, John J. Foley.

I have worked 24 of the last 48 hours at the nursing home. I was mandated on Mother's Day. I don't know who felt worse for, myself or the Nursing Supervisor, who could not look me in the eye. Four others were also mandated for the 3 to 11 shift, all moms like myself. These {mandations} are only necessary because the County Executive will not release the SCINs for the LPNs and the RNs who work on the units.

(Applause)

This is just wrong, it's really wrong. It's not only wrong for the staff, but it's very wrong for the residents. They deserve more. They deserve nurses around the clock who are well-rested.

Things are bad and getting worse, as far as the staffing. This week we are losing our Nurse Practitioner and our MDSPRI Coordinator. They are not retiring, they are leaving because our jobs are in jeopardy.

In my previous talks, I have referred to the New York State Constitution, Article 17 on Social Welfare, and Article 18 on Housing and Nursing Home Accommodations. These Constitutional responsibilities lie in your hands, the County Legislators, not the County Executive's hands. Ultimately, the ladies and gentlemen before us right here today will cast the deciding votes.

I thank God and my country for the Constitution and for our forefathers for having the insight our County Executive does not. I also thank God for sending us Father McCartney today, who so well stated, "May God give you the courage to seek after the common good for all, for the welfare and the well-being of all our citizens." It will take courage. We ask you to invest the time and find the minds to continue to be the best County in the State, offering the best care and consideration of our sick and disabled. We can no longer dismantle the County one program at a time, one police officer at a time, or one nurse at a time. Thank you very much.

(Applause)

P.O. LINDSAY:
Thank you, Dot. Peter Quinn, followed by Edward Walsh.

MR. QUINN:
Good morning, Members of the Legislature. My name is Peter Quinn, a resident of West Islip. As a strong believer in participatory democracy, I've come here often, but this time I'm here to speak on behalf of the John Foley Hospital issue.

I happen to believe that when it comes to a choice between government and business, or, in other words, the public sector versus the private sector, that the government sector has always showed preference for the needy and care for workers. In contrast, we have -- we read the newspapers and scan the news, we discover that the private sector, by contrast, when they have a problem with the bottom line, sometimes the CEOs actually get a raise. When they have a problem with the bottom line, they cut health care services, health benefits, they cut pension benefits, they cut employees, and still some of them get bonuses.

One only needs to look at the subprime mortgage disaster from Wall Street, created by Wall Street, to discover that while homeowners have been laid blame for the problem with the mortgage crisis, in fact, we discovered that in 2006, the bonuses on Wall Street were 23.9 billion dollars, and in 2007, 39 billion dollars in bonuses to Wall Street. And then we have the sector -- some members of the political arena saying, "No new taxes." Well, at some point in time, you come to crunch, push to shove, and you have to say, "Well, let's increase the taxes on some of those best well-off to pay them," and we'll see some changes. There wouldn't be as much of a crisis in County, State and local governments if we saw that kind of investment. Thank you.

(Applause)

Thank you, Mr. Quinn. Edward Walsh, followed by Greg Lashley.

MR. WALSH:
Good morning, Presiding Officer and Members of the Legislature. My name is Edward Walsh. I'm the Chairman of the Suffolk County Conservative Party.

The Conservative Party of Suffolk County calls on the Suffolk County Legislature to pass enforceable measures to protect jobs for authorized workers, curb employment of illegal aliens, and protect taxpaying citizens.

It's time for the Suffolk County Legislature to require local companies to use E-Verify, the secure Federal system developed for employers by Department of Homeland Security. We can't wait for Congress any longer. Passing legislation now requiring Suffolk County employers to verify their workforce as lawfully present is common sense. We need to use a Federal resource to help solve Federal problems in our County. The Suffolk County Conservative Party recognizes that illegal immigration is a drain on our Social Services, schools, hospitals, and taxpayers. We support full enforcement of Federal immigration laws, and encourage the County Legislature to crack down on unscrupulous employers.

What I do with the Conservative Party, there's a bill in front of you that -- the Beedenbender Bill. We'd like the Beedenbender bill on steroids.

(Applause)

I'm going to pass out something now, it's called E-Verification. What E-Verification does, it's something given to the employer where the employer can run the backgrounds of anybody that may be coming into their employ. So, if you're from Irish descent or Spanish descent, it will tell you if they're legal or not. So it will put it on Homeland Security to verify your social security number. You won't be dealing with this could be a fake social security card, this could be a fake driver's license, you'll be dealing with the way of justifying if this person is legal or this person's not legal. It also gives an appeal process. Say you fail -- say you fail -- it fails, it says you're not a legal citizen. There's an appeal process built in here that will give the person the right to -- say a number was transposed. It will justify it, it will give it the measures that will tell you, "Okay, they were legal, it was an error, we've corrected it." Ninety-four percent of the time it works. This was done in Arizona. In Arizona, it's been proven effective. The illegal population is moving out of Arizona, because it works. We urge you guys to do that here to help the people of Suffolk County. Thank

you very much.

(Applause)

P.O. LINDSAY:
Thank you, Mr. Walsh. Gregg, it looks like Lashley. Gregg Lashley, Bellport. Gregg Lashley. Plumbers Local 200, Gregg Lashley.

AUDIENCE MEMBER:
Gregg left.

P.O. LINDSAY:
He left, okay. Steven Romans, followed by James Duffy.

MR. ROMANS:
Good morning, Mr. Presiding Officer, Ladies and Gentlemen of the Legislature. I'm here from Plumbers Local 200 in support of Bill Number 1105. I am a fifth-year apprentice in Plumbers Local 200 and currently laid off. When I joined it, I was told apprentices stay employed throughout their apprenticeship. But with the competition of non-taxpaying contractors, our contractors can't compete, they're losing jobs hand-over-fist.

Today is my 30th birthday. I still live at home. I would like to stay on Long Island, but it's getting hard. I can't buy a house due to being laid off. I want to raise my family on Long Island. My girlfriend, who hails from Upstate is like, "Come Upstate, it's cheaper up here." I'm like, "No, I want to stay on Long Island." If not, I will be moving Upstate. I will not be able to pay taxes. And I would really hope you guys support this bill. This is very important to me. My whole family lives down here, I want to stay with them. And thank you for letting me speak. Applause.

(Applause)

P.O. LINDSAY:
Thank you, Steven. James Duffy, followed by Jim Castellane.

MR. DUFFY:
Good morning. I'm James Duffy, a Vice Chairman of the Suffolk County Conservative Party. I would like to address, not only this Legislature, but also those of who you are elected to represent, many of the audience out here. Now I'm talking about the honest small businessman who's being bled white by the underground economy, that's what I want to speak to, and also the workers who built and continue to build everything in America. These are the workers whose wages and very job security are being threatened by illegal interlopers who some would euphemistically call undocumented immigrants. Hardly. I speak to all immigrants who were invited to come here and chose to become part of our national family, as citizens who now consider themselves Americans first and foremost. I address those who served in our armed forces to protect our national home and borders, and I'm proud to say I am one. I speak to all our citizens who do not blanch or hesitate to identify themselves as patriots. And if you're none of the above, feel free to listen and learn. I'll make this short.

The American people, and indeed the people of Suffolk County, are law abiding and compassionate, but we're not fools. We know the difference between a legal and an illegal alien. Seems like those words have been muddled together quite a bit. It's a little bit like the difference between a guest and a burglar. For those of our opponents who would merge these terms, you fool no one. For those of you in the audience who are here legally and gained citizenship, but support the cause of the illegal interlopers, we have no doubt where your national allegiances lie.

(Applause)

Today, today you will hear from many elite and effete academics, ACLU types who will not lose their jobs to illegal aliens, and self-righteous clergy who pontificate a lot, but are usually totally clueless when it comes to the concerns of average Americans. And I predicted at this last Legislative session that, yes, you will hear from a litany of professional racial pot-stirrers who will not hesitate to paint us all with a broad brush of racists for not welcoming those who give us the bums rush in our national home.

By the way, if you feel my rhetoric's a little harsh, I'll be more than happy to tone it down when and if our opponents do the same.

But the Legislative session is -- this Legislative session's not about the rhetoric, it's about a specific piece of legislation that a large majority of our constituents demand that you act on, the Beedenbender Bill. Our opposition has one thing right, though, I'll admit it. They say it's unenforceable. Therefore, we, the Suffolk County Conservative Party and the voters we represent, plus the many that share our beliefs on this issue, will again support this bill, provided that you immediately follow through with a strong enforcement mechanism, E-Verify.

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

MR. DUFFY:
In conclusion, anything else would perpetrate a fraud on our citizens and will be duly brought to the attention of your constituents. Thank you. And, please, do the right thing.

(Applause)

P.O. LINDSAY:
Jim Castellane, followed by Steven Laskoe. Hi, Jim.

MR. CASTELLANE:
Good morning. Again, my name is Jim Castellane. I represent the Nassau-Suffolk Building and Construction Trades. I've been before this fine Legislature many times about this particular bill that Brian put forward. I'm here again to say the same thing that I said the last 23 times. This is not a racist issue. This is about protecting workers that are being exploited in my industry. I would -- I'm not going to go through the whole thing again. Everybody knows what we're faced with out there. I have contractors that cannot compete with people that undercutting my wages by a good 60, sometimes 70%, and that's what's taking place on your bigger and larger jobs on Long Island.

So I'm here to commend Brian for stepping forward with this bill. I know that in your hearts you understand. It turned into a circus, we all know that, and I'm sorry for that, and I don't know how this quite happened. But, on behalf of the Building Council, we support it and we hope that it don't get tabled. We hope it gets voted on and we could put an end to this. And if there are amendments that need to be done in the future, we will help, we will try to make it better. And I thank you for this time, but, please, take into consideration all of the times that we've been here and the points that we have raised many times. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Mr. Castellane. Steven Laskoe, followed by Kevin Harvey.

MR. LASKOE:
Still morning. Good morning. I want to thank you for the opportunity to speak in support of Resolution 1436. My name is Steven Laskoe. I'm the Co-Chair of the South Brookhaven Health Advisory Council, and I'm speaking as also a member of the public today. I attended a meeting yesterday, it's a public hearing with Commissioner Chaudhry of the Department of Health, and, as

such, I had the opportunity to hear what you're hearing today, which was a very impassioned and sincere and honest presentation as to the needs of the citizens of this County for the preservation of the Foley Nursing Home.

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

I come from an environment which is very similar to theirs which is working for 40 years in the health and human service field. And one of the things I've noticed is in those 40 years I've watched the system change from a system that's based on caring to one that's based on the bottom line. And the bottom line has not helped the caring and it has not helped the bottom line. We see a system in total and complete demise. It's time to call a halt to that and I think that you have decided in putting forth this proposition to say we want to have a more reasoned response to a very unreasonable proposition on the part of the County Executive. Mr. Levy is not --

Applause

Thank you. Mr. Levy is not a health and human service professional. Neither are you, that's why you're asking for professional help in evaluating this. He's underestimating the complexity of the situation he's approaching. He's asking for a very draconian solution. He's saying that $12 million is worth the lives of these people and that's not true. The lives of these people are very important.

Applause

I've watched loyalties within institutions completely disappear; I don't see that with the John J. Foley Nursing Home. I see a very high percentage of long-time employees with a lot of dedication to what they do. They are not here talking about their job specifically, they're talking about the care that they provide to people in need and that's what we should be considering. What level of care do we want to have for the County residents of Suffolk? I mean, I think that's what we have to do in maintaining this facility.

Some recommendations would be to understand clearly that this facility is unique, that it is not following the pattern of other facilities. It is also the dumping ground. Other facilities cherry pick and what's left is being sent -- is being treated at the Foley Facility.

Applause

That includes clients with AIDS and other intractable diseases. Also mental health issues that are not going to be taken, you've heard that very clear, are not going to be taken by other facilities. So what are we going to do with those people? It's not a clear decision. You can't destroy, even something that is not very effective as a pier for a ship to come to you, you can't destroy that because the ship will have no place to come to. Let's fix this thing before it goes under.

You identify in your resolution an operating deficit. It's very important, and I think you're proposing this deficit to identify what the cause is. Why is this occurring? What are the things that we can do to change that?

You propose a committee. I would ask that you also include in that membership representatives of the facility as well as representatives of the public. This should not be another star chamber decision making process which is what you see with the County Executive. I ask you to continue to impose reason on an unreasonable situation. Take a stand for what is right. Thank you.

Applause

P.O. LINDSAY:

Thank you, Mr. Laskoe. Kevin Harvey followed by Ray Griffin.

MR. HARVEY:
Good morning, Members of the Legislature. My name is Kevin Harvey, I represent Local 25 of the IBEW. I proudly represent about 2,500 working men and women in our County, both in Nassau and Suffolk.

You know, I've been sitting here for the last hour listening to all the spinmeisters put, you know, their spin on exactly what's happening, and I almost sometimes wish it was the no-spin zone. But the reality of this bill, just looking at it, it simply says, "A Local Law to promote fair business practices by strengthening the requirements for occupational licenses."

You know, our employers that are signatory to our collective bargaining agreement have requisites; those requisites are that they fill out the election forms of the local unions, that they have people fill out W-2 forms, that they pay compensation insurance, that they pay New York State Unemployment Insurance and that they have their employees fill out I-9 forms. Those are the requirements. Now, on the other side of the fence, for unscrupulous contractors, they don't have to do any of those.

I've said this before and I'll say it again, this is an American worker issue; plain and simple. Does it touch other areas? Yes, it does. But the bill has been blown out of proportion. We need this to protect working families in Suffolk County. I know it's a difficult bill. It's a -- it's a sore in some people's eyes, but the reality is is that this bill is made to protect the working members, men and women of this County. I know it's a difficult decision, I would hope that the spin is put off to the side and that the members of the Legislature vote on the bill strictly for its intended merits. Thank you very much.

Applause

P.O. LINDSAY:
Thank you, Kevin. Ray Griffin followed by Thomas Dean.

MR. GRIFFIN:
Good morning, Presiding Officer Lindsay and Members of the Legislature. I thank you for allowing me to address you. My name is Ray Griffin, I'm the President of the Suffolk County Detective Association and I'm here not to request any new Detectives, nor will I refuse any. I am here today to support a bill sponsored by Legislator Eddington. It is proposition 1129 known as the bill requiring the crime prevention requirements of scrap metal processors.
The purpose of this bill would require processors to obtain identity and other information from the sellers of scrap metal to be placed in the Article Tracking System of the Suffolk County Police Department. This would include not only identification of the person selling, but where applicable, such as metal statues or things that can be identified, actual images of that would be in the system. Detectives would have now the ability from their squads to enter through their own computer terminals into the tracking system to monitor the sellers of the scrap metal. And the purpose of this would be to allow them to look to see if they can find people who are actually dealing in stolen scrap metal and possibly those involved in the crimes related to stolen scrap metal such as burglaries.

You know, since the price of the scrap metal has gone up, burglaries have spiked in the County, and this would be a great help to our Detectives. It would prevent them -- the need for them to go out to every single processor to look through their books. This they could do from their precinct terminals, start monitoring, tracking, discussing what they see with other Detectives throughout the County. It is a -- it is with this -- I would say that all the Detectives I have spoken to all feel that this is a great aid, something they really would desire. And I would -- I, along with the Detectives of the County, urge you to pass Resolution 1129. I thank you for your time.

Applause

P.O. LINDSAY:
Thank you, Ray, for coming down and sitting through everything to give us your comments and take on that bill. Thomas Dean followed by Ana Ilena Poppe.

MR. DEAN:
Good morning. Thank you for letting me speak again. This is the third time I've been before you, each time I've asked you to come out to visit John J. Foley. Don't be afraid. You might see the things that I see and other people see and you'd understand what goes on out there.

That it's a -- this is a state-of-the-art facility, it's totally under utilized. If you came and saw it, you'd understand. The management is ineffective, they're out of touch. There's waste going on there that's -- at all levels. And if you're going to do a study, please have us included because we'd like to help. Thank you.

Applause

P.O. LINDSAY:
Thank you, Tom. Ana; you're coming, Ana? And followed by Ina Alson.

MS. POPPE:
Ladies and gentlemen, good morning. My name is Ana Poppe, I'm representing a radio station, a Spanish radio station in Suffolk County. I'm here like a journalist to bring the voice for my audience, for the people who are having opinions in the radio station about the 1105.

Audio Recording Played From Spanish Radio Show
This is Amanda from Centereach, she says it seems these laws are only intensifying the racist reputation that Suffolk County already has.

Audio Recording Played From Spanish Radio Show

This is Rosa, for whoever doesn't understand Spanish. She says she can't be here, she has to work. She has to feed her kids, it's so hard to be an illegal immigrant.

I have a lot of recordings, but of course we don't have time. But all the concerns for the people in the radio station and they want to let you know. It's -- somebody says, "I hope God don't punish Long Island with a hurricane like Katrina," because when we have devastation or destruction, if that happens, you can be sure illegal workers, they will be rebuilding the cities like they did in New Orleans. Some people they're asking for recognition to immigrants and somebody say, "Thank God George Washington is not living in Suffolk County, he doesn't come with a visa."

Well, that is their opinions of the audience. Some people they say they speak with a lot of both sides, but I guess they didn't speak with a lot of audience they call to the radio station and the doors are open for whoever wants to go to the radio station and wants to have a debate with respect and democracy. Thank you very much.

Applause

P.O. LINDSAY:
You're welcome? Ina Alston followed by -- I know I'll mess this one up -- Milan Bhatt or Hatt? Go ahead, you're on.

MS. ALSTON:
Okay. Thank you for hearing me today. My name is Ina Alson, I've been a dedicated employee for 13 years. I am a single parent who provides everything for my family. I started this job with the thought that it would be here til I retired. I had benefits and a steady income. To close the facility would affect not only the residents but the workers, which we all are family. Please vote for the

resolution to solve the problem. Thank you.

Applause

P.O. LINDSAY:
Thank you, Ina. I need Legislators to the horseshoe, please. Sir, you're going to have to wait a minute until I get a quorum.

(*Legislators Montano, Schneiderman & Losquadro entered the auditorium*)

Okay, you're on. Go ahead.

MR. BHATT:
Good morning and thank you for your attention. My name is Milan Bhatt and I'm the Workers Rights Advocacy Coordinator at the New York Immigration Coalition. The NYIC is a Statewide umbrella advocacy and policy organization which has members from community-based organizations, labor, policy, attorneys, etcetera, altogether about 200 organizations around New York State and we promote justice and opportunity for immigrants and refugees.

I do want to make one quick point, before the remarks that I'm going to read here, as far as the legality and the claim earlier made that we're a bunch of academics and elitists. So I want to say that I'm not an elitist, but I am an attorney and although I'm not going to address the legal arguments today, I want to be clear that these types of schemes that are being considered today in various versions are not lawful and have been challenged aggressively around the country.

UNKNOWN AUDIENCE MEMBER:
And lost,

MR. BHATT:
That's not the case. I'm appearing before you today to testify in strong opposition to IR 1105. IR 1105 would cripple the local economy by putting an estimated 16,000 local contractors out of business and devastate the lives of tens of thousands of Suffolk County workers and families.

While the proponents of IR 1105 claim that the purpose of the bill is to level the playing field for businesses in Suffolk County, the real intent here, it's clear to us, is to penalize hard-working immigrants for political gain. If Suffolk County passes IR 1105 today, it will act in the worst possible interests of all its residents. It will only fan the flames and misunderstanding and hostility towards local immigrant communities and set the wrong example for other municipalities, not just in New York State but across this country.

The passage of IR 1105 will have the gravest consequences for immigrant workers who are the backbone of our economy, and most likely to be victimized by the wage in our violation -- by wage in our violations and hazardous working conditions. As I have testified in the past, we believe that if Suffolk County were truly serious about improving working conditions, it would take steps to increase worker protections, not to further marginalize workers.

The State Department of Labor -- who couldn't be here today, unfortunately, but is supportive -- has already started to do this by hiring more labor investigators, conducting workplace sweeps and ensuring that immigrants are able to seek redress when unscrupulous employers fail to pay them according to the law. These are the footsteps in which Suffolk County should follow.

Our work every day as a leading advocate for immigrant communities reminds us just how integral immigrants are to this country's prosperity. They make indispensable contributions to all sectors of this nation's workforce and our economic growth, to our religious communities and schools, to our neighborhoods and to many of us as members of our own family. We need our immigrants in our --

we need immigrants in our community if we want to retain a vibrant economy. Instead of promoting legislation that scapegoats and discriminates against hard-working immigrants, we should develop and support policies for realistic, just and comprehensive solutions to fix our nation's broken immigration system.

On behalf of the Immigration Coalition's 200 plus organizations around the State, I urge you, in strongest possible terms, to vote no on IR 1105. Thank you for your attention.

Applause

P.O. LINDSAY:
Melissa Sostrin followed by Jessie Rock. Melissa? Oh, there you are, okay.

MS. SOSTRIN:
Hi. I'm the Assistant Director of American Jewish Committee of the Long Island Chapter and also a Suffolk resident.

Before I address IR 1105, I want to speak to the gentleman who questioned the patriotism of those who are against this bill and I want to ask him about lowering the spin and the rhetoric --

P.O. LINDSAY:
You're here to give testimony, not to ask questions.

MS. SOSTRIN:
Oh. Okay, so I'd just like to testify that the second highest number of those killed fighting in Iraq, their nationality is Mexican. I think the tears of one mother are the same as any other.

Applause

At a recent committee meeting, a Legislator mentioned his college studies of Sociology and aculturation (sic) before asking one of the speakers how long he had been in this country. I didn't study sociology so I can't speak to the social science behind that question, but I did study Economics, Micro and Macro. So I think it's important to mention the study commissioned by the Oklahoma Bankers Institute which estimates that Oklahoma's law requiring employers to check immigration status with the E-Verification mentioned by a previous speaker is estimated that it will cost the State of Oklahoma $1.8 billion in economic losses. Furthermore, the U.S. Chamber of Commerce has filed a Federal lawsuit challenging the status of this bill as interfering with Federal Immigration Law.

And I studied History, so I want to mention the recent past in places like Riverside, New Jersey, which passed a similar ordinance and one year later rescinded it because of devastating economic consequences to that small town where businesses, family-owned that have been there for generations, closed up.

And I want to mention the Amicus Brief that my organization has filed against a Hazleton, Pennsylvania Ordinance which has struck down and is now in the Third Circuit Court of Appeals which upholds the decision striking down ordinances just like this one, requiring employers to document immigrants. And I studied accounting, too. My father said take something practical, so -- I took Computing Fortran, that wasn't so good. But paying lawyers $700 an hour to get restraining orders removed from bad bills is bad business. Paying lawyers $700 an hour to defend legislation, the likes of which have been overturned in other municipalities, is a poor use of taxpayers money. The State of Israel, which celebrated its 60th Birthday last week, the size of New Jersey, in 60 years has taken in over three million immigrants with far fewer resources. The job is not your job --

UNKNOWN AUDIENCE MEMBER:
They're Jews.

MS. SOSTRIN:
Excuse me? Excuse me?

UNKNOWN AUDIENCE MEMBER:
Point of order.

P.O. LINDSAY:
No, there is no point of order. There's no point of order. You have to be quiet, Madam, otherwise you'll be asked to leave the auditorium.

MS. SOSTRIN:
I'm sorry, but he just made a comment about the fact that they're Jews; what does that mean?

MS. ORTIZ:
He's speaking out of turn.

P.O. LINDSAY:
Who?

MS. SOSTRIN:
This gentleman right here, when I said the State of Israel, he said, "They're Jews."

P.O. LINDSAY:
I would ask you to leave the auditorium.

Applause

MS. SOSTRIN:
My point was a national Federal policy in Israel with political will behind it to take care of immigration issues can be done. It is not a local job and it has been proven in other municipalities that this is not a local job.

Finally, I did not go out for the football team, which may shock you, but -- so I don't know what the hand gestures in a previous hearing meant when one Legislator signaled to another who then coincidentally immediately rescinded his vote. So I ask the members to think for themselves --

P.O. LINDSAY:
Could you wrap up, Ms. Sostrin? You're out of time.

MS. SOSTRIN:
-- to vote for themselves. Psalm 19, which the Good Father mentioned this morning, says, "The way of truth have I chosen. It's not spin, it's not rhetoric, it's truths and facts across the country." Thank you very much.

Applause

P.O. LINDSAY:
Jessie Rock, Domenico Romero, followed by Domenico Romero.

MS. ROCK:
Good morning, or good afternoon.

LEG. ALDEN:

No, it's good morning still.

MS. ROCK:
My name is Jessie Rock and I'm a Suffolk County resident. I'm speaking to you today not only on behalf of the Long Island Immigrant Alliance, but also as a concerned member of the business community, to urge you to table IR 1105.

My family owns two businesses on Long Island that employ about 75 people. We understand the reasoning for certain regulations to keep industry sound, but in the same respect redundant and unnecessary legislation is inefficient and only impedes the ability to do business. This is especially true in the case of 1105 since immigration regulation falls under Federal, not County, guidelines.

Admittedly, the Federal Government has not yet come up with a policy response to address the reality of the immigration situation, but it is not up to Suffolk County to bridge that gap. Doing so will create a County policy that is unenforceable, unfairly burdens employers with Federal responsibility and will lead to discrimination against Latino and other nonwhite workers who contribute over $4.4 billion annually to the Long Island economy. Again, please vote no to 1105. Thank you.

Applause

P.O. LINDSAY:
Domenico Romero followed by Joyce McAllister.

MR. ROMERO:
Thank you very much. Good afternoon. My name is Domenico Romero, I'm the Director of the Long Island Civic Participation Project. We work with unions and community organizations to protect rights of all the workers and also to improve their communities. What we do is try to build bridges with all workers, all communities, for the improvement of their life conditions. And what we have realized is that when people are able to focus on the actual issues that affect them, housing, wages, the economy, and instead of theoretical issues or outside issues, they should be able to come together and work together for a better life. And that is what Suffolk County and the Suffolk County Legislature should do at this point.

I agree with the people who have said that this has turned into a circus. I know the reason why this has turned into a circus, because there are things that are ingrained in our society that go beyond what we can do here. When Legislator Lindsay used to ask people, Hispanic people, about their papers at the committee, the Protections Committee hearings, he wouldn't ask for papers to people who didn't look Latino. That is something that seems offensive, especially if you have your papers. But it still -- that happens everywhere. Somebody else --

LEG. BARRAGA:
Mr. Speaker, point of order. With all due respect, you have three minutes, make your statement based on the merits of the bill. The comment you just made about the Presiding Officer, that's not true. It was not true. I happened to be in the committee where certain comments were made, but it wasn't the Presiding Officer. Just stick to the merits of the bill, your opinion for or against and do your three minutes, okay? That's usually the rules in the public portion.

LEG. LINDSAY:
Okay. Continue on with your testimony.

MR. ROMERO:
Thank you. The reason why I'm bringing this out is because somebody else to the area mentioned that when somebody comes asking for a job, if they look Hispanic or Latino, then you would have to use E-Verify; he didn't say for any worker you would have to use E-Verify. Those are the kinds of things that probably -- when you see other bills you don't see racist language, you don't see

discriminatory language but, you know, that the way this would be enforced is going to create an incentive for employers not to hire people or to make it more difficult to hire people who seem Latino, Hispanic. And that is the reason why this bill, besides being unnecessary, is going to create all the problems that other people have already mentioned.

So for this reason I ask you to table IR 1105 and instead focus on bills that may look at the relevant part of protecting workers rights, providing minimum wage, respecting workers compensation and all the other things that are actually going to help all workers and going to stop the circus that we don't need anymore. Thank you very much.

Applause

P.O. LINDSAY:
Joyce McAllister followed by -- Kevin Harvey, you already spoke. Followed by Pete Lanteri. Joyce?

MS. McALLISTER:
Good morning to everybody. Good morning, Legislature. I'm Joyce McAllister from Holbrook. I'm here to support the Legislature (sic) that Mr. Lindsay has put forth.

We appreciate very much at John J. Foley your looking into our recent management, managerial problems. After reading about Holly Patterson it gave me great hope. If they can turn it around, I know we can turn it around. They actually made money their last quarter, between 300 to $700,000 at varying points. We do need an independent committee. Nothing -- nobody bias, an independent committee looking into our building. Our building only cost 26 million to build. Holly Patterson is getting a new one for $100 million. I think we can certainly do something with our building.

I'm going to take a different point because most of my colleagues have covered the other points. What if a major hurricane hit Long Island; where would all the people on the south shore go? We have a wonderful building in Suffolk County. What would happen if they needed to evacuate? We're a surge center; I don't know if everybody knows that. If there was, God forbid, a dirty bomb in New York City or if there was a birth epidemic and they needed to be evacuated, we have our building. Why get rid of it? Why throw the baby out with the bath water? We've got it all going on.

We're very beneficial to Long Island. John J. Foley has very highly skilled, dedicated nurses. I myself have worked the last two weekends, I also was called in on Mother's Day. I didn't go and I stayed home with a heavy heart; I felt bad, but that's part of my job and we're always there. We appreciate you looking into making dramatic changes at John J. Foley.

In closing, I always think about this all the time. You cannot transplant a flower out of season, you cannot transplant our patients. They don't transplant well and they won't do well. Our staff is incredible, our families at the building are special, our residents priceless. Thank you.

Applause

P.O. LINDSAY:
Thank you, Joyce. Pete Lanteri followed by Carol Hart.

MR. LANTERI:
Good afternoon. I'm with the Long Island Coalition for Immigration Control and Enforcement, I'm here to support bill 1105. A speaker, I think his name was Patrick Young, asked for evidence that this bill would work. I copied this evidence right off of U.S. Department of Labor's statistics for Oklahoma. Last year Oklahoma passed the toughest anti-illegal immigration laws in the nation, they went into effect January 1st.

December of 2007, the unemployment rate in Oklahoma was 4.1%. In just a short two months, that dropped to 3.1% and that's the biggest -- well, while the U.S. unemployment rate is slightly

increasing, Oklahoma saw a 1% drop in just a period of two months due to the fact that a lot of illegals were leaving the state. They have not seen a 3.1 unemployment rate since February of 2001. So these stats don't lie. These are not from a one-sided organization, these are straight off the U.S. Department of Labor Statistics. I'll leave these with the Legislator.

And again, as far as this being a Federal issue, the Federal Government isn't going to do anything, it's too explosive for them. It doesn't matter if it's an election year or not an election year. They don't have the backbone and the American citizens are fed up with it. More local and State governments are taking it upon themselves because they have to. And it was Bill Clinton, in the Immigration Act of 1996, who passed a law that local and State can take care of immigration, as long as it doesn't really interfere with Federal. And most of these laws that are getting challenged are being thrown out. You're not going to win every one; no side wins everything they want. But as far as what we're seeing, to protect overall -- to protect the American worker, these laws work. And it doesn't matter if that work is union or non-union. I'm a licensed electrical contractor on Long Island and I support this bill. So if you put America first, if you put the interests of yourself first it's not going to do anything, but if you put the interest of the country first and we all ban together, then we could have an impact. Thank you.

Applause

P.O. LINDSAY:
Thank you, Mr. Lanteri. Carol Hart followed by Debra Allonus (sic).

MS. HART:
Good afternoon. Now I'm Acting Executive Director of the Suffolk County Vanderbilt Museum, one of the premier tourism draws of Suffolk County. I'm talking about Capital Project 7441 which is a critical appropriation for the continuation of the preservation of the museum's facades.

This appropriation is the second half of the first phase of the facade project which is the restoration of the Bell Tower and it's necessary before the DPW can go to bid and proceed with Bell Tower restoration. It's important to the preservation of our mansion, it also impacts our educational programs, our income producing activities like site youths for photo shoots, weddings and most importantly it is a safety issue. Currently the Bell Tower is netted, we have platforms underneath and we'd like to move forward. Thank you.

P.O. LINDSAY:
Okay. Debra Allonus (sic) followed by Minerva Perez.

MS. ALLONCIUS:
Good morning, Chairman Lindsay and members of the Legislature. I wish to thank you for the opportunity to speak and speak on behalf of Cheryl Alloncius and the -- Cheryl Alloncius, she'd like that. Cheryl Felice and the Association of Municipal Employees.

We would like to thank you, Mr. Lindsay and Mr. Kennedy, for supporting this bill. We have come before you and asked you to do a good management study as well as a forensic and fiscal audit of the facility. We feel we can turn it around. There are so many things that come into play and we do appreciate all of the time that you Legislators have dedicated to the people who have come to you to explain their side, to beseech you to find a way to keep this nursing home open.

We all know the numbers that Mr. Levy touted are very high. You take that ten million, you'd take right off the top three and a half million for the bond, another half of million for DPW. I think when you start bringing those numbers down and you start seeing the amount of money, the million dollars we're losing every year, the six or seven -- between six and ten million that you're losing because we have not been efficient in pursuing the money that is owed to the County, the

applications for Medicaid that have been approved that are directing you to get a certain amount of money, there's so much that we're losing there.

I thank you for the time that you've given everybody. And I couldn't be more proud of my membership. I have been doing political action for years now for AME and I stand before you a very proud person because these people are doing a wonderful job. They are efficient --

Applause

-- and they're respectful and that is the only thing that we have asked of them. Thank you.

Applause

P.O. LINDSAY:
Thank you, Debra. Minerva Perez followed by Grace Heymann. Minerva? Is Minerva in the audience; no? Is Grace Heymann in the audience? Come forward, Grace. Followed by Frank Nitto.

MS. HEYMANN:
Good morning. My name is Grace Heymann and I'm the Chair of the New York Immigration Coalition, a Statewide coalition of over 200 member agencies across the state. I'm also the Director of the Westchester Hispanic Coalition in Westchester County.

I'm here today because in the past few years we've been watching and reading about Suffolk County and the different conversations that have taken place here over time regarding the immigration debate. What you are about to do today as elected officials is to bend the path of seeking rational solutions to a complex and multifaceted problem. You're not leading the way, you're pandering to anti-immigrant sentiment and punishing vulnerable people in the process.

I want you to know that sadly, beyond your borders, Suffolk County is known as a place of hatred and intolerance. I was at a meeting of the Heads of Not-For-Profit Agencies ranging from health care, social services, and we were discussing an incident in which an immigrant was treated harshly. And the Chair of the organization said, "In Westchester, we don't want to follow the path of Suffolk County, we don't want to be like them."

So I'm here to tell you that the rest of the State is watching. And as the Chair of the New York Immigration Coalition, we remember your vote today. I hope do you the right thing. Find solution, stop creating divisive and hateful legislation that only panders to the lowest instincts in people. You can change the tone of the conversation with your vote today. Thank you.

Applause

P.O. LINDSAY:
Frank Nitto followed by Kevin Casey.

MR. NITTO:
Members of the Suffolk County Legislature, my name is Frank Nitto, I reside at 318 Tree Road in Centereach. I'm a member of Local 28 on Business Representative. We cover the jurisdiction of Nassau and Suffolk County as well as the five boroughs, and I just want to mention that my local is 40% minority. Our leadership is represented by minorities, we have an African-American as Vice-President and several Latinos on our Executive Board.

This issue I believe is pretty cut and dry. I've heard some issues from the audience before against this bill and one of the issues was about we won't be able to get people to pick tomatoes. Right now I don't believe you need a license to pick tomatoes. That isn't what this bill is all about; this bill is about creating a level playing field. As a union representative, that's what this bill is all about, is trying to create a level playing field. This bill is not about immigration, it's about working families on Long Island. It's very difficult for anybody to raise a family or do anything on Long Island without a

decent wage. And I believe that if you see in your heart to do the right thing and do what your constituents voted you in for is to vote yes on this 1105. Thank you.

Applause

P.O. LINDSAY:
Thank you, Frank. Kevin Casey followed by Michael O'Neill.

MR. CASEY:
Good morning, Members of the Leg. My name is Kevin Casey, I'm a Business Agent with the Electricians Local 25 and I'm in support of the Brian Beedenbender bill, 1105.

This bill has been painted as an anti-immigrant, anti-Latino bill; it is not that. It's in your bill right here, it says, "Do not discriminate against any employee, applicant for employment with respect to recruiting, hiring or discharge of such employee or applicant of employment because of race, creed, color, national origin, sex, age, gender, disability, sexual orientation, military status or marital status, or in the case of a citizen or national of the United States or an alien who is lawfully admitted for permanent or temporary residence, or a refugee or an individual who is granted asylum." It's right there, it's black and white, this is not an anti-immigrant, anti-Latino bill. Thank you very much. Vote yes.

Applause

P.O. LINDSAY:
I've got Michael O'Neill and the next one I'm having trouble with, it looks like Ralph, it starts with a T, Tilia?

UNKNOWN AUDIENCE MEMBER:
It's Ruth.

P.O. LINDSAY:
Huh?

LEG. ROMAINE:
Ruth.

LEG. LINDSAY:
It's Ruth? Oh, I'm sorry about that. Go ahead, Michael.

MR. O'NEILL:
First of all, I would like to say I hope the Legislature will support the Foley Nursing Home and not sell it for a one-time fix, which like 1105 seems to be another vehicle for the overweening mission of our County Executive.

In 1851 in San Francisco, the Irish were the largest majority, roughly 30% of the operation -- of the population. The Irish were deeply hated and resented because they were not only bruts, uncivilized people given over to violence, gangs, crime and drunkenness, they were also a direct threat to the American working man, undermining wages by their cheap labor. That resentment was fueled by the then-rising American Patriot Party known today as the Know-Nothing Party which would go on to take over the Sacramento Legislature holding the majority. That year, 1851, five Roman Catholic Irishmen were lynched. Hundreds, if not thousands, of Irishmen were assaulted, maimed or forced to leave; it was not known how many of the Irish found dead were murdered.

In 1855, 29 Roman Catholic Irishmen were lynched in mob violence in the city. By 1860 the population of San Francisco had tripled from 1851 but was still led numerically by the dreaded

distasteful Irish invaders which they were termed. By 1880, San Francisco had tripled again but the Irish had taken control of City Hall and were a major force in California politics. Most all the progressive labor leaders and organizers were Irish. The Irish were at the forefront of the movement to lobby the U.S. Senate to pass a law to expel all Chinamen, brut, uncivilized, a vermin who should not be allowed to enter the U.S., they said. They lobbied Congress to expel all Chinamen because they were a threat to the American working man. In 1882, Congress passed the first Immigration Restrictionist Law, the Chinese Exclusion Act championed by the California Legislature.

I want to give part of a speech given by the very dedicated labor advocate Dennis {Kierney} who ironically was born the same year in Ireland the year five Irishmen were lynched in San Francisco. It was printed in the Indianapolis Times in 1878, it is called Our Misery and Despair. I won't be able to read it all because I don't have the time, but, "Here in San Francisco, the palace of the millionaire looms up above the hobble of the" --

P.O. LINDSAY:
Michael, you're right, you won't have time to read it. Your time is up.

MR. O'NEILL:
Okay. I hope all of you vote your conscience and understand, this is very similar to all the know-nothing laws that are claimed to be against the working man but are essentially anti-immigrant and nativist. Thank you.

Applause

P.O. LINDSAY:
We have Ruth and then I understand Minerva Perez has come back into the room, so she's on deck.

MS. TRUJILLO:
Good morning. It's Ruth Trujillo and I come to you this morning as a social work student from Stony Brook. I'm an immigrant myself from El Salvador and a member of the County that you represent, and I'm asking you to oppose IR 1105.

As a social worker, I do believe that our code of ethics that's called for for us to champion social justice and also to be the voice of the voiceless. And I want to share a personal story, my father was an undocumented worker and as a family we struggled not only to stay together in this country but also to make ends meet. There were a few times when as a last resort my father worked as a day laborer. And I know that there are a lot of risks associated with this type of work and I know that workers are exploited, both American workers who are native-born and also immigrant workers. At the same time, I know that all middle class and poor families are having a hard time here on Long Island. According to Long Island Cares, there are an estimated 259,000 Long Islanders who are going hungry and we also know that amidst the affluence in this County, we also have a growing homeless population. So there are a lot of contradictions. And I think that as Legislators you face many challenges, but we hope that you can tackle our problem through its root and help to heal our communities, not divide them.

Immigration worldwide has doubled over the past 25 years. This is a worldwide phenomena that we are seeing the effects of at a local level, so I ask you what is the role of local government? And I think the wise thing to do is to be a mediator, to be a facilitator to help bring our communities together and not divide them.

I've been -- I can tell you from the community level, you see many things that transpire, based on the actions of you here in the Legislature, because you set the tone for the County. And I'm talking about people being called names, people being -- people get bottles thrown at them, children who are harassed, who harass Hispanics who are coming into shopping centers; is this the kind of County that we want to live in? Are these the values that you want to hand out to your children? I think

that we can definitely do better than that. And I ask you to also look at the important role that we immigrants play in the County, whether documented or undocumented. I think it would be safe to say that you go to any restaurant, you go to any place here in the County and who's working the kitchen? Who's working -- who's working all these jobs? Let's not be hypocritical. And I thank you so much for your time.

Applause

P.O. LINDSAY:
Thank you. Minerva Perez followed by Mario Mattera.

MS. PEREZ:
Thank you for allowing me to come back, I appreciate it. Good afternoon, Ladies and Gentlemen of this Legislature. My name is Minerva Perez, I'm here to voice my concern regarding IR 1105. I'm an east end resident and a member of OLA. OLA is a non-profit organization dedicated to education and cultural awareness within the Latino community on the east end of Long Island.

The field of medicine is governed by a simple oath, promising at the very least to do no harm. Though governing a body politic and offer a number of difficult choices, I venture to say that at the heart of each and every one of those choices is one concern; does my decision do more good than harm? Perhaps there should be a political hypocratic oath. After all, you are serving the public. Your constituency has put its faith in your hands trusting that as leaders you will create legislation that exists for the good of the community.

As leaders, it is your difficult job to assess potential dangers and negative consequences of proposed legislation. It is your job to lead and not simply to follow the path of least resistance. IR 1105 was borne of the contention that the Levy Law of 2006 didn't go far enough. The sponsors of this resolution have taken an existing law and added an element favored by our least effective and least admired politicians.

Fear. By upping the penalty ante and adding the impossible requirement of immigration verification, IR 1105 succeeds in offering the most divisive, most economically paralyzing piece of legislation imaginable. People of questionable character will be hired above people whose nationalities can be questioned. Will each small business owner be granted 24/7 access to Federal INS agents and document specialists? Will someone's livelihood rest on the accuracy of a website? As fear is the intended motivator behind the success of this legislation, I ask you, men and women of this Legislature, where does the fear go? Does it stay locked in the heart of the laborer unfairly kept from working? Does it simmer quietly in the gut of the contractor cutting her business for fear of losing her license? Or does it change shape and become intolerance, violence, persecution?

I brought Angelina here today. She's eleven years old. Protecting children from hatred and intolerance is one of the most important responsibilities we have as parents and adults; still, I chose to bring her. It was not an easy choice, as I would like for her to believe we are judged solely by the content of our character. I brought her because the school environment is where you can catch some of this fear and intolerance playing itself out every day. If I can't be with her in the gym or the cafeteria or the hallways to protect her from hearing racial and ethnic slander that is trickled down from parent to child, then I will be with her here to show her how it can be addressed. This eleven year old knows that any legislation that further divides this community does not serve this community. This eleven year old knows that if fear is your primary means of governance, you're lost. This eleven year old knows that you can't judge a book by its cover. The collateral damage that will result from passing this legislation --

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

MS. PEREZ:

I'm right now done -- should be enough of a reason to vote it down. Ask yourselves if this legislation does more good than harm, then think of the legacy of your vote long and hard before you decide. Thank you.

Applause

P.O. LINDSAY:
Mario Mattera followed by Kathy Malloy.

MR. MATTERA:
Good afternoon, Mr. Chairman and Legislators. I want to thank you very much for giving me this opportunity to speak on this very, very important bill, 1105. My name is Mario Mattera, I'm the Business Agent, Plumbers Local Union 200, I represent approximately 1,200 members and 86 contractors. Eighty percent of my membership lives in Suffolk County. And I just want to say I love Suffolk County and I want to stay here with my family and grow my family here also.

My local union is a very diversified local. I get very, very upset when I hear people bring in the Latino -- this is not about Latinos. The last hundred of our organization and our union have been 50 of the Latino background, and all I can say is I'm very proud of them, I represent them like I would represent somebody if they were purple. I don't care if you're white, you're black or anything. I'm going to say it again, this is called green greed. It's the contractor that is doing this. Every time I look at News 12 or read in the paper, how come the contractor is not here coming forward? "Oh, I don't want to give my name. I don't want to give my name." Where are you? I'm here, I'm giving my name, Mario Mattera. We pay -- listen to me. Everybody has to pay bills here, everybody has to pay taxes; if you don't you go to jail.

This bill is not a race issue, it's the contractor exploiting the worker, not paying Unemployment Insurance, not paying Workmen's Comp, not paying Social Security. What it's doing, it's just hurting the whole system. Enforcement, we need to do enforcement here on a local level. We cannot do it with the IRS, we cannot do it with the State, we cannot do it with ICE, we don't -- they just will not help us. We need to do it on a local level. Ninety-four percent of Nassau and Suffolk residents, taxpayers and voters approve of this bill.

The prevailing wage, this is the prevailing wage of the Workmen's Comp problem. We -- eight years ago, 18%, we did 18% of prevailing wage work. Today, with the enforcement with Spota's Office with everything like that, like this bill that would handle this bill, we do 99.5%; 99.5 in eight years. We cleaned this up, this way people could live here, spend the money here locally, like I do and like everybody in this room does, we need to keep the money here. I wish I didn't have to pay taxes, but we have to.
My contractors are supplementing the cheating contractor. The opposition says that in other words it's going to cost more for you to do your bathroom? I'm going to tell you something, a plumber comes in the house he has a certain rate. What happens is he's not paying his worker, he's exploiting the worker and what he's doing, he's shoving it in his pocket. I have 86% of my employees that, guess what, they live very, very well, but at least his employees are living halfway decent too. Gas is over $4 a gallon. Remember, by the end of the year they say $200 a barrel, that's going to be almost $6 and change a gallon people are going to be paying. How are we going to afford to live here on Long Island?

You know, I'm very upset about something else. It's amazing how people could spend just -- how people could spend other people's money with taxpayer's money. Mr. Montano, this is directly towards you.

P.O. LINDSAY:
Mario, you're out of time and no direct at any Legislator, okay?

MR. MATTERA:

Okay. Well, maybe in person we will, we'll have a nice little talk.

P.O. LINDSAY:
But you're out of time.

LEG. MONTANO:
I'll be happy to speak with you outside.

P.O. LINDSAY:
No, no, no.

MR. MATTERA:
Oh, I would love it.

P.O. LINDSAY:
No, no, stop that. Stop, you're done.

MR. MATTERA:
Okay. All I would like to just say --

P.O. LINDSAY:
You're done.

MR. MATTERA:
Okay. I would just like to say thank you very much for the opportunity and please, we need 1105 to pass. Brian, I commend you and all the other Legislators. Thank you very much.

Applause

P.O. LINDSAY:
Kathy Malloy and Serge Martinez.

MS. MALLOY:
Good afternoon. My names is Kathleen Malloy, I am the AME Executive Board Secretary. I'm also the union rep who represents all of the John J. Foley workers.

At this point I'd like to thank Presiding Officer Lindsay and Legislator Kennedy for their Resolution No. 1436. However, I am not here just for John J. Foley today, I'm here more of a personal nature.

My mother-in-law is a resident of John J. Foley and I've been here before talking about her. I've talked about the issues, it's a great home, it's local, daily visits, my husband, his brother, she's very happy. There's a new issue; it's the New York State 50 mile rule which affects all who receive Medicaid. My mother-in-law receives Medicaid, and I did a little study at John J. Foley, so do close to 90% of the residents there. Yesterday I attended a Department of Health Public Hearing; Commissioner Chaudhry did confirm this.

If you relocate them, remember when County Executive said, you relocate them, he didn't tell you they must be within 50 miles from the resident's address upon the initial placement.. and any hard-to-place residents are allowed to go up to a hundred miles. My mother-in-law is from Bay Shore, it could be Nassau, Queens, Westchester, Staten Island, Upstate. County Executive Levy did not tell Newsday about this important little loophole when he told the media, "We'll never make them homeless. The County will house, rehouse all the residents," but where?

My mother-in-law turns 80 this year. She has shown symptoms and she's on medication for Alzheimer's. She is very settled in this new home, the daily visits because it's local. Sometimes as a taxpayer good things happen to us. Having such a great facility for my mother-in-law is a good

thing for our family. Between my brother-in-law and my husband, she has a visitor every single day. And whenever I'm there -- and I'm there a lot, several times a month -- she sees me. If she has to go through another relocation and it's 50 miles away, she will die; I'm just letting everyone know, she will die. She is frail and she would never tolerate being alone and moving far away. And may I also point out that most dementia patients and Alzheimer's, they couldn't handle barely moving a room let alone a facility. Please, pass Resolution 1436, it is a beginning. Thank you.

Applause

P.O. LINDSAY:
Thank you. Okay, Serge Martinez followed by Mary Finnin.

MR. MARTINEZ:
Good morning. I'm Serge Martinez from Hofstra Law School, Community Economic Development Clinic. I'm here to talk about IR 1105.

One of the stated purposes of IR 1105 is to make businesses play by the rules. I trust the irony is not lost on those of you who are aware of what's going on here, the Legislature racing to ignore its own rules in its haste to get to bill 1105. If this bill is allowed to proceed today in, you know, defiance of Legislative procedures, it will be sending a message to the people of Suffolk County, the workers of Suffolk County, the contractors of Suffolk County. You have to play by the rules, you have to obey the law, unless, of course, it's inconvenient, unless it gets in the way of what you want to do.

This Legislature needs to set an example and make sure that it's following its own rules. How much does this little frolic cost? I don't know, a lot. How many hundreds of dollars per hour are being paid to lawyers to try to uphold its right to break its own rules? I don't know, a lot. How much more? Who knows, but it's too much. And as a simple, free solution to this, do not vote on this yet. Play by the rules and follow proper procedure. What will happen if this passes? I don't know. The only Court that's actually addressed this question said Suffolk County clearly did not follow its own rules. The other Court said, "Well, let's wait and see what happens. Maybe we won't even have to talk about this."

But the resources, the time, the effort that's going to go into this is just not worth it. I beg you to follow your own rules and make sure that you're setting the examples that this County needs.

As for the bill itself, you've heard me talk before about how this is an unsettled question throughout the country. Every one of these laws that gets passed gets challenged, goes to court, costs more and more money. This is years and years away from being settled. In the meantime, the Legislature has lots to do, better ways to spend that money and much, much better ways to spend its time. Thank you.

Applause

P.O. LINDSAY:
Mary Finnin followed by Mike DePauli.

MS. FINNIN:
Good morning. Thank you, Members of the Legislature, for this opportunity. I'm here today to speak about the reduction in nursing staffing in Suffolk County, and this is an additional wrinkle I just learned about. The Q nurses, part-time nurses who have worked 10, 20 years for the County, have just been issued an order by the Deputy Commissioner of Health that they can no longer work more than 35 hours over a bi-weekly period and they must take 70 hours off free, you know, unpaid time before the end of the year.

Now, the Q nurses are part-time nurses who work for the County, they're County employees. I was

one of the nurses 21 years ago that came to this Legislature to get some legislation passed so that we would have a regular paycheck, our Social Security taken out, that we would also have pay that was comparable to the other salaries paid in the County. Health insurance was a big issue. We actually came -- we were willing to even pay for part of our insurance to get into the system. The Legislature passed a bill and that created, effective January, 1988, what was called Q-status, we had Q Nurses, we had about 40 of them. They remain now about 15. They are reducing their hours, this is going to affect their health insurance, their pension, their salary. We're here today talked about protecting the American worker. These are licensed professionals, they're citizens, they pay taxes, they're long-time employees of Suffolk County and many of the positions that are listed are funded by grants, like you have an HR 1368 and HR 1414. You're going to pass those bills today, but you better check to see that the money that you're getting is going into health care services and not exploited like they're trying to do with the tobacco money. This kind of activity by the County Exec's appointee is very demoralizing. We've got a big enough problem trying to staff, but I think they're trying to drive the staff out so they can say, "We can't recruit nurses." You know what, they pay them far below the prevailing wage in this area. They stay working for the County because they care about the public. You heard whether it's in the John J. Foley Nursing Home, our drug treatment, our jails, our clinics, the nurses and the other staff are committed to the public health of the people of this County.

Please, direct an order to the Deputy Commissioner of Health who is not a health professional to rescind that action of April 23rd. Thank you very much.

Applause

P.O. LINDSAY:
I know I called Michael DePauli's name, but we're out of time, it's time -- I need a motion to --

LEG. ALDEN:
I'm going to make a motion to continue the --

MR. DePAULI:
Excuse me, Presiding Officer? I'm Mike DePauli, it will only take a minute to talk about it. I'm a Vietnam Vet, I just want to --

P.O. LINDSAY:
All right, just hold up for a minute.

LEG. ALDEN:
I'll make a motion to --

P.O. LINDSAY:
Extend the public portion. I've got two cards left. You want to listen to the cards?

LEG. ALDEN:
Good, for ten minutes.

P.O. LINDSAY:
Okay. So I have a motion to extend the public portion.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
And a second. All in favor? Opposed? Abstentions? Go ahead, Michael.

MR. DePAULI:

Thank you. I'm Mike DePauli, a Suffolk County resident and a Vietnam Veteran. I'm here just to talk about --

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

MR. DePAULI:
-- the provisions of this labor notification law, and just to ask the Legislature right now to look in the room and find out how many Mayors, how many Town Supervisors are here, elected representatives to talk about this proposed bill. And also, where are members of Congress and where is our U.S. Federal representative who's running for President? Where are the comprehensive immigration laws that should be on the books so we shouldn't have to be going through this process. There are loopholes in every law that comes by, especially in this particular one, and I ask you to look at those loopholes.

In New York State, it's an employment-at-will opportunity. We have independent contractors, I can go ahead and subcontract and avoid a lot of these loopholes. And also, look at your own backyards. Every Legislator here has certain services that are provided in their own neighborhoods; food, clothing, shelter, gas stations, landscaping, churches, synagogues, you name it. Look in your own backyards to find out how many of those individuals that are working that are here illegally. And look at the fallouts, too, for all those people that are here that are honest individuals that want to work that are breaking down our doors. Just think if they were terrorists. These individuals are leaving behind children and families that are all now citizens. There's an additional enhancement or burden.

So as a veteran, I ask that you -- ask? Demand and jump up and down to have the higher echelon of government here, namely our Federal representatives and to declare and take responsibility for a comprehensive immigration bill. Thank you.

Applause

P.O. LINDSAY:
Thank you. And the last speaker is Dennis Adrian.

MR. ADRIAN:
Good morning. I'm a Business Agent for Local 138, that's the heavy equipment operators on Long Island, and I'm here to speak in regards to Balactica (sic) Pharmaceutical and asking to table with them getting $6 million in tax credits. We had a meeting with them last Friday, but today to my knowledge, still none of the trades have any plans, you know, building plans to bid on the project. So if we could get it tabled until we can get some plans. Thank you.

P.O. LINDSAY:
Okay, thank you. That concludes our cards. We'll recess until 2:30. I'll take a motion to close the public portion.

LEG. ALDEN:
Motion to close.

LEG. LOSQUADRO:
Motion.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion to close by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not present: Legislators Viloria-Fisher & Cooper**).**

P.O. LINDSAY:
We stand recessed till 2:30.

(*The meeting was recessed at 12:34 P.M.*)

(*The meeting was reconvened at 2:35 P.M.*)

P.O. LINDSAY:
Okay. You want to call the roll, Mr. Clerk?

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Yes, here.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Present.

LEG. VILORIA-FISHER:
Present.

LEG. LOSQUADRO:
(Not present).

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not present).

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Here.

LEG. HORSLEY:
(Not present).

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

P.O. LINDSAY:
Here.

LEG. MONTANO:
Montano.

MR. LAUBE:
Fourteen (Not Present: Legislators Losquadro, Kennedy & Cooper**).**

P.O. LINDSAY:
Okay, we'll start the Public Hearings. I remind everybody that they have five minutes to speak on the Public Hearings.

The first up is ***Public Hearing IR 1054-08, a Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers (Eddington).*** I don't have any cards on 1054. Is there anyone in the audience that would like to speak on 1054? Seeing none, Legislator Eddington?

LEG. EDDINGTON:
Motion to recess.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Losquadro & Cooper).

P.O. LINDSAY:
Public Hearing IR 1174-08, approving rates established for Davis Park Ferry Co, assigned to Public Works. I don't have any cards on 1174. Is there anyone in the audience who would like to speak on 1174? I don't see anybody from Budget Review. I'm going to skip over that until I get someone from Budget Review to tell me whether we can close this hearing or not.

Public Hearing IR 1272-08 a Local Law to protect children from accidental poisoning by requiring the proper storage of toxic chemicals in retail stores (Schneiderman). I don't have any cards on 1272. Is there anyone in the audience that would like to address us on 1272? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion to recess.

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

LEG. BEEDENBENDER:
Mr. Chairman?

P.O. LINDSAY:
Yes.

LEG. BEEDENBENDER:
1174 is in Public Works and we're not ready to move on that yet. So we have to recess that at this point.

P.O. LINDSAY:
Okay, so make a motion to recess.

MR. LAUBE:
Let me call the -- 12 on that last vote (RECORDED VOTE ON PH 1272-08 is 13/0/0/4 Not Present: Legislators Losquadro, Alden, Kennedy & Cooper).

LEG. EDDINGTON:
I will make a motion to recess.

P.O. LINDSAY:
All right. And going back to 1174, Legislator Eddington makes a motion to recess, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:
Twelve (RECORDED VOTE ON PH 1174-08 is 13/0/0/4 Not Present: Legislators Losquadro, Alden, Kennedy & Cooper).

P.O. LINDSAY:
Public Hearing IR 1315-08, a Charter Law to make the County's leasing process open-competitive and accountable (Beedenbender). I don't have any cards on 1315. Is there anyone in the audience that would like to address us on 1315? Seeing none, Legislator Beedenbender, what is your --

LEG. BEEDENBENDER:
Motion to recess.

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

MR. LAUBE:
Twelve (RECORDED VOTE ON PH 1315-08 is 13/0/0/4 Not Present: Legislators Losquadro, Alden, Kennedy & Cooper).

P.O. LINDSAY:
Public Hearing IR 1343-08, a Charter Law to change the Legislative term of office (Cooper). I have no cards on this subject.

LEG. STERN:
Motion to recess.

LEG. NOWICK:
Why?

P.O. LINDSAY:
Anybody in the audience that would like to speak on this subject? Seeing none, did I hear a motion

to recess?

LEG. STERN:
(Shook head yes).

P.O. LINDSAY:
Motion to recess by Legislator Stern.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Thirteen (Not Present: Legislators Losquadro, Alden, Kennedy & Cooper).

P.O. LINDSAY:
Public Hearing IR 1357-08, a Local Law to protect the County's historic and culturally significant properties (Viloria-Fisher). I don't have any cards on 1357. Is there anyone in the audience who would like to address us on 1357? Seeing none, Legislator Viloria-Fisher, what's your --

LEG. VILORIA-FISHER:
Motion to close.

P.O. LINDSAY:
Motion to close.

LEG. ROMAINE:
Second.

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

MR. LAUBE:
Thirteen (RECORDED VOTE ON PH 1357-08 is 12/0/0/5 Not Present: Legislators Schneiderman, Losquadro, Alden, Kennedy & Cooper).

P.O. LINDSAY:
Public Hearing IR 1358-08, a Local Law to reduce the emission of pollutants from the County's diesel-fueled motor vehicles (Cooper).
I don't have any cards on 1358. Anybody in the audience like to speak on 1358? Seeing none --

LEG. STERN:
Motion to recess.

P.O. LINDSAY:
Motion to recess by Legislator Stern. Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

Public Hearing IR 1364-08 --

MR. LAUBE:
Thirteen -- Fourteen.

P.O. LINDSAY:
I'm sorry. ***Public Hearing IR 1364-08, a Local Law to promote fair business practices (Cooper),*** and I have a few cards on this. First up is Paul J. Forthmuller.

MR. LAUBE:
That was 13 on that last vote (Not Present: Legislators Losquadro, Alden, Kennedy & Cooper).

P.O. LINDSAY:
You have five minutes, Paul.

MR. FORTHMULLER:
Good afternoon, Legislators.

P.O. LINDSAY:
The mike isn't on. Would someone please turn it on for him?

MR. FORTHMULLER:
My name is Paul Forthmuller from Hampton Bays representing Suffolk County Coalition for Legal Immigration/No Amnesty.

I was able to look at a draft of Legislator Cooper's bill, and at first it didn't have everything that I see in it now in its final format and it does appear to cover private businesses. At first it looked as if it was only covering the public aspect of contracts from the County to people doing work for the County. But it appears now that it is also covering private; I haven't gone over it, except for maybe one minute so far, the new copy. But from what I see here, this is also putting in an E-Verify System which is very good.

Along with Legislator Beedenbender's bill, which I hope gets passed today, this would be a further aspect of making this for more sound business practices in the County, so that not only will private under Brian Beedenbender's bill, but also the public aspects will be protected to make sure that people who should be working here are the only ones that are working here and that they have the proper documentation to enable and establish this to be done. So I'm actually for both of these bills. I thank you very much.

P.O. LINDSAY:
Thank you, Mr. Forthmuller. Next is Elaine Kahl. Is Elaine Kahl in the audience?

MS. KAHL:
Good afternoon. Elaine Kahl, Suffolk County Coalition for Legal Immigration/No Amnesty. Well, in review of the latest, the first one that we go with is Brian Beedenbender, but I would like it coupled with Cooper's bill. I believe that Brian's bill covers certain aspects, I feel that Cooper has given it more teeth by the employee verify. I believe that Brian Bender (sic) should get his bill in, they should sit down and talk and maybe we can get Suffolk County to be -- all of our people that hire people lawfully will do it well, they will pay into the system and I think that people will feel not so hesitant when they privately hire these private contractors. So I hope that you -- you probably are all very tired, you're worn, but please apply the rule of law, what's best for the community, what's best for the people. Under no circumstances will I discuss illegal immigration on this issue. This is called work ethics. Nothing else are we talking about here are worth work ethics in the rule of law. I thank you very much. I'm hoping that we will have this voted on today. Thank you.

Applause

P.O. LINDSAY:
Thank you. Okay, I don't have any other cards on 1364. If anybody else wants to speak, please come forward.

MR. STRAUSS:
Hi. My name is Alex Strauss, a Suffolk County resident. And this law is all right, but I still think that 1105 is a better law. And the reason why I'm saying that, if we can pick only the laws that we want to adhere to, as the Federal Government is doing now, we have a law on the books that says if you're here illegally you cannot work; we have that now, it's not being enforced. So what you're saying is that it's a law but it's really not a law. Well, in Suffolk County we can set parameters on people to get licenses and it will be a law. It has nothing to do with whether a person is black, green, orange or purple.

When I went to work, every contractor I went to I had to fill out an I-9 Form. Now, I don't look Spanish, I don't sound like Spanish, I don't sound like an immigrant, but I have to fill out an I-9 Form.
Are they discriminating against me because I have to fill out an I-9 Form? That's part of doing business. If we put that into the bill that a licensed contractor would have to do that, would have to prove its people are here legally, it's good. Why shouldn't everybody have to live up to the same law?

Again, like I say, if the government doesn't want to -- the Federal Government doesn't want to enforce their own laws, maybe we can help them out by putting a law in that's on the County level -- it's not the Federal level, it's the County level -- to say that people that are working here -- and it's really not really the person that's going to work that's being taken to task, it's the contractor. And believe me, there's not a contractor out there in the world that really cares whether a guy is green, orange, purple or brown. If the guy works cheaper and doesn't complain and just goes to work, they don't care if you killed his mother yesterday, if he can make a buck, that's what they're going to do. And I think 1105 is a better bill. Thank you.

P.O. LINDSAY:
Okay. Is there anybody else that wants to speak on 1364? Please come forward, sir, and identify yourself.

MR. BHATT:
Hi. My name is Milan Bhatt, I'm with the New York Immigration Coalition. I spoke this morning about the other bill. I simply want to raise very serious concerns that advocates have around the country. I mentioned some other states that are dealing with the issue of E-Verify because that seems to me a new provision that's being considered at this point. Without talking to the rest of the Cooper bill or, you know, any of the other provisions, I just want to raise those concerns, specifically the fact that these databases that are relied upon for the E-Verify System are extremely flawed and that, in fact, in 70% of the instances where there are flaws and inconsistencies, it's US citizens that are impacted.

So I would just urge this body to be very, very careful, and for others here who are thinking about this issue and this provision to be very careful before adopting it, because it's extremely problematic and there are lawsuits around the country challenging it. And again, like the other schemes that we discussed this morning, this is one where, you know, there is active litigation. And it's pretty clear from our position that it's preempted by IRCA, the 1986 Immigration Reform & Control Act. Thank you.

LEG. VILORIA-FISHER:
Bill, can I ask a question.

LEG. BEEDENBENDER:
Can I just -- Vivian, do you mind if you suffer?

P.O. LINDSAY:

Okay. Legislator Viloria-Fisher has a question of you, sir.

LEG. VILORIA-FISHER:
Actually, I'll yield to Legislator Beedenbender.

LEG. BEEDENBENDER:
Mr. Chairman, I just think there might be confusion about what the bill we're discussing is. I don't believe the bill that Legislator -- that IR -- I don't believe IR 1363 has the provision. So I was just going to ask Counsel to clarify --

P.O. LINDSAY:
Sixty-four.

LEG. BEEDENBENDER:
What 1364 is, the public hearing we're having, just so everybody in the audience has an understanding of that bill. Because I don't think -- with all due respect, sir, I don't think that's the bill -- there's another bill that's dealing with what you're discussing. So I just want everybody to understand what we're talking about here.

MR. BHATT:
Okay. And just to clarify, my comments are simply very pointedly addressed to that provision, whichever bill might incorporate it.

LEG. BEEDENBENDER:
Right. Well, it's just important that everybody knows what it is that's in what we're talking about, so.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Okay. Counsel, did you respond to that; is there anything about E-Verification? I thought that there had been amendments.

MR. NOLAN:
Not to this Local Law. I understand there's been a resolution laid on the table that deals somewhat with the E-Verify. But this Local Law has not been amended to incorporate any E-Verification requirements.

LEG. VILORIA-FISHER:
Okay, then I'll hold my question because it doesn't pertain to what's before us.

P.O. LINDSAY:
Okay, thank you. Is there anyone else that wants to talk on 1364? Seeing none, Legislator Cooper?

LEG. COOPER:
Motion to close.

P.O. LINDSAY:
Motion to close.

LEG. ROMAINE:
Second.

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

MR. LAUBE:
Thirteen (RECORDED VOTE ON PH 1364-08 is 12/0/0/5 Not Present: Legislators Losquadro, Montano, Alden, Kennedy & D'Amaro).

P.O. LINDSAY:
Public Hearing IR 1411-08, a Local Law amending the Suffolk County Empire Zone Boundaries to include Mini-Graphics, Inc. (County Executive). 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, I'll make a motion to close. Do I have a second?

LEG. ROMAINE:
Second.

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

MR. LAUBE:
Fourteen (Not Present: Legislators Losquadro, Alden & Kennedy).

P.O. LINDSAY:
Okay, it stands closed.

Next up is ***Public Hearing IR 1437-08, a Local Law establishing crime prevention requirements for scrap metal processors, vehicle dismantlers and junk dealers (Stern),*** and I have a few cards on this subject. First up is Dave Rush.

MR. RUSH:
Hi. I'm Dave Rush from Arrow Scrap Corporation. I'll just try to keep it brief because we keep touching on the same issues.

The legislation that's in place to require us to take identification from people that sell us scrap metal, it's a great idea. It does help law enforcement find people who sold us a particular thing. Someone can come in and say, "Where did this come from," and if it's something that's easily identifiable, we can put a picture to it, and it's great. And if everybody did it there'd be no need to go further and impose other legislation on us.

You know, the legislation that's proposed to do tag and hold or to do data-entry every time that there's a purchase of scrap metal is going to be extremely costly and burdensome to those of us that comply with it and it's not going to mean anything to those that don't. It's not going to help law enforcement and it's going to create a burden for our industry. We feel that the legislation to impose fines on those that don't already conform with the existing legislation is far more pragmatic and less problematic than -- you know, that's what we prefer to see and I'm going to wrap it up. Thank you.

P.O. LINDSAY:
Thank you, Mr. Rush. Next speaker is Amalia DeMatteo.

MS. DeMATTEO:
Good afternoon, Ladies and Gentlemen. My name is Amalia DeMatteo from DeMatteo Salvage Company, better known as DeMatteo Salvage Company. We have been in the Town of Babylon for over 60 years and recyclers since the year 1924, so that's almost, you know, over 84 years. We realize you have a job to do about the screams about metal theft, but please understand where we're coming from. Recyclers play a tremendous part in sustaining our natural resources; reusing instead of inundating our landfills, saving incredible energy costs, etcetera. You all know the recycling lessons, but do you know the struggle we've had in 85 years, or all recyclers? It's a

cyclical market, it goes up and down. We withstand the hard times along with the good times; the goods times we have to save the money for when the bad times come. It's not like garbage companies that whenever there's an increase in energy costs or fuel or whatever, they just raise their customers, we can't do that. But yet we're a service to the community, to the nation.

As a matter of fact, I work six days a week, I personally work 56 hours a week at the age of 71. So we're the good guys. No matter what stigma is placed on the waste or scrap dealers, we're the good guys. We're licensed by the DEC, by the individual towns in Nassau and Suffolk County, each one with separate licenses and fees for the same trucks that we own. We comply with all the regulations placed upon us. Now can we afford to withstand the passing of the Eddington bill? Probably not. We need continued and stronger mandates on those businesses that crop up out of nowhere, with no licenses, with no C of O's, with no compliances with Town Code of Ordinances, with not even a sign on their building.

Just this week -- well, not this week but this past week -- we reported businesses to Suffolk County Police who had no idea that the businesses were in existence. We placed complaints with the towns, etcetera. Only upon our complaints was attention brought to these businesses. Who is overseeing them? Might not they be the culprits in this scrap metal theft? Who's looking over them? Why aren't the towns working with Suffolk County Police when a new scrap dealer applies for a license? And if he doesn't have the license, which these companies do not, instead of summonsing them with fines that they have to be in existence another two months before they go to court, to maybe be put with a slight fee for a fine. All of this leads to these two bills. Let's all work together to get the bad guys out of the business before putting those restraints on the good guys who you all know, who have been your recyclers through the ages.

For that reason, I support the Stern bill; hopefully you do, too. And just to prove what I was saying, photos of the business that were in my little talk here are here for your witnesses to see the streets with metal all over the streets, which is against the law in the town. But more against the law is that they're not even licensed. Who's looking out for them; does anybody know? I want to know because I'm tired of being the good guy and getting fees placed upon us, following the rules and regulations when I'm not playing on a level playing field. And my business has gone down tremendously, but I support competition wholeheartedly, but not when the bad guys are in there making the bucks and we're struggling to survive. Thank you.

Applause

P.O. LINDSAY:
Thank you very much. Philip Fava.

MR. FAVA:
Good afternoon, Mr. Chairman, Members. My name is Philip Fava, my company is PK Metals located in Coram. I'm a member of ISRI which is the Institute of Scrap Recycling Industries, an association that's located in Washington which represents roughly 1,600 member companies nationwide. I have been the past President of the New York Chapter.

I'm here on behalf of myself and the scrap industry to support Resolution 1437 relating to scrap metal regulation. On behalf of my colleagues, I want to thank many of the members who afforded us the time to explain the challenges and the workings of our industry. We do welcome legislation that mutually satisfies both regulators and industry and the like. We also support legislation on a regional basis. We are confident that Resolution 1437 will accomplish many goals for both the regulators and the industry by -- firstly, it will bring the whole industry into compliance, it will create a level playing field for the whole industry which will keep competition in check. It will aid law enforcement in gathering more information and evidence by the increased number of businesses being regulated which is roughly over a hundred. And lastly, it will result in more arrests or prevent criminals from selling illegal scrap in Suffolk County.

We feel that it's our responsibility as an industry to continue to educate the community so we are forming the Long Island Scrap Metal Industry Advisory Group. We welcome law enforcement, elected officials, government agencies, utilities and businesses, owners who are affected by metal theft. At this task force that we're putting together, you know, things that we'll discuss would be items such as the reporting that ISRI has, it's an alert system where if there is a business owner that has something stolen from their premises they can call ISRI that same day or the next day and an alert comes out to the dealers. And this way we can be, you know, expecting, be more alert of something coming to us and other things that we can talk about. But I think it's important that together we embrace the situation, that's the only way it's going to work, it's not just a one-sided thing. So if we get all these people involved together, I think we can do this.

In closing, I thank you for your time and consideration of Resolution 1437. Should you have any questions, please feel free to contact me at my office. Thank you.

P.O. LINDSAY:
Kevin Gershowitz.

MR. GERSHOWITZ:
Good afternoon. Thank you. My name is Kevin Gershowitz and I'm with Gershow Recycling Corps.

Members of the Legislature, thank you for taking the time to listen to our industry on this important issue affecting not only law enforcement but our businesses and the role they have in our local economy and environmental conservation.

As you have heard from us in the past, we are opposed to Resolution No. 1129. Our companies understand that something has to be done to send a strong message to stop criminals from stripping churches and homes of coppers and other commodities. However, we ask you not to legislate by photo op or media events. The companies standing before you today already followed the recently enacted State Law that only went into effect on January 14th. With it only five months old, it has not been uniformly enforced nor given adequate time to measure its effectiveness. Our industry regularly cooperates with law enforcement. We are not opposed to further regulation, however 1129 will not accomplish any of its intended goals of preventing crime, nor deter the sale and recovery of stolen goods. Instead, 1129 will cost industry more than $7 million to comply with. It will upset the flow of the interstate recycling process and will create an extremely harsh burden, undue harsh burden to local businesses with no benefit. 1129 attempts to fit a square peg into a round hole.

We ask you to consider alternatives such as giving the Police real punitive tools to have an effect. We as an industry support increased fines. We support uniform enforcement, we support giving prosecutors more tools, we support the closing of loopholes to give the State legislation real teeth.

The last time I was here I advised this body that there was additional State legislation that had passed the Assembly and was delivered to the Senate. As of now, those tracking the Statewide legislation believe it will pass the Senate shortly. This legislation will create the New York State Metal Theft Task Force that will advise and recommend regulation that would be applied on a Statewide basis. And as you already heard, my colleague advised you that we're forming a Long Island Metal Theft/Scrap Metal Theft Task Force which we invite all of you to participate in.

With all of this, while we are opposed to 1129 while there is Statewide legislation close to passing, we want to express to you our support for the proposed alternative, Resolution No. 1437. 14 37 is not a watered down compromise. It's our position that 1437 is stronger, it's more effective and its extremely punitive. The hammer and the tools you'll be giving to Police would be tremendous. I ask all of you, please, ask yourself, when has an industry come before this body and said to you, "We want more regulation. We want more uniform recordkeeping requirements. We want to have extremely stiff fines and penalties placed upon us for non-compliance"? 1437 accomplishes all of this without, and I stress without, an undo burden upon local businesses nor an undo burden to the taxpayer.

Our region is clearly in a recession. Our industry is one of the last remaining manufacturing industries on Long Island. We consider ourselves vital to the environment and to conservation efforts. We ask all of you to work with our industry and not against it. This is not about industry trying to block legislation, as has been reported in the media. This is about an industry that wants to help to solve a problem by participating in a good, tough law; that law is 1437. Thank you.

P.O. LINDSAY:
Thank you, Mr. Gershowitz. John Zaher.

MR. ZAHER:
Members of the Legislature, the scrap metal industry recently wrote to you in support of 1437. As Mr. Gershowitz just discussed, when has an industry come before you and asked to be fined more, not less, in an effort to bring an industry into compliance? The companies that came before you today are complying with State law. If everyone complied this problem would be under control. The industry is willing to give you the tools to get the job done. The industry is serious about this problem and in our correspondence has invited you to join an industry-sponsored scrap metal advisory group. Please work with the industry, not against it. 1437 is the first step. Thank you.

P.O. LINDSAY:
Thank you, Mr. Zaher. I don't have any other cards on 1437. Is there anyone in the audience that would like to address us on 1437? Yes, please come forward. Yeah, you can give it to -- there you go. Thank you.

MS. KOERNER:
Good afternoon. I am Elizabeth Koerner, I reside in Northport Village, the Incorporated Village of Northport. And I didn't come here this afternoon, I meant to be here this morning, for this issue; however, I've had an experience in my own home which I have been residing in for 40 years just recently, totally not knowing, you know, the value of scrap metal copper.

I had an oil burner tank replaced and the lines to that, which were copper and the lines to my hot water heater and then to my oil burner were all copper and they were turning green and I pointed them out, you know, to the oil company that replaced it. But then reading upon this, I'm an avid reader, very involved in the issues surrounding my village in Huntington and here when I can, they disappeared. Now, I would suggest, if you haven't already done it, I don't know, that there be some provision for homeowners when somebody comes in and needs to replace these things. Now it's replaced with something that looks like rubber that's red, how value it is -- how valuable and, I mean, you don't give away your scrap gold or your scrap diamonds. So the homeowner can realize, or the little business owner that may not realize what's going on here. They're taking it away and how many did they replace that year and they have all this, this is gravy for them. And that's stealing right out of your home, as far as I'm concerned. So I felt compelled to say that because I was here and I had that recent experience. Thank you.

P.O. LINDSAY:
Thank you, Mrs. Koerner. I don't have any other cards on 1437. Anybody else want to speak in the audience? Seeing none, Legislator Stern?

LEG. STERN:
Motion to close.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:

Motion to close.

LEG. EDDINGTON:
Motion to recess.

P.O. LINDSAY:
Motion to recess.

LEG. LOSQUADRO:
Second on the motion to close.

P.O. LINDSAY:
Second on the motion to close. Is there a second to the recess?

LEG. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Second to the motion to recess. Recess takes --

LEG. EDDINGTON:
On the motion.

P.O. LINDSAY:
On the motion?

LEG. EDDINGTON:
Yeah, I'd like to -- two months ago we were in the same position --

LEG. LOSQUADRO:
Your mike is not on, Jack.

LEG. EDDINGTON:
Oh, I'm sorry. Two months ago we were talking about, I guess as the woman said, the Eddington scrap metal bill, and at that time there was an issue brought up by Legislator Losquadro and I'd like to read it from the minutes:

> "LEG. LOSQUADRO:
> And I'd like to hear from the Police Department. Because to my understanding, there are some difficulties with the implementation of some of the aspects of this bill, and I don't see the Police Department here."

So I would like to hear from them because they made a brief statement in my committee of nonsupport, but I'd like to have them come before us and to respond to that.

And then the other issue is from Legislator Stern:

> "LEG. STERN:
> I guess my question is if there are any differences between the proposed legislation compared with New York State legislation and that just recently passed, whether it is duplicative or is this something that we need to look at further and how it relates to New York legislation."

And I'm hearing that it's very similar and I was wondering if I could get -- I know that I had put in a $5,000 penalty based on talking to the industry and then our attorney said that we couldn't do that,

and now I see it in this one. Could you give me some information on that, George?

MR. NOLAN:
I can only really speak to the penalties section. When we were working on your bill, your scrap metal bill, I brought to your attention the fact that there is, you know, similar State legislation in effect. That because any times there is State legislation in an area and locality is coming in to legislate in the same area, there is a preemption concern. And I suggested to you that the penalties in your law should be consistent with those that are in the State law, because one thing you don't want to have is inconsistent provisions in the Local Law as opposed to the State law and that's where you really have a preemption issue. So I suggested to you making the penalties in your law consistent with the State law which we did. I believe Legislator Stern's Local Law, they're different so it's an issue.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. Through the Chair, I still feel there are implementation problems with Legislator Eddington's bill and I do not feel there are implementation problems with this bill. This is something that the industry can work with and I think it will give a real mechanism to bring other unscrupulous members of the industry into compliance. And I still feel that there are implementation problems with the other bill, so I think it's self-explanatory.

P.O. LINDSAY:
Anybody else? No? Okay. I'm going to speak on it. I think we've heard enough testimony that I'm convinced that we have a real problem in Suffolk County that's also a national problem as far as the theft of scrap metal. And I'm ready to vote for any bill that will help to strengthen the laws that we have to seek out the criminals. I voted for Legislator Eddington's bill last month and I was prepared to vote for Legislator Stern's. However, I'm a little bit concerned about the possibility that our law does not coincide with the State Statute, that's a little bit troubling to me. I guess maybe to Counsel; if we did pass this, what would be the result of it?

LEG. ALDEN:
(Inaudible).

LEG. LOSQUADRO:
It's a public hearing.

P.O. LINDSAY:
No, but it was raised at a public hearing and we have a debate going on whether to close the bill or to, you know, recess it and I think this is a question that came up and I think it serves it, you know, well that we find out what the possible consequences would be.

MR. NOLAN:
Well, assuming that this law is passed by this Legislature and signed by the County Executive then it's the law, until such time as it's challenged and found to be in violation of the law and not be effective by a court. So as ex-Counsel used to say, with ten votes of the Legislature and the signature of the County Executive you have a law.

P.O. LINDSAY:
Okay.

MR. NOLAN:
I'm just --

P.O. LINDSAY:

Well, one fine is higher than the other, is that the issue?

MR. NOLAN:
Well, I believe the Stern bill, one of the stated purposes is to have higher fines, I think that was one of the things he wanted to do with the law. You know, this was an issue I discussed with Legislator Eddington several weeks ago and my suggestion to him at the time was to keep the penalties consistent with those in the State law so we might not run afoul of a possible preemption challenge. So it's an issue, I'm not saying if it was sent to court, slam dunk we'd lose, but it was a concern to me that I raised with Legislator Eddington some time ago.

P.O. LINDSAY:
Okay.

LEG. VILORIA-FISHER:
Mr. Chair, I just have a quick question.

P.O. LINDSAY:
Legislator Viloria-Fisher?

LEG. VILORIA-FISHER:
I seconded Legislator Eddington's motion to recess because this morning we did have a member of the Suffolk County Police Department, we had a Detective who testified in support of Legislator Eddington's bill. And I would just like to have at the public hearing the Police tell us which would be a more effective tool and so I believe we should recess the public hearing until the Police come and tell us which provides them with a better tool.

P.O. LINDSAY:
Legislator Montano?

LEG. MONTANO:
Yeah, I, quite frankly, don't see the point of this debate. This bill is sponsored by Legislator Stern, I believe he wants it closed. Legislator Stern has sole discretion as to what he writes in a bill, so if he wants it -- unless he's looking to change it, I see no reason why we would not close the public hearing, let it go to committee and let the -- you know, let the process take its place and then we can come back and discuss whether or not we're going to pass it. To recess a bill, even if we don't like the bill, that we can't change ourselves because the rules provide that only the sponsor can change it, I see no point in the debate. I'd like to get on with the vote.

P.O. LINDSAY:
Legislator Alden?

LEG. ALDEN:
I'm in complete agreement with Legislator Montano. And I would just add that the last time I looked, the Police Department was -- it couldn't be construed as the public, this is actually for the public, not elected officials or department heads or people that even belong to and work for the departments to come down and testify. Once this public hearing is closed, then they have every opportunity to come down to a committee and address us and even in private, they can call us, they can e-mail us, they can write letters to us. So there's plenty of process left that the Police Department can come down and tell us if they have any problems with this. This is actually for the public, not even for us to debate the bill like we've been doing.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yeah. You know, my difficulty is the inconsistent remarks and behavior of other Legislators.

Because in the -- here, two, three weeks ago, four weeks ago Legislator Alden said, "Yes, let them come," and then Legislator Nowick said, "Yeah, just do the public hearing in two weeks." And then Alden said, "Yeah, have them come to the public hearing." So I guess what I'm --

LEG. ALDEN:
That's the public we're talking about.

LEG. EDDINGTON:
I guess what I'm -- no, that was the Police, you were talking about the Police.

LEG. ALDEN:
I didn't see the Police in there, and I read that myself.

P.O. LINDSAY:
All right, no, no, no.

LEG. EDDINGTON:
It was in response -- and I guess what I'm saying is let's just be consistent. This is the second time in a few weeks that we're like changing the rules as we go. Give me the rules and I'll play by them, but don't keep changing them when it fits your fancy.

LEG. MONTANO:
I'll enforce that.

LEG. EDDINGTON:
So, you know, I'm just -- if you read all of it, we're talking about the Police coming and we just -- and now we're saying we don't need them here. I think it's the Police that will have to enforce it, let's have them come like they did before and speak to the issue.

LEG. ALDEN:
Just in quick response.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I think, Legislator, with all due respect, next time don't take anything out of context, all right, and let's get back to the issue. Is this a public hearing for the public to come and address us or is this for department heads to come down and talk to us? I don't believe it's for department heads. We have plenty of opportunity in the committee process and other areas when we're actually going to vote on the bill, as we're going to vote on bills today. So that's the time for the Police to come down and not take up the public's time; the public deserves this time and that's who should be afforded the time. They have already used up their time or used the time that was allotted to them. So now is the time to close this and then we can get on with the debate.

P.O. LINDSAY:
Okay. We have a motion and a second to recess and a motion and a second to close. The recessing will take -- will take precedent.
All in favor of recessing this bill? Roll call.

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

LEG. EDDINGTON:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
No.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
No.

LEG. MONTANO:
No.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.
LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

P.O. LINDSAY:
No.

MR. LAUBE:
Three.

P.O. LINDSAY:
Okay, motion to close. Roll call.

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

LEG. STERN:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen (Opposed: Legislators Viloria-Fisher & Eddington).

P.O. LINDSAY:

Public Hearing on IR 1438-08, a Local Law to strengthen motorist protections from unwarranted price increases by unscrupulous wholesale motor fuel distributors and service station operators (Horsley). I don't have any cards on this issue. Is there anyone in the audience that would like to address us on this issue? Seeing none, Legislator Horsley makes a motion to close.

LEG. NOWICK:
Second.

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

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

P.O. LINDSAY:
We have Procedural Motion No. 8, Inclusion of new parcels into the existing Agricultural Districts in the Towns of Brookhaven, Huntington, Islip, Riverhead, Southampton and Southold. And I have one card, Paul Leszczynski.

MR. LESZCZYNSKI:
Good afternoon. I'm Paul Leszczynski, one of the assessors for the Town of Riverhead. Part of my duty for the town is to administer the New York State Agricultural Exemption Program. In that we have 526 parcels totaling about 14,000 acres. Obviously I'm here on behalf of myself and my colleagues and the Town of Riverhead to ask you to admit these applicants, I believe there was five hundred and sixty some that went to join Agricultural Districts in their respective towns. Just to let you know, we're all in favor of that, I hope you do so. Being a lifelong resident of Riverhead, I do believe that agriculture is keeping our open space, clean air and fine vistas and it's a tribute to the County of Suffolk and all of Long Island. As you also know, the County of Suffolk is the number one dollar producing agricultural area in the entire New York State and we're proud of it. Thank you.

P.O. LINDSAY:
Mr. Leszczynski, before you go, Legislator Alden has a question for you.

MR. LESZCZYSNKI:
Yes.

LEG. ALDEN:
If these are going into agricultural districts, are their any changes in the taxes or tax base?

MR. LESZCZYSNKI:
Not so much for the taxes, but it does affect the -- when the people that are in or out of the district, if they're committed to the agricultural program, if they're outside the district and they decide to get out they're subject to penalty and interest up to eight years. If they're inside the district, that reduces it to five, okay?

LEG. ALDEN:
Okay. Thank you.

MR. LESZCZYSNKI:
It also has a benefit -- let me add to that and answer it. It also has a benefit to the agricultural community that are in the district, they are exempt from special district taxes. So yes, in that respect there is a tax benefit.

LEG. ALDEN:
Thank you.

MR. LESZCZYSNKI:
Thank you.

P.O. LINDSAY:
Thank you very much, Mr. Leszczysnki. Legislator --

LEG. ROMAINE:
This is the other Riverhead Assessor, he just wants to say hello.

UNKNOWN SPEAKER:
Good afternoon, Gentlemen, Ladies.

LEG. ROMAINE:
And emphasize support for this program.

P.O. LINDSAY:
Do you want a photo, Ed?

(*Laughter From Audience*)

Is there anyone else in the audience that would like to address on Procedural Motion No. 8? Seeing none, I'll make a motion to close -- oh, Mr. Zwirn?
MR. ZWIRN:
I just would like -- can I have a wallet size of that picture?

P.O. LINDSAY:
Sure.

MR. ZWIRN:
And two 8 X 10 glossies.

P.O. LINDSAY:
You got it. I'll make a motion to close. Do I have a second?

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. All in favor? Opposed? Abstention?

MR. LAUBE:
Thirteen (RECORDED VOTE ON Procedural Motion No. 8-2008 is 15/0/0/2.
Not Present: Legislators Losquadro & Kennedy).

LEG. BEEDENBENDER:
Cosponsor.

LEG. ROMAINE:
Cosponsor, absolutely. Thanks, Brian.

P.O. LINDSAY:
I'm setting the date for -- that concludes our Public Hearings for today. Setting the date for the following Public Hearings of Tuesday, June 10th, 2008 at 2:30 PM in the Rose Caracappa Auditorium, Hauppauge, New York; IR 1457, a Local Law to adopt a full-course disclosure policy for land acquisition resolutions, that's the only one we have.

Moving to the agenda. First on the Consent Calendar, I'll take a motion.

LEG. LOSQUADRO:
Motion.

LEG. VILORIA-FISHER:
Motion.

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

MR. LAUBE:
Fifteen. No, 16, check that (Not Present: Legislator Kennedy).

P.O. LINDSAY:
Counsel is just explaining to me, one of -- highly unusual. One of the resolutions we just approved, 1322 which is on page four, bottom, Ways & Means, requires a Bond and I'm going to ask Counsel why something on the Consent Calendar requires a Bond.

MR. NOLAN:
Well, the correction was changing a point number on a Capital Project, so that went on the Consent Calendar. But as a result of that, there has to be a new Bonding Resolution, the old one is being rescinded pursuant to IR Resolution 1322A. So now would seem the right time to do the Bond on 1322.

P.O. LINDSAY:
Do we have 1322A before us; do we have copies of it?

MR. NOLAN:
I -- usually we do not circulate the Bond Resolutions to everyone.
I have a copy.

P.O. LINDSAY:
Okay. Does anybody have a problem with that? Seeing none, I'll accept a motion to approve 1322A, the accompanying Bond Resolution. Do I have a motion? Motion by Legislator Beedenbender. Do I have a second? I'll second it. On the question, Legislator Alden.

LEG. ALDEN:
Yeah, just to put on the record, because the record right now only contains that it's a technical correction, moving a decimal and changing a number. How much is the bond for and what's the underlying project?

MR. NOLAN:
The underlying -- the amount is $350,000, it's in connection with the reconstruction of County Road 11 Pulaski Road.

LEG. ALDEN:
Thank you.

LEG. NOWICK:
What's the town it's in?

P.O. LINDSAY:
The Town of Huntington. Okay, we have a motion and a second on the bond. Roll call.

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

LEG. BEEDENBENDER:
Yes.

P.O. LINDSAY:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.
LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Pass.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
No.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
No.

LEG. LOSQUADRO:

No.

LEG. MONTANO:
No.

MR. LAUBE:
Ten.

P.O. LINDSAY:
It fails. We better be careful.

LEG. ALDEN:
Mr. Presiding Officer?

P.O. LINDSAY:
Yes, Legislator Alden.
LEG. ALDEN:
And I just have to, with your permission, ask Budget Review. I think that there's about $7 million worth of bonding that was included in today's package that we're going to be voting on; this was not included in that, was it? So the figure would have been a little bit higher?

MS. VIZZINI:
That's correct.

LEG. ALDEN:
Okay. And then just to my fellow Legislators, that we face an impending fiscal crisis in Suffolk County. We've already approved $600 million worth of bonds for projects that haven't started yet; we haven't gone out and actually sold those bonds on Wall Street.

I would caution -- or actually, I would implore you to use caution when you're looking at legislation today, proposed legislation that would use bonds. We're digging a deeper hole. Actually, we're mortgaging the future and if you did it in your own home, we'd all be in deep trouble to have the amount of overhang that we have today. So I think we've got to go back and reprioritize, and I understand Legislator Beedenbender is doing that because he's Chairman of Public Works. But until we get a full picture and until we go through the Capital Projects and the Capital Budget that we're doing right now, I think it's incumbent upon us to go slow here. Because if we add another $7 million on top of what we added last week and last month and all the months that we've added money this year, on top of the $600 million that's out there, on top of the debt that we actually owe that costs us over $90 million a year to service, I think you're going down the wrong path.

So I would just -- I would implore all of us to use extreme caution and maybe come up on the side of tabling some of these until we actually get a clearer picture of what's going on.

LEG. LOSQUADRO:
Mr. Chairman?

P.O. LINDSAY:
Yeah, I just want to chime in and then I have the three of you down there.

I can appreciate Legislator Alden's concern about our indebtedness, but I think the place to slow it down is in the Capital Program. The Bond that we just tabled, or we just defeated, was in the Capital Program already and I guess, we'd have to ask Budget Review, but was assumed in the debt that you're referring to.

MS. VIZZINI:
No, it's not -- Legislator Alden is referring to the 584 million in authorized unissued, so it's not in

there. And for the purposes of today's meeting --

P.O. LINDSAY:
But it was -- it is in the Capital Program.

MS. VIZZINI:
Absolutely, yes.

LEG. ALDEN:
Bill?

P.O. LINDSAY:
Go ahead.

LEG. ALDEN:
Just in response to your statement, I think we're on the same page. My problem would be that some of these things from the past, I don't think we scrutinize them and actually prioritize in the right way. So there are some things that I think we absolutely have to bond for and do, but there are some things that we approve that I don't think we can afford to do and I don't think the people of Suffolk County can afford to pay the taxes to carry the indebtedness. So that's what my point would be, that even some of the things we've done this year, approved, bonds, we didn't really look at where they belonged on the whole scheme of things. Are they top priority or are they something that we can get to in a couple of years from now?

So I think, you know, we really have to shuffle it up a little bit and I have the faith in Brian that he's going to look at that and come back to us with a good report. And maybe we'll have to reprioritize a whole bunch of those issues that we looked at, but that was my whole point in this.

[THE FOLLOWING WAS TAKEN AND TRANSCRIBED.
BY LUCIA BRAATEN - COURT STENOGRAPHER]

P.O. LINDSAY:
And I don't mean to monopolize, because I know some other people want to talk, but my problem with -- is when we start a program, whether it be to rebuild a road or to renovate a building or to build a new building, we spend money to plan that project, to design that project. At different times we need additional money to complete the project. And I would rather, if we're going to kind of choke off some of our expanded debt, I'd rather do it at the beginning, at the bottleneck, before we expend any preliminary money to go forward with the program, that's all. Legislator -- I think I had Romaine, Losquadro, Beedenbender, and Schneiderman.

LEG. ROMAINE:
Yes. Legislator Alden correctly pointed out that we have approximately 600 million dollars of unauthorized debt that's hanging out there. We call it debt overhang.

Let me ask you a follow-up question and then I'll be finished. How much debt have we authorized that haven't -- has yet to be spent? Because let me just say, I'm curious about the answer, because there's a lot of people in the trades that we've authorized debt and it hasn't been spent. Those are jobs that are going begging that we could be doing good work that we've already authorized the debt for that aren't getting done, and we'd be putting people to work and maybe, maybe getting some cash flow in an economy that's gone into recession, because the best way to come out of a recession is to rebuild your infrastructure.

(Applause)

Gail, could you answer that question, with the permission of the Presiding Officer?

P.O. LINDSAY:
Go ahead.

MS. VIZZINI:
The question is what we've authorized and have not spent?

LEG. ROMAINE:
Spent. How much debt have we authorized and have not spent? This is authorized debt for Public Works, mostly Public Works projects that are sitting on the shelf that we've already authorized, but the money isn't being spent, the men aren't being hired.

MS. VIZZINI:
Yeah. The way you're phrasing the question, it's in the General Fund, is 494 million dollars in authorized, but not yet issued.

LEG. ROMAINE:
Let me just get this right. How much?

MS. VIZZINI:
Four hundred and ninety-four million in the General Fund.

LEG. ROMAINE:
So we have authorized 499 million dollars of debt, mostly for Public Works project that would put carpenters, electricians, plumbers, road pavers, engineers, laborers, etcetera, to work, and it's remaining unaccomplished. Things that we've authorized debt for, Public Works projects that could put people to work, that could really help in this recession, that we're not spending the money on. I hope every contractor is listening to that, because that makes me wonder why I'm even voting. Why am I voting to authorize any debt today if none of it's going to be spent? This is not a one-branch government, it takes two to tango, and when we have one branch saying, "We don't care what the Legislature does, we just won't spend that money," even though it's authorized, even though it could put men to work. Thank you.

(Applause)

P.O. LINDSAY:
Did you want to respond, Ms. Vizzini? Did you have anything else to say?

MS. VIZZINI:
Yes. I just want to clarify my earlier comments. In reading 1322A, which was defeated, this is a unique bond resolution in that it simultaneously rescinds $350,000 in prior authorizations while it authorizes the new $350,000. I wasn't aware of that.

P.O. LINDSAY:
So -- oh, my God. We saved a lot of money there. Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. To follow up on some of the comments by my colleagues, I sort of see this as akin to having, you know, a number of credit cards in your wallet, and when -- I think it's going to come to a point where we have this money hanging out there that we could expend. It's just like when a credit rating looks at -- credit rating company looks at you and you have potential money that you could spend. I think we have far too much out there that is unexpended already. And I really have to agree with Legislator Alden and Legislator Romaine, we need to reprioritize this. We need to look at what we have out there, why we haven't expended it. And this talking is about rescinding a $350,000 bond. There's obviously hundreds of million dollars of bonds out there. Why aren't we rescinding some of those in looking to put forward new bonds? I'm sure at the time we thought these were all very good projects, but there's half a billion dollars, more than half a billion dollars of

projects out there that have yet to be done. And I think we're going to have to reprioritize here and see what we're actually going to be looking to accomplish in the coming years. So, if that means rescinding some of these old bonds, that's what we should be doing.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Well, I understand the concern of some of my colleagues, but I think, you know, first of all, this is a road project and it's a -- this is construction money. And the questions that I would have, and I don't know if we have anybody from DPW, because I don't have the information in front of me, how much have we spent on this already? Because, if we're going to use the credit card analogy, then, you know, we've been -- we've paid half the payment for the flat screen television, but now we're just going to scrap the whole idea. So, I mean, if we're well invested in this project, we need to continue it. But moreover, in the past two or three Public Works Committee meetings, we have used this project as an offset for the future, because this is a long-term project for a dangerous road, and my colleagues from Huntington can certainly say that. So we've used the future, the third and fourth parts of this project as an offset, because we have not done the first. So now we've come off the beginning of the project.

So I'm just saying that, you know, one of the things, I think, as Public Works Chairman, that we should focus on is roads. We can have legitimate and reasonable disagreement over equipment and things like that, but this is a road, this is a safety concern. And we've set out on the path, I believe already. How far, I don't know. And if Public Works is here, we could get somebody from the Administration to ask Public Works that question, how much we've spent on this project. I think that would be helpful, but -- and I understand the need to stop -- to reprioritize, but this is a road, this is safety, and it's a construction project. So this one, in my mind, is important. And I think we also can't talk about creating jobs and the need to create work and then vote against doing the road. I don't understand that.

P.O. LINDSAY:
I see the Public Works Commissioner here. Did you have a specific question for him?

LEG. BEEDENBENDER:
Well, yeah. Gil, could you tell us -- we're talking about the reconstruction of County Road 11, Pulaski Road, and this -- we did a technical correction to a bill back from 2006. And my question, as we sit here today in 2008, how much money have we spent on Pulaski Road already, and where are we in the project?

MR. ANDERSON:
Off the top of my head, I can't tell you that. I can -- I will get that information and come back.

LEG. MONTANO:
Point of order.

LEG. BEEDENBENDER:
Point of order, if I may, Mr. Speaker, be recognized.

P.O. LINDSAY:
What's your point of order?

LEG. MONTANO:
The point of order is that we already defeated the bill, so why are we discussing something that we already defeated?

P.O. LINDSAY:

Well, this whole discussion confuses me.

LEG. MONTANO:
Unless there's a motion to reconsider, this is a moot issue. I think we should move on. We already voted.

LEG. D'AMARO:
All right. Mr. Presiding Officer, on this side here. I'll offer a motion to reconsider the last vote.

P.O. LINDSAY:
Okay. I'll -- to dignify the discussion, I'll second it.

LEG. D'AMARO:
Thank you, sir.

LEG. ROMAINE:
He can't, he didn't vote with the prevailing side.

LEG. MONTANO:
You have to be on the prevailing side. You have to be on the prevailing side to offer the motion, I believe.

LEG. ALDEN:
Yep.

LEG. D'AMARO:
Oh, that's true.

LEG. MONTANO:
Do we hear another?

P.O. LINDSAY:
Does anybody that was on the prevailing side of defeat want to make a motion to reconsider?

LEG. VILORIA-FISHER:
Mr. Chairman, may I just say something regarding the point of order? There had been a discussion that began with regards to those projects that have begun and the ongoing, as Legislator Romaine eluded to, items which have been budgeted, but the projects haven't moved forward. So I think that Legislator Beedenbender's comments were very germane to what had -- the conversation that was going on regarding the inquiry that was directed to Budget Review.

P.O. LINDSAY:
Legislator Montano's point is, though, it was after the vote.

LEG. VILORIA-FISHER:
But I think that Legislator Beedenbender --

LEG. MONTANO:
We already voted.

LEG. BEEDENBENDER:
I'll withdraw. I'll continue this discussion another time. I just ask my colleagues to realize, this is a road project, and everybody has road projects. And if this is one -- what's good for one is good for everybody.

LEG. LOSQUADRO:

Mr. Chairman.

LEG. D'AMARO:
Here-here.

LEG. MONTANO:
Mr. Presiding Officer, we're still debating the bill.

LEG. LOSQUADRO:
I'm not debating the bill.

P.O. LINDSAY:
I noted your point of order.

LEG. MONTANO:
Thank you.

P.O. LINDSAY:
Legislator Losquadro, do you want to make a motion?

LEG. LOSQUADRO:
No, it's not on this bill, it's on the same issue we were discussing.

LEG. MONTANO:
But we don't have a bill before us.

P.O. LINDSAY:
The point that Legislator Montano made is that this whole thing was screwy, in that the debate took place after the vote. Legislator Romaine made an impassioned plea about tight budgeting after he voted down the bill. I'm just so confused, I don't -- I don't know what I'm doing.

LEG. MONTANO:
You should have stopped him then. You see where we're at?

TABLED RESOLUTIONS

P.O. LINDSAY:
Okay. Let's move to Resolutions Tabled to May 13th, 2008. ***(I.R. 0011) Designating two alternating Newspapers as one of the Official Newspapers of the County of Suffolk.***

LEG. LOSQUADRO:
Motion to table. There'll be a Procedural Motion addressing this later.

P.O. LINDSAY:
Motion to table, and I'll second that. All in favor?

LEG. KENNEDY:
On the motion, Mr. Chair.

P.O. LINDSAY:
On the motion.

LEG. KENNEDY:
Right. We -- through the Chair, and I guess to my colleague. This is -- we can revisit this later on during the course of this meeting; correct?

MR. NOLAN:
Correct.

LEG. KENNEDY:
By this tabling motion?

LEG. LOSQUADRO:
There will be a Procedural Motion to address this.

MR. NOLAN:
We'll allow it to come in as a Procedural.

LEG. KENNEDY:
Fine, okay. Thank you.

P.O. LINDSAY:
1064 --

MR. LAUBE:
No. You need to call the vote.

P.O. LINDSAY:
Oh, wait, yeah. We have a motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1064 - A Charter Law to clarify the budget process and restore flexibility in the allocation of sales tax revenue. I'm going to make a motion to table.

LEG. COOPER:
Second.

LEG. SCHNEIDERMAN:
Second.

LEG. MONTANO:
Second.

P.O. LINDSAY:
Second by Legislator --

LEG. MONTANO:
Montano.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1129 - A Local Law establishing crime prevention requirements for scrap metal processors. Legislator Eddington?

LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
A motion to approve.

LEG. LOSQUADRO:
Motion to table.

P.O. LINDSAY:
Motion to table.

LEG. BEEDENBENDER:
I'll second the motion to approve.

P.O. LINDSAY:
Second the motion to approve.

LEG. SCHNEIDERMAN:
I'll second the tabling.

P.O. LINDSAY:
Second the motion to table.

LEG. EDDINGTON:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Eddington.

LEG. EDDINGTON:
Yeah. Hopefully, this will be the end. We've heard a lot of support for this resolution from the County Executive, the Suffolk County Police Commissioner, the Chief of Detectives, the President of the Detectives' Association, in conversations with the Eastern Town Chiefs of Police, the District Attorney, the media, and even the clergy. And as we've debated this over the last two weeks, $90,000 worth of copper was stolen in Riverhead. I'm asking people now to stand up, to stop the thefts, and help the police solve this crime. I'd like you not to table it. I'd like you to vote your conscience for or against, but let's stop talking and let's take action, so other people like the woman that came here is not being ripped off. Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
In regard to this bill, we could put all the fancy words on the books and ask for people to comply with the transmission of data. If we don't have the Detectives to go out and even investigate to find out who the scrap dealers are that are operating in this County, and who the scrap dealers are that operate in New Jersey and in other jurisdictions that place 1-800 ads and will send a truck out here, there's no way that this is going to work, so we're spinning our wheels. The couple of legitimate scrap operators that we already know where they are, the Detectives visit them on a regular basis, that's fine, but that's two or three. What about the other -- and we don't even really know what the number was, because the first time I asked the question, the -- I guess he was a Lieutenant, didn't know how many in this jurisdiction, how many scrap metal dealers this would even apply to. Then, when he came back the second time, then it was somewhere between 60, and I don't know what the top number was, but it was over 100. So we took something that doesn't work when you go to look at -- when your gold or your jewelry is stolen, because if somebody steals gold or jewelry, they don't

go to a scrap metal dealer or a gold and jewelry that's going to report those things, "Oh, I got a ring with Cameron Alden's name on it with a diamond in it," they're not going to report that, they're going to go to somebody that's a fence, basically, that's operating outside the law. So that didn't work. And we did hear testimony that those kind of crimes were up 100, 200%, the theft of gold, jewelry, silver, valuables out of our houses. So, if that type of law, this type of law didn't stop that, it's not going to stop the theft of copper, it's not going to stop the theft that's occurring in Suffolk County.

We need something with true teeth in it, something that -- we've heard testimony from the actual legitimate operators of the scrap metal. They think this will work, because they think it will -- the new one that was proposed by Legislator Stern, they think that will work. They think that will apply to somebody else. I'd like to put these two bills side by side, hear a little bit more testimony at our next meeting, and then let's go from there. But this absolutely will not work just by requiring more electronic transmission of data. You're going to have the same people right now that the police don't visit and don't even know that they exist. They're going to keep operating, just like they do right now.

P.O. LINDSAY:
Anybody else? Okay. We have a motion to table and a motion to approve. Roll call on the tabling first.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:
Yes to table.

LEG. SCHNEIDERMAN:
Yes to table.

LEG. ROMAINE:
Yes.

LEG. BROWNING:
No.

LEG. BEEDENBENDER:
No.

LEG. VILORIA-FISHER:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
Yes to table.

LEG. ALDEN:
Yes to table.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
No.

MR. LAUBE:
Eleven.

P.O. LINDSAY:
Okay. So the motion's tabled. ***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.***

LEG. HORSLEY:
Motion to table. Apparently, CEQ's hearing it on Thursday.

P.O. LINDSAY:
Okay. Motion to table by Legislator Horsley.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1267 - Appropriating funds in connection with the replacement of Public Works Fleet Maintenance equipment. I'll make a motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper.

LEG. ALDEN:
This is to approve?

P.O. LINDSAY:

Motion to approve.

LEG. ALDEN:
I'm going to make a motion to table.

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

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. On the question. Commissioner Anderson, could you, please, explain what this appropriation is for?

MR. ANDERSON:
This appropriation is to replace ten lifts at six different garages that the Department of Public Works operates. Right now, we're -- the ones that we have, that we have to replace, they're leaking. There are stress cracks, they're old and they need to be -- they need to be replaced.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Commissioner, thanks for coming down. On your wish list or priority list, we only have $110,000 to spend. Is this the top slot for that -- because this is $100,000, approximately $100,000, five-year bond, interest of $12,600. So is this your top priority?

MR. ANDERSON:
I wouldn't say it was my top priority, it's up there. It needs to be replaced, without question. We can't do the work without --

LEG. ALDEN:
Okay. But just be aware that if this is what you want and you get it, I'm going to fight for -- I'm going to fight against any other authorizations then, because if you're telling us this is the top thing, then okay, fine, that we should be persuaded one way or the other on that. But I will fight anything else that you came up and asked for, or anything that's in the budget.

And the other thing I want to ask is, last year, Department of Public Works, how much money went unspent out of that budget that went to a fund balance or fund surplus? So the '07 budget, the Department of Public Works didn't spend all the money that was allocated for the Department of Public Works, some of it went into the '08 fund balance. How much, approximately, was that amount of money?

LEG. LOSQUADRO:
Capital Projects, Cameron?

MR. ANDERSON:
This is a Capital Project.

LEG. ALDEN:
No. I know, I'm making a point, and the point is, you spend $100,000 and it's going to cost us 12,600 in interest. If they had money left over from the budget last year, why wasn't this stuff done by cash basis? Just because it qualifies for a bond doesn't mean we have to go out and spend in this instance over 12% more for a project just because we want to bond it and pay it off in the future. So that's a legitimate question, did we have money left in the cash budget. Even though this is a

Capital Project, and I realize the difference, did we have money that was left over unspent?

MR. ANDERSON:
I can get you that information. At this point, though, you know, I can't state strong enough, this is equipment that's needed and we need it to do the work. It was part of the approved Capital Plan, I believe, and this is, you know, why we're here.

LEG. ALDEN:
Right. But the problem is that the people of Suffolk County have to pay this, and they've got to pay all the other debt that we're running up, and they're going to have to pay for a budget hole that is coming up. And we're looking at real tough decisions. One of the decisions would be to close the Foley, John J. Foley Nursing Home. And if we're asked to close that and vote on a $100,000 lift, my heart is with the John J. Foley. Let's keep that open and eliminate whatever else we have to do to keep John Foley open.

MR. ZWIRN:
Yeah. But one is a Capital Project and one is Operating expenses.

LEG. ALDEN:
Right, and I realize that. And we all do our own budgets at the house, so what you can't afford out of your cash, you go out and maybe charge and then you pay it off as you go along. So, if you could afford to pay this out of cash and out of an Operating Budget, then it should have come out of the Operating Budget, instead of costing over 12% more over five years and adding to an overhang of capital expense that we have going forward, that's the point.

MR. ZWIRN:
Yeah, but the point is --

LEG. ALDEN:
This is pushing off what we're buying today on future generations.

MR. ZWIRN:
But you have to understand that one of the problems that we face right now is a cash shortage, and we have to -- we have had to go out and borrow money to pay off debt. Now, in Legislator Romaine's Districts in the Town of Riverhead and Town of Southold, people there are struggling so hard, they can't pay their taxes. So we have had to go out and borrow money under the Suffolk County Tax Act to pay for those jurisdictions.

LEG. ALDEN:
Ben, that's fine you make that statement.

MR. ZWIRN:
So, what you're doing -- so, if you pay this, a project that could be a capital project that helps the infrastructure and puts to work union employees who work for the County who are the mechanics who fix the trucks --

LEG. ALDEN:
Ben --

MR. ZWIRN:
If they don't have lifts, then this has to be farmed out. Otherwise, you don't have vehicles on the roads.

LEG. ALDEN:
I hope you're not going forward with an idea that leads to bankruptcy, because, guess what, if you don't pay for it today, I hope you're not saying that we don't have to pay for it just because we

bonded it.

MR. ZWIRN:
Absolutely not, no.

LEG. ALDEN:
When you don't pay for it today, you've got to pay for it tomorrow, and the next day, and the next day, and the next day.

MR. ZWIRN:
But you're saying take it out of Operating cash, and I'm explaining to you that we are already bailing out other municipalities in Suffolk County on a short-term basis, which gives us a cash flow problem. Sales tax revenue are not coming in, you know, in big numbers. We're so far a little bit ahead in large part because of our Energy Tax, but the fact is, is that we don't have the cash position to go out and spend all this on these projects.

LEG. ALDEN:
Ben, true or false? Over the past three or four years, we've racked up over 30 million dollars worth of indebted -- new indebtedness. Well, actually, it's actually carrying costs.

MR. ZWIRN:
Well --

LEG. ALDEN:
It's carrying costs for the new indebtedness.

MR. ZWIRN:
Well, a lot of that is land acquisitions, absolutely, sure. You want open space policy, you want to preserve farmland, it costs money.

LEG. ALDEN:
Exactly my point. Let's prioritize. Let's prioritize.

MR. ZWIRN:
We're just saying that you have the final word on this, but if you do not fix the lifts --

LEG. ALDEN:
Well, not me personally.

MR. ZWIRN:
Well, the Legislature, and I talk in general. The Legislature has the final word. You don't want to fix the lifts, that's fine. But if trucks don't get on the roads and cars don't get on the road, and the mechanics out there don't have work to do, and this -- and that's the end of it, I just want you to know that for every action there's some sort of reaction, and that's what could happen here.

LEG. ALDEN:
Show me something, though, that will give me an offset. Take a project that's already been approved, even five or ten years ago, that we haven't even started on. Show me a project like that. Let's put a big "X" through that. Let's cancel that indebtedness, and then we can -- and I'll feel more comfortable about doing something that you say is a top priority, because there's tons of stuff. There's, let's see, six hundred million dollars. Take your pick. Give me a couple of projects that I can just say let's put the "X" through it and then I'll feel a lot more comfortable going forward by putting Suffolk County into more indebtedness.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. My questions to this go to a couple of different places. How can we have ten lifts and six garages that have all essentially malfunctioned at the same time? Is that what's going on here, is that the statement?

MR. ANDERSON:
Okay. They are to the point of concern. They are leaking, they have stress cracks in them, they are going to fail. They haven't failed. To the best of my knowledge, they haven't failed yet, but --

LEG. KENNEDY:
The hydraulic seal, you can go ahead and just buy the rubber and replace the cylinder in the sleeve. Has anybody looked at an alternative?

MR. ANDERSON:
Yes.

LEG. KENNEDY:
You've looked at repairing them in order to extend the useful life, and there's no ability to do that over the next 36 months; yes or no?

MR. ANDERSON:
I can't honestly say that I know for certain that they've looked at it. I know that we've talked about it to do a comparison. I can certainly get that.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
Okay. Yeah, I'll yield. I'll yield.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Commissioner, I'm not going to start trying to figure out how to best maintain your lifts. That's something that we have Commissioners for. But I think, in this case, as we go through each capital project, I think the real question we need to ask is, is this mandatory or is it discretionary? If it's -- if it's nondiscretionary, we can't not maintain the County's infrastructure. If it's discretionary, sure, we can put it off, maybe until a point when our economy picks up. But to just blanket not approve any of our capital spending -- remember, also, we are also retiring debt as we go along, so we've always used capital borrowing to maintain our infrastructure. If there's stress crack issues, there's stress cracks. We can't not repair what we need to repair to keep the County going. So I'm just saying, look, I'm with you guys. If you want to -- if you want to hold off on discretionary spending, I think that makes sense. But this nondiscretionary spending, I think we have to move forward if we want to keep the County operating.

MR. ZWIRN:
Mr. Presiding Officer, if I just might ask a question.

P.O. LINDSAY:
Go ahead.

MR. ZWIRN:
There are projects in Legislator Romaine's -- County Road 58 wasn't in the Capital Budget. We're

going forward with that anyway. County Road 39, was in Legislator Schneiderman's District, wasn't in the Capital Budget, was a 10, 12 million dollar project. Are you stating now that we should not go ahead with those projects, or the projects -- we have one, I think, in Legislator Alden's. Was it County Road 17?

LEG. ALDEN:
That's not in Alden's District.

MR. ZWIRN:
Carleton, Carleton Road.

LEG. ALDEN:
That's not in my district.

MR. ZWIRN:
Well, I don't know whose District it's in, but that's another one that we could --

LEG. ALDEN:
Rick's.

MR. ZWIRN:
-- that we've just recently approved, that we -- you know, hasn't been -- hasn't been filed yet.

LEG. MONTANO:
Is that a threat?

P.O. LINDSAY:
Through the Chair.

MR. ZWIRN:
No, I'm just --

P.O. LINDSAY:
Through the Chair.

LEG. MONTANO:
Oh, all right.

P.O. LINDSAY:
Through the Chair.

LEG. MONTANO:
Because it sounds like a threat to me.

MR. ZWIRN:
It's sounds like a question.

P.O. LINDSAY:
Through the Chair.

MR. ZWIRN:
It's a question I'm asking.

P.O. LINDSAY:
Okay.

MR. ZWIRN:
You're asking for -- you're asking --

P.O. LINDSAY:
Maybe in the debate it will be answered.

MR. ZWIRN:
Okay.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
A resolution like this ordinarily would generate any debate of the support of every Legislator. We want to give Public Works all the tools that they deserve. Here's the problem: We vote for this, there's no guarantee. Not one of our votes count. There is absolutely no guarantee that this project will even be done or when it will be done.

There is a half a billion dollars of projects that we've actually authorized debt for, that people like this gentleman in front of us have come and said, "Oh, it's so necessary," if we're even asked. Sometimes we just pass it, because we know a little bit about County Government and we know it's probably needed. But sometimes they've come and said it's absolutely needed and we vote for it. But there's a half a billion dollars of authorized debt that we said yes to, that we expect the projects to be done and they're not being done. And then, on top of that, there's an almost 600 million dollars of approved projects without authorized debt, totaling over a billion dollars.

What does it matter how we vote? Does it really matter? Do you think that this is needed? How do I know that this is going to get done? My attitude is to send this very strong message and say -- what I'd like to see is a list of every one of the projects that every one of this Legislature has authorized debt for, we've authorized debt for, and isn't being done, and an explanation as to why it isn't being done.
Look, in some cases, it may be actually reasonable not to move forward with those projects at this time, but we've authorized debt for it. Maybe we should cancel some of that debt. Maybe we should give it to these lifts. That's just the general thing, because my vote doesn't count. No matter what I do, I don't know if these projects are going to get done or not going to get done. As we can see, most of them aren't getting done.

Then the next question for the Commissioner: Commissioner, how many vacancies do you have in mechanics that work at DPW garages? Because I've been told repeatedly, repeatedly, that if something happens to a County vehicle, that there's a waiting list, and they have to go on a waiting list, because there aren't enough mechanics. How many mechanics currently would you estimate, rough, ballpark estimate, have this Legislature authorized that position, put the money in the budget, taxed the residents of Suffolk County that have been deliberately left vacant in this County? How many would you say of your mechanics that are funded in the budget that people are paying taxes for that have been left vacant?

MR. ANDERSON:
I don't know off the top of my head the exact number. We have been working to get replacements. We just got three more this year. We're in the process of continuing. That there are vacancies, yeah. There's a whole lot of retirements that are coming on and continually going and we're looking to replace that. The actual number, I can't tell you.

LEG. ROMAINE:
I would ask the Budget Review Office if you could give me a list by -- within the next two weeks, if that's reasonable, of a list of all mechanics that are fully funded in the budget that we're taxing

Suffolk County residents for that have been deliberately left vacant. I'd appreciate that.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
Thank you.

P.O. LINDSAY:
I'm next on the list. And I just want to -- I don't know what's going on here, but I just want to stress something to my colleagues. We're asking for lifts. I mean, the one thing that you couldn't say about this administration is that they spend money like water. They're about the tightest people I've ever seen in my life. They're asking for money to replace lifts for the safety of our mechanics. Do any one of us want one of our mechanics to get under a lift that's going to fail and come down on his head? Come on, stop.

(Applause)

All right? And you're not going to save any money by not approving this, because if they don't have the lifts, they have to farm out the work to outside vendors. So it's going to cost you more money in the long run, so stop. Legislator Cooper.

LEG. COOPER:
Bill, you just made my point. Thank you.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Well, I just wanted to make the point, it's kind of ironic, but that aside, there's a big difference between prioritizing things and just shutting down the whole County. We could play this game. It's a game. And there might be arguments to either side, but shutting down the entire County, we're not going to buy lifts, we're not going to fix roads, and we can mix apples and oranges. Come on. Maybe I haven't been here long enough to understand that this is the way it works, but we can prioritize. But, you know what, prioritizing does not mean we shut everything down. And I've been here and we've played game after game after game, and now we're going to play the We're-Not-Going-To-Spend Anything game. We have to spend something. I'm cheap, too. I'm about as cheap as they come, but we have to spend something. And, you know what, it's a lift. And for those -- my colleagues who've never been -- worked on a car under a lift like I have and my father, who's listening to this right now on a computer while he's under a car on a lift, if it breaks, you get hurt. We have employees that work under cars. This is a ridiculous game. Let's just vote. Prioritizing does not mean we shut the whole County down.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. I hear what you're saying, and, as a matter of fact, I don't think any one of us wants to compromise the safety of County employees. But I think the question still goes unanswered, as Legislator Romaine posed. That question becomes, how many County employees are there actually there that might be using these pieces? The point's well made, but I don't think any one of us can afford to go ahead and acquire museum pieces where we have garages with nobody in them and all the workers going out to other places.

You know, I got a bond prospectus in my office last week for 68 million dollars that had resolutions going back to 1996. So, as we sit here and talk about where we're at with prioritizing, we're still in

the process of trying to spend money on stuff that happened 10, 12 years ago. Is this something that has a measure of need and you come forward with and ascertain that ought to be there? I believe that, absolutely, positively. And I want to say yes to something that will go ahead and be done. My hesitancy and my reticence is you can't even tell me how many mechanics are there to fix the trucks that we have, or are they being shipped out to contractors for the transmissions, any engine overhauls and all the other things. What do we really have?

MR. ANDERSON:
We have -- every garage that we have is manned, is staffed to -- with at least, I believe, five mechanics, depending on the size, depending on what the use is, is whether it's a fleet garage, or heavy equipment garage, or a small equipment garage. They are staffed. Our staff needs the equipment to do the work. I'm not here to argue about the funding source or any of the rest of it. I'm telling you, we need the equipment for our men. And if you want -- if you don't want to take it out of the Capital Project, then where are we going to take it out of, you know, the Operating -- out of Operating Budget? You know, I just --

LEG. KENNEDY:
Then the dialogue needs to shift left. And will there be the commitment to keep the mechanics there to use the new fancy equipment we get?

MR. ZWIRN:
Well, I can guarantee, if they don't have the equipment, then we certainly don't need any mechanics. So you could have it --

LEG. KENNEDY:
Well, that one you can. But, if we have the equipment, will we get the mechanics?

MR. ZWIRN:
That's why we're asking for the money for the equipment. Ultimately, if you don't put it in, it's an unsafe workplace, we won't need to fill any open slots, we'll be moving slots. I mean, it is -- this a lot of posturing going on and I appreciate it. It's a real issue behind it about -- and that's why the County Executive put in a Capital Budget that was lower than the previous year. You had that Capital Budget before you. You have an infrastructure in this County that has to be taken care of, even in tough economic times. And in tough economic times, it's nice, because interest rates come down and this may be a good time to do some of these projects. We have a lot of money in the pipeline. We put money in the pipeline for Legislator Romaine for traffic lights on County Road 111 for a Firehouse that hasn't been broken ground yet. Another 155,000 --

LEG. KENNEDY:
But, let's take it back. Let's --

MR. ZWIRN:
I'm just saying, but, you know, you can't have it every which way. You can't be --

LEG. KENNEDY:
No, no, no, I don't want it every way. All I want is to talk about lifts at this point.

MR. ZWIRN:
You can't be responsible for pipeline debt and then say, "Well, we should have done all -- we should have done 600 million dollars worth of projects." Well, then your taxes would have been reflected in a worse situation, because you'd be paying that debt service as well.

LEG. KENNEDY:
Okay. Our Commissioner just talked about retirements coming in highway mechanics positions. So we do the lifts. Are we going to get the SCINs signed to keep the mechanics there to work on the lifts? That's all, simple yes or no.

MR. ZWIRN:
That won't be up to the Commissioner, it would be up to the County Executive. But, from what I understand --

LEG. KENNEDY:
And you're here on his part.

MR. ZWIRN:
So what I understand is that there are mechanics handling the work. Otherwise, if there were no mechanics, we wouldn't be worried about the lifts.

LEG. KENNEDY:
I'm begging you for an answer. I'm begging you for an answer.

P.O. LINDSAY:
He already told you, he hired three mechanics this year.

LEG. KENNEDY:
And he's got a slew of retirements coming, so I'm asking him when they'll fulfill the SCINs, that's all.

P.O. LINDSAY:
I don't know where you guys are going. Legislator Alden.

LEG. ALDEN:
First, I'm sad to hear Mr. Zwirn say that it's posturing when, if it comes out of the County Executive's Office, it's a dire warning of fiscal catastrophe.

And, Legislator Beedenbender, I'm very glad to hear you say that you do not want to jeopardize the safety of any of our workers or any of the people in Suffolk County. I hope you will be equally diligent, because I could tell you at least one instance where the health, safety and welfare of the people of Suffolk County has been compromised in a major way. And you, unfortunately, were over on the Executive side while this was going on, but in my Legislative District there used to be a Health Center. Eleven thousand people that went to that Health Center are no longer serviced. Their files disappeared. They didn't go to another Suffolk County Health Center, yet they needed help from Suffolk County. Now I had had promises that that Health Center would be rebuilt, would be reestablished; it has not. That has led to, as far as I'm concerned, jeopardizing the health, safety and welfare of the citizens of Suffolk County that we were elected to serve. So I would hope that as each issue comes up, you will use the same type of, whatever, deliberation that you used just now on lifts, because we're going to be talking about some real serious stuff, like the people that were out there at the Foley Nursing Home and whether we shut that down to close a budget gap. We're going to be talking about a whole bunch of other things. We're selling a stream of tobacco revenue that could really put an impact on future generations when we don't have that stream coming in. Just because we plug a hole up next year or the year after, fine. What are we going to do for the next 10, or 15, or 20 years to replace that 25 million? So I would hope that we would operate in a very slow and deliberate way on everything and not just --

P.O. LINDSAY:
Okay, okay. Legislator Losquadro, hopefully, the last word, because we're talking about lifts, we're not talking about Foley, we're not talking about land, we're not talking about pipeline debt. We're talking about replacing dangerous lifts.

LEG. LOSQUADRO:
Mr. -- excuse me, Ben, if you could just move over a bit. Thank you. Mr. Commissioner, these lifts are going to be replaced in a timely fashion if we approve this?

MR. ANDERSON:
Yes, sir.

LEG. LOSQUADRO:
I think the point in all this has been that there is -- there are, obviously, a lot of very worthy projects that have not been completed, and I'm asking for your assurance that if we --

LEG. ROMAINE:
Authorize.

LEG. LOSQUADRO:
-- authorize this money, that these items are going to be replaced.

MR. ANDERSON:
Yes.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
Okay. We have a motion, I believe, to approve and a motion to table; is that correct?

LEG. LOSQUADRO:
Who was the motion to table by?

P.O. LINDSAY:
Huh?

MR. LAUBE:
That is correct.

LEG. LOSQUADRO:
Who was the motion to table by?

MR. LAUBE:
Legislator Alden and seconded by Legislator Kennedy.

P.O. LINDSAY:
Okay. The motion to table goes first. Roll call.

LEG. ALDEN:
Actually, I'll withdraw the motion to table.

LEG. KENNEDY:
Yeah, and I'll take the second back, too.

P.O. LINDSAY:
Oh, my God. Okay. Motion to approve. Maybe we can do it by a voice vote. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Roll call on the accompanying bond, 1267A.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Did you call the vote?

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay. ***1310 - A Local Law to require cash deposits to be made in accounts at authorized banks or trust companies.***

LEG. MONTANO:
Motion.

LEG. COOPER:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1323 - Authorizing amended tax warrant for Resolution Number 1190-2007 for the Town of Brookhaven to be signed by the Presiding Officer and the Clerk of the County Legislature. 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.

P.O. LINDSAY:
1401 - Amending the 2008 Operating Budget and appropriating funds in connection with bonding settlements for general liability case. I'll make a motion.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Second by Legislator Beedenbender. On the question, Legislator Alden.

LEG. ALDEN:
And this is to Budget Review. Since we're self-insured, do we have a sinking fund or any kind of reserve fund to pay any of these settlements?

MS. VIZZINI:
There's a line in the Operating Budget for the liability. However, it's not sufficient to pay this one.

LEG. ALDEN:
How much was that line for?

MS. VIZZINI:
There's about $600,000 in the Operating Budget. This is a million-four-seventy-five.

LEG. ALDEN:
In a typical year, how much do we pay out in settlements?

MS. VIZZINI:
I don't know that offhand.

LEG. ALDEN:
Rough idea.

MS. VIZZINI:
I would say maybe two to three million.

LEG. ALDEN:
And we funded the Operating Budget with 600,000?

MS. VIZZINI:
In this particular liability line, yes. There are other liability lines. You could opt to transfer funds from within the Operating Budget, although it's early in the year and you could run out of money.

LEG. ALDEN:
How much is the aggregate, you know, just roughly?

MS. VIZZINI:
Around a million.

LEG. ALDEN:
About a million?

MS. VIZZINI:
Yeah.

LEG. ALDEN:
Thank you.

LEG. LOSQUADRO:
Mr. Chairman.

P.O. LINDSAY:
Yes, Legislator Losquadro.

LEG. LOSQUADRO:
To Budget Review, from -- just from a structural standpoint, why wouldn't we expend the cash earlier, and, if we do have to bond out for any settlements, do it later in the year? It's less debt service that we -- the debt service would exist for a shorter period of time the later we would have to go to bond, just from a simple structural standpoint.

MS. VIZZINI:

It's really a policy decision.

LEG. LOSQUADRO:
Makes sense by me.

P.O. LINDSAY:
Well, the only thing that I could say to you is when we go into the Operating Budget, if you want to put aside more cash for this process, that's the time to do it, not after the fact. Legislator Montano.

LEG. MONTANO:
Yes. This came before my Committee, Budget and Finance, and I voted for it, but we had a lengthy discussion on this issue. I think it was last year that we also bonded out a major malpractice settlement, and, if I'm correct, Gail, I think that malpractice settlement was in the nature of 2.5 million dollars?

MS. VIZZINI:
Approximately.

LEG. MONTANO:
Okay. And we did have during the budget, during the Operating Budget process of last year, going into the 2008 Budget, we did have in Committee a lengthy discussion about whether or not we should be putting money in a reserve account to cover the exposure that we, as a County, have from lawsuits, because we are a self-insured, self-insured entity. Unfortunately, the discussion did not go far. We did not put enough money in there.

I am personally against bonding malpractice, or really any kind of these settlements. I think that when you add last year's amount of money, plus I think this is 1.4 million, if my math is correct, what are we, about 3.9 million dollars that we bonded out in settlement money?

We -- you know, as an attorney, we should be able to know what our exposure is going into the year. Insurance companies have reserve funds. They use the interest from those reserve funds generally to pay judgments, and, you know, it's something that I think we need to do. Unfortunately, from what I understand in this situation, the settlement was approved by the Ways and Means Committee, and we're just authorizing the payment. And I believe, and correct me if I'm wrong, if there's anyone from the County Attorney's Office, or maybe Mr. D'Amaro, that we have some time activity with the -- or time sensitivity with respect to paying this settlement. But I'm going to vote for it, but I'm personally opposed to this practice.

P.O. LINDSAY:
Mr. Brown, do you want to lead -- put some -- shed some light on this?

MR. BROWN:
I think that Legislator Montano is correct with respect to the fact that there is an appeal pending, so this is a compromise amount.

LEG. MONTANO:
If I may. From what I remember, I think that there was a judgment rendered and then, after the judgment was rendered, the settlement was made; am I correct in that?

MR. BROWN:
That's correct. There was a --

LEG. MONTANO:
Okay.

MR. BROWN:

There was a -- there was a liability for a motor vehicle accident. There was a liability verdict, and I think the -- I think that the -- there was an issue of an appeal as well.

LEG. MONTANO:
So this is -- this is a settlement post judgment?

MR. BROWN:
Post, at least, liability verdict, yes.

LEG. MONTANO:
Okay. Thank you.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. Gail, if -- through the Presiding Officer. Did you make recommendations in the Operating Budget for 2008 or other previous years regarding reserve account and the amount that should be placed in a reserve account for these type of settlements? Because it seems that for the -- just looking at the last few years, whatever we have put in, or whatever the Executive has recommended in the reserve account has been totally inadequate; that forces us to bond. It's almost as if he's afraid to present a full and complete amount that he knows from historic history of what our reserve account should be. He always undercuts the historic figure that should be in there, so we have no alternative but to bond.

And I think Legislator Losquadro made an excellent point, we're bonding this early in the year, we're just going to pay more interest. We're better off almost paying this from Operating, and then later in the year, as we run short on Operating funds, then we go to bonding, and it's a shorter period of time that we're bonding and less interest that we have to pay. Gail, do you have those numbers or --

MS. VIZZINI:
I don't have the exact numbers, but we have in the past made a recommendation regarding reserve funds, in particular, the -- that additional monies be adopted in the Operating Budget for liability, rather than resorting to bonding.

LEG. ROMAINE:
And has the Executive come up with those additional funds in his recommended budget?

MS. VIZZINI:
Not to our satisfaction, no.

LEG. ROMAINE:
So, once again, here we are again short, with a budget that's short, a fund that we knew we were -- in all likelihood, based on history, that we were going to overdraw, with no other alternative but to look to bond this out and increase our bonded indebtedness. A very foolish economic policy. Thank you.

P.O. LINDSAY:
Mr. Zwirn, do you want to shed some light on this topic?

MR. ZWIRN:
If I can. I know Legislator Romaine voted for the budget last year, and I'm sure this was of a concern to him, but I don't remember it being raised.

The other thing is, is that I don't think there is a normal year for lawsuits. I mean, you don't know,

you can't anticipate a malpractice suit going forward, no matter what the history has been. You don't know if there's going to be a motor vehicle accident with a DPW truck, or some other -- or a lease car, or something, you just don't know. I mean, it's very difficult. And if you want to put a cash reserve in there, that's fine, but you're going to have to find the cash to do it. You can bond a judgment. You can't bond payments of electrical bills or fuel oil bills, day-to-day operations. This is something that you can bond on a short term. It gives you the advantage to do that, to put a little less pressure on the cash flow on a day-to-day basis, and that's why I think they did it in this particular case.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yes. Ben, I'm not going to sit here and allow that statement to go unchallenged. I think that's a complete misrepresentation. When I worked in the Attorney General's Office defending the State against lawsuits, we were continually asked to analyze our cases and to make an assessment of what the exposure was as a result of the pending lawsuits. Now there's no certainty as to whether or not you're going to win a lawsuit or lose a lawsuit, but the County Attorney's Office can certainly make an estimate on what our exposure is in a given year and allow us the flexibility of putting money in a reserve account, so that we can -- we can deal with these judgments as they come up. To say that we have no idea is not accurate.

We don't have with certainty an amount that we know we're going to pay. We know what the calendar looks like, we know when cases are scheduled for trial, we have an assessment of what our possibility of losing and winning is. There is no certainty, it's not an exact science, but to say that we shouldn't put reserve money away because we have no idea when judgments are going to hit I think is a bit of a stretch. So I don't want to leave the -- you know, the record with that statement unchallenged. I think that's inaccurate.

MR. ZWIRN:
Well, in the next budget cycle, you can make a recommendation that apparently wasn't made last time, or at least adopted.

LEG. MONTANO:
Well, actually, the point is that we discussed this in the budget cycle and we were concerned about this, and, unfortunately, it wasn't followed through. All right? But that's not -- that's not a reason to say that we shouldn't do it. And, quite frankly, I'm not even sure where you're going with that statement. The reality is that we need --

MR. ZWIRN:
My statement is that --

LEG. MONTANO:
We need a reserve --

MR. ZWIRN:
-- is that you have a responsibility --

LEG. MONTANO:
We need a --

MR. ZWIRN:
To review the --

LEG. MONTANO:

We -- I'm not done, Ben, I'm not done.

MR. ZWIRN:
You had a proposed budget.

LEG. MONTANO:
I am not done and --

P.O. LINDSAY:
All right, all right.

LEG. MONTANO:
-- I would ask you to respect that.

P.O. LINDSAY:
Finish your statement.

LEG. MONTANO:
We need a reserve account in the budget and we should do that in the 2009 Operating Budget process.

P.O. LINDSAY:
I think the point is we probably should have did it last year, but we didn't, but we didn't.

LEG. MONTANO:
We didn't do it.

P.O. LINDSAY:
So, moving forward --

LEG. LOSQUADRO:
Moving forward, question to Budget Review.

P.O. LINDSAY:
-- you know, next year, that's something that the Operating Budget should consider, if that's what you want to do, put aside more money for potential settlements. Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. To Budget Review. You mentioned that there were other liability lines. Is there enough money, not only in this one liability line that you mentioned, but others? Could we cover this settlement with cash, as to my previous statement of paying for this now and waiting until later in the year to move towards bonding for settlements? I, too, have -- while you're looking that up, I, too, have advocated for a number of years for a reinsurance policy for large judgments against us, but, unfortunately, we have not been able to secure such policy at this time. But do we have enough money in those other lines to be able to pay for this?

MS. VIZZINI:
Well, take a look at Fund 38. You could take it from other liability lines or you could take it from other surpluses at this time in the fund. It would be a policy decision on your part.

In terms of what Budget Review has recommended in the past, in the five-year span, from 2002 to 2006, medical liability payments averaged around 2.6 million dollars. The 2008 recommended budget, which we did not change, had only $750,000 recommended, and therein lies the shortfall. And, as you -- as you all remember, the 2008 Operating Budget was a challenge for the County Executive, as well as the Legislature.

LEG. LOSQUADRO:
So the short answer is -- the short answer is, yes, there is enough money available?

MS. VIZZINI:
I'll check to see if there's enough money. The short answer, too, if you're considering a -- in 2009 to have a reserve for the medical liability component, you need to think in the neighborhood of 2.6 million.

LEG. LOSQUADRO:
I know, but we're trying to keep on point and not talk about, you know, where we're moving forward, we're trying to stay on this resolution. Is there enough money to pay for this now --

MS. VIZZINI:
I'll get that for you.

LEG. LOSQUADRO:
-- that we didn't have to bond it? Gail, is this something that you're going to need more time to look into if we skip over this, perhaps?

MS. VIZZINI:
I'm going to need at least three minutes.

LEG. LOSQUADRO:
Mr. Chairman, your choice how you want to --

P.O. LINDSAY:
Well, if she's on the same page. Do you want to skip over it, Gail, or will you have it for us in a minute? Talk about putting pressure on you.

LEG. VILORIA-FISHER:
This is kind of a Zen moment, Mr. Chair, it's nice and quiet.

MS. VIZZINI:
Okay. Quick and dirty, and, please, don't hold me to it, but there's 46 million dollars adopted in Fund 38 in its entirety.

LEG. MONTANO:
Forty-six million?

MS. VIZZINI:
Yeah.

P.O. LINDSAY:
What is Fund 38?

MS. VIZZINI:
It's the self-insurance fund, so for a variety of expenditures. This early in the year, according to the data that I have, we've expended over 15 million dollars. This includes all --

P.O. LINDSAY:
What else comes out of Fund 38?

MS. VIZZINI:
Well, people's salaries, Workers Compensation.

P.O. LINDSAY:

Okay.

MS. VIZZINI:
A variety of things.

P.O. LINDSAY:
Okay. But would we be able -- I mean, we can -- we can very clearly bond a judgment of settling a lawsuit. If that fund -- if we spend the money from the Salary Account and from the Operating Account to settle this judgment later on in the year, if we need money there, can we bond for Operating expenses?

MS. VIZZINI:
You can't bond for Operating expenses.

LEG. LOSQUADRO:
Right.

P.O. LINDSAY:
Well, there lies the problem.

LEG. ALDEN:
That's not Operating, it's Capital.

P.O. LINDSAY:
But she says that salaries are coming out of that account.

LEG. ALDEN:
Transferred out.

P.O. LINDSAY:
I mean, I'll do whatever you want. Let's just move on with it, I mean -- I mean, it's a matter of bonding it now or bonding it at the end of the year. I know you're going to save a couple of bucks in interest. The obvious thing is, again, you're at midstream. If you want to pay things, more settlements cash, you've got to put more money in the account.

LEG. LOSQUADRO:
I couldn't agree more, Mr. Chairman. Perhaps if someone answered the question, what would be the consequence, even if we did look to perhaps have this modified, you know, to pay for it with cash from the County Attorney's Office, perhaps. What would be the consequence of not moving forward with this at this juncture? Would there be a consequence?

MR. BROWN:
I wasn't a party to the Stipulation of Settlement, but I'm sure that the Stipulation of Settlement was conditional upon approval by the Legislature of the settlement. So, if it's conditional, there's no approval. Again, don't hold me to it. I'm only speaking what -- from experience. I would imagine the Stipulation of Settlement would have the ability to be vacated.

P.O. LINDSAY:
Okay. But, Mr. Brown, we've settled this thing out through negotiations. If we back out of the deal and don't pay the money, it's going to go back before the Judge or the Jury --

MR. BROWN:
That's correct. That's correct.

P.O. LINDSAY:
-- whichever is the case.

MR. BROWN:
That's correct.

P.O. LINDSAY:
Now, we could wind up paying more than --

MR. BROWN:
That's correct.

P.O. LINDSAY:
-- than what we settled on.

MR. BROWN:
That's correct.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
On the point.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
One minute. One of the other points is we're approving to borrow money. How fast is that going to be accomplished? And maybe Gail could -- is this already in the pipeline? Is this already money that we've borrowed and we can include this on a borrowing? But we normally go out, what, three, four times a year to borrow money?

MS. VIZZINI:
Correct, yeah. We will be going out May 20th.

LEG. ALDEN:
And this is anticipated to be part of that?

MS. VIZZINI:
It may very well be.

LEG. ALDEN:
And how fast will we get cash if we go out to Wall Street on May 20th?

MS. VIZZINI:
Well, we probably have cash to pay these expenses. Getting back to your original question, in all of the liability accounts in Fund 38, there's a total of 3.5 million dollars budgeted. We've only spent 888,000 and we have nothing encumbered. So, if you did a budget amendment, you could take from one of the other liability accounts, all of which are under a million dollars individually, the general liability, the auto, the bus, the employee practices liability. But I would defer to the County Attorney's Office, if there are things in the hopper that are likely to hit against these operating line items.

LEG. ALDEN:
Well, that would be my request. But, through the Chair, if we could request a CN that would pay

this in cash, I would have no problems to support this.

P.O. LINDSAY:
Okay. Legislator D'Amaro, you have a question?

LEG. D'AMARO:
Yeah, just very quickly. Thank you. A question for Mr. Brown. The settlement that we're talking about here is a settlement of a lawsuit after trial of liability and damages; is that accurate?

MR. BROWN:
I believe that is accurate. You know, I don't work in litigation, as you know.

LEG. D'AMARO:
That's my recollection.

MR. BROWN:
As you know, but I believe that you're correct, that's it's motor vehicle accidents, 1.475. It's a settlement amount after trial on liability and damages. I don't know the exact status of whether or not --

LEG. D'AMARO:
Right.

MR. BROWN:
-- a judgment was entered and that a --

LEG. D'AMARO:
My understanding was that a judgment was entered.

MR. BROWN:
Okay.

LEG. D'AMARO:
The trial liability and damages were completed, a judgment was entered, and, in fact, I believe, if you know, did the County appeal that judgment?

MR. BROWN:
I do not know, but I know that it was presented before you at the Committee.

P.O. LINDSAY:
Legislator D'Amaro, your Committee, Ways and Means, approved this?

LEG. D'AMARO:
It was discussed and approved in Executive Session.

P.O. LINDSAY:
Okay.

MR. BROWN:
I could find out --

LEG. ALDEN:
Dollar amount.

MR. BROWN:

-- the exact status of any appeal.

LEG. D'AMARO:
Excuse me?

LEG. ALDEN:
Dollar amount, not the means of paying.

LEG. D'AMARO:
No. What we approved was the settlement, you know, the judgment whether or not to settle --

LEG. ALDEN:
Right.

LEG. D'AMARO:
-- and the dollar amount.

LEG. ALDEN:
Right.

LEG. D'AMARO:
Not the method of payment, that's accurate. However, I think, at this point, there's no further trial to be had and --

MR. BROWN:
I believe that you're correct.

LEG. D'AMARO:
I don't want to disclose what we talked about in Executive Session, but the Committee did make a determination, with an appeal pending, to go ahead and settle.

MR. BROWN:
You know, I believe that you're correct. I don't know the exact status of appeal. As you know, an appeal has to be perfected. There's a period of time that the appeal has to be perfected. Perfection means that to have the record completed and sent to the Court, the Appellate Division, for review. I don't know what stage that was at. I don't know what stage the settlement was reached with respect to the date, from the entry of judgment to the final date upon which appeal has to be perfected. But the Presiding Officer hit it correctly, that I'm sure it's a conditional stipulation of settlement. If the settlement is not approved, it will go back to Court and it will either go through the appeal process, or the judgment will be entered and executed upon.

LEG. D'AMARO:
Okay. Thank you. Just a clarification.

P.O. LINDSAY:
Okay. Mr. Clerk, where are we?

MR. LAUBE:
Waiting for a motion and a second on 1401.

P.O. LINDSAY:
We don't have a motion to approve?

MR. LAUBE:
No, I do not.

P.O. LINDSAY:
Okay.

MR. LAUBE:
Did you have one?

MS. ORTIZ:
No.

MR. LAUBE:
No.

P.O. LINDSAY:
Yeah. I'll make the motion, Legislator Viloria-Fisher seconds it. I think we did that already, otherwise we wouldn't have the discussion.
Any other motions? Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
The accompanying Bonding Resolution, 1401A, roll call. Same motion, same second. Roll call.

MR. LAUBE:
Just a second.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Abstain.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Abstain.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:
Pass.

LEG. ALDEN:
No to bond.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SCHNEIDERMAN:
I make a motion to table.

LEG. MONTANO:
Second.

MR. LAUBE:
Cooper.

LEG. SCHNEIDERMAN:
Well, I made a motion to table.

LEG. MONTANO:
There's a motion to table.

P.O. LINDSAY:
We have a motion to table and a second. Tabling would come first. You have to go back and redo the roll.

MR. LAUBE:
Who was the motion? I'm sorry.

LEG. SCHNEIDERMAN:
I made a motion to table.

MS. ORTIZ:
And Montano.

MR. LAUBE:

And second, Montano. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
On the motion first. It clearly was going to fail and I think it's better off tabled than dying, but, yes to table.

LEG. VILORIA-FISHER:
Mr. Chair, on the motion.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Earlier, I believe Legislator Losquadro posited a question to Mr. Brown, and I didn't hear an answer, and it was, if there is money in this Fund 38, is it possible to have a CN later today that would pay for this in cash using a transfer from one of those funds? And I don't believe I heard a response. Hello, Mr. Brown.

MR. BROWN:
Oh, I'm sorry.

P.O. LINDSAY:
I don't think that's within Mr. Brown's purview.

LEG. LOSQUADRO:
Well, I think it would be for Mr. Zwirn.

LEG. VILORIA-FISHER:
Mr. Zwirn.

MR. BROWN:
Yeah, I don't know the answer to that question.

LEG. VILORIA-FISHER:
Okay. Mr. Zwirn?

MR. ZWIRN:
I'll pose it to the County Executive, but I would -- I would doubt it. And between now and the end of the day, I don't -- the analysis would have to be done about what's in the pipeline, what's -- I just don't know if we could do it.

LEG. VILORIA-FISHER:
Okay. But you just saw the --

MR. ZWIRN:
And, also, the impact it's going to have on the Operating Budget and the deficit going forward --

LEG. VILORIA-FISHER:
Okay. But, Ben, you just said --

MR. ZWIRN:
Because now you're using cash.

LEG. VILORIA-FISHER:

Ben, excuse me. You just saw the vote --

MR. ZWIRN:
I understand.

LEG. VILORIA-FISHER:
-- which seemed to be indicating that this was going to fail. We have agreed to a settlement on this issue?

MR. ZWIRN:
Subject to the Legislature's approval.

LEG. VILORIA-FISHER:
Subject to the approval of the Legislature. And I would like to see it go forward. Well, Ways and Means approved the settlement. We're just -- we need to approve the method of financing that or funding it. And so perhaps you could just take it back to the County Executive before you --

MR. ZWIRN:
That I will.

LEG. VILORIA-FISHER:
-- give a response, because I believe we need to settle this. I serve on Ways and Means and we did think it was a good idea to look at settling this suit and I would like to see it funded.

MR. ZWIRN:
I will take it back to the County Executive and the Budget Office to see if they can do a fiscal analysis before we -- if we can file it.

LEG. VILORIA-FISHER:
Okay, well -- and you had heard Gail's testimony earlier regarding the funds that she had enumerated earlier regarding how much was in that Fund 38 in liability accounts, so you could pass that along to Fred on the other side of the street. Thank you.

P.O. LINDSAY:
Legislator Montano, on the tabling motion.

LEG. MONTANO:
Yes. I just want to state, we had a -- you know, a lively debate earlier about whether or not we should be bonding these settlements. And I said earlier that even though I disagreed with bonding, and even though I think we should have a reserve account, I said that I would vote for this bill, because we've already made the settlement, and I think it would be disruptive to pull the rug out from under the settlement. I seconded the motion, because it looked like it was going down to defeat, and I would rather have it tabled than go down to defeat. Point of Order, Mr. Lindsay. With the tabling. If the tabling is withdrawn, do we get a second roll call on the vote or --

LEG. ALDEN:
No, you pick it up.

LEG. MONTANO:
We pick it up from where we left off? All right. Then I'll second the motion to table, or I have, and I'll vote to table.

P.O. LINDSAY:
Well, I don't know whether I'd pick it up. I would probably resume the roll call on approval. I would start over again, because I think, at this point, the Clerk is so confused, he doesn't --

MR. LAUBE:
I'm on top of it, I got it.

P.O. LINDSAY:
All right. But we --

MR. LAUBE:
We left off on Legislator Cooper for the approval.

LEG. MONTANO:
Well, then the question is, if I may, Mr. --

P.O. LINDSAY:
Go ahead.

LEG. SCHNEIDERMAN:
There's a motion and second, too.

LEG. MONTANO:
Right, we're discussing that. But if the motion is withdrawn, then what happens to the original bill? And I -- or the original roll call? There's still time for people to change their vote.

P.O. LINDSAY:
I would go back and start over again on the roll call.

LEG. MONTANO:
All right. Then I'm going to withdraw my second to the motion, and, hopefully, we'll go back to this vote and start from scratch. And if it looks like it's going down and there's a tabling motion, then I will second it, and then we'll just have to table it. I don't want to kill the settlement, even though I'm against the method of payment, that's the point that I'm making.

P.O. LINDSAY:
Legislator Losquadro.

LEG. VILORIA-FISHER:
You were on the prevailing side. Did you make the motion?

LEG. MONTANO:
No, he made the motion. Legislator Schneiderman made the motion to table in the middle of a roll call, I seconded it. I'm going to withdraw my second to that. If someone else wants to second it, that's fine. My understanding is, by me seconding -- by me withdrawing my second, if there's no further second, we're going back to a roll call from the beginning; is that correct, Mr. Lindsay and Mr. Counsel?

P.O. LINDSAY:
Correct.

LEG. MONTANO:
Okay. Thank you. I withdraw my second on the motion.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:

Nothing further.

P.O. LINDSAY:
Nothing further, okay. So now we have a motion to approve and a second, which is where we were about ten minutes ago. Let's start over again.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Abstain.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Abstain.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Pass.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. BEEDENBENDER:
Motion to table. We did this a second ago, and motion to table.

P.O. LINDSAY:
Just let it die.

LEG. BEEDENBENDER:
All right.

P.O. LINDSAY:
Somebody's going to have to put it up again, otherwise it's going to go to Court.

LEG. MONTANO:
Let's table it.

LEG. SCHNEIDERMAN:
Motion to table.

LEG. MONTANO:
Second.

P.O. LINDSAY:
We have a motion to table and a second. All in favor? Opposed? Abstentions? It stands tabled.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1250 - a Local Law requiring placement of consumer deposits in escrow.

LEG. BARRAGA:
Motion.

P.O. LINDSAY:
Motion by Legislator Barraga.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second by Legislator Alden.

LEG. BROWNING:
Oh.

P.O. LINDSAY:
Any discussion.

LEG. VILORIA-FISHER:
I just wanted to ask a question of the sponsor.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Tom, if there is a small entity, a retailer, and that person has to take deposits in order to create a particular product for the consumer, do you think that might put small business owners in a difficult

situation if they have to put that in escrow? That was my only concern about this, that they might have to use the cash at hand to fulfill the orders.

LEG. BARRAGA:
Viloria, I don't think so, because I think, first of all, if you have basically a small retailer, he takes a number of deposits, it all goes into one account. But that money really should remain in the hands and in the name of the individual buying, say, the furniture. That money shouldn't be utilized by the retailer for other purposes. So I don't think it will have a negative impact right across the board, whether they be small, mid-size or large retailers. This bill fundamentally comes about because of what happened, for example, like with Levitz Furniture. That company suffered three bankruptcies in a period of ten years, had 12 million dollars worth of deposits, and when potential buyers of their furniture, who had put deposits down, went in to get their money back, they would say, "No. You have a choice. You can out to the floor and pick a piece of furniture, bedroom set, whatever it is, or just line up with the rest of the creditors," and that's wrong. This bill would preclude that from happening.

LEG. VILORIA-FISHER:
Have you heard from anybody regarding the question I just asked? Have any retailers come to you with the concerns that I just mentioned?

LEG. BARRAGA:
The retailers that I have spoken to, they really didn't have a problem with it, because, you know, they were more concerned about the mechanics. They didn't want to have to open individual accounts in the names of every person putting down a deposit, and the bill doesn't require that.

LEG. VILORIA-FISHER:
Okay.

LEG. BARRAGA:
It's one basic account, but your money is in there under your name.

LEG. VILORIA-FISHER:
Okay. Just with these tough times with housing construction --

LEG. BARRAGA:
I understand.

LEG. VILORIA-FISHER:
-- being down, I didn't want to hurt those people who are already suffering.

LEG. BARRAGA:
I don't believe this bill does.

LEG. VILORIA-FISHER:
Okay.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. ***1105 - A Local Law to promote fair business practices by strengthening requirements for occupational licenses.***

LEG. MONTANO:
Mr. Speaker, Point of Order.

P.O. LINDSAY:
I recognize Legislator Montano for the purpose of a Point of Order.

LEG. MONTANO:
Mr. Speaker, I am exercising my right to challenge the placement of this bill on the calendar, pursuant to Rule 11-A of the Rules of the Legislature. And I'll read the Rule.

"The Presiding Officer shall decide all questions of order." And I'm going to try and go through this quickly, so I'd ask you to bear with me. I have a number of documents that were handed to each Legislator. I'm sure by now you've all read the complete record of what's involved there. Let me read the Rule first. "The Presiding Officer shall decide all questions of order. The Presiding Officer's determination shall be final, unless an appeal is taken to the full Legislature and sustained by an affirmative vote of at least the majority of the entire membership of the Legislators -- Legislature. Legislators shall have the right of appeal -- to appeal rulings of the Chair and assign their reasons for the challenge. The Presiding Officer, on every appeal, shall have the right to assign his or her reason for the ruling. In the event of a tie vote, the ruling of the Chair shall be deemed sustained."

As I said, I served documents on all of the members of the Legislature, Counsel, and also on the Clerk of the Legislature, and I'm going to ask that all of those documents be made part of the official record of this appeal. I'm going to go through the documents one by one, so that we can put them on the record. And let me just state, the reason that I am doing this, obviously, is because I filed an Order to Show Cause recently with the Supreme Court, asking the Supreme Court to restrain the Legislature from voting on 1105, because it had been properly -- improperly discharged from Committee. The Supreme Court granted the Temporary Restraining Order. The Temporary Restraining Order was recently stayed by the Appellate Division. And I would say, if you look at the -- and I've provided the brief and the affirmation in support of the application by the attorney for the Legislature for a {leave} to appeal, it was not sustained on the merits of the action, it was simply sustained on procedural grounds.

One of the procedural grounds that was argued by Counsel for the Legislature, this outside counsel, was that I had failed to -- let me get the wording. I had failed to exhaust my administrative remedies, because I had not taken an appeal to Rule 11. We have submitted a brief to the Appellate Division. We contest that, but, in any event, not to prejudice the matter that's presently before the court. Because we have a hearing scheduled for the 15th, which is two days from now, to try this matter on the merits, I am compelled to make this record. So let me go.

First of all, I'm going to read my Notice of Appeal for the record, which I served on Mr. Lindsay yesterday, I served on counsel to the Legislature, Mr. Joseph Macy by fax. It's the same letter, basically. It says, "Dear Mr. Lindsay: Please take notice, that I intend to take an appeal to the full Legislature pursuant to Rule 11 of the Rules of the Legislature in the above referenced matter on Tuesday, May 13, 2008, at the General Session meeting at 9:30 a.m., located at 725 Veterans Memorial, Hauppauge, New York. The reason for the appeal is that the Presiding Officer has placed I.R. 1105-2008 on the agenda for the General Meeting scheduled for May 13, 2008, in violation of the Rules of the Legislature, Rule 6, Discharge of Legislation, Section B, and in furtherance thereof, in violation of the New York State General Construction Law, Section 41, in that I.R. 1105 of 2008 is not eligible for a vote by the full Legislature, because it has not been discharged by at least a majority of the entire membership of the Legislative Committee to which it has been assigned, that is the Consumer Protection Agency (sic)."

For the record, I'm going to read into the record Rule 6(B). Rule 6, Discharge of Legislation, Section B." Legislation laid on the table shall be placed on the agenda for full consideration by the full Legislature at its next regularly scheduled meeting, and shall be eligible for a vote by the full Legislature, only if it has been discharged by at least a majority of the entire membership of the

Legislative Committee to which it has been assigned, with or without recommendation.

Let me go through the documents, so we can get this on the record, and then I'm going to ask that -- the procedure, as I understand it, is that the Legislature has to vote as to whether or not to sustain my appeal, or whether or not to do whatever. George, is that correct?

MR. NOLAN:
What you're doing with the Point of Order is you're asking -- you're going to ask the Presiding Officer to make a ruling on your Point of Order. If he -- if he agrees with you, that's one thing. If he disagrees with you, then you can appeal his ruling, but you will need a second to appeal that ruling.

LEG. MONTANO:
I don't know if I'll need a second, I dispute that, but I think I can get a second.

MR. NOLAN:
That's according to Robert's Rules.

LEG. MONTANO:
All right. In any event, let me -- all right. Do I have a second, at least for purposes of hearing this?

MR. NOLAN:
We're not there yet. The Point of Order doesn't need a second. You're making a Point of Order.

LEG. MONTANO:
Okay. I don't think we've ever been through this while I've been on the Legislature, so we're going to go through this as we go along. Are you telling me, Counsel, that I need to make a motion?

LEG. VILORIA-FISHER:
No, you're --

MR. NOLAN:
Right now, you have --

LEG. MONTANO:
Vivian, you're not in this.

MR. NOLAN:
-- raised a point -- a Point of Order. The Chair will rule on your Point of Order.

LEG. MONTANO:
Okay.

MR. NOLAN:
And if you do not like his ruling, you can appeal that, but you will require a second and then --

LEG. MONTANO:
Okay.

MR. NOLAN:
-- the entire Body will vote on the question.

LEG. MONTANO:
Then the Point of Order is that 1105 should not be placed on the agenda for today's meeting, it's not eligible for a vote, because it has not been discharged by the entire -- by a majority of the entire membership of the Consumer Protection Committee. I would ask that the Presiding Officer strike 1105 from the agenda. Oh, and I'm -- go ahead.

P.O. LINDSAY:
Well, first of all, after consultation with Counsel, I disagree with your Point of Order. And the principle here is a very simple principle. The Presiding Officer is the ex officio member of every committee. I have the right to attend any committee at any time. And I have the right to cast my vote, not cast my vote, enter into debate, not enter into debate. I think that's crystal clear. The committee meeting in question, there was only four of the five people that day at the committee meeting. I sat in as the fifth. There was three votes in the affirmative to discharge the bill to the entire floor. I deemed that as a majority. If Legislator Montano's point of view is that, although someone wasn't there, the strength of the committee should be considered six, and by his rationale, this should be -- take four affirmative votes to discharge a bill, whereas the quorum on a five-man committee is three. So you would need more votes than a quorum would anticipate. I just think the thinking is faulty, and I reject the Point of Order. And, Legislator Montano, you are free to make a motion to overrule the ruling.

LEG. MONTANO:
I would like to make a motion to overrule the ruling of the Chair, and I would like an opportunity to explain the reasons for my motion.

P.O. LINDSAY:
Well, is there a second to the motion?

LEG. MONTANO:
Is there a second?

LEG. ALDEN:
Second for the purpose of discussion.

LEG. KENNEDY:
I'll second.

LEG. MONTANO:
Thank you. I would agree, that the Presiding Officer has explained the facts accurately. I would disagree with him with respect to the interpretation that his vote, in the absence of Legislator Mystal, was sufficient to discharge the bill, because the absence of Legislator Mystal is of no consequence when it comes to a discharge, pursuant to the Rules of the Legislature, and, more importantly, pursuant to Construction Law Section. What I'm going to do is, just for the purposes of the record, I'm going to read off the exhibits that are part of this record.

Exhibit A is the tally sheet of the Consumer Protection meeting on the 13th of March. It shows that there were -- there was a Table-Subject-to-Call motion that was made. Legislator Mystal was present at that meeting, and as well as all the Committee Members, Legislator Nowick, Legislator Barraga, Legislator Browning, Legislator Eddington. The tally sheet shows that there were three votes cast to Table Subject to Call, three in opposition; the vote failed. The second part of that is the tally sheet, which then tabled the bill by six votes; it was approved. The tally sheet for the 4/17 meeting shows that there are four columns, yes, no, abstention and an NP. Mr. Clerk, I believe "NP" means "Not Present"; is that correct?

MR. LAUBE:
That is correct.

LEG. MONTANO:
Okay. Thank you. It shows that Legislator Lindsay -- well, Legislator Nowick. Legislator Mystal was not present. Legislator Barraga, Legislator Browning, Legislator Eddington, and Legislator Lindsay were present. The vote tally was three votes in favor, one against, one abstention, and one not present.

After the meeting, Exhibit C, I requested a legal interpretation from Counsel with respect to the issue of whether or not the vote of the Consumer Protection Committee was proper, and asked for an explanation of what it -- and I'll read it. "What is the meaning of the phrase "...shall be eligible for a vote by the full Legislature only if it has been discharged by at least a majority of the entire membership of the Legislative Committee to which it has been assigned..." I asked specifically the definition of "entire membership". I have Counsel's response here. I'm not going to read it, because it's in the record. But, basically, the last sentence, according to Counsel, is that, "Based on this provision, it follows logically that an ex officio member should not be counted in determining the entire membership of a committee under Rule 6(B)."

I followed up with another request for a clarification on April 23rd of 2006 (sic). I asked a further question. "If a committee with five standing members where the Presiding Officer votes and a motion to discharge receives three votes in support and two against and one an abstention, does the motion to discharge pass?" I believe -- I'm just going to go to the response quickly. I want to get this over with. He says, "In a five-member committee, where the Presiding Officer votes, a motion to discharge that receives three in support, two against, with one abstention, the motion would pass." I contest that. I don't think that's the ruling, I don't think that's the case law.

Exhibit D. I have here an opinion from the -- it's opinion -- Advisory Opinion OML, Number 3989. It's issued by the State of New York Department of State, Committee on Open Government. I'll ask all of you to turn your attention to Page 4. This opinion deals with a number of issues, but it also deals with an issue exactly on point here. I'm just going to read one section of it, and then, if there are any questions, we'll take it.

The opinion, basically, Counsel, you have a copy of the opinion, it talks about what is required for a quorum, and it says, "A majority" -- it says, "A majority of the members of the committee is sufficient to constitute a quorum." It talks about voting and discharging a bill, and this is the example from the Advisory Opinion that I'm reading. "We're not talking about a quorum here. I fully accept the fact that with had a valid quorum. If, on the other hand, a committee consists of seven, plus the five ex officio, for a total of 12 members, quorum would still be four, because the ex officio member does not count towards the quorum. But a majority would be seven, one-half plus one. It goes onto state, "is not within my authority to determine or advise what a majority of a committee might be. It would be four if the ex officio members do not vote. If they do vote, a majority would be seven." This clearly establishes the principle that an ex officio member is to be counted towards the vote and does go towards the majority.

Exhibit E. I have here the New York State General Construction Law, Section, Quorum and Majority. I'm going to read this into the record. "Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly as a board or similar body, a majority of the whole number of such officers gathered together in the presence of each other or through the use of video conferencing at a meeting duly held at a time fixed by law or by any bylaw duly adopted by such board or body, or any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or duty." For the purpose of this provision, the words "whole number" shall be construed to mean the total number which the board, commission, body or other group of person or officers, would have -- would have, were there no vacancies and were none of the persons or officers disqualified from voting.

The next exhibit is Exhibit F, which is a copy of the Order to Show Cause that I filed into the Supreme Court, and a copy of the Order that was signed by Judge MacKenzie on the 29th of April, granting the Temporary Restraining Order against this body. I would just add for the record that when you seek a Temporary Restraining Order, you must show a likelihood to prevail on the merits. That's one of the standards. We obviously convinced the Court, the Supreme Court, that not only was there irreparable harm here in terms of allowing this vote to take forward, but that there was a

likelihood to prevail on the merits, and that the equities favored the application. That's the standard for the TRO.

Subsequent to that, counsel for the Legislature was changed. An application, Order to Show Cause was made to the Appellate Division and served upon me, along with a Memorandum of Law. The grounds for the application to stay the temporary restraining order are as follows: "Petitioner failed to exhaust his administrative remedies specifically delineated in Rule 11 of the 2008 Rules of the Suffolk County Legislature." That's why I'm making this application now. "Petitioner's failure to satisfy his evidentiary burden necessary to obtain relief under C.P.L.R. Section 6301. Petitioner's lack of standing in the underlying proceeding, evidenced by the fact that he has not suffered an injury. D, "Absent extraordinary circumstances not present in the underlying proceeding, the Legislature cannot be enjoined from voting on the proposed legislation, and enjoining the Legislature from taking any action on the proposed legislation based solely on a challenge to its internal procedures, a nonjusticiable controversy, the lower Court has violated the doctrine of separation of powers."

There's a Memorandum of Law that we submitted. At the present time, the Court granted the stay of the Temporary Restraining Order that was secured in the lower Court, and we will be awaiting a decision. I just want to emphasize that the Supreme -- the Appellate Division did not address the issue on the merits, and that is whether or not this Legislature violated Construction Law 41, and violated its own rules and procedures in terms of allowing this bill to be discharged.

I want to state for the record that I had offered Counsel for the Legislature the opportunity for me to withdraw the action and drop the proceedings, if they would simply send the bill back to the Committee for a revote. At the time, Legislator Mystal was still on the committee. At this point, it would probably be academic, because the same vote that took place at the prior committee, if it took place at the revote, would probably pass, because since he's no longer a member of the Legislature, he's not on the Committee. But that doesn't negate the fact that the discharge of this bill was illegal from its inception.

I intend to pursue this case, unless the -- unless the Legislature is willing either to sustain my appeal and send it back to Committee for a vote and we settle it. So, essentially, I think I've gone through everything that I wanted to go through. If there are any questions, I'd be happy to entertain that. I would ask for a vote on this, because I need this to be part of the record when I go to Court on Thursday.

P.O. LINDSAY:
Legislator Alden, you wanted to talk?

LEG. ALDEN:
No.

P.O. LINDSAY:
No. Anybody want to be recognized? Legislator Romaine.

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

LEG. ROMAINE:
Yes. I think 1105 should come to a vote, there's no question in my mind.

Applause

LEG. MONTANO:
If I may.

LEG. ROMAINE:
However, however, I believe that Legislator Montano makes a very valid point. If you have six members of a committee and three vote yes and three vote no, how is that a majority? We have 18 members of this Legislature, although one member is absent by resignation, we still have 18 members, it still takes 10 votes, not nine of 17. We don't look at a relative majority, we always look at an absolute majority. If we do not sustain this, then we give the Presiding Officer extra judicial power that not Mr. Lindsay, but the office itself is not entitled to. We give him a vote to be counted as a vote without counting his presence; I don't know how you can do that.

I know now that under the current committee structure, even if -- and I don't -- by the way, I don't believe Legislator Montano will be prevailing, but even if he did prevail, it would be referred back to committee and the way the committee is structured now, it would be voted out on the floor. I wish it wasn't over this issue because I really want to see this issue come to a vote. But we as a Legislature have to decide. And this is no offense to our Presiding Officer, but if you have five people that are members of a committee and a sixth joins it, how do three positive votes get a majority? How do you count a vote and not the presence? I think Justice MacKenzie was right in raising that question. This goes not to this issue because there's people on both sides of 1105 and this isn't the issue on 1105, this goes to how we run the Legislature.

I know I'm in the minority, probably on anything I really want I'm never going to win, I know that. But let's not rig the rules. Let's not rig them. This is not an issue of Democrat or Republican. This isn't even an issue for Legislator Beedenbender's bill. And his bill does deserve a vote, yes or no; we all have reservations one way or the other, but it deserves an up or down vote, it absolutely does. But that isn't the issue here. The issue here is did we dot all the I's and cross all the T's and follow our own rules?

You know, I've got grave reservations that we did in this case. And I want this issue to come to a vote, I want to say that again. And this is very troubling because I don't know how I'm going to vote on this challenge, but the challenge on its face is pretty simple. I mean, do we count people as -- do we have -- do we count in committee, in the Legislature, do we count an absolute number or relative number? Our rules have always counted an absolute number, we have 18 members, we count 18. It requires 10 votes for a majority. We have one member absent by resignation, now we have 17; does that make nine the majority? I don't think so.

How does it -- if not for the full Legislature, how does it work that way in committee then? I've never seen this done. This Legislature was created in 1970, I've never seen this done once in the 38 years that this Legislature has been in existence where a Presiding -- look, a Presiding Officer can stack committees; I didn't think anyone would, but it happened this year. Surprise. But that's his right and his privilege and no one contested that; we weren't happy with it, but no one contested it because that is his right. But his right is not to have his vote count more than others, and when you count his vote and not his presence, that's what you do in committees. We welcome the Presiding Officer into our committees. We welcome his wisdom, we welcome and listen to his views whether we agree with them or not, but we should count his vote no more differently than we count our votes and we might do that if this appeal is not sustained, and that's a problem. And again I say, I want 1105 to come to a vote and I will work for it to come to a vote but this is a problem here. Thank you.

P.O. LINDSAY:
Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I think my colleague makes an excellent point. I think we have to for a second put 1105 aside and look at this as if it was an appeal on any particular piece of legislation. Because a lot of people are anxious to see a vote one way or another on 1105 and we have to really think and not be hasty here and not set a precedent that will haunt us in the future. It's important, particularly since 1105 is a

bill that deals with following the laws, that we don't violate our own laws in an effort to rush a decision on a law that requires people to follow the laws.

I want to make sure I fully understand this. And Counsel, I'm going need your help here. I see you're engaged in a conversation.

P.O. LINDSAY:
Jon, let him answer the question.

LEG. SCHNEIDERMAN:
When I look at this, and we look at the Presiding Officer and we've given the Presiding Officer the authority to vote on all these committees, but we're looking at it as if he is not a member of committee. The rules say that you need an affirmative vote of the majority of the committee. This is a five member committee, one was absent. You only had two of the committee members in this case voting to approve the bill, so you didn't have the majority of the committee. Now, if you want to say that the Presiding Officer is a member of the committee, now you have a six member committee which means a majority of six would be four. So you -- under your determination, Counsel, you could have a situation, assuming in this case Elie Mystal was present, where you had, assuming hypothetically that Elie would have voted no on the bill, then you would have had three nos and three yeses, and by your interpretation that would approve. So normally when we have --

MR. NOLAN:
No, that's not correct.

LEG. SCHNEIDERMAN:
Okay, then I'm missing something here because you had -- is it a six member committee or is it a five member committee? Are the people who are on the committee the five members of the committee or is it any five people who are in the room?

MR. NOLAN:
The rule in question, 6-B, says that a bill can only be discharged if it receives at least a majority of the entire membership of the Legislative committee to which it has been assigned.

LEG. SCHNEIDERMAN:
And that membership were those five individuals, right?

MR. NOLAN:
That's correct.

LEG. SCHNEIDERMAN:
Okay.

MR. NOLAN:
That's my interpretation. When the Legislature adopted this rule -- and they're your rules. When the Legislature adopted these rules it was -- I believe that section meant in this particular case five members, and I'll tell you why I've reached that conclusion, why I believe that is the correct conclusion.

The rule itself, I will admit, is not crystal clear as to how do you treat the Presiding Officer when he comes in to participate in a committee meeting. Robert's Rules of Order -- which we have to look to in order to kind of fill in the gaps of our rules, where our rules don't apply Robert's Rules applies -- doesn't address specifically, again, how do you treat the -- an ex-officio member in terms of how does that affect the membership of the committee and how do you count it and what does that term mean. But it does state that when you're considering a quorum, when do you have a quorum and whether or not an ex-officio should be considered in determining whether you have a quorum,

Robert's Rules says don't count the ex-officio, he doesn't count in terms of quorum. That being the case, as I said -- and Mr. Montano, Legislator Montano cited it from what I gave him, I believe from that it makes the most sense to state that when you're trying to figure out what does the entire membership of the committee mean, it means five.

Now, if all five members are there on a particular day and the Presiding Officer comes in, and this was another question that was put to me by Legislator Montano, you've got to -- you have to read Rule 6-B in conjunction with what's in Robert's Rules. And what I said to Legislator Montano is this, if you have all six, you have to have a majority of all those present and voting and it has to be at least -- meet 6-B's minimum vote requirement. So in other words, if there's six people there and everybody votes, then you would need four votes in that particular case because obviously if it's a tie vote it can't be discharged when you have equal number of votes in favor and against. But if one member was there but abstained and didn't participate, the majority of those voting, participating in that vote would be three out of five and it would satisfy 6-B's minimum vote requirement, three out of five of the membership of the committee.

That's my interpretation. I believe what I've interpreted, the way I've interpreted it is consistent with I think the way most of the Legislators thought the rule, what it meant when it was adopted. But we have a member who disagrees and this is the process we go through and that's what we're doing.

LEG. SCHNEIDERMAN:
Well, I agree to the extent that I think it's not clear.

LEG. MONTANO:
May I?

LEG. SCHNEIDERMAN:
Which seems to beg us to allow another judicial body to clarify it, which is what Legislator Montano is asking for.

MR. NOLAN:
I don't think another judicial body will ever -- I think if we --

LEG. SCHNEIDERMAN:
If I could just finish for a second. I read 6-B and it says, "Discharge by at least a majority of the entire membership of the Legislative committee to which it has been assigned." That Legislative committee was Lynne Nowick, Elie Mystal, Tom Barraga, Kate Browning and Jack Eddington; it did not get a majority of those individuals, it got two of those five. So I don't -- I don't see how we read B to say -- 6-B, that this was properly discharged.

LEG. MONTANO:
May I respond?

P.O. LINDSAY:
No, no. We have a list, I have you down.

LEG. SCHNEIDERMAN:
But I heard your argument.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Well, first I just want to say that, you know, this is where we should be and this is the process that should go through when a Legislator has a different interpretation of our rules and this is the process

that's provided for it in our rules. I'm not a lawyer, but I can tell you that if anybody around this horseshoe thinks this is the first time this happened, they would be incorrect. I can -- I am remiss, I cannot find the paper in front of me, but I'll provide all of you by e-mail tomorrow a couple of the examples where we tabled bills in a situation just like this and we didn't have enough votes. So it's happened before and I agree with our Counsel's opinion.

Now, this is an impressive packet of information and there's a couple of things in here. But before I get to that, I just want to say that this -- there's been, whether practical or -- or on purpose or implicit. There's kind of this insinuation out there, and I'm not going to attribute it to anybody, that this was -- there was any malicious intent out there and -- no, no, I'm just saying. I'm not implicating it on anybody, I'm just saying, this is not a choreographed event. The Legislator voted and our Counsel made a determination and we have a memorandum from our Counsel.

Now, in this packet we have a memorandum from a previous Counsel and in my opinion, this particular memorandum, it is a political argument guised in a legal opinion, and I'll tell you why. In this opinion, and I'll use that loosely, it goes after the substance of this bill to attack the County Executive for not doing something that the author of this resolution -- of this opinion basically thought he could. And I'm going to depart from the motion that we're -- the appeal of the chair just for one brief second, so I'll ask your indulgence, Mr. Chairman.

For 30 years the author of this piece of paper, Mr. Sabatino, supported and drafted and encouraged Legislators to file legislation just like 1105, and recently he switched that position and came out publicly and said we should never pass any such laws. So I would ask you if the author of this piece of -- this memoranda could change his position on that, then how can we trust that this is a legal opinion rather than a political argument? And I don't. And for those of you that don't know, obviously I used to work with this gentleman, and I don't -- I do not believe that this is a legal opinion, I believe it's a political argument. So I would ask my colleagues, out of the packet of information that Legislator provided, to put that aside.

And lastly, I would just say, you know, I'm not going to talk about the merits of my bill. We've -- I've done it ad nauseam four months from now -- four months so far and I'll continue to do it if I have to. But we have a ruling from the Counsel to the Legislature. The ruling indicates that according to the spirit and intent of the Legislature, at the time that this rule was adopted we have followed that rule.
We should -- we need to affirm this and if we have to look at the rule we certainly could because it's not clear in our rules; it's not clear in Robert's Rules of order or anywhere, this ex-officio. But I think -- the ex-officio argument. But I think that in accordance with the best traditions of this Legislature and what we have done in the past that we have followed the rules and that in the best -- the intent of the Legislature was to pass this, was to have a vote on the full floor and that's what I'd like to have. So with that, I'll yield.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
All right, just a couple of points. First of all, it's obviously -- it's obvious that I disagree with Counsel, otherwise I would not have brought the action. It's obvious that the Supreme Court Judge agreed with my position otherwise she would not have granted the TRO. The reach down -- Counsel violates, in my opinion, one of the general rules of construction when we talk about rules and laws. He's reaching down to Robert's Rules of Order where he feels the gap has to be filled; that's improper in my opinion, you have to to reach up, not down.

In addition to the language of the ruling, you have to look at the advisory opinion that was issued by the Committee on Good Government which is precedent which is clearly on point. And you also have to look to the Construction Law, New York State Construction Law. What we're talking about here is not necessarily violating a rule of the Legislature, but in violating that rule of the Legislature

you're also violating General Construction Law, Section 41.

I can tell you that I did not bring this lawsuit lightly. I looked at it, I asked for the opinions, I asked for further clarification. I think that Counsel's -- and all due respect to Counsel, Counsel will disagree, I am an attorney for 33 years with having been an Assistant Attorney General, a Federal Prosecutor, etcetera, etcetera, that's not the point. The General Construction Law is that you look to the higher authority. Here we're dealing with Construction Law and we're dealing with precedent.

The issue with respect to Mr. Sabatino's memo, the issue of credibility goes to the Legislature here. I am not an advocate of what Mr. Sabatino advocates on every level. I've had screaming matches with him here. The memo that's provided which is Exhibit K is his -- you know, there is dicta in there that I think is inappropriate for our purposes and I will agree with that. But the basic premise of his memorandum is that as Legislative Counsel for 20 years, this is the way the rule has been interpreted, this is the meaning behind the way the rule was written. I would have to agree with that because I've looked at Construction law Section 41 and the rule is written in conformity, you know, with Construction Law 41.

You know, the bottom line is that I have offered to withdraw this lawsuit to save the County money with a simple referral back to committee; I think that that would be in the interest of all. I do not understand how we can advocate -- and let me say this. In court, to Justice McKenzie's credit, we never even discussed the issue of the substance of 1105. She understood very clearly that the subject matter of the bill had nothing to do with the legal proceedings and it should have nothing to do with the proceedings here.

Let me make another point. Counsel to the Legislature talks about that Mr. Mystal was absent. You have to look at Rule 6, Rules of Discharge, and for the attorneys I'll ask you to -- it has to be read in conjunction with the other rules of the Legislature. And Rule 6-E which is in the same -- which in the same title talks about, "Any vote on legislation in committee, which vote is not for the purpose of discharging the pertinent bill from the assigned committee, shall require the affirmative vote of at least a majority of the members of the committee present and voting, so long as a quorum is present at such meeting." Counsel is correct, the Presiding Officer's entry into the meeting does not affect whether or not a quorum is there, but he does affect how many members sit in that committee and how many votes are needed to discharge a bill.
I personally believe that Section E might also violate Construction Law, but I'm not dealing with that issue, I'm dealing with the issue of whether or not this bill was discharged properly from committee. If it comes back for a vote after having properly discharged and it passes, I have no complaint. So -- and I don't understand how we can sit here and talk about passing a bill that deals with illegality on the one hand when we are come committing illegality, in my opinion, by discharging this bill improperly in violation of State law.

I would ask my colleagues to send this back. I would be more than happy to drop the lawsuit. I'd be more than happy to save the County money. You know, they obviously have high paid, high quality big bucks law firms. My -- I paid the $305 for the RJI and the Index Number out of my pocket and I have a team of lawyers, one of which is sitting in the auditorium, that are looking at this and they're all doing it pro bono. I think that we've made our point, I think the case is clear. I think Judge MacKenzie would not have issued the TRO if she didn't agree with this.

And with all due respect to Counsel and the Presiding Officer, I think we need to get on with this. Send it back to committee, I think that's the appropriate legal remedy. And then we can come back on June 10th and if it gets out of committee, which I have no doubt that it will under the circumstances of Mr. Mystal no longer being a Legislator, we can vote on this on June 10th. What is the rush? Why must we commit an illegality to vote on a bill today when we're going to come back here next month? Suffolk County has gone without this bill from its beginning to now, one more month or less than a month is not going to matter. But if you persist on -- you know, if you persist on taking a vote today, then I must persist in moving forward with the case on the merits. And I appreciate what Legislator Romaine said, but I disagree, I think that we will prevail because the law

is on our side.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
I've looked through the applicable paragraphs and the applicable statutes. And as Legislator Montano correctly points out, any time that there is a hole, a gap in the statutes and regulations themselves we look to other authorities. And so I was pleased to see that there was a New York State Advisory opinion, because whenever you're doing legal research you go beyond the statutes and you're trying to look for other sources to look to Legislative Intent. And as I read it, it appears to be directly on point. We're talking about the same language, "All voting shall be decided by a majority of those present and voting," which was the language in this case.

Of course then you take a look a little further down and then the language becomes a little less clear regarding this particular advisory opinion where the gentleman rendering the opinion goes on to say that, "It is not within my authority to determine or advise what a majority of a committee might be," and then ending with the language, "Therefore I cannot advise as to their intent or, therefore, their unequivocal meaning," meaning the statutory language that we're talking about.

So my question to our Counsel is, in your opinion, what precedential value does the advisory opinion have and what, if any, other research have you been able to come up with beyond just the statutory language that might go to this issue.

MR. NOLAN:
Well, the advisory opinion from the Committee on Open Government, even on matters that they are supposed to opine on which is FOIL and the Open Meetings Law, is advisory. But frankly, I found that opinion quite muddled and unhelpful, particularly when you get to the end of opinion where he starts talking about he doesn't understand this idea that an ex-officio member won't count towards a quorum and then he's fuddled by that. So I find it of limited value.

I think what it really comes down to, from everything I've looked at, this Legislature will determine what this rule means. They're your rules so you will determine what the rule means. And I don't believe that any court will overturn the determination of this body as to what the internal workings of this Legislature are, what our rules are and how they work.

You know, during the lunch break I was just doing a little extra research and I looked at -- I came over the 2007 Attorney General opinion, which is informal and also advisory, but he was talking about the inner workings of a Legislative body. And it noted that according to County Law, Section 153-8, the Supervisors of each County -- re: County Legislature -- shall determine the rules of its own proceedings. We believe that this section does not provide" -- "This section permits a Legislative body to determine the number of votes required for intracameral matters such as selecting a Vice Chairman, appointing council members to council committees and adopting council rules."

General Construction Law 41, which Legislator Montano has relied on in his legal papers and here today, which requires public entities to act by a majority of the whole and not by a majority of a quorum does not restrict rule making as to intracameral matters of a Legislature.

So I think what we did in that Consumer Affairs Committee and the decision to say that it was discharged properly does comply with a General Construction Law because the General Construction Law also doesn't really talk about ex-officio members. But I would even say to you, assuming that it did apply or when it came to our rules and the inner workings of our body, it would not necessarily apply. We could -- like we did with one rule where we said it matters not having to do with a discharge, it would be a majority of those present and voting. So you could have three people appear at a committee meeting, that would be a quorum and then two people could vote to table

something, okay, which is not really what the General Construction Law says. But our rules say that if you're going to discharge something, you have to have at least three or four depending on the size of the committee.

That's what I believe it means. I think that's the way most if not all the members of the Legislature understood the rule. That if we have a situation like this where a committee was missing a member, the Presiding Officer voted that day, three out of five of the people present voted in favor of discharging the bill, that it would be discharged. I think it would be kind of an absurd conclusion to say we had a five member committee, somebody didn't come in that particular day, the Presiding Officer participated and now we needed a super majority of those present to discharge a bill to the floor. I don't think that's really what this body intended, particularly in light of the history of this body which is a preference in getting bills out to the full Legislature rather than bottling bills up in committee.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Like Legislator Romaine, I believe that the underlying bills should be out and should be voted on, but I also am concerned as to the manner that this came out of committee.

I've studied the papers that Legislator Montano assembled. I am still struggling with how to reconcile or comport with the vote to table subject to call that occurred in March which involved the five members of the committee and the Presiding Officer as the ex-officio, and then the vote that turned out to be affirmative in April which involved a five member committee and yourself as ex-officio. I think that while we all acknowledge and cede to you the control and the governance of us and the conduct of our meetings, I can honestly say I don't think that I thought that you would ever take the role of a member that was not at a committee. And if that is a question that's before us, I'll say that was not one that was in my mind as we adopted the rules.

Let me ask a couple of questions as far as where we're at with this. The attorneys that are representing the County or the County Legislature at this point that are on appeal, how was the decision made to go ahead and take this appeal? How did Berkman Henoch become engaged to appeal this?

P.O. LINDSAY:
I instructed the County Attorney to appeal the decision.

LEG. KENNEDY:
And who do they represent, Mr. Chair?

P.O. LINDSAY:
They represent this Legislature.

LEG. ROMAINE:
Without a vote.

LEG. KENNEDY:
If I as a Legislator disagree with that decision, how does that get manifested?

P.O. LINDSAY:
Just by the process you're talking about now, which should have taken place in the first place instead of going to court.

LEG. KENNEDY:
Through conversation; but then again, we didn't have the opportunity to have that conversation, did

we?

I have grave concerns that what we are doing at this point puts us in a situation where we strive always to have objectivity, a level playing field and a fair set of rules. And in fact, what we may be doing is embracing something that's something other than that. I -- I'm very troubled with where we're at with it at this point, but I'll yield.

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
I'm going to echo what was just expressed by Legislator Kennedy and what had previously been expressed by Legislator Romaine. I'm very troubled by the way in which this particular piece of legislation was approved out of committee. I don't know that the case seems to be clear enough for us to accept at face value. With all the documents before us, it seems to me that we could go on and on and discuss how many angels can dance on the head of a pin ad infinitum. But it doesn't compel me to send this piece of legislation back to committee, because my guess is that it would probably be voted out of committee again and it would be before us again. And the demonstrated level of tension that exists in our community, that is brought up like an open sore every time one of these pieces of legislation is introduced, would just continue to fester among us if we were to send this back to committee and if we had to deliberate again on this. I find it a very distasteful exercise, I find it a very painful exercise.
These resolutions seem to give license to those people who are among us in our community to accuse many of us of not being people who care about our country. It seems to give license to people to wear chicken suits outside of our auditorium and say "Pluck Fisher". I don't want to see this exercise prolonged. However, I feel that as a body we need to address the ambiguities of our rules.

As much as we have voted for someone to be Presiding Officer, we should all, as equal members o this body, have equal votes and that should be very, very clear in our rules. However, I would certainly not be willing to send this back to committee and prolong the suffering.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you, Mr. Presiding Officer, I'll try and make this quick. I think I agree with -- I do agree with Counsel's position or conclusion. I think I have a slightly different rationale and I just want to kind of run that by you.

I think what your position says that the -- I think we all agree that the Presiding Officer does not count for purposes of a quorum. So if there are five committee members, not including a Presiding Officer, you need three for a quorum; I think the Freeman opinion says that and I think we're all pretty much on board with that.

I also believe, looking at the Freeman opinion, and I agree with Legislator Stern, that he says, "It's not within my authority to determine or advise what a majority of a committee might be." So I think this decision is not on point and I don't find it very useful.

My question is, however, you then conclude if the Presiding Officer is present you need, like in this particular case four -- you need three votes of those present. So what we're really -- the flip side of that would be if the Presiding Officer comes in the room the size of the committee goes up and if the Presiding Officer steps out of the room the size of the committee goes down, and that's a concept that I'm struggling with.

You know, we're looking for some kind of fixed, reliable rule, so when I have a bill pending in a

committee I have to think about whether or not the Presiding Officer is walking through that door; that doesn't make any sense to me. And I think the better way to interpret it might be is that if the Presiding Officer does not count for a quorum, the Presiding Officer is also not counting towards the number of votes required, in this case three. However, the Presiding Officer under a separate rule in our rules is granted voting authority, and that seems to me a more fixed concept.

So now you know that to get a quorum you can't rely on the Presiding Officer's presence. You also know whether or not the Presiding Officer is in the room, you know what number of votes you need to get a bill out of a committee. And then the only issue after that is whether or not the Presiding Officer is going to participate in voting. That seems the most logical outcome in my opinion.

P.O. LINDSAY:
You done?

LEG. D'AMARO:
Yeah.

MR. NOLAN:
He wants a reaction.

P.O. LINDSAY:
Oh, did you ask a question?

LEG. D'AMARO:
Well, my question is, you know, the flip side of that is that the size of committees are going up and down at the discretion of the Presiding Officer walking in the room; how could that be?

P.O. LINDSAY:
You're absolutely right. If this interpretation prevails, instead of diminishing the Presiding Officer's power you're increasing it.

LEG. D'AMARO:
I agree with that, that's right.

P.O. LINDSAY:
Because at any given time I can walk in the room and change the number of votes it needs to get something out of committee and, in effect, could probably bottle up a lot of legislation.

LEG. D'AMARO:
I agree with you, Mr. Presiding Officer. I think that Legislator Viloria-Fisher spoke about needing some kind of definite rule to follow and I think that the construction, the General Construction Law makes it clear. I think some of the opinions make it clear that you don't as a quorum the Presiding Officer. The Presiding Officer is not a member of a committee whether he's in the room or not, that's what ex-officio means, not official. The purpose of deeming that person ex-officio as opposed to a regular member of the committee as used in all the statutes is precisely because the Presiding Officer cannot increase the size of a committee by walking in the room.

LEG. HORSLEY:
That's right.

LEG. D'AMARO:
And I think that's an important point. Thank you.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yes. All right, we're going on and on and I would like to address that. First of all, I totally disagree, the General Construction Law I believe is clear. Interpret it any way you want, the documents are before you, the precedent is there, interpret that any way you want also.

Counsel earlier said that he doubted that any court would sustain this because this is an internal matter of the rules of the Legislature. I would say very clearly that Counsel hasn't -- you know, no one should ever predict what a court would do. As matter of fact, the TRO that we secured against this Legislature is the first time that a TRO has been secured against a Legislative body, so you can't predict.

This particular issue, in my opinion, has already been dealt with by the court; it is called the Political Doctrine, Political Question Doctrine. We researched this and this is part of my brief, and it's -- the matter of Anderson versus {Krupsik}, that is Warren Anderson who was the Majority Leader of the Senate who sued the Lieutenant Governor and it was basically the same point and I'm just going to read from this. And I'm going to read my point and then I'm going to read the quote from the case and I hope that this will put to bed the issue of whether or not the court can entertain this.

I agree with Legislator Fisher, we should put this to rest. However, I will not put it to rest unless I believe that the rule of discharge has been properly executed. I said and I'll say again, if it goes back to committee and it comes out properly, we take a vote; whatever that vote is, that's what it is.

But with respect to whether or not the court is going to have jurisdiction, you know, the matter of Anderson versus {Krupsik} dealt with this very issue, in my opinion, and it was painted as an internal administrative -- you know, the internal administration of the Legislature. And the argument was that the controversy there as to what constituted a quorum between the Assembly and the Senate was not justiciable, it was not a justiciable controversy capable of resolution by the courts and beyond the scope of judicial review and the court said, "Nonsense." It said very clearly, "When faced with questions of law, we," being the Court of Appeals, "We always have and shall continue to decide those questions regardless of the political context in which such questions arise. To do otherwise would only undermine the function of the judiciary as a coequal branch of government. Thus, the fact that this case would not have arisen but for the political division between the Senate and Assembly does not prevent us from determining whether the joint session in question was conducted in accordance with Section 02 -- Section 202 of the Education Law." And we have the analogous situation, if you substitute Section 202 of the Education Law and you write Construction Law Section 41, I think it's clear to me, and certainly it seemed clear to Justice MacKenzie, that we did have an issue that lent itself to judicial interpretation.

So I've asked my colleagues, I've presented all of the information. I don't want to make this a political thing. You know, it's painstaking to have to sue the body of which you're a member of, but I feel strongly that the rules were violated. The factual situation with respect to Legislator Mystal has changed because he's no longer on the committee so he no longer could vote. There are only two ways to discharge a bill and that is by Section 6-B and 6-C; it's very clear that 6-C was not applicable because we did not get 10 signatures for a discharge. I maintain and I would ask you to sustain the fact that this bill was discharged in violation of the rule. The precedent, the arguments are there. You now have to interpret the -- you have to be the trier of fact on this because if this is not sent back to committee, I do intend to pursue it on the merits, as painful as it may be for all of us.

P.O. LINDSAY:
Okay. Hopefully --

LEG. MONTANO:
I've made my record. Thank you.

P.O. LINDSAY:
Hopefully I'm going to have the last word on this and we could vote on this and dispose of it.

LEG. MONTANO:
I have nothing more to say, Mr. Presiding Officer.

P.O. LINDSAY:
I assumed you relinquished the mike.

First, I urge my colleagues, whether you sustain the ruling of the Chair or overturn the ruling of the Chair, to look at the rules of this Legislature to give me some clear delineation on what my role is. Because I thought I was pretty clear on my role in the way I have acted as the Presiding Officer. If you do not want me to be the ex-officio member of every committee, somebody put in a rule change now, do not let it go until January. If you do -- if you want me counted towards the majority, whether the whole committee is present in the room or not in the room, make that clear now by a rule change regardless of how this vote goes; and I'm fine with either one.

And to answer you, Mr. Kennedy, I view myself as the protector of this institution in the absence between meetings. If somebody takes legal action against us, I feel it's within my right to protect this body and I will continue to take that action. And if you don't like it, appeal that ruling as well. Let's get on with the vote.

Applause

Okay, the motion here is to override the decision of the Chair. So an affirmative vote, a yes vote would be in support of the motion to override the opinion of the Chair. Roll call.

LEG. VILORIA-FISHER:
Wait, what's the consequence of that; then this would go back to committee?

LEG. MONTANO:
Yes.

MR. NOLAN:
No.

LEG. NOWICK:
Yeah, and then it will come out of committee.

LEG. BEEDENBENDER:
Mr. Chairman? That was my question. That's an important question that Legislator Viloria-Fisher brings up.

LEG. MONTANO:
Yes, the consequence is --

P.O. LINDSAY:
Well, obviously it would go back to committee.

LEG. BEEDENBENDER:
Well, but Mr. Chairman, my concern is that that isn't so obvious.

LEG. MONTANO:
It is obvious.

LEG. BEEDENBENDER:
No, because -- and I'll explain very quickly. In past -- in the first meeting of the Consumer Protection Committee, Legislator Montano had raised a question to Counsel as to whether or not if the bill was defeated in committee, whether or not a discharge petition could be presented for it, and there was no resolution for that question.

LEG. MONTANO:
Point of Order. That dealt with --

P.O. LINDSAY:
Point of Order; go ahead, Legislator Montano.

LEG. MONTANO:
He brings up a different point, I just want to clarify it. If I may, Mr. Presiding Officer?

P.O. LINDSAY:
Go ahead.

LEG. MONTANO:
You misstate.

LEG. BEEDENBENDER:
Okay.

LEG. MONTANO:
The issue there was what happened in the result of a tie vote.

LEG. BEEDENBENDER:
Right.

LEG. MONTANO:
And would the bill die. This situation is not applicable to that.

LEG. BEEDENBENDER:
But the inference that I'm attempting to make, Legislator Montano, is that although you have said, I think a couple of times just recently, that the bill would go back to committee, if, in fact, the rule of the Legislature agrees with your appeal, then the bill got three votes and then it wouldn't have had sufficient. So it couldn't have passed, it's in limbo so it has to do something.

LEG. MONTANO:
I will -- if it goes back to committee, I will withdraw the lawsuit immediately and I will not challenge the ruling, you can go back and have your vote.

LEG. BEEDENBENDER:
Right, but I'm not speaking about the implications of your lawsuit, sir. I'm speaking about the fact that if you say that four votes are needed to pass something and that ruling is upheld by this body, then that bill got three.

MR. NOLAN:
And it failed.

LEG. BEEDENBENDER:
That means it failed. So if the bill failed, the question I was bringing before you is -- and I'm sorry if I misinterpreted it, but it was my understanding at that point that your question to the Legislature at Consumer Protection was whether or not a bill that was defeated in the Legislature was eligible for a discharge petition. So my question is that the implication of this, if that bill -- if your appeal is held

and the bill failed, then we will have that question as well. So before we vote --

LEG. MONTANO:
You will not have -- let me state for the record it is a valid question, you will not -- I think based on the circumstances, what I am asking is that it go back for a revote. The vote that was taken there and the discharge would be null and void, you can go back and have your vote. I am not going to challenge it, I accept the decision of the committee. And I'm also not stupid; Legislator Mystal is no longer here so the no vote that would have stopped this from coming out of committee is no longer there, it is up to the Presiding Officer whether he wants to come into that committee or not. I'll leave that -- I don't intend to challenge that, I don't intend to make an issue of whether or not the bill dies.

My motion is that this Legislature send the bill back to revote. I would have preferred Legislator Mystal to be at that committee because I think it would have been a deadlock vote, as was the scenario you paint out. But I'm not playing games here, I would like to end this but I'm -- I've already said, we have a court date on Thursday. The reason that we made this lengthy record is because I am obligated under the rules of law that says that I must exhaust my administrative remedies, so in order not to prejudice the case I had to make this appeal.

I am perfectly willing, if my colleague sustain this and send it back to committee, whatever happens happens and if it gets out of committee we come back on the 10th. I don't think we need to debate it, I think we just need to vote on it. So I will not make that challenge and I think --

P.O. LINDSAY:
Whether Legislator Montano makes a challenge or not, I'd like to hear from Counsel on his opinion.

MR. NOLAN:
No, if the -- if Legislator Montano's appeal is upheld, that means that the bill required four votes to be approved which it did not receive; that means the bill failed. So at that point -- now, I've said even a bill that's defeated in committee can be discharged by a petition, but Legislator Montano has disagreed with that opinion as well. So I think that is another issue that, you know, is out there that people should be aware of.

LEG. BEEDENBENDER:
Mr. Chairman, the point that I was trying to enunciate is just there's another incongruity there, that we can't say that we have to uphold that it needed four to get out and then just say, "Well, it's okay, we'll vote again." My point is that if this appeal is heard the bill failed and there won't be another vote unless we get a discharge. It can't be that the appeal is heard and we'll have another vote because that would violate the rules as well. So I'm just trying to get an understanding.

P.O. LINDSAY:
Yeah, but what Counsel has ruled in the past, that if a vote fails in committee it's still in limbo in that committee and still could be voted out.

LEG. BEEDENBENDER:
And I understand that, I'm just -- but it's an important point that --

P.O. LINDSAY:
Now, not all of us agree with that, but that has been the ruling of the Counsel.

LEG. BEEDENBENDER:
Right, but the point is that there will not be a committee vote.

LEG. MONTANO:
There will be a committee vote.

LEG. BEEDENBENDER:
No.

LEG. VILORIA-FISHER:
No.

LEG. MONTANO:
Yes. Under Counsel's ruling, all right, because I don't want -- I don't want this tactic to switch the vote. I'm not looking to kill the bill, I don't want that ruling to kill the vote, okay. It's not a appropriate. If Counsel's ruling is that it still is subject to call, then all you have to do, to follow Counsel's rule, is call it up at the next committee meeting; am I correct, Counsel?

MR. NOLAN:
You're incorrect.

LEG. MONTANO:
No? Then explain to me why --

MR. NOLAN:
There was a motion to approve to discharge. If your appeal is upheld here, that means that it needed four votes in committee which it did not get, that means it fails. And at which point the only way to get it out of the committee is through a petition to discharge.

LEG. MONTANO:
I don't buy that.

MR. NOLAN:
Well, I'm shocked.

LEG. MONTANO:
That was not your ruling on the record last time. And I think that -- I'm going to really object to that tactic, okay?

MR. NOLAN:
It's not a tactic.

LEG. MONTANO:
It is a tactic.

MR. NOLAN:
No.

LEG. MONTANO:
Yes, now we're going far afield, okay. I don't believe that's the ruling, you can decide which way you want to go on it, we'll deal with that. If that's the way it's going to be interpreted now, that -- we have the minutes from that meeting. My understanding was that if there was a tie vote, Counsel, then the bill just kind of lingered and you would be able to call it up and I said, "No, my interpretation" --

MR. NOLAN:
It's not a tie vote.

LEG. MONTANO:
Let me finish.

MR. NOLAN:

It's not a tie vote.

LEG. MONTANO:
It doesn't matter, it still did not pass, all right? Because a tie vote would not have made it pass. So now that rule is inconsistent. And I do have the minutes for those, I don't know if we have them here; Bob, do we have the minutes for those meeting?

MR. MARTINEZ:
They're at the office.

LEG. MONTANO:
We don't have them here, we have them in the office. You know, be that as it may, I will say this. I think in view of the lawsuit and in view of my being the plaintiff, I would say very clearly that I would be willing to stipulate to withdraw the lawsuit and to allow a revote. And I think that would be proper as a reconciliation of this action if, in fact, the vote is taken.

So I'm not looking -- you know, I don't want to play legal niceties here and I don't want to do scare tactics that, "Oh, my God, we're going to go through this all over again." I want this to go back to committee to be voted on because of the controversy, because of the misunderstanding of the rules. I think that's fair and I think that's consistent and I would ask my colleagues, you know, to back me up on that. I'm not looking to play games, but I don't want to say, "Oh, my God, if we vote in favor of my position the bill dies, therefore you don't want the bill to die," that's an unfair tactic.

LEG. BEEDENBENDER:
Just in response, that's not the tactic that I meant to put out there.

LEG. MONTANO:
No, I'm not implying --

LEG. BEEDENBENDER:
I know.

LEG. MONTANO:
I'm not implying you and I think you understand that.

LEG. BEEDENBENDER:
I know. Legislator Montano, I'm just speaking to the body, not directly at you.

LEG. MONTANO:
Okay.

LEG. BEEDENBENDER:
That if -- you know, there has to be a ruling, so that's the implication that there will have to be a discharge petition, which I will do and I have no problem --

LEG. MONTANO:
Well, then --

LEG. BEEDENBENDER:
And I have no problem with that.

P.O. LINDSAY:
Hold on, hold on, Beedenbender has the floor.

LEG. MONTANO:
I apologize.

LEG. BEEDENBENDER:
You know, there will be a discharge petition which I will be happy to do if your position is followed. But you can't -- you know, I understand you would like to make the stipulation and you agree to it, but you can't agree to that, you know, it's the rules. If your argument right now to any Legislator that feels that the appeal should be upheld, if you believe that that should be upheld then you also must believe that the bill failed and there won't be a committee vote. And I'm not trying to make a tactic to scare anybody, it's just important that we understand what will happen from a yes vote and what will happen from a no vote. And with that, I'm done.

P.O. LINDSAY:
Okay.

LEG. MONTANO:
Let me just say this. You know --

P.O. LINDSAY:
Legislator D'Amaro is waiting for the floor and --

LEG. MONTANO:
Go ahead, Legislator D'Amaro.

P.O. LINDSAY:
-- I would urge my colleagues, whether you're for this bill, against the bill, for the ruling of the Chair, against it, please get it over with because I haven't gone to the bathroom since 2:30 and I don't have a Deputy. Legislator D'Amaro.

LEG. D'AMARO:
Now you're really putting pressure on me, I have to tell you.
Should we see how long he can wait? Anyway.

Thank you, Mr. Presiding Officer. I think Legislator Beedenbender raises a valid point; I just want to address the flip side of that point. To Counsel, if you could just get his attention for me.

LEG. MONTANO:
Counsel, they're asking you.

LEG. D'AMARO:
The -- you know, one of the concerns is if the ruling of the chair is not upheld, maybe it goes back to committee, was it defeated, not defeated, we can deal with that. What I want to know is if the ruling of the chair is upheld now, then it's my understanding that this bill can properly come before us today, it is on the agenda. My question is what -- and let's say we act on the bill today; what happens to the lawsuit pending?

MR. NOLAN:
Well, it will go forward because the court has never really reached the substance of the claim. It was really -- up to this point we've only been arguing about should the Legislature be enjoined from acting and we had a Supreme Court Judge who said,"Yes, you're enjoined," the Appellate Division said, "No, the Legislature is not enjoined. It may act." And that's where we are right now.

LEG. D'AMARO:
All right, so -- so if we act on the bill today by majority vote, then the lawsuit will still make the challenge or could still make the challenge to undue the will of the majority of this body.

MR. NOLAN:

Well, the case will go forward, as Legislator Montano has said, the case will go forward. I believe he'll challenge the law because of the committee action.

LEG. D'AMARO:
Okay.

LEG. MONTANO:
If I may, Legislator D'Amaro you're an attorney the action is what happens is--

P.O. LINDSAY:
Legislator Montano; I'm just recognizing you.

LEG. MONTANO:
Article 78 did he clarity judgment action it does continue the court that is right to nullify action the vote of this Legislature because of the fact that if they sustain the argument the Legislator -- the Legislature didn't have the right to vote on it I would void that I am not -- you know to respond to Legislator Beedenbender, if I may, I'll even amend the motion that we override the chair and send it back to committee for a revote if that's an acceptable.

P.O. LINDSAY:
I don't think that's proper motion.

LEG. MONTANO:
All right, I'm not going to appeal a second ruling, let's just call for a vote.

P.O. LINDSAY:
Okay, you want to talk?

LEG. HORSLEY:
Come on, Jay.

LEG. SCHNEIDERMAN:
Legislator Montano, I understand that you feel it was not properly discharged from committee and that clouds the issue. But it also seems inevitable that this bill is going to pass, I think Legislator Beedenbender has the votes and we are somewhat delaying the inevitable. My question is, and this is really for Counsel, if this goes back to committee, is there no other procedures that clean up this record, clean up procedurally in a way that Legislator Montano might find acceptable in terms of following procedures that would bring this before us without having to wait another however many weeks it may to get before us again?

MR. NOLAN:
It is my opinion that if the challenge to the ruling is upheld, the only way to get this -- get it back to the floor is with a petition of discharge. That the bill was defeated in committee but is still alive and can be discharged by a petition signed by ten members of the Legislature. That to me is the remedy.

LEG. SCHNEIDERMAN:
Could that discharge petition happen today?

LEG. MONTANO:
No.

LEG. SCHNEIDERMAN:
And why couldn't --

MR. NOLAN:

Time.

LEG. ALDEN:
The rules.

MR. NOLAN:
The rules, it has to be filed.

P.O. LINDSAY:
The day before.

LEG. KENNEDY:
Can't we vote to waive the rules?

LEG. D'AMARO:
That's a legitimate question.

LEG. HORSLEY:
We're ready to sign.

LEG. KENNEDY:
Absolutely, we can vote to waive the rules.

LEG. ALDEN:
We waive the rules at every meeting, that's the last thing we do.

P.O. LINDSAY:
Okay.

LEG. SCHNEIDERMAN:
That's my basic question, can the rule be waived?

P.O. LINDSAY:
He just told you, he gave you an answer.

LEG. SCHNEIDERMAN:
No was the answer?

MR. NOLAN:
The answer is this is a no petition discharge.

LEG. STERN:
The rule would say no. We can waive any rule, can't we?

LEG. HORSLEY:
Yeah, we could waive it and then age it in an hour or two.

LEG. ALDEN:
No, it wouldn't have to age because we'd be waiving --

LEG. HORSLEY:
We'd be waiving it anyway.

LEG. ALDEN:
That's what we do at the end of every meeting, we waive the rules and lay stuff on the table, every meeting.

LEG. D'AMARO:
Bill, just while we're waiting, just very quickly could I just point out? I would urge my colleagues to vote one issue at a time, because there is significance -- putting aside the bill, the underlying bill, there is significance to our vote here today on the challenge to the Chair's ruling, on that issue. And I would just urge you to stay focused on that for the purposes of this vote.

P.O. LINDSAY:
Well, and it goes beyond that. Because of, you know, the obvious feeling of a number of Legislators that the ruling was wrong, I, again, would urge someone to come back with a rule change immediately to clarify my role here. And I don't have any problem with my roll here, whatever you want me to do. You don't want me to attend committees? That's fine.

LEG. VILORIA-FISHER:
Mr. Chair, I have a question about --

LEG. ALDEN:
Can you appoint a member of the minority to rule over the Legislative Body?

P.O. LINDSAY:
Right now I'd appoint anybody if I could go to the bathroom.

LEG. KENNEDY:
Give us the gavel, go ahead.

LEG. VILORIA-FISHER:
Mr. Chair? Mr. Chair, I had asked to be recognized earlier --

P.O. LINDSAY:
Go ahead.

LEG. VILORIA-FISHER:
-- because of something that Legislator D'Amaro said regarding your walking into the room. I don't believe that when the Presiding Officer enters a committee meeting that the number of that committee grows by one. However, when he votes with that committee, then the number of the committee grows by one.

LEG. D'AMARO:
There's no distinction there. That's semantics.

P.O. LINDSAY:
We've never run it that way before.

LEG. VILORIA-FISHER:
But I'm talking about his sitting at the committee and voting with the committee and that's a distinction that we have to make here and know what the rules are --

P.O. LINDSAY:
Then make a rule change.

LEG. VILORIA-FISHER:
-- so that we know the rules of engagement --

P.O. LINDSAY:
Make a rule change to clarify it. I'll say it for the fourth time, make a rule change to clarify what we're talking about. Could we vote on this, please?

LEG. ALDEN:
Roll call.

P.O. LINDSAY:
Roll call. An affirmative vote will overturn the ruling of the Chair.

LEG. NOWICK:
An affirmative vote.

P.O. LINDSAY:
Yes.

LEG. HORSLEY:
Okay.

LEG. NOWICK:
Will overturn your ruling.

P.O. LINDSAY:
Yes.

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

LEG. MONTANO:
Yes.

LEG. ALDEN:
Abstain.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
No.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:
No.

LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
Yes.

P.O. LINDSAY:
No.

MR. LAUBE:
Eight.

P.O. LINDSAY:
Okay, the ruling of the Chair has been upheld. And again, I urge some of my colleagues to come forward and clarify my role. All right, I'm going to take a real quick recess, all right?

LEG. ALDEN:
What's the purpose of that recess?

(*Brief Recess Taken: 6:00 PM - 6:20 PM*)

LEG. ROMAINE:
Yes, present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. VILORIA-FISHER:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Yes, here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

P.O. LINDSAY:
Here.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay, back on the record.

1105 -- come on, let's go, we've got a long ways to go -- ***a Local Law to promote fair business practices by strengthening requirements for occupational licenses (Beedenbender).*** Do we have a motion?

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. EDDINGTON:
Second.

LEG. LOSQUADRO:
Second, Mr. Chairman.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table.

LEG. BROWNING:
Second.

LEG. VILORIA-FISHER:
We don't want to table it, we want to get rid of it. Who made the motion?

LEG. MONTANO:
Who made the motion?

P.O. LINDSAY:
Who made the motion?

MR. NOLAN:
Jon.

LEG. BEEDENBENDER:
I made the motion to approve.

LEG. MONTANO:
No, who made the motion to table?

LEG. BEEDENBENDER:
Cooper.

P.O. LINDSAY:
Legislator Cooper made a motion to table and it was seconded by Legislator Browning. Okay, we have a motion to approve, a motion to table. On the question, Legislator Alden.

LEG. ALDEN:
I find myself wanting to do something I think is positive for the people of Suffolk County. And all those people that pay taxes and are on a 1099, I think they know what I'm talking about. And basically the thing that I fear in the future is more and more people working off-the-books. So I look at this legislation -- and I'm sorry, there's been testimony on both sides of it but, you know, I guess I'm going to come down on my interpretation of what this bill looks to try to do. When it says level the playing field or when we're talking about leveling a play field, I think that there are too many people in our society right now that don't pay taxes. And if we can take any steps to get everyone paying those taxes, I think it would remove the burden that's on us because the more that society needs the higher the taxes go, and basically, what we end up doing is taxing those people that we can find. And this doesn't go to illegal immigrants, legal immigrants, it doesn't go by the color of your skin, your religion or anything else, this is -- there's people out there, unfortunately, and they're beating the system and they're operating businesses that beat the system. And then guess what? The bill still comes do and all of us have to pay the bill.

So I look at this piece of legislation and I say this is a good -- and basically it's a good first step. The only problem with it, and I did say this to Legislator Beedenbender a while ago when we were first debating this, there is no provision in here to actually enforce this bill. So I think that there was a suggestion made earlier and I would hope that, you know, somebody, and I believe that Dan Losquadro is actually in the process of drafting something and there's others of us that are drafting things that would actually put some teeth into this and do it in kind of a -- not a simple way but it would do it in a fairly streamlined way and some of these exist already.

The Federal government established a way to verify people's identification papers, their Social

Security numbers, and it does something else, too. That if we find somebody and we thought that they were not a registered taxpayer, that it gives that person a chance to appeal, so if they thought they were wrongly accused of not paying their taxes -- and that can happen, you can transpose numbers, documents can become old and outdated, so this would give people a right to appeal it and an opportunity right here on Long Island to appeal it.

So with that proviso, I will support this bill but knowing that we cannot support it -- we can't enforce it in it's current way. I would hope that the sponsor of this legislation would be equally supportive of legislation that would modify this so that it can be enforced. Thank you.

Applause

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
Thank you, Mr. Chair. Legislator Alden, in supporting this bill, also mentioned the problem with the enforcement of it and it leads me back to a previous bill which caused a great deal of consternation which was the County Executive's 2025 bill which many of you voted to approve it while you held your noses.

And I have asked repeatedly for data that would indicate to us whether or not 2025 has had an impact in Suffolk County with regards to the term and the cliche that we continually hear in this body which is level the playing field. Well, in fact, 2025 has not had a considerable impact. I was speaking with a labor leader earlier and I asked him that very pointed question and he said, "Well, there has been an impact because they're looking more at project labor agreements and a number of other statutes and practices that were already in place." The tools with already there.

I am going to oppose this resolution, IR 1105, because I believe that it will not have an impact with regards to its Legislative Intent. I don't believe it's enforceable. I do believe that if it were to be enacted and we looked for ways of enforcing it, that we wouldn't have the staffing to enforce it. However, it does have the consequence of creating another wedge in our community. We continue to see these resolutions laid on the table in this Legislature that have no impact on solving a problem but have a tremendous, tremendous impact on the culture of our community.

We have all been concerned about looking at the national culture of fear that divides people. Well, we're all very fragile at this point because of our weak economy and the people who are having the most difficult time surviving, seeing their milk and gas -- a half gallon of milk for $4 and a gallon of gas for $4 -- it's very hard for people to survive. And so what you're doing is you're taking people who are extraordinarily vulnerable and feeling very much that they have to look out behind them to see who's ready to take what they have and what they're trying to cling to and you're presenting bills that present them with a panacea, and you know if you look into your hearts that these bills are doing no such thing. These bills are not solving problems, these bills are not enforceable; if they were, we don't have the staffing to enforce them.

So stop introducing these and when they're introduced, defeat them. Defeat them swiftly, defeat them so that your constituents know that we were -- we will try to seek to work with our labor leaders so that our plumbers don't come before us and say, "I don't have a job." Well, we have a construction downturn and so, yes, there are going to be plumbers without a job. Let's try to see if we can find a way to have some kind of economic development to attract industries, attract ways of getting people employed, have some kind of economic stimulus. Not by kicking the underdog, that's not the way to go forward and look at the big picture. Not one of these resolutions has looked at the big picture and not one of them has been effective. Please join me in defeating this bill. Thank you.

Applause

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Thank you, Mr. Chairman. First of all, let me thank all of you who have been coming down here over the last several months to speak about 1105, whether you are for or against this particular bill. Your input is very important to me and I'm sure to all Legislators, because this is an extremely serious issue.

I've dwelled on this particular bill and I think it's fatally flawed in two areas; one from an economic standpoint and one from a social perspective. Economically I think we in Suffolk County really have to take a look at what's happening in this state and in this nation, especially over the last year.

Whether we realize it or not or want to take it into consideration, what I'm going to tell you has an economic effect on what we do every single day in Suffolk County. We are in the sixth year of a war that will cost close to a trillion dollars, most of that will be paid by you and me, whether you agree with the war or not. A year ago there was something called a sub-prime crisis developed. Thirty percent of all mortgages in this country are sub-prime, these are people who shouldn't have gotten mortgages but they did. You can blame the banks, you can blame the people, but the reality is there have been ramifications associated with that. There's a housing crisis as a result of that in certain parts of this country. Florida real estate wise is for sale, so is Las Vegas. Take a look at the homes out here on Long Island, they are going down in price. There is a credit crunch; unless your credit is real good, you're not going to get that mortgage, no more 5% down anymore.

There is Wall Street turmoil. Twenty percent of all revenues that come to the State of New York come through Wall Street and that money, 80% of it is roughly distributed to you and I in terms of municipal government. The top 20 banking firms this past March from Wall Street contributed a total of $70 million to the State of New York and last March they contributed $577 million; one-seventh of what they gave last year. The Federal Reserve has stepped in, five consecutive times over a period of a month and a half they have reduced the Federal Funds rate and the discount rate in order to do what? To stimulate the economy. And even their efforts will not have any reward associated with them for the next nine or 12 months.

The Fed Bank, along with JP Morgan, literally bought Bear Sterns, and the reason they had to do it, Ladies and Gentlemen, is if they didn't the very financial base of this economy in the United States was at jeopardy, that's why they had to move. The price of oil, the price of gasoline, the price of food, the County deficit, where we are sitting, anywhere from 120 to $150 million in deficit.

With all of this going about us, why would you possibly want to approve a bill that makes it even more difficult for employers to survive in what is commonly known as a severe economic recession, all right, and a long-term negative outlook for Suffolk county. Do you want more employers, vis-a-vis contractors, to go out of business with more people out of work; is that the intent? Of course it shouldn't be.
We want our people to work. That's the economics.

Eighty percent of the people who come to that podium tell me, and tell you because you've been sitting here, this is not a bill about immigration. When 80% of the people tell you it's not a bill about immigration, you know damn well it's a bill about immigration.

Applause

The hard reality, the hard reality is that there are about 20 million undocumented immigrants in the United States, not six million, not 12 million. That 12 million figure was as of 2000, it's more like 20 million. And you know something? They're not going anywhere, they're going nowhere. The Federal government is going to step in, the State, the County, nowhere. And I'll tell you why, because it's all about money.

A hundred years ago in this country you had the Andrew Carnegies', the Rockefellers, the JP Morgans, those guys never wanted any immigrant and they didn't give a damn how they got here, transported back to wherever they came from, because those immigrants were buying their products. They're gone today, but what's in its place? Wal-Mart, Home Depot, Macy's, Lowe's, corporations, they want those immigrants to stay right here because they are part of the economic base of the United States. If you have 300 million people in this country and roughly 20 million are undocumented immigrants, that's 7% of the population, that's about 800,000 people more than the State of New York that live in the state. What would happen? Do you really expect the Federal government to come in and scoop these people up and ship them back? It is not going to happen.

The bottom line is money. It's good for the stockholders. Take a look at some of the shopping centers in Suffolk County. I'll give you a good example, I walked in to a shopping center, the South Shore Mall and I had to speak to two different people to make sure they understood what I was talking about, the sales clerks. And I realized that I was the anomaly in that particular mall, because that mall has Latinos, Hispanics. Those business owners have clerks that speak Hispanic because people like me are not going in there, others are. What would happen if all of a sudden most of those people were gone? Understand something, some of the very people who are proponents of this bill, and I can understand their point of view, where do they work? If you work at Home Depot or Lowes or any of those other places, there's a real good chance, if the government came in and scooped up these people, you'll be out of work. With economic conditions as they exist today, Home Depot is already closing stores nationwide, even with 20 million of these people available.

Look, Abraham Lincoln in 1861, because I'm sort of a student of history, in his Inaugural Speech he made a plea, he made a plea to those states in the union to stay in the union. He even said to them, "Look for the southern states, if you have slavery, continue your state's rights, I'm not going to interfere with that, but stay in the union." What he was appealing to, it was the angelic side of their human nature; he failed. Four years later, 620,000 union and confederate soldiers were dead. This bill does not appeal to the angelic side of human nature. This bill appeals to the dark side. It's anti-worker, it's anti immigrant, it's anti Latino; three malignant cancers. We don't need this in Suffolk County.

I know there are Americans out there and I'm listening to them here, they're frustrated. Life hasn't turned out exactly the way they thought it was going to be. They didn't get the big job, the big house, they don't have the car, they're in an apprentice program, they're not working; things didn't turn out. But the reality is there's one of two things you can do. You can open up Newsday and look at those people and say, "People on the go," and try emulate them, try to be successful, or you could turn to the other page looking at five guys running after a truck to be able to get a job for the day, you can either try to emulate them or blame them. It's a lot harder to try to emulate those who have achieved success, it's a lot easier to blame them and it's not about them it's, never --

Applause

Don't applaud. It's not about them, it's about us. At the end of the day, let's face it, it's the man in the mirror. You go home, you look in the mirror, that's the problem and that's the solution. You're not happy with the way things are going? It's not because of them, it's because you have to do something to change your life to make it better. You show me an American that can't beat those people? I'm born and bred and raised and educated in this country, I don't worry about them. Do you think for the last hundred years when American soldiers went in to foreign countries we asked for a damn green card before we did anything? We've brought democracy and then we never conquered, we came back home. Do you think I'm really concerned about those people? You have to have confidence in yourself and it's not easy; all the self-help books in the world aren't going to really change anything because the reality at the end of the day, it's you and the man in the mirror.

This bill has to be defeated. It's not in the best interest of anyone, economically or socially. It's not

what we stand for in Suffolk County. It's not the image we want to project. Thank you, Mr. Speaker.

Applause

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
There has been, I guess, some debate over whether this particular bill has as its primary purpose dealing with the issue of illegal immigration. And to be honest, even though that really wasn't the stated intent of the sponsor, any independent observer would say that is the purpose of the bill. If it were not the purpose, there's other legislation before us right now, a bill that I had sponsored, that seeks to address the issue that I believe it was Legislator Alden raised about employees not paying their fair share of taxes.

My position is that every worker, whether they're here legally or illegally, should pay all applicable payroll taxes, Social Security, Medicare, Unemployment, but that can be accomplished without addressing immigration status. My bill also requires that all businesses that have an occupational license pay minimum wage, or if it's a Public Works contract they pay prevailing wage. It requires that they pay overtime, it requires that all these contractors have Worker's Comp insurance. I think that that resolution will go a long way towards leveling the playing field because there is a -- there clearly is a serious problem in Suffolk County of this underground economy, workers being paid off-the-books. But it doesn't matter whether you're an undocumented worker or whether you're here legally, if you are paid off-the-books and if a company that has hired you is paying you below minimum wage or substandard wage, is not paying you overtime, is not paying Worker's Comp insurance in some cases several hundred thousand dollars a year, clearly their overhead is going to be substantially less and they'll be able to unfairly compete against legitimate contractors and they'll win bids unfairly. So the question is how do you best address what everyone acknowledges is a real problem?

Legislator Beedenbender and I and Legislator Losquadro a couple of weeks ago met with a nationally recognized expert on the issue of illegal immigration. And I have to admit that when I came to the meeting I thought that I was going to be vastly out numbered and that everyone else on the other side of the table would be in support of Brian's bill and I'd be the only person raising concerns. At the beginning of the meeting Brian spent about 10, 15 minutes laying out what he hoped to accomplish with his bill and then they turned to me, I expressed some of my concerns about Brian's bill, the primary one being that there's absolutely no effective enforcement mechanism. As I believe Legislator Alden already mentioned, there's no way to enforce the bill. The reason being there's -- almost everyone must acknowledge, false documents are so readily available, fake Social Security cards, fake driver's licenses, fake birth certificates, any illegal alien worth their soul for a hundred bucks can buy a false Social security card. You can actually -- forget about false documents, there are states that issue real driver's licenses to illegal aliens. So they could present -- under Brian's bill, to comply with Brian's bill, you can have one of these contractors that are seeking not to play by the rules, they could have an entire work force of undocumented workers, of illegal aliens, who present them, present the employer with false ID, fake driver's licenses, fake Social Security cards. They fill out an I-9 form as is required by Federal law, they make a photo copy of let's say the fake driver's license, they attach it to the I-9 form, file it away, they've complied with Legislator Beedenbender's bill. There's no effective way, as laid out in his legislation, to enforce the law.

Now, there is a program that's available from the Federal government, also it's very controversial, but at least the proponents of this program say that it does provide an effective way of determining the legal status of an employee. And what surprised me at that meeting that Brian and I had is that this nationally recognized expert on illegal immigration who has testified on the subject for 20 years, who helped write the laws in a couple of states concerning this issue, after Brian spoke, after I spoke explaining why I was advocating for my bill, the first thing that he said was he agreed with

everything that I said and that Legislator Beedenbender's bill was completely unenforceable, or as he said that there was -- there was no effective enforcement mechanism. He expressed his very clear opposition to Legislator Beedenbender's bill and he also went on to say that it would surely be met with a challenge in court and if it was challenged, that challenge would be successful, and he ticked off a number of legal reasons why that was the case. So this was a gentleman that is strongly opposed to illegal immigration but felt forcefully that Legislator Beedenbender's approach was the wrong approach.

What he suggested is the E-Verify Program which is likewise opposed to -- by many advocates for immigrants, but this is a program that has been mandated right now by two states it's a voluntary program that thousands of businesses across the country participate in. And it's jointly run by the US Citizenship and Immigration Services and the Social Security Administration. Basically after you hire an employee, you input the information on the I-9 form, the Social Security number for example, into this Federal database that's maintained by the Department of Homeland Security, and within seconds it will let you know whether the person that you hired is here legally or not.

There's some question as to the false positive rate of this program. The proponents say it's about four to 8%, the opponents say that it's 30 to 40%. I'm actually just reading a report that came out and USCIS, one of the two agencies that runs E-Verify, had a study done and according to that study, and this was just published November of last year, it does say that the database fails the accuracy standards test that was set by Congress. So there may be some potential problems with E-Verify.

That's why I laid on the table today another resolution that sets up a pilot program and what it would do would be to cover all of the businesses that are already mandated under County Law, under a bill that County Executive Levy introduced last year. All the businesses that have contracts with Suffolk County and, therefore, are paid for with taxpayer dollars, they're already required to ascertain that their employers are here legally. What my resolution would do is to mandate that those businesses participate in the E-Verify Program. It would set up an 18 month pilot program and we could determine at the end of that period whether E-Verify works, whether it's as effective as the proponents say and whether it is as accurate as they say.

My concern is that if we pass Brian's bill, as well intentioned as it may be, it can't be enforced because of the wide availability of fake identification. It's going to certainly be subject to a court challenge and will almost -- will most likely be overturned. I'm also concerned that it can lead -- although it was not the sponsor's intent, I am concerned that it will lead to discrimination in the workplace and I think that there is a better way. And if you believe the E-Verify is a potential answer here long-term, what's interesting about that is it provides a Federal solution to a Federal problem that's not paid for by local taxpayer dollars.

So I think if we want to go down this road, if we want to attempt to level the playing field, want to attempt to deal with the underground economy, there are better ways of doing it than Legislator Beedenbender's bill. I think there's a very broad consensus that his bill is seriously flawed, if not fatally flawed. That being the case, there's no need to pass it today. I would call upon the sponsor to table the resolution, modify the resolution. I've offered to work with him, I think that we can come up with an alternative approach where we can build a broader coalition not only of Legislators but also unions and concerned people on both sides of the aisle.

So I would ask that his resolution be tabled so it can be further amended to address some of these concerns. Thank you.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. I've heard a number of terms being thrown around here, first was referring to people as

underdogs. And we're talking about those who -- I think we can all acknowledge we're referring to those who are choosing to operate illegally, who choose not to pay their taxes or engage in the underground economy that has been referenced. We said we want to make it more difficult for employers to survive. What, only the ones who follow the rules, I guess. It makes it more difficult for them to survive.

Applause

Now, I agree with elements of Legislator Cooper's bill, he and I have had a lot of discussions with this and I agree with elements of Legislator Beedenbender's bill. The whole point of Legislator Beedenbender's bill, and I don't want to speak for him but I have a lot to talk about with this, is the threat of losing the license. We are a very limited scope of enforcement in Suffolk County. We all acknowledge the fact that much of this is out of our hands, it's on the Federal level, but we are the body that grants the licenses, we have the licensing authority for these individuals.

So the real threat, the real hammer that we have is the threat of revocation of that license. And we talked about fake documents. To an extent, at least to this bill, in my mind, that almost doesn't matter. So long as the person is paying the taxes on the individual, we can address later, as I'll get into, I do believe very strongly in the E-Verify System, but if that employer actually chooses to pay taxes on something that turns out to be a fictitious individual, well they're still abiding by the letter of the law and they will maintain their license. We're not asking someone at this point to be a document expert, and I think that's key, because the Federal Government has actually put something in place, as Legislator Cooper mentioned. We always complain about what the Federal Government isn't doing for us. Well, in this case, they have a program. They have something that they have paid for, that isn't going to come out of our pockets, and I say we avail ourselves of that.

I think the E-Verify System, from everything that I've looked at, is not controversial, it works. It's working in other areas, and I think it is worth looking at to bring into Suffolk County, so we do alleviate a potential concern of someone wanting to be or be asked to be a document expert. I don't think that's fair.

But the point of this bill is exactly what I said before. We have a limited scope of our authority. It comes down to a licensing authority, and we should be exercising that authority. And we should be looking to stem the tide of the individuals who cannot compete with an environment with those who choose to engage in illegal activities.

Legislator Viloria-Fisher, I don't want to single you out. I know I've mentioned a few people, I have referenced a few people, but we talked about a construction downturn, we have plenty of incentives. And we hear from individuals from these trades who tell us time and time again, they turn over the information of the individuals who are taking jobs directly away from them. And, unfortunately, as we've seen in many instances, and we should turn to our Federal elected representatives, that they are failing us, because these Federal agencies do nothing when handed clear, concise evidence, saying that these individuals are operating illegally and they are taking jobs away from the men and women who are tax-paying residents of this County.

I don't know what else to say aside from that. I believe we have to act on this. We have to exercise our authority as a licensing agency and use the only hammer that we have at our disposal. I'm in favor of this resolution.

(Applause)

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I'm going to make this short, because I've just about had this bill right up to my eyeballs, because

I've done it through committee as well, but I do feel that it's important to put on the record rather quickly why I'm voting in favor of this bill. And I think, when I read up at the top that Legislator -- the Legislature finds some employers also fail to pay Social Security, Medicare, Unemployment taxes, and then down at the bottom it says that the intent of the bill is that we would like to see all necessary payroll taxes are being paid. Well, I'm a governmental official and I'm supposed to do what's legal. I pay my taxes, I like to see everybody else pay taxes. Having said that --

(Applause)

LEG. NOWICK:
Having said that, I just wanted to address one thing. You may or may not agree, but several times I have heard my fellow Legislators say this bill is not enforceable. Ladies and Gentlemen, we passed a cell phone bill. Please don't tell me that was terribly enforceable, because I do see people on the cell phones all the time. But that doesn't mean that many, many people traded in their hand-held and have gotten Blue Tooth in the car, so maybe we helped 50% of the people. We passed a nonsmoking bill. I know for a fact the bars in several towns where young kids go are allowing smoking. Can we enforce it entirely? No. Are there several bars and restaurants that are following the letter of the law? Yes, much more so than before the law was in effect. Soon we're going to be asked to vote on a text messaging bill. I don't think that's terribly enforceable either. However, maybe, just maybe we will frighten some young people, and I know with the older ones, we don't know how to do this, but we might frighten some people and maybe we'll stop some, maybe 40% of the text messaging. However, we might be better off than we are now. And that's all I want to say.

(Applause)

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
I'm not really sure where to start, so I guess the only appropriate place would be the beginning.

Today is May 13th. I introduced this bill on January 31st. That's when I had a press conference about 30 feet over there. And just to address some of the suggestions about amendments that have come up in the recent weeks, while some of them may have merit, my question would be, where have you been? And I say that with all due respect, but -- because, you know, I think we've had some discussion about the level of rhetoric that exists. And I think it is totally fair to point out that that level of rhetoric exists on both sides. For every individual that came to the podium and stepped over the line in favor of the bill, there was an individual who came to the podium and stepped over the line in opposition to the bill. I think it was very well reported, and most people in this room saw, I think the most obvious example of stepping over the line is when I had my unfortunate confrontation with Reverend Ramirez.

We can discuss these -- the hyperbole that's been -- that's been discussed. I mean, we've heard terms, "Destroy the economy," "Shut down the construction business," "Housing sales will stall." Even this morning, I believe there was a suggestion that we may get a hurricane on Long Island if we pass the bill. So we can -- we can be muddled around in all of that. We can spend time discussing whether or not 20 million people will be deported, which they never will, I know that. I've never said I want every illegal immigrant out of this country. It's impossible, it will never happen. But, you know what, we have rules, we have laws, and the laws say that if you work, your employer has to pay taxes on you. The laws say that if you work, you must have the proper paperwork and prove that you are legally eligible to vote.

LEG. VILORIA-FISHER:
Work.

LEG. BEEDENBENDER:

That is -- to work, excuse me. Thank you. That is my position. I have no other position. That's what I introduced this bill for, to level the playing field, not to do anything else.

And, you know what, there's been a lot of talk about how prices are going to rise, they're going to go out of control. You know what, the sheer fact that for decades, off-the-book workers and illegal workers have depressed wages doesn't mean prices will rise, it means they'll be what they should be. You know, we have this reflexive reaction among this country, among this state, this county, everywhere that when we talk about something controversial, we immediately bring it right down into race and reject everything else, and that reflexive reaction, it's really easy to understand, because then we can deposit people in one side on the left or one side on the right, and the two sides are, if you believe in one thing, you're considered compassionate, progressive and --

LEG. ROMAINE:
Liberal.

LEG. BEEDENBENDER:
Excuse me?

LEG. ROMAINE:
Liberal.

LEG. BEEDENBENDER:
No, I wouldn't use the word liberal. If you're considered compassionate and progressive. If you believe another thing, you're considered a racist bigot. And, you know what, that sort of dichotomy is not worthy of this debate, it's not worthy of the Legislature, and it's not worthy of anymore discussion. I have -- and I would ask anybody to check everything single thing that I have said in the newspaper, on the record over and over. I have said from the beginning, this problem exists.

This morning, Mr. Young even said, "We know that there are employers that have illegal workers." Well, if we know that and we can agree on that, which I think we can, then all we're left with is a decision on what to do about it. If we are moved by the humanitarian argument, and I, too, understand that many of the gentlemen that come to this country come because the economic conditions do not exist where they grew up or where they lived to provide for their family in the manner they desire. I understand that, but if you accept that as an okay argument and as sufficient to not enforcing the laws, then you have made a determination, and the determination you made is that the ability for one group of workers to provide for their family supersedes the ability for another group, the individuals, business owners who work here and pay their employees on the books. Because we can all agree, if you pay taxes and you hire illegal workers, your costs are higher than somebody that doesn't pay taxes and hires illegal workers, so you'll get more business simple by the virtue of the fact that you're cheating. That's what this bill is about, that's what it's about.

We can discuss all the hyperbole and the cloaking, and we could have political posturing over and over. I sit here today, and I will repeat for the third time in this speech, and hopefully for the last time, this bill is about leveling the playing field. We can -- every time this bill comes up, we can say, "Oh, there's something else we should do," we could make it a Christmas tree, we'll keep hanging things on it and eventually it will fall over. We are here. It is March 13th. The journey started on January 31st.

LEG. ROMAINE:
May 13th.

LEG. VILORIA-FISHER:
May 13th.

LEG. BEEDENBENDER:
May 13th, I'm sorry. It's time to vote. We know -- and excuse me for my length, but I've been

brief throughout this whole thing, so I just ask the indulgence of my colleagues. We know that there are unions that actually take money, and this is so bizarre, it's worthy of repeating, they take money out of their members' paychecks to create a fund in order so they can go to cheating contractors and pay them. And, basically, it's not a bribe, but give them the money, so they'll pay a decent wage. That's absurd.

And just as a last comment to Legislator Cooper's bill. There are some deep divides between the bill that Legislator Cooper introduced and the one that I have, and simply saying minimum wage is not enough, because the divide between the minimum wage and the wage of a skilled electrician, plumber or worker is gigantic. Skilled electricians and plumbers don't work for minimum wage, and the reason they don't do that is because you have well over 100 years of a labor movement, not just for people in unions, but people forget that the labor movement benefits all workers.

So I would ask my colleagues, I understand that this has become a circus. I understand that we have hyperbole, drama and befuddlement among us, and that's the extent of my thesaurus for today, but todays the day to vote. We are sending a message that everybody should pay taxes, everybody should hire legal employers, and that's it. Thank you very much.

(Applause)

P.O. LINDSAY:
That speech started March 13th and ended May 13th. Legislator Romaine.

LEG. ROMAINE:
Very briefly, I want to thank everyone that has spoken on this bill. I'm sure you've listened to them and you've listened to my colleagues, and as you listened, you heard one speak against the bill, and you thought about all the things they said and you said, "Yeah, that sounds good." Then you heard someone speak for the bill and you said, "Yeah, that sounds good." I listened to Tom, love listening to Tom. He's a great speech-maker, makes us think. Wonderful speech.

I've read Legislator Cooper's bill, very supportive of many aspects of the bill. That's not before us today. Every Legislator has a job on bills like this. That job is not to abstain, it's to vote yes or to vote no. And when you do that, you weigh, you weigh all the factors. A lot of people that spoke against this bill, there were things that they said that I listened that took heart. I weighed them. People that spoke for the bill I weighed even more carefully and listened to what they had to say. Are there going to be enforcement problems if this bill is passed? Unquestionably. Will there be a legal challenge? Undoubtedly. What about the people that it would affect? These are people who come to our country, like so many people have come, out of desperation. They don't come to commit crimes or create problems, they come to work, to make money, so they could send it home to their families. Do we have a problem with immigration? Undoubtedly. When we have 20 million people, we have a problem.

Might this bill create some discrimination? It might. Those are the things that weigh against me. But we're not going to solve the immigration problem with this bill or any other bill we pass. That's for the Federal Government, that's for policies that are above our pay grade. So, in the end, what are we going to do if we pass this law? Well, we're going to try to get people to follow the existing law, because this is a restatement of the existing law. We're going to try to get people to pay taxes. We're going to try to dampen the underground economy, and we're going to try to give those in organized labor, particularly in the construction trades, an opportunity to put some members to work.

When we had immigration, immigration started very heavily in this country 1840's with the Irish Potato Famine, and continued well into the 19th Century, people coming not only from Ireland and Western Europe, but also from Eastern Europe. And as they came, it was very difficult for organizing labor, because how can you organize labor unions when they can be undercut? But I remember an old saying that "A rising tide lifts all boats." Organized labor helps people make a

decent wage, helps lift the working man into the middle class, helps people.

This is a very difficult bill for me, because there's aspects of it that, as I said, I've listened to speakers on both sides that I agree with, but in the end, my vote is due and I'm voting in favor of this bill, because I believe it's a statement that we do want to crush the underground economy, we do want people to play by the rules, and we do want people to collect their taxes, so I will cast my vote for it. It's a difficult vote, but my constituents owe a yes or no vote from me and it will be yes.

(Applause)

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
We're a nation of laws, we all understand that, and when those laws become meaningless, then society becomes unfair and unmanageable. I have looked at this bill inside and out, and I understand that some people see things beyond what's in this bill and they find those things offensive, yet the bill itself is not offensive. The bill says that employers must follow the law, that they must attest to the fact that they're going to comply with the laws that they already have to follow, similar to what the County Executive's bill did, which I supported, requiring County contractors to state that they will follow the law.

When I met with people who were opposed to this, they seemed to support a version that Legislator Cooper was working on that did the same thing, but it took out some of the language that they found offensive. What was that language? The language dealt with references to the legal status of individuals. It wasn't in the Resolved Clauses, but in the intent of the -- the legislative intent of the bill. I think there was a reluctant support even for that, but it seemed, from a diplomatic standpoint, that if you could do the same thing in a bill that was less offensive, why not? And so I have been trying to work in that regard, to come up with something that would do this. Not to take any steam away from Beedenbender, this is his bill, but I thought that we should to try to work with our entire community toward a bill that would achieve this end that was less controversial, but it doesn't seem like we're heading in that direction.

There are other things about the bill I thought could be improved. I thought it could be clearer in terms of the due process provisions, so that somebody would give -- be given an opportunity to correct the situation, or be able to go before an administrative body to state why the bill was being improperly enforced. I though there could be clearer provisions preventing racial profiling, but it doesn't look like people want to wait to try to make this bill better. So, if I have to vote on the bill today, it's very difficult to vote against a bill that simply requires people to follow the law. Would I prefer to make this bill better and more acceptable, I would. That's all I have to say.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
This is a very emotionally charged issue, as we all know. It's the single most difficult issue that I have had to deal with in my eight-and-a-half years at the Legislature, and I think that most of you sitting around the horseshoe feel the same way. And I've heard a lot of testimony over the past weeks and months, I've heard a lot of my colleagues speak, and I agree with many of the sentiments expressed on both sides. Of course, we have to have secure borders. It's a matter of national security. And if we ever hope to deal with this issue, we need to secure our borders. We need to increase legal immigration for family unification and other purposes. I think we should have stiff employer sanctions against companies that knowingly hire illegal aliens. But I want to give an example.

I spoke to a friend of mine, who owns a manufacturing company, a little bit bigger than the

company I run when I'm not a Legislator, and I told him last week that I had gotten involved with this issue. He told me that just about two or three weeks ago, his company was visited by several agents from ICE and they arrested one of his workers who was here illegally, and, apparently, he also had some sort of a criminal background. They checked his personnel file. He had an I-9 form completed, had a photocopy of his social security card, his driver's license. It was false documentation. Under Brian's bill, nothing would have changed.

There are, I believe, 16,000, 17,000 businesses in Suffolk County with occupational licenses, plumbers, and painters, and carpenters, and home improvement contractors, and some landscape companies. It's not fair, it's not practical to put the onus on these small business owners to try to differentiate between a fake driver's license and a real driver's license, it's impossible.

One of the thousand products that my company manufactures is actually sold to the Federal Government and state governments to help with document examination, and try to determine whether a document is fake or not. I've seen the quality of these false documents that are available now, whether they be driver's licenses, social security cards, birth certificates. You can have one right next to the other, I can't tell the difference. And I bit, if you looked, you couldn't tell the difference. And there's no way that we could place that burden on these 17,000 businesses in Suffolk County.

So my question to, I guess, the sponsor is, if your law went into effect the way it's written right now, 17,000 businesses that now have to ascertain somehow, or attempt to ascertain that they're employees are here legally, all they're going to do is what my company does, is ask for the documentation. They'll have no way of knowing whether it's real or fake. It's impossible for them to ascertain that. They'll put it in a file. And you can still have a contractor with 100 employees, and half of those employees could be undocumented, and it's not going to change a thing. It's not going to change a thing.

And for the hard-working union members and the hard-working taxpayers that are concerned about this issue, my concern is that they somehow think that we're going to enact this law today, it's going to be a panacea, or even a big step in the right direction, and they're going to see a change next week, or next month, or three months down the road, and it's not going to happen. There's no one -- there's no practical enforcement mechanism to the bill, and I'm sorry.

Lynne raised the example of the cell phone bill. That law, it's not a matter of it not being enforced. The State is actually, I believe, at this point issued nearly one-and-a-half million tickets statewide to people that have talked on a hand-held cellphone. The problem there is that the penalty isn't strong enough.

I have not problem with requiring every worker in Suffolk County to pay payroll taxes, they should do that, and my alternate bill, likewise, requires that all payroll taxes be deducted; Social Security, Medicare Unemployment. So that's all -- that should be out of the discussion. Brian's bill accomplishes that, my bill accomplishes that. My bill also requires that every employer pays workers comp, which is not in Brian's bill. It requires that they pay minimum wage or prevailing wage, that they pay overtime. Of course it's not going to help in all cases, but at least, I believe, it greatly levels the playing field compared to what we've got today. It's far more enforceable. And if we do want to try to address the issue of immigration status at the local level -- and, by the way, shame on Congress, shame on the Federal Government for not having the courage to take this issue on and do something about it by now and throwing it into our laps. But, if we do want to address it, my concern is that your approach, Legislator Beedenbinder -- Beedenbender, is not the appropriate approach. There's no -- there's no enforcement mechanism. I'm sorry, you try to say it three times fast. I bet even you can't do it.

LEG. BEEDENBENDER:
I can say it three times fast, Jon.

LEG. COOPER:
Well, you've had more practice. But, if we do want to address immigration status, I think the fairest way of doing that is with E-Verify, because there are still questions about the accuracy of E-Verify. I still believe that we should start off with a pilot program before we try to implement it more broadly.

I would be the first to say that there's not a Legislator around this horseshoe that has a racist bone in their body. I do not question the intent of the sponsor one iota. I would defend you against anyone on the other side that questions your motives. But it's a very emotional issue. People say things sometimes that, you know, they don't really mean on both sides. So I applaud the sponsor for shining the spotlight on the issue of the unlevel playing field, the underground economy, and the legitimate contractors that are suffering right now and their employees, but I do feel that there's a better way of addressing those very valid concerns. Thank you.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Yeah, I know that the sponsor's intent was never about immigration. However, today, I listened to someone tell me to go back to my own country. I'm in my country. I am a citizen and I will not go back to any other country but this one. So it is about immigration, and I think that it was just very inappropriate for what was said today.

I look at our unions. Our unions are in trouble nationwide. And, you know, I look at this bill and I see it's dividing our unions. It's taking the service unions and it's pitting them against the building trades, and I know that wasn't your intent. However, we don't need our unions to be -- they're already in trouble, they're already suffering, membership is dropping, and this has really created a division. You know, they have that expression, "United We Stand, Divided We Fall." I can see the unions are falling on this issue.

I will support a tabling on this. Again, we have Federal laws, they exist, they're working. We read in Newsday about recently a contractor who was arrested. He has to pay back the taxes and he's going to prison, so the Federal laws are existing and they're working. And I know that I have my brothers and sisters here in Labor and I'm working with them currently on an issue in my district, and I'm willing and ready to support them to make sure that they have the jobs that they deserve.

This bill is not enforceable, and, again, it's a do-nothing bill, as far as I'm concerned. We do have Federal laws and we need to enforce our Federal laws, and that's why I'm going to support a table. And I also -- if it does have to come to a yes or no vote, I can't vote for it.

(Applause)

P.O. LINDSAY:
Okay. I don't have anybody else. We have -- the debate's been long. We have a motion?

MS. ORTIZ:
Yes.

P.O. LINDSAY:
To table and a motion to approve; is that correct?

MS. ORTIZ:
Yes, that's correct.

P.O. LINDSAY:
The tabling motion goes first. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. COOPER:
Yes to table.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. BEEDENBENDER:
No.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
I will not participate in a vote on a bill that I believe to be, and know to be, illegally discharged from committee.

LEG. ALDEN:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

P.O. LINDSAY:
No.

MS. ORTIZ:

Five.

P.O. LINDSAY:
Okay. Motion to approve, I think, is in order. Roll call.

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Abstain.

LEG. VILORIA-FISHER:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
On the merits, I would vote no. I will not participate in this vote.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
No.

P.O. LINDSAY:

Yes.

MS. ORTIZ:
Twelve.

(Applause)

P.O. LINDSAY:
1094 - A Local Law amending the Suffolk County Empire Zone Boundaries to include Bactolac Pharmaceutical, Incorporated. Do I have a motion? Mr. Horsley, do you want to make a motion? This came out of your Committee.

LEG. HORSLEY:
Yeah. I'd like to also have Carolyn Fahey come to the table. Is she still here?

P.O. LINDSAY:
Well, let's get some motions first before we have discussion.

LEG. KENNEDY:
I make a motion to table.

P.O. LINDSAY:
We have a motion to table. Do I have a second?

LEG. NOWICK:
Second.

P.O. LINDSAY:
Second by Legislator Nowick. Do I have a motion to approve? Is there any motions to approve? No? Just to table.

LEG. HORSLEY:
For the point of discussion, I'll make the motion to approve.

P.O. LINDSAY:
Motion to approve. Is there a second to a motion to -- second to the motion to approve? Nobody wants to make a second to the motion to approve?

LEG. VILORIA-FISHER:
I'll second it for discussion.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. On the motion. Carolyn Fahey, are you here? There was a question of you.

MS. FAHEY:
Good evening.

P.O. LINDSAY:
Is there a question of Miss Fahey?

LEG. HORSLEY:
Yes. Do you want to do it, John?

LEG. KENNEDY:
Yeah.

LEG. HORSLEY:
Go ahead.

LEG. KENNEDY:
Carolyn, we spoke at length when this resolution came out of Committee. There was a Discharge Without Recommendation. And, at that time, I know Ms. Reynolds, who was here from Bactolac, did agree to go ahead and sit down and talk with members of Labor. Subsequent to that, we did hear at Committee that, while there was some dialogue, there was very little commitment that went forward or discussion as whereas things -- about the possibility of the viability of union trades completing the balance of this project. Is there anything that we have at this point more to help us as we've tried to struggle with this or to understand where the process is at?

MS. FAHEY:
At the last Committee meeting, the Committee asked the company to meet with the Union representatives that were here to discuss the project; that took place. It's also been taking place since February. This resolution was laid on the table February 5th. This company has met with three separate individuals, had a fourth meeting with another individual that did not show up, and then last Friday, and I'll let her explain what her final determination is, but last Friday, met with six Union representatives who today have told me that they thought the dialogue went very well. So Miss Reynolds is here, she is the Chief Financial Officer for Bactolac, and she can explain to you the results of those meetings that have been taking place for the last three months.

LEG. KENNEDY:
Through the Chair. Then, Mr. Chair, I'm going to ask if Miss Reynolds from Bactolac can come, and if we can invite Mr. Castellane or one of the representatives of the trades to come as well.

P.O. LINDSAY:
Okay.

LEG. KENNEDY:
Thank you. Miss Reynolds, thank you for coming up and --

MS. REYNOLDS:
Sure.

LEG. KENNEDY:
-- and having the opportunity to tell us. So you did go ahead and you did have a meeting with some of the representatives from Labor?

MS. REYNOLDS:
Yes. On Friday, I actually had a meeting with eight Union members representing the Masons, the Painters, the Iron Workers, the Sheet Metal Workers Local, the Plumbers and the Electrical on Friday. And in summary, what came out of that meeting was I expressed my continued commitment to entertain bids from their respective trades, in addition, to nonunion trades. And I was also presented with a Project Labor Agreement, which I would certainly consider. It was the first time that it was -- you know, that I've seen it, so I'd really need to, you know, go through it with Counsel just to further understand, you know, the content and the concept behind it, because it is new to me, but I agreed to follow through on that.

LEG. KENNEDY:
Okay. Have you actually done that? Have you moved the --

MS. REYNOLDS:
I have not done that yet.

LEG. KENNEDY:
-- Project Labor Agreement?

MS. REYNOLDS:
I placed a call to my attorney yesterday and he was out at a closing --

LEG. KENNEDY:
Okay.

MS. REYNOLDS:
-- so I was not able to have that discussion with him.

LEG. KENNEDY:
Now, you also very graciously did meet with several representatives from Labor right after we had the opportunity to discuss this in Committee.

MS. REYNOLDS:
Right.

LEG. KENNEDY:
At that time, it did become apparent that approximately 40% or 50% of the project has already been let; you are in contract?

MS. REYNOLDS:
I would say that it's more like 15 to 20%.

LEG. KENNEDY:
Okay. But land clearing --

MS. REYNOLDS:
Right.

LEG. KENNEDY:
-- masonry, steel erection?

MS. REYNOLDS:
Right.

LEG. KENNEDY:
All of that you've --

MS. REYNOLDS:
Correct.

LEG. KENNEDY:
You are already in contract?

MS. REYNOLDS:
Correct. And we're waiting on getting revised mechanicals for the electrical, the HVAC and the plumbing, which I hope to get as early as Friday or early next week, and will continue to send out bids, you know, for those -- for that type of work once I get the revised mechanicals.

LEG. KENNEDY:
Okay. Now, you've already expressed the commitment that once you receive those revised

mechanicals, you'd instruct your Construction Manager, LMJ, to absolutely, positively make certain that all of the viable contracting entities will have an opportunity to collect these bids or collect these specs, so they can submit bids?

MS. REYNOLDS:
Right. Also, I just want to mention that on Friday, we kind of designated Frank Nitto of the Sheet Metal Workers Local that all of the recommended trades, that all the Unions felt that they were qualified to do our job, would funnel those contacts to Frank, and he would get me those contact names, telephone numbers, addresses, etcetera, by the end of this week, so that I can, in turn, funnel them over to my Construction Manager.

LEG. KENNEDY:
Okay.

MS. REYNOLDS:
And I've started to receive some already, so.

LEG. KENNEDY:
Okay. I'll yield back to the Chair.

P.O. LINDSAY:
Legislator D'Amaro, you had some questions?

LEG. D'AMARO:
Okay.

P.O. LINDSAY:
Huh?

LEG. D'AMARO:
Yeah, thank you. Along with the other Committee Members, we have discussed this at length during the Committee process. I do appreciate you coming here today as well. And I guess the policy decision that we're facing today is what are our parameters when we're going to be granting the Empire Zone status? I mean, after all, it is a discretionary vote that we have. I think, within that discretion, we have the right to set certain standards. And the question in my mind really is whether or not we should start doing that here today, or whether we should start doing that after today, and that's really the dilemma. And, unfortunately, you're kind of caught in the middle of that dilemma as we sit here today. I'm just trying to get a sense of -- just to follow-up on Legislator Kennedy's questions. I mean, we hear a lot about meetings going on, but, of course, all the proposals still have to be evaluated, you have to determine what is best for the company in the end --

MS. REYNOLDS:
Right.

LEG. D'AMARO:
-- and make your hiring decisions based on that; is that correct?

MS. REYNOLDS:
Correct.

LEG. D'AMARO:
So how long would that process take?

MS. REYNOLDS:
Well, if I start receiving bids as early as Friday -- actually it's not bids, I would receive contact names. What happens is we would get the mechanicals. I'd have to review to make sure that the

revisions are in accordance with, you know, what changes were supposed to be made. So, I would say within a week we'd be in a position to now then bid that out and give, you know, a couple of weeks for those bids to come back. So, you know, in my estimation, I would say three weeks from today, give or take, I would be getting bids back.

LEG. D'AMARO:
So, I'm sorry, in a couple of weeks, you said?

MS. REYNOLDS:
And then a decision --

LEG. D'AMARO:
Yeah.

MS. REYNOLDS:
You know, then we would get the bids back.

LEG. D'AMARO:
Right.

MS. REYNOLDS:
Then, in turn, we'd have meetings with the various contractors to assess to make sure that their bids are in accordance with the specs, and we make a determination from there. So it could be another four or five weeks before, you know, more bids would be awarded at that point.

LEG. D'AMARO:
Yeah. Let me ask you on the policy level, which doesn't directly concern you, other than by the fact that you're here now, it's not really directed at you, but when your company applied for the Empire Zone and went through the entire application process, would you have chosen not to apply had the prevailing wage standard been applicable?

MS. REYNOLDS:
No. Actually, we very much are in need of the benefits that come with the designation. You know, one of the things that we're up against is, in order to stay competitive in our business, we have to build a state-of-the-art facility. We have a lease that's terminating in May of next year. We will not have enough space to continue operating our business in the existing space that we have now, which is 36,000 square feet. What we're constructing is an additional 44,000 square feet, and it has to be a state-of-the-art facility with, you know, very high-level dust collection and HVAC systems.

LEG. D'AMARO:
So, if that were a requirement, let's say, even imposed at the State level, you would not -- you can't say conclusively you would not have applied for the Empire Zone?

MS. REYNOLDS:
No, I -- I'm not sure I'm --

LEG. D'AMARO:
You still would have applied --

MS. REYNOLDS:
I still would have applied, yes.

LEG. D'AMARO:
-- to put it another way.

MS. REYNOLDS:
Absolutely.

LEG. D'AMARO:
So, you still would have applied. Does the -- if that condition were in place, would it make the project, which, after all, has a benefit here in Suffolk County of creating the jobs --

MS. REYNOLDS:
Right.

LEG. D'AMARO:
-- that we so desperately need, would it have made your project cost prohibitive, where you would have decided not to go forward?

MS. REYNOLDS:
It would have made the decision that much more difficult. You know, I need to fully evaluate what the actual impact of that's going to be, versus the actual benefits, the anticipated benefits we're going to receive from the program. You know, what I can tell you is that, you know, we -- I was really -- I think any issues and additional criteria that, I guess, had it been, you know, communicated to me sooner, I might have taken a different avenue. You know, I had reason to believe that we would be in the zone status and that's why we started our project. We did have other states and other opportunities elsewhere, you know, and strategically, however, it does make sense for us to stay on Long Island from a process flow perspective --

LEG. D'AMARO:
From a business --

MS. REYNOLDS:
-- and from shared management resources, and things like that, so.

LEG. D'AMARO:
-- a business analysis and all of that.

MS. REYNOLDS:
Yeah.

P.O. LINDSAY:
Are you done?

MS. REYNOLDS:
What I can tell you is, you know, where we are now. And, from what I understand of the program, one of the benefits that we do receive is a qualified Empire Zone Investment Tax Credit, that for each month, if this should get tabled or delayed, those dollars would not qualify for whatever construction commences before we're actually approved, so that would, you know, seriously negatively impact us in completing the project and being able to go forth with our plans as we originally had anticipated.

LEG. D'AMARO:
Well, again and I am finished, Mr. Lindsay, but I do appreciate that the dialogue is moving forward. I think that you were caught up in the middle of a much larger policy debate. I do believe that, ultimately, the solution has to come from the State of New York. But, as with the bill that we just debated before this one, where there are solutions at a Federal level and a local level, it doesn't mean we can't try and do something. So I appreciate you coming forward and working with everyone, all the concerned parties.

MS. REYNOLDS:

Thank you.

LEG. D'AMARO:
Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Hi. Carolyn, I have a couple of questions for you. Just to go back a little bit, historically, have we ever held up an Empire -- Suffolk County Empire Zone boundary issue to go into these building issues?

MS. FAHEY:
No.

LEG. ALDEN:
Okay. And second part of it, why is there an Empire Zone? What's the benefit to Suffolk County?

MS. FAHEY:
The zone allows Suffolk County to retain the businesses that are currently here that will commit to an expansion. You know, it's hard enough to keep and retain businesses that are here now. What the Empire Zone RSP Program does, the program -- the projects that you see allow us to take companies that would otherwise look elsewhere and move elsewhere, to stay here, expand, with a commitment of new jobs, and then they receive the tax benefits and the tax credits through New York State. So it's a retention tool that we use in Economic Development, and it's an attraction tool that we try and use in getting companies to relocate here, you know.

And to Legislator D'Amaro's point, it is a bigger issue. We have a company that's coming before you, you had their public hearing, before you today, Mini Graphics. You closed their public hearing. They'll be before the Economic Development Committee the next round. They moved from Freeport to Suffolk County, because they were going to get the RSP designation, because they were going to commit to the 50-plus new jobs. They moved from Nassau to Suffolk, and now they're being told that you need to understand that this issue is going to be before you here, and it would not have been before them in Nassau County, so it is a bigger State issue.

LEG. ALDEN:
Some of this is property tax abatements, and some of it is actual aid or low-interest loans?

MS. FAHEY:
No, there's no loans.

LEG. ALDEN:
Okay.

MS. FAHEY:
The Empire Zone is strictly tax credits based upon actual creation of jobs and actual investment.

LEG. ALDEN:
But who pays for that? Does New York State chip in, or is that just Suffolk County that ends up paying that?

MS. FAHEY:
It's off of their corporate income tax to the State, that's where the credits are deducted.

LEG. ALDEN:

Okay. So, in a way, it doesn't really hurt Suffolk County taxpayers? Or, well, in a way it does, you're right.

MS. FAHEY:
You know, we're all taxpayers. Your term, we're all taxpayers, but there is nothing coming out of the County coffers for this program.

LEG. ALDEN:
Okay. Now, just the last question, there's been some questions about compliance checks on some of the former approved projects. Is that our responsibility, or is that the State's responsibility?

MS. FAHEY:
It's twofold. It's the Zone Coordinator's responsibility, where we do our BARs, our Business Annual Report, to make sure that the company has created the jobs that they had promised to create and made the investment that they promised to make. The regionally significant project distinction is all after the fact. You're not going to get any credits until you create those jobs, and that is shown on your business annual report and on your corporate tax returns. New York State Finance and Taxation review for compliance, along with Empire State Development and our local zone, so it's really threefold.

LEG. ALDEN:
But it's a long-term commitment. Two, three years down the line, who does the compliance checks? Do we do --

MS. FAHEY:
Every year, the compliance checks are done it between Empire State Development, our Zone Coordinator, and New York State Finance and Taxation.

LEG. ALDEN:
Have we all stepped up our efforts, because there was a lot of noncompliance in the program.

MS. FAHEY:
There was noncompliance with the program, but there was a misconception that the program required initially, the initial Zone program required job creation and investment. That wasn't the initial purpose for the program. The purpose for the program was to create a designated area and give some incentives for some sort of investment. The regionally significant project designation has really tight built-in checks.

LEG. ALDEN:
Okay. Thank you.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
Hi, Carolyn. It's good to see you. Let me just, first, for the record --

MS. FAHEY:
I'd rather be seeing my son who got home from college today, but that's okay.

P.O. LINDSAY:
So would we.

LEG. HORSLEY:
Carol --

MS. FAHEY:
So would you, I know.

LEG. HORSLEY:
-- you know, this is going on for quite awhile, and you know what the Committee was concerned about right from the beginning. And the issue of prevailing wage, we recognized as a committee that that was not part of the law when Bactolac came before us, and that this is something that the Committee felt was an omission in the State Law. You also know that we have, and I have a copy of the letter in front of me here, signed by four out of the five members of the Economic Development Committee, requesting that the State redesign this law, redesign the program, so that any future benefits that are paid through this program would have to also pay prevailing wage on all future contracts. Now we know that Bactolac was not underneath that umbrella, and so my -- one of my concerns to you is that now that you know the will of the Legislature, you know the will of the Committee, and I believe that's probably the majority of the people behind us, though I don't want to speak for them, that prevailing wage is something that we were concerned about. How are you going to adjust now, those companies coming forward into the future, knowing that this is what we're going to hit you with?

MS. FAHEY:
I'm glad you recognize and Legislator D'Amaro recognized that Bactolac kind of got caught in the two tides here. There are two issues. We are an administrator of the program. We will accept and review, the Board will accept and review applications from companies that meet the State criteria set forth by the State Law. We will also advise them that once they come before this Legislative body, they need to be aware that this is an issue that they're going to be confronted with. We have already talked to the three --

LEG. HORSLEY:
And hard.

MS. FAHEY:
Yes. We have already talked to the three companies that are in the pipeline that are going to be coming in front of this Board. We explained to Mini Graphics, who is not going to do major construction, they actually moved into a building that basically fit exactly what they wanted. We have two major -- another huge project that's going to come before you, and we've talked to them, and we have the third meeting with the other company. They are all aware of the issue that they're going to have to address.

LEG. HORSLEY:
Okay. May I speak to Miss Reynolds, please?

MS. FAHEY:
Sure.

LEG. HORSLEY:
It was at my request that you met on Friday, as you recall. I know that I've -- talking to my colleagues here, I said, "Well, is this as far as we go?" Do we -- you know, now do we -- do we say table it again and make sure the -- you know, that somebody is paying prevailing wage on this job? We're still toying with that, we're not sure, and so we're -- I've been going back and forth, trying to get a consensus amongst my colleagues here. Give me a -- give me a thought that Bactolac is going through now, as far as -- and I know you're going to be putting these bids out and you're going to be giving them to the union shops, and the prevailing wage is certainly on the table. Talk to me about prevailing wage. What are you -- give me some insight, so that I can convince my colleagues to go along with you on this.

MS. REYNOLDS:
Well, with respect to -- you know, it's difficult for me to make a commitment --

LEG. HORSLEY:
I understand that.

MS. REYNOLDS:
-- at this time, because I don't have the bids and I don't have --

LEG. HORSLEY:
Convince me.

MS. REYNOLDS:
-- all of the bids with which to evaluate them against each other, so I can't make a commitment or a guarantee, you know one way or the other at this point. But, that I understand, that the -- if I'm correct, that the Project Labor Agreement somewhat addresses that --

LEG. HORSLEY:
Yes, it probably would.

MS. REYNOLDS:
-- which, like I said, you know, it's new to me, It's still -- I still need to evaluate and really fully understand it over the next couple of days, and then I might be in a better position to give you a more educated answer, and that's --

LEG. HORSLEY:
But we're voting tonight.

MS. REYNOLDS:
Sorry?

LEG. HORSLEY:
But we're voting tonight.

MS. REYNOLDS:
Carolyn offered some assistance, that with -- you know, I just want to make sure that everybody understands that the relationship between the company and the contractor is a Construction Manager relationship. In other words, the contractor, LMJ, is hired as an advisor and an overseer of the project, but the ultimate decision, in terms of who gets awarded the contracts, is with the company. We make the final determination, so I don't know if that helps.

LEG. HORSLEY:
Okay. And the issue on prevailing wage, your thoughts? Okay. I just --

MS. REYNOLDS:
I think it's perfectly -- I understand the Legislators' concerns with regard to it.

LEG. HORSLEY:
Okay.

MS. REYNOLDS:
And I'll definitely give it a full weight.

LEG. HORSLEY:
Okay. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Miss Reynolds, we just -- let's try to go to a couple of other items that help kind of finally frame this for us, so that we can understand where things are at. Were this motion to be tabled for another cycle, as you go through your business process of dealing with your architect, getting your finalized mechanical drawings, and then going through distribution, certainly, you would be in a much better position to advise us, I guess in the beginning of June, as to where you may or may not be for the balance of the project.

MS. REYNOLDS:
I could not say definitely that at the next meeting in June if I would have an evaluation of all the bids at that point to say, you know, who would be getting awarded what project. What I can tell you is that for -- as this gets tabled or it gets delayed, we -- the company does lose out on some of the benefits offered by the regionally significant project program and one of that being the investment tax credit that would be available to the company for the total value of the investment and the project. So, to the extent that there is any disbursements made to contractors, until it's proved by the State, that falls out of the benefit program, so --

LEG. KENNEDY:
Well that's something that I'd have to switch to Miss Fahey to understand, because if there was a way for us to advocate for you to go ahead and benefit from that, I'm sure that we would probably go ahead and do that. Before you come up, Carolyn, what did Bactolac net last year? I don't have any of your financial material in front of me. As an entity or as an organization, what did you -- what did you show, I guess, as distribution to shareholders or net profits, or how would you measure it?

MS. REYNOLDS:
The net profit of the company was about 1.8 million.

LEG. KENNEDY:
1.8 million?

MS. REYNOLDS:
Yes.

LEG. KENNEDY:
Okay. What do you anticipate you're going to be able to do, as far as that number, by adding this new space? You must have sales projections, you must have --

MS. REYNOLDS:
What we anticipate is that, you know, if everything goes according to planned and we get the funding that we need to continue with the expansion, it will allow us to grow our revenue 10% a year over the next five years.

LEG. KENNEDY:
Okay.

MS. REYNOLDS:
And with that, be able to add the over 50 new jobs and, you know, grow the bottom line as well.

LEG. KENNEDY:
So you could expand that revenue by upwards of maybe a million bucks or so --

MS. REYNOLDS:
Yes.

LEG. KENNEDY:
-- over a 60-month time period.

MS. REYNOLDS:
Yes.

LEG. KENNEDY:
Okay. And --

P.O. LINDSAY:
Short, John, short. Remember short?

LEG. KENNEDY:
Yeah, yeah, I remember short, I'm telling you. So it really does get down to a matter, I guess, of where we look to go, as far as decision here. Okay.

LEG. D'AMARO:
I had one more question, just one more to Miss Fahey. So, on the next one coming up that we closed the public hearing on, is it the County Executive's position that this is a requirement coming into Suffolk County, or are we going to hear on the next application that -- the arguments that it's a State issue, so we should never impose it until the State makes a decision?

MS. FAHEY:
I can't speak for the County Executive with regards to this issue. I can tell you that we are an administrator of a State program, that's our role. We take the State's criteria, we review the applications based upon the State criteria, and we present them to the Legislature. If the policy decision is made, whether it be through a resolution or through the State's change in -- that prevailing wage is a requirement, we will then make it part of the application.

LEG. D'AMARO:
Okay. So, as the Administrator of a State program, you're not -- you're only imposing the parameters that the State sets, you're not imposing any of your own?

MS. FAHEY:
Correct. We don't have -- as an Administrator, we don't have the authority to impose anything other than what the State Law requires. We have inquired to New York State, both to -- we have inquired to the Empire State Development Program whether or not we have the authority as a local board to include the prevailing wage. We have not heard back, but we've inquired as to --

LEG. D'AMARO:
How was that inquiry made?

MS. FAHEY:
About a week ago.

LEG. D'AMARO:
No. How was that made, though?

MS. FAHEY:
It was done by our Zone Chair.

LEG. D'AMARO:
Was it in writing? Was it in writing?

MS. FAHEY:
In an E-mail, I believe.

LEG. D'AMARO:
Oh. Could I get a copy of that?

MS. FAHEY:
Sure.

LEG. D'AMARO:
I would like to see that. Okay. Thank you.

MS. FAHEY:
Can I just address one -- I'm sorry, Mr. Presiding Officer. I think Legislator Horsley had a question about -- or Legislator Kennedy did about the benefits and being able to make them move forward. The way that the program is written now, the designation does not go into effect until the date that the approved Local Law is filed with New York State. So, the longer the delay, you know, the longer that process takes. So the Local Law, amending the boundaries and the benefits, go back to the date that the Local Law is filed with the Department of State.

LEG. HORSLEY:
Which would be in the future. Okay.

LEG. KENNEDY:
Mr. Chair, I'm going to ask for one other speaker, if we can, on this bill. There are a number of members still here from Labor in the back of the room. I know I had a conversation with Mr. Dean from Steamfitters.

P.O. LINDSAY:
Just do it.

LEG. KENNEDY:
Okay.

LEG. HORSLEY:
Just do it.

LEG. KENNEDY:
Could I ask Mr. Dean to step to the podium?

P.O. LINDSAY:
Just do it, all right?

LEG. KENNEDY:
Okay. Thank you, through the Chair.

MR. DEAN:
Good afternoon, Legislators. Thank you for hearing me today. I'm a resident of Suffolk County for more than 52 years; I'm also the Business Agent for Steamfitters Local 638. I'd like to apologize to the people at Bactolac. I was about five minutes late for their meeting Friday and I couldn't get in. I got told, "Wait two minutes to get in your chair," I waited 40 minutes.

It's also my understanding that this company was offered some money by the Suffolk IDA. They turned it down, because there was prevailing wage language. What I'd like to see, from what I understand, there's 6 million dollars in tax incentives for this building. I'd like to see that 6 million dollars start from the ground up with my members, with my family, my people.

I grew up five miles from here and I still live five miles from here. Our families, we're the people of

this County who pay the taxes. Between my sisters, my brother, my son, and my two nephews who live here, we pay almost $100,000 a year in property taxes, and they're all involved in the building trades. I'd like to see these jobs start from the ground up. If they're going to get tax incentives, we should go prevailing wage, we should go building trades.

LMJ, the Project Manager on that job for the past 15 months, has not returned one phone call to me. They've done ten jobs out in the Town of Brookhaven. They've used our Empire Zone money there, IDA money, they circumvent everything, they don't get back to you, they hide, they use illegals. It's a mess. I think this should really be looked into a little more. And, you know, I'd really ask this Legislature to take a better look at this, where this -- and I believe it's a 6 million dollar tax credit that goes to them. Let's really see if there are other jobs. Let's start from the jobs up with the local people doing the jobs up, prevailing rate, area standards, and let's go from there. And thank you for hearing me.

LEG. KENNEDY:
Okay. Thank you Mr. Chair. I yield. I don't have anything more to ask.

P.O. LINDSAY:
Okay. We have a motion to table, a motion to approve. Roll call on the tabling.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:
Yes to table.

LEG. NOWICK:
Yes to table.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
(Not Present)

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Pass.

LEG. LOSQUADRO:
Yes to table.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
(Not Present)

LEG. ALDEN:
Abstain.

LEG. BARRAGA:

Yes

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

LEG. SCHNEIDERMAN:
Yes to table.

LEG. VILORIA-FISHER:
Yes.

P.O. LINDSAY:
Okay.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Procedural Motion Number 10 - Procedural Resolution authorizing --

LEG. MONTANO:
Would you include me on that, to table?

MR. LAUBE:
Yes. Sixteen now.

P.O. LINDSAY:
Procedural Resolution authorizing additional funding in connection with the opposition to a proposed liquid natural gas project in the Long Island Sound. Legislator Horsley, are you going to make a motion on your Procedural Motion?

LEG. HORSLEY:
Yes. Yes on the Procedural Motion.

LEG. LOSQUADRO:
Second Mr. Chairman.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. LOSQUADRO:
Cosponsor, please, Tim.

LEG. SCHNEIDERMAN:

Cosponsor as well.

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

LEG. BARRAGA:
Opposed.

LEG. SCHNEIDERMAN:
Tim, you got me as a cosponsor?

MR. LAUBE:
Yes, sir.

LEG. COOPER:
And, Tim, I'd also like to cosponsor, please.

P.O. LINDSAY:
Okay. I.R. 11 --

MR. LAUBE:
I've got 16.

P.O. LINDSAY:
I.R. 11 --

LEG. LOSQUADRO:
Mr. Chairman.

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
I'm sorry. Before we -- before we move on to Environment, since we are in Procedural Motions, could I ask that Procedural Motion 11 be taken during this time, instead of at the end of the meeting. I don't know if the proper motion would be out of order, but we do have an interested matter here. I would just like to bring this up now regarding the newspapers.

P.O. LINDSAY:
Do we have Procedural Motion 11?

LEG. LOSQUADRO:
No, I'm sorry. Is it -- is it 11? It's 11.

P.O. LINDSAY:
Do we have -- has it been distributed.

MR. NOLAN:
It was distributed, yeah.

LEG. NOWICK:
Yeah, it is. It's in the three papers. It's the papers they gave out.

P.O. LINDSAY:
I got 13, "Depositories".

LEG. LOSQUADRO:
Was this distributed?

MR. NOLAN:
It was distributed, but I can't even find my copy.

MR. LAUBE:
Yeah. No, I've got it, it was.

LEG. NOWICK:
No. It's there, we have it.

MR. LAUBE:
You should have it.

P.O. LINDSAY:
All right. Does everybody have Procedural Motion Number 11 --

LEG. NOWICK:
Yes.

LEG. ROMAINE:
Yep.

P.O. LINDSAY:
-- before them? There is a motion to take it out of order. Is there a second to that motion?

LEG. NOWICK:
Second.

P.O. LINDSAY:
Seconded by --

LEG. ROMAINE:
Second.

P.O. LINDSAY:
-- Legislator Nowick.

LEG. ALDEN:
Which on is that on?

P.O. LINDSAY:
It's about the newspapers.

LEG. ALDEN:
Oh, right.

P.O. LINDSAY:
It's -- all right. There's a motion and a second to take it out of order. All in favor? Opposed? Abstentions?

LEG. D'AMARO:
What bill are we --

MR. LAUBE:

Seventeen.

LEG. D'AMARO:
What bill?

P.O. LINDSAY:
All right. The bill is before us, Procedural Motion Number 11.

LEG. D'AMARO:
What page is that on, please?

P.O. LINDSAY:
It isn't, it's a separate sheet --

LEG. D'AMARO:
Oh, I'm sorry.

P.O. LINDSAY:
-- that was passed out.

LEG. D'AMARO:
I just want to look at it. Where is it?

LEG. MONTANO:
Is that 0011?

P.O. LINDSAY:
Eleven, PM 11.

MR. NOLAN:
There happened to be Resolution 11, but this is Procedural Motion Number 11.

P.O. LINDSAY:
Designating the Smithtown Messenger and the South Shore Press as official newspapers. Okay. And you did the count, right? So motion -- the Procedural Motion is before us. Do I have a motion to approve the Procedural Motion?

LEG. ROMAINE:
Motion.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Motion by Legislator Romaine, and second by who?

LEG. SCHNEIDERMAN:
Dan, you want to second it?

LEG. LOSQUADRO:
I'll second the motion.

P.O. LINDSAY:
Losquadro. Okay. I -- this issue has been kicking around since the beginning of January, and it was a question that my office had about an official newspaper is -- the newspapers we use meet the criteria of the State to satisfy the requirement of an official newspaper. In January, we sent out a

questionnaire to all the newspapers that we do business with and we got a lot of information back. I think the one paper was slow in responding, but I understand that we might have the information now. In the interim, I have received a couple of very disturbing E-mails from other publications saying that one of the newspapers in this resolution does not meet the qualification to meet the criteria as an official newspaper, so I'm going to --

LEG. LOSQUADRO:
Mr. Chairman.

P.O. LINDSAY:
I'm going -- yeah. I'm just going to -- I'm looking for my Chief of Staff, who was in control of these. Did he brief you, George, on this?

MR. NOLAN:
Yeah. Back in the beginning of the year, we were asked for an opinion as to what constituted an official newspaper, and we gave an opinion to Legislator Losquadro and some other folks saying what the requirements were under New York General Construction Law, New York Public Officer's Law. The paper has to be in general circulation, be established, and printed, and distributed at least weekly for one year, contain news editorials and other matters of current interest, have a paid circulation, and be entered as second-class mail matter. The Presiding Officer's Office asked the various newspapers that wanted to be official newspapers to submit documentation. And I've spoken with Terry Pearsall, Chief of Staff to the Presiding Officer, and I believe we agreed that, on its face, that the South Shore Press meets the requirements, the minimum requirements to be designated as an official newspaper.

LEG. LOSQUADRO:
Thank you. Mr. Chairman.

P.O. LINDSAY:
Yes, Legislator Losquadro.

LEG. LOSQUADRO:
If I may, I know this has been ongoing for sometime. There was some internal discussion as to what the Minority Party was recommending in terms of breaking up -- how they were breaking up the remainder of the year between newspapers. That has now been settled. In February, Counsel for the South Shore Press came before this body. They presented documentation confirming they met all the criteria, as Counsel has stated. To my knowledge, none of that is refuted or none of that has changed.

There was an additional question today regarding United Postal Service status and the publication of a Notice of Ownership. I met with Counsel for the newspaper and with your Chief of Staff. It was published outside of the recommended date by the Postal Service, it was published December 26th. But the Postal service has that as a guideline. They say they may, may disqualify someone for their status. In this case, they did not. They have granted that status. The Postal Service signs off on this every time that publication sends out their newspapers, so it is recognized by the United States Postal Service in that regard.

I don't see any other questions relating to this paper, except for some hearsay, and, you know, potentially some salacious comments by some of their competitors, which were E-mailed to you, which we have no way of verifying.

P.O. LINDSAY:
I agree with you as far as verification. We've tried our best to validate that the requirements are met. There is some outstanding accusations that they weren't met. I just want to make the body aware of that. We have a motion and a second. All in favor? Opposed? Abstentions? I'm going to abstain.

LEG. ALDEN:
Abstain.

LEG. D'AMARO:
Abstain.

LEG. ROMAINE:
Roll call.

P.O. LINDSAY:
Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Abstain.

LEG. BEEDENBENDER:
Abstain.

LEG. VILORIA-FISHER:
Abstain.

LEG. EDDINGTON:
Abstain.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Abstain.

LEG. D'AMARO:
Abstain.

LEG. COOPER:
Abstain.

P.O. LINDSAY:
Abstain.

MR. LAUBE:
Eight.

LEG. ROMAINE:
I'd like to ask counsel for an opinion on whether the vote prevails or not, considering the nature of this Procedural Motion.

LEG. D'AMARO:
Sounds like a lawsuit.

MR. NOLAN:
It fails. It got eight votes.

LEG. ROMAINE:
Okay. I'm asking that because I'm questioning how the vote was recorded, if this is a vote that is allowed to the Republican caucus alone, is this one for the entire body, since each caucus -- my understanding is each caucus selects their own newspapers, and, obviously, if this is the case, I'd like to ask for a legal opinion on that.

MR. NOLAN:
This is a Legislative procedural resolution that everybody votes on, so it needs to get -- it needs to get ten.

LEG. ROMAINE:
I doubt we'll see a bond resolution passed tonight. Thank you.

P.O. LINDSAY:
I think that's the case anyway.

LEG. ALDEN:
I would hope so.

LEG. D'AMARO:
You already pulled that trigger.

P.O. LINDSAY:
And I want to clarify something. There is --

AUDIENCE MEMBER:
Presiding Officer, may I be heard on this issue, please?

P.O. LINDSAY:
No, no. This is not on the public portion, we are debating a bill.

AUDIENCE MEMBER:
You are indicating now the Republicans cannot have a County newspaper?

P.O. LINDSAY:
Will not recognize you, sir. To make something very clear is there is some people that say that the one paper doesn't meet the standard, and that's the issue, not that it's a Republican paper or a Democratic paper.

LEG. LOSQUADRO:
Mr. Chairman.

LEG. KENNEDY:
Mr. Chair.

LEG. LOSQUADRO:
Mr. Chairman, on the motion. I mean, to respond --

P.O. LINDSAY:
There is no motion.

LEG. LOSQUADRO:
To respond to that, though --

P.O. LINDSAY:
Yep.

LEG. LOSQUADRO:
-- you're talking about private individuals who have sent you E-mails, which are unsubstantiated, making -- making attacks, which you have -- you said yourself you cannot confirm the validity of, and you're willing to cast your vote on that. I find that -- well, I'll leave it alone.

LEG. KENNEDY:
Mr. Chair, point of order.

P.O. LINDSAY:
Point of order.

LEG. KENNEDY:
Okay. I pose this question to the Chair and/or to Counsel. In the alternative, is it possible to fashion a resolution that would go and designate the paper to less than the end of the year with the selection, so that the will of the Minority -- the majority of the Minority can express some selection of a newspaper; is that a possibility?

MR. NOLAN:
Just so I understand, you would designate a newspaper to a point that is not the end of the year.

LEG. KENNEDY:
Correct.

MR. NOLAN:
I'd have to take a look at the County Law, but I think that's probably possible.

LEG. ALDEN:
One further question on that. Does that have to be in writing, or can we do something, a Procedural Motion on the -- just verbally?

MR. NOLAN:

We'd have to do a -- we always do it with a Procedural Motion or a Resolution. You know, theoretically we could do another Procedural Motion tonight to designate a paper to a point that's not the end of the year, but that's -- you know, that's the possibilities.

LEG. ROMAINE:
Point of information, Mr. Chairman.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
I'm just trying to determine, is it County Law, is it the County Charter? What is it that allows the Majority Caucus to select a newspaper and the Minority Caucus to select a newspaper? I know the Majority selected their newspaper at the beginning of the year. What provision of law -- what does the provision of law provide regarding the selection of official newspapers?

MR. NOLAN:
This would be governed under the State County Law, New York State County Law.

LEG. ROMAINE:
What does that law provide?

MR. NOLAN:
Well it's picked by the Legislature, by the body.

LEG. ROMAINE:
And what does the law provide for regarding the selection of newspapers as it relates to the breakdown of how the newspapers should be selected?

MR. NOLAN:
Well, there's supposed to be two newspapers, one which is called basically your Democratic newspaper, and one is a Republican newspaper; one paper that reflects the principles of each political party.

LEG. ROMAINE:
Right. And the Democratic Legislators have just prevented the Republican Legislators from selecting their newspaper in conformance with State Law. Thank you.

P.O. LINDSAY:
Anybody else? And I'll repeat, it isn't about the partisanship, it's a question of whether this particular newspaper fulfills the requirement under State Law.

I'm going to make a motion to take 1486 out of -- ***1436*** out of order.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Because we've also had a number of our folks here from the Nursing Home. And forgive me, it's been a long day. Seconded by Legislator Barraga. All in favor? Opposed? Abstentions to taking 1436 out of order?

MR. LAUBE:
Hold on, they're all coming in. Seventeen.

P.O. LINDSAY:

Okay.

LEG. ALDEN:
That's under Health, right?

P.O. LINDSAY:
Yes. It's on the -- midway down Page 8. Okay. We have ***1436 - Authorizing Request for Proposals to identify management consultants for John J. Foley Skilled Nursing Facility.*** I'll make a motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Seconded by who? Legislator Eddington. On the question, Legislator Alden.

LEG. ALDEN:
Mr. Presiding Officer.

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Could you just tell me what your intent is?

P.O. LINDSAY:
My intent is to hire an independent firm to manage the Nursing Home to see if it can correct the financial difficulties connected with that facility.

LEG. ALDEN:
This wouldn't -- would it involve a presentation to us of their -- in other words, we want to hire somebody new to go in there and manage it. Do they have to come to us and say, "Here's what we can do to save you X number of dollars," or "Here's how we're going to manage it"? Do they have to present to us?

P.O. LINDSAY:
Well, the Request for Proposal is only the first step, it's by Legislative Resolution. We'd need a following step to approve a vendor.

LEG. ALDEN:
But my point is, this is probably going to provide us with some other types of plans for savings? They're going to come and present to us how they would plan to run the facility in a more economical manner?

P.O. LINDSAY:
Well, I think the RFP criteria could be on a couple of levels. Number one, the experience, the qualifications to run a facility such as this, and, you know, a brief -- I mean, you can't -- you can't expect them just to walk in the door and have all the solutions. I just want someone new, different, fresh, independent, with a business background, that can try and turn this place around.

LEG. ALDEN:
But I would hate to see somebody come forward with, "Yeah, I could turn it around, but I'm going to lay off half the employees." That's my point. I'd like to see what there --

P.O. LINDSAY:

The bill itself calls for a Labor Management cooperative effort with the workforce to ask their input to try and come up with some viable solutions.

LEG. ALDEN:
So we would still own the facility?

P.O. LINDSAY:
Yes.

LEG. ALDEN:
And it would just be managed, instead of by appointment, it would be managed by a contract?

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Yes.

LEG. ALDEN:
Maybe. This would have to come back.

P.O. LINDSAY:
Does someone else have any questions? No? Mr. Zwirn.

MR. ZWIRN:
I feel like Karnack the Magnificent. You know, I --

P.O. LINDSAY:
Would you like to weigh in on this?

MR. ZWIRN:
I see 17-0, but yet I prevail.

MR. BRAND:
Persist.

MR. ZWIRN:
As you have -- persist is right, not necessarily -- thanks, Rick, I appreciate that. You could have been optimistic. Anyway, the County Executive has asked me to come here tonight and -- why is everybody laughing at me?

LEG. SCHNEIDERMAN:
Did you fall on the sword?

MR. ZWIRN:
No, I'm not falling on the sword, not yet. But, as you have read in the paper and may have heard, that there was an RFP issued back in August, I guess, of 2006. And a lot of what the Presiding Officer's put in 1436 has been under review by this consultant group. And I know some of the folks from John J. Foley have seen this group out at the facility trying to look at ways to get bad debt -- any kind of suggestions that they can make. And some of the suggestions they have made have already been incorporated into the program out there and has generated cost savings.

The report will be available within the month in final form. We're trying to get a draft of the

summary, of the Executive summary, so at least the Legislature will have that before you. We would like you to have this report in front of you before you move forward with I.R. 1436, because I think a lot of what you will be doing will be duplicative of the work.

I think the bottom line in the report, what you will find is that there are areas where they can make savings, but then it comes to a point where they can't do much more. I think in the report, it goes to about four or five million dollars that they think that they could generate in revenue or savings at the facility, but that there's eight or nine million dollars that, under the present contract that's there, would be impossible to move on.

I just -- I bring that to your attention. The County Executive asked if you could postpone it until you could see the results of the RFP that was issued back in August. And I want to put that on the record and so you have that before you before you vote.

P.O. LINDSAY:
So noted. Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
I actually was going to respond to what Mr. Zwirn just said, because I don't see that as a very compelling argument to postpone this, because if that RFP had been done in good faith in a way of looking to save the John J. Foley, then why would we put it up for sale, which was -- it seems to be contrary, it doesn't seem logical. And so I think we should go forward with 1436. We need to look at the management, we need to look at the inside workings and have it run better, so that we can get the Medicare reimbursements that we should be getting. We need to be running it better.

(Applause)

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

MR. LAUBE:
Seventeen.

LEG. ROMAINE:
Cosponsor, please.

P.O. LINDSAY:
Back to Page 7.

(Applause)

1184 - A Local Law to prevent litter by restricting the distribution of plastic encased advertising matter.

LEG. VILORIA-FISHER:
Motion to approve.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Viloria-Fisher, second by Legislator Eddington. Anybody on the question? Okay. Nobody wants to talk. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:
1256 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation, for the Ostler Property, Forge River addition, Town of Brookhaven. Motion by Legislator Browning, seconded by Legislator Eddington. On the question, Legislator Alden.

LEG. ALDEN:
What program is this, actually?

P.O. LINDSAY:
Multifaceted.

LEG. ALDEN:
That's the old one?

P.O. LINDSAY:
No.

LEG. ALDEN:
That's the new Quarter Cent.

P.O. LINDSAY:
No.

MR. NOLAN:
It's a Capital Program.

P.O. LINDSAY:
It's a Capital Program.

LEG. ALDEN:
Have we already borrowed from this --

LEG. LOSQUADRO:
There's no bond, yeah.

LEG. ALDEN:
What? Well, how are you going to buy the property? This is like how many million dollars?

P.O. LINDSAY:
I think --

LEG. VILORIA-FISHER:
It's already been bonded into the program.

LEG. ALDEN:
Six hundred and --

MS. VIZZINI:
The answer to your question is it's coming from the Multifaceted Land Acquisition Program, and we had already appropriated 8.8 million in Resolution 83 of 2008, we we're drawing down.

LEG. ALDEN:
So we already borrowed that money.

MS. VIZZINI:
Oh, we haven't borrowed yet, but we appropriated it.

LEG. ALDEN:
I'm confused. How are we buying --

MS. VIZZINI:
We're going to borrow May 20th.

LEG. ALDEN:
And then we're going to pay for this after we borrow on May 20th?

MS. VIZZINI:
Yes.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
That's 15. (Not Present: Leg. Montano)

P.O. LINDSAY:
1273 - A Charter Law to require employee job description disclosure for proposed allocations of water quality protection funds.

LEG. SCHNEIDERMAN:
Motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Motion by Legislator Schneiderman, second by Legislator Viloria-Fisher. Anybody want to talk on this?

LEG. D'AMARO:
Just on --

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, just on the motion. It was discussed in Committee. I just wanted to, through the Chair, ask the sponsor if the title of the bill has been amended?

LEG. SCHNEIDERMAN:
I think you have the proper title in front of you on the agenda. Yes, it has been amended. Originally, the title said something about limiting water quality funds. This bill itself does not limit those funds, it only requires that the County Executive disclose how the funds are being used in terms of the employees and their job descriptions.

LEG. D'AMARO:

Thank you.

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

LEG. ALDEN:
Cosponsor.

MR. LAUBE:
Sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:
1286 - Appoint member of the Water Quality Protection and Restoration Program and Land Stewardship Review Committee, Kevin McDonald.

LEG. COOPER:
Motion to approve.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Cooper, second by Legislator Schneiderman.

LEG. ALDEN:
Did he come -- oh, I'm sorry.

P.O. LINDSAY:
Go ahead, Legislator Alden.

LEG. ALDEN:
He came --

LEG. COOPER:
Yes, he did.

LEG. ALDEN:
Okay. He has the time to devote to this and all that?

LEG. COOPER:
Yes.

LEG. ALDEN:
Fully vetted?

LEG. COOPER:
He says he does.

LEG. ALDEN:
Good. Thank you.

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

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:
Sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:
1300 - A Local Law to expand the membership of the Water and Land Invasives Advisory Board.

LEG. VILORIA-FISHER:
Motion.

LEG. COOPER:
Second.

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

MR. LAUBE:
Sixteen. (Not Present: Leg. Montano)

P.O. LINDSAY:
1408 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program for the Red Enterprises, Ltd. Property, Carlls River Watershed addition, Town of Babylon.

LEG. HORSLEY:
Motion to approve.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Motion by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Leg. Montano)

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

P.O. LINDSAY:
1409-08 - Authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for the Brandenstein Property, Crab Creek - Town of Shelter Island
(SCTM No. 0700-021.00-01.00-001.000 p/o)(County Executive).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. Nothing on the question? Just for Counsel, maybe Ms. Vizzini, what's the purchase price on this?

LEG. LOSQUADRO:
I can answer that. You want me to answer it? It's $5 million, 50/50 split with the town.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fifteen (Abstention: Legislator Alden - Not Present: Legislator Montano).

P.O. LINDSAY:
Health & Human Services:

1182-08 - Establishing a policy requiring the use of single-use syringes in the phasing-out of multi-dose medication vials at County Health Centers, facilities and programs (Losquadro).

LEG. LOSQUADRO:
Motion.

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

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Romaine. I've got a question for the sponsor. I know that this bill has been evolving and you've been talking to the Health Commissioner, is he all right with this now?

LEG. LOSQUADRO:
Absolutely. In fact, he and I were both on Long Island Talks discussing this and he's in favor of it.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

LEG. ROMAINE:
Cosponsor.

P.O. LINDSAY:
1367-08 - Amending the 2008 Adopted Operating Budget to reallocate funding within the Suffolk County Department of Health Services, Division of Patient Care Services for the Patient Navigator Program (County Executive).

LEG. COOPER:
Motion to approve.

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

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern.

LEG. ROMAINE:
Question.

P.O. LINDSAY:
On the issue, Legislator Romaine.

LEG. ROMAINE:
Could someone explain the purpose of this resolution?

LEG. EDDINGTON:
I was on the committee, I think I could. I thought it was the GPS system for each patient, but it turns out to be a guide. They actually have -- they hire people that work as guides to navigate the patients through the corridors and stuff; am I correct?

MR. ZWIRN:
If I might, Mr. Chairman. It's a grant that is now going to be split between Peconic Bay Medical Center and Good Samaritan Hospital.

LEG. ROMAINE:
What was the original grant?

MR. ZWIRN:
A hundred and ten -- I think it was $110,000.

LEG. ROMAINE:
A hundred ten? And how was that being divided up originally?

MR. ZWIRN:
I think all of it went to Peconic Bay Medical Center, but now the program has been expanded to Good Sam so they split it.

LEG. ROMAINE:
What compelled them to take the money away from Peconic Bay Medical?

MR. ZWIRN:
I think they just added Good Samaritan as a provider for the services.

LEG. ROMAINE:
Oh, okay.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
1369-08 - Requesting Legislative approval of a contract award for centralized appointment scheduling services for the Department of Health Services (County Executive). Do I have a motion?

LEG. STERN:
Motion.

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

LEG. D'AMARO:
Second.

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

LEG. ROMAINE:
On the question.

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

LEG. ROMAINE:
Is it me or is someone deaf? The last time I heard, the Legislature said very clearly that they didn't want an outside vendor providing this service. They wanted the Health Department to go back and do this in-house and hire people that were being laid off from other places to help run this program. That was the discussion, that was what we were talking about. We said this multiple times, we've given them every opportunity. And they think they're going to come back and lay it in front of us again and, hey, it's late, we're tired, we want to go home, let's just do it. Well, if something has changed I'd like to know. But I voted against this before and, unless I get additional information, I fully intend to vote against this again. This is about doing something in-house, saving money, saving jobs and doing the right thing by the County workers.

MR. ZWIRN:
If I might, Mr. Presiding officer?

P.O. LINDSAY:
Yes, Mr. Zwirn.

MR. ZWIRN:
We did. The County Executive's Office sent a letter to AME giving them the background and what would be needed. What MedPhone provides for the contract that they get with providing the service of making reservations at the Health Centers, they were the only responder to the RFP. We have given the information to AME, it is open-ended. We have to get this going now to keep it in place so that we can make reservations at the Health Centers. If this is not approved, there is no alternative plan, we will stop taking the reservations in the short-term. But in the long-term, if the union can do a better job and a less expensive job, we've given them the background and what they would have to do and we're open to that, that would be fine. We have no objection to that.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

Actually, I think there probably is an alternative. When I called this company -- and I did it last week again, I've called them over the years -- the lady that I spoke to was not allowed to tell me where she was located. So I asked if she was in Nassau County or Suffolk County, she wasn't allowed to say that she was in either one of those counties. So my fear is that this was actually relocated maybe down even off-shore as far as the United States.

But I did take the time to check with Brookhaven Health Center. I would have checked with the Bay Shore Health Center but they're not in existence anymore, so I had to go out to Brookhaven. And the way they do it, about only 11 or 13% of their appointments are made through this service, they do it in-house. They have tried to encourage people that before you leave, if you have an appointment, before you leave you make your new appointment. And they do have people that answer the phones at the health center that will make an appointment if you call in, so if you need to come in for the first time they will make an appointment for you.

And I might point out that they were not real cooperative, because I didn't tell them who I was and when I called up I was attempting to make an initial appointment. They actually couldn't give me an appointment for a health center near my house for three weeks. No, something is wrong, though. And maybe it's just that they don't know what the availability is on the health centers, maybe it's that loaded up that we really -- for a new patient, you can't get them in that quickly, but that to me was not real acceptable. And I think we can -- instead of spending eight or $900,000 for somebody that's going to, you know, take these jobs outside of the County of Suffolk and probably off Long Island, I think we really have to consider doing what we do now anyway. If somebody is in one of our health centers and they want to make a new appointment, they can stop at the desk on the way out and make that appointment. And that would probably be about half of the business, more than half of the business that we do, because more than half is not new appointments, new people coming to our health centers.

So I would suggest just -- or really ask that this either get tabled or defeated again and we come up with a new plan. For eight or $900,000, I think we can do a heck of a great job with our existing centers and maybe even avoid some kind of layoffs and allow people an opportunity to stay employed by Suffolk County and in Suffolk County.

MR. ZWIRN:
The only thing I can say is that if we don't have somebody taking these calls, and nobody is going to be trained fast enough. At the last committee meeting the union took no position on the bill. Now, if they want to come in with a proposal, we'll be glad to look at it. But in the short-term, we're afraid you're going to have chaos. MedPhone --

LEG. ALDEN:
Ben, you can call the --

MR. ZWIRN:
MedPhone handled almost 330,000 calls in 2007. Now, I don't know how quickly you can train people in -- and they have to be bilingual, but if you're going to have chaos at the health centers of people who are calling in, can't make appointments, then we're just going to give out local phone numbers and say, "Look, call your local Legislator, maybe they can make an appointment for you." I don't know what else we can do.

LEG. ALDEN:
Ben, I think you have to look at that data a little bit more closely. I don't think it was 337, that was part of a number where they actually called people to confirm appointments. So part of that was -- part of that number doesn't strike me as just new people calling up to make an appointment, and people do make appointments at all the health centers.

MR. ZWIRN:
Well, from my understanding it's been working pretty well, or very well. It's your call. We're telling

you we think it's -- the right thing to do is to pass this. We're not precluding AME from coming in and saying, "Look, we can handle this better, less money." When that day comes, we'll be back here and say, "Good."

LEG. ALDEN:
Ben, have you ever or has anybody ever gone out and verified that they were under compliance with the contract? So for instance, if we require 30 people working at X number of time, X number of those people have to be bilingual, has anybody ever taken the time to go out there? Because when the Health Department testified they said they never have; they've never verified performance under the contract

MR. ZWIRN:
Well, the contract has worked well from what I understand. And aside from -- I know there were complaints, I mean, you had --

LEG. ALDEN:
It didn't work well for a couple of my constituents; it worked pretty lousy.

MR. ZWIRN:
Yeah, well, anecdotally. But that's -- we would like to be able to pursue that and investigate it. But by and large, this is a very big operation, we'd ask for your support, but ultimately it's the Legislature's call.

LEG. ALDEN:
I wrote a letter to the -- actually, I did put it in writing. I wrote a letter to the Commissioner and that was about roughly three years ago and I'm still --

MR. ZWIRN:
That was Commissioner Harper?

LEG. ALDEN:
Commissioner Harper, yes.

MR. ZWIRN:
He's still waiting to give you that prostate exam, I don't know what happened.

LEG. ALDEN:
Well, that was very nice of you to offer that, but I'm still waiting for a response.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Yeah, thank you. Some time has passed now since this had originally come up and I believe, like many, that we should at least give the opportunity to Suffolk County employees to see how they might be able to take on these responsibilities, if they would be able to implement some type of a program with County employees. I think all of us really would have looked forward to that kind of an analysis to be done to see if we can make an informed decision here.

I'm wondering, Ben -- Ben, if you or anybody else in the administration would have any idea, any kind of estimate as to what the additional cost, if any, would be if this was turned over to existing County employees.

MR. ZWIRN:
We did an analysis quickly and because of the fringe benefits in the contract, if AME took it over now

under the current contract, it would be several hundred thousand dollars more than what we're paying MedPhone to do the same work.

LEG. STERN:
So any idea, several hundred thousand, is that 200,000, is it 500,000?

MR. KOVESDY:
I can get you the information.

MR. ZWIRN:
I don't know if we can get anybody at the office now, but it was --

MR. KOVESDY:
You want me to try to get the information?

MR. ZWIRN:
If you can try.

MR. ZWIRN:
But it was several hundred thousand dollars.

LEG. STERN:
All right, thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
As a follow-up to that, did they take into consideration the fact that Brookhaven, which is one of our most busy facilities, actually only utilizes this contract to the tune of about 17% of their calls or less? So that seems like there's an alternative that we can do it in-house, but that hasn't been looked at to expand that to the rest of the facilities.

MR. ZWIRN:
Legislator Alden, I'm --

LEG. ALDEN:
No, I'm just asking.

MR. ZWIRN:
I don't want to argue.

LEG. ALDEN:
I haven't had real good results, though, with the Health Department when I asked for information and for them to come down and testify.
So maybe it's just me, that they don't want to come down and give us the information. Because that to me would be simple, have the Commissioner come down, have him testify to how it's working at Brookhaven, how it's working at the rest of the health centers, how it's working at Bay Shore, and then we can make an informed decision. Not to just throw numbers around that it would cost two or $300,000 more than 800,000? Eight hundred you get a lot, I think.

MR. ZWIRN:
I would ask you at this point, because this has gone on, that if we could pass this bill today and keep it under constant review. I'll sit down with you personally, we'll go through the numbers. I'm just

afraid of what's going to happen if this doesn't get passed.

LEG. ALDEN:
Yeah, but Ben, they're actually extending the contract now. So it's not like as if they're going to walk away from providing the service, which I don't think they've threatened to do. But this would obligate us to $800,000 to something that I can't, in all good conscience, say that, you know, we verify that they actually perform under the contract. We don't even know if they've got five people working, two people working or if they subcontract it to another company. So I think those are legitimate questions that really have to be asked and answered before we even vote on this.

MR. ZWIRN:
We can't reach anybody at the Health Department at this hour, but --

LEG. ALDEN:
You can't reach them any time, not from my office.

MR. ZWIRN:
Well, they must have caller ID.

LEG. ALDEN:
That could be it. You know what, Ben, though? Because I'm agitated, I'm going to go with Bay Shore Health Center. Oh, no, you can't go there.

MR. ZWIRN:
I'll meet you there.

LEG. ALDEN:
It's out of business.

P.O. LINDSAY:
Okay. Anybody else on 1369? The only thing that I would honestly say is we're playing a game of chicken where a lot of poor people in this County are going to suffer as a result of it. I'm all for, if it's possible, to doing the bookings in-house or having our AME employees trained to man it if it's possible, but we need a viable plan. And at this point in time, we messed around with this last month, if we don't go forward with it, I don't want to call the County Executive's bluff and not have our health centers operational.

LEG. ROMAINE:
Mr. Presiding Officer?

LEG. ALDEN:
Mr. Presiding Officer?

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Just in answer to that, this is on our agenda, the Health Department knew it was on our agenda and they didn't bother answering the questions that I brought up the last time or for the past two or three years. I don't think it's fair to categorize this as something where, you know, we're playing kitchen. The contract vendee is actually performing under the old contract. I'm just saying, why would we want to obligate ourselves to pay eight or $900,000 to somebody, we don't even know what they're doing. The Health Department, at their last testimony to us, indicated that they've never gone out to verify that the number of people that we contracted for are even there. I just find it amazing that they wouldn't be here to fight for this contract.

P.O. LINDSAY:
Well, you have stated your opinion, I've stated my opinion, we're both entitled to it.

LEG. MONTANO:
Put me on the list.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Thank you, Mr. Presiding Officer. Obviously, I guess timeliness is a relative matter around here. This contract expired January 1, this Executive didn't bring the renewal to us till March 18th. We expressed a very strong opinion that we'd like to see this done in-house. It came back to us again in April, it came back to us again in May. If anyone is playing a game of chicken it's the Executive.

And by the way, the contract has an extension clause and as was stated, this vendor isn't walking away. You know, this is a two branch government. Unless this branch stands by what it says, because we all tabled this before, we all wanted to see something -- have someone come and say, "It's impractical, it can't be done," but we don't hear any of that.

I think that this is better done in-house. This is better done -- like when I go to my doctor, it's a big operation. The nurse there makes the reappointment for me, I get an automated telephone call a day or two before, that's done; and these aren't personal telephone calls, they're automated telephone calls that are done to the customer. You say we can't do that in-house? I doubt that. This is definitely -- deserves a no. This Legislature made its desire clear. If the majority wishes to change, that's fine, but we had already laid out a statement. But clearly, whatever we say in the future won't be taken seriously, we won't set policy, we'll just respond to the Executive and when he outweighs us we'll give in and we'll have no role in policy. Thank you.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah. Actually, I think that Legislator Romaine answered the question I had, but I just want to be sure. Legislator Alden, you stated that this contract expired, the company is continuing to perform under an extension, so if we don't approve this that continues under the terms of the old contract; is that what we're saying?

LEG. ALDEN:
As it has done since January 1st.

LEG. MONTANO:
All right. I just wanted to be clear; I thought I was and now I am. Thank you.

P.O. LINDSAY:
I would like to clarify that. Mr. Zwirn, come back to the mike, please. How long can this contract continue month-to-month?

MR. ZWIRN:
I don't know, Mr. Presiding Officer. I'm not sure.

P.O. LINDSAY:
Okay.

LEG. MONTANO:
If I may?

P.O. LINDSAY:
Because that isn't what you portrayed, right?

MR. ZWIRN:
No, my understanding is at some point we have to have a decision. I mean, otherwise we're acting outside of our, you know, purview. If we don't have the support of the Legislature, we can't keep -- my understanding is we just can't keep, you know, going month-to-month with these people. They have a contract at least until the end of the year. If we can have it till the end of the year and then we can review this at the end of the year, give AME an opportunity to come up with a proposal, I would ask you to do that just so we don't at some point come to an end and we don't have anybody there answering these hundreds of thousands of calls.

P.O. LINDSAY:
And is this resolution before us until the end of the year?

MR. KOVESDY:
It would be a separate line item in the budget.

MR. ZWIRN:
Yeah, as Alan Kovesdy points out, this is subject to funding and you could -- when we do the Operating Budget this year, you could take out the money for this if you so --

P.O. LINDSAY:
How long is this contract extension for?

LEG. ROMAINE:
Three years.

LEG. BROWNING:
Three years.

MR. ZWIRN:
Yeah, but it's subject to an appropriation; you take that out, it won't be done.

LEG. SCHNEIDERMAN:
Can you do a CN for six months?

LEG. ALDEN:
We didn't take the appropriation out. It's still there.

MR. ZWIRN:
I'm saying, going forward.

LEG. SCHNEIDERMAN:
Could we get a CN for a six month extension of the current situation?

LEG. ALDEN:
Why can't we just get the Health Department down to testify how it's working at Brookhaven?

LEG. SCHNEIDERMAN:
I agree we should do it in-house. I also don't want to see a lapse.

LEG. ROMAINE:

More than half these calls are automated anyway.

LEG. MONTANO:
Could I have the floor back, Mr. Presiding Officer?

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah, Ben, I thought I had the answer to the question and now I'm back to being semi-confused. We had a contract that expired, the contract now is continuing month-to-month even though we haven't signed the contract.

MR. ZWIRN:
Right.

LEG. MONTANO:
And you're not telling me that if we don't pass this now that they're going to simply walk away from the contract; that's not happening.

MR. ZWIRN:
Well, at some point --

LEG. MONTANO:
I mean, theoretically it could at some point, but what about this point?

MR. ZWIRN:
Now, if we don't get approval from the Legislature, do we go for the next three years month-to-month?

LEG. MONTANO:
Well --

MR. ZWIRN:
No.

LEG. MONTANO:
That's two-and-a-half years from now, let's talk about next month.

MR. ZWIRN:
Well, I'm just saying, at some point we're going to have --

LEG. MONTANO:
Okay, I don't disagree with you, at some point. But what I'm saying is that as we sit here today, we're not in imminent danger of this thing falling apart unless the company just simply got up and walked away, and that's not what you're representing, they're not doing that. They have no financial interest in doing that.

MR. ZWIRN:
Not at the present time.

LEG. MONTANO:
They'd like to get a contract is what you're saying.

MR. ZWIRN:
Right, we would like --

LEG. MONTANO:
And we'd like to give them one, but we want to analyze it first. That you don't have to agree to, that's my statement. The other two are facts; am I correct?

MR. ZWIRN:
I don't remember all of them, but --

LEG. MONTANO:
It sounds right, doesn't it?

MR. ZWIRN:
That sounded pretty good.

LEG. MONTANO:
Thank you.

P.O. LINDSAY:
Okay. We have a motion, Ms. Renee, before us to approve?

MS. ORTIZ:
Yes.

P.O. LINDSAY:
There's no tabling motion, right?

MS. ORTIZ:
No, sir.

P.O. LINDSAY:
I'm going to make a motion to table; I'm tired, I can't think clearly on this.

LEG. KENNEDY:
I'll second.

P.O. LINDSAY:
Maybe we could take a fresh look at this next month. But what I would ask the administration to do is maybe come back with a short-term resolution till the end of the year and give us time to thoroughly analyze, if at all possible, that we could do this in-house. I understand the complexities of it, I've talked to the Health Commissioner about it, it isn't quite as easy as everybody portrays it to be, but I think everybody deserves that testimony.

MR. ZWIRN:
Thank you, Mr. Presiding Officer.

P.O. LINDSAY:
So I'm making a motion to table.

LEG. ROMAINE:
Second.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
I believe I have a second. All in favor? Opposed? Abstentions.

MS. ORTIZ:
Seventeen.

P.O. LINDSAY:
Labor, Workforce & Affordable Housing:

1327-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (SCTM No. 0100-058.00-02.00-014.000) (County Executive). Town of Babylon?

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley.
LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Sixteen (Not Present: Legislator Viloria-Fisher).

P.O. LINDSAY:
1328-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-545.00-03.00-006.000) (County Executive).

LEG. BROWNING:
Motion to approve.

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

LEG. EDDINGTON:
Second.

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

MS. ORTIZ:
Seventeen.

P.O. LINDSAY:
1382-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-498.00-03.00-020.000) (County Executive).

LEG. BROWNING:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

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

MS. ORTIZ:
Sixteen (Not Present: Legislator Cooper).

P.O. LINDSAY:
Parks & Recreation:

1249-08 - Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company for "Help Us Save You Program" (Browning).
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. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1312-08 - Authorizing use of Long Island Maritime Museum property by Friends of Bradstock for a Music & Arts Festival Fundraiser (Presiding Officer Lindsay). I'll make a motion.

LEG. STERN:
Second.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Barraga & Cooper).

P.O. LINDSAY:
1335-08 - Authorizing use of Cedar Point County Park by the National Multiple Sclerosis Society-Long Island Chapter for its MS150 Twin Forks Bike Tour Fundraiser (County Executive).

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern, second by Legislator Schneiderman. Did you raise your hand?

LEG. SCHNEIDERMAN:
Yes.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Barraga & Cooper).

P.O. LINDSAY:
1336-08 - Authorizing use of Meschutt County Park by the Suffolk Bicycle Riders Association for its Bicycle Rally Fundraiser (County Executive).

LEG. STERN:
Motion.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper.

P.O. LINDSAY:
1337-08 - Authorizing use of Indian Island County Park by Birthright of Peconic, Inc., for its Walkathon Fundraiser (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1338-08 - Authorizing use of Indian Island County Park by American Diabetes Association for its Tour De Cure Fundraiser (County Executive).

LEG. STERN:
Motion to approve.

LEG. D'AMARO:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:

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

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1360-08 - Amending Resolution No. 654-2007, exempting deployed or mobilized military personnel from paying County parks daily fees (Horsley). Legislator Horsley?

LEG. HORSLEY:
Motion.

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

LEG. KENNEDY:
Second.

LEG. BROWNING:
Second.

P.O. LINDSAY:
The only thing that -- I mean, we have a motion and a second. If they're deployed and mobilized, how are they going to use the County parks?

LEG. VILORIA-FISHER:
One Hundred Sixth.

P.O. LINDSAY:
We're giving snow away in the wintertime?

LEG. HORSLEY:
No. It became a hassle, believe it or not. They stop over in Amityville, they've got different reserve operations.

P.O. LINDSAY:
Okay. It probably covers how many people, six?

LEG. HORSLEY:
Well, we had one in our office.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper).

LEG. ROMAINE:
Cosponsor.

LEG. LOSQUADRO:
Cosponsor, Tim.

MR. LAUBE:
Got it.

LEG. HORSLEY:
Hey, I know good legislation, Bill.

P.O. LINDSAY:
1376-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with the reconstruction of the bulkhead at Timber Point Marina (CP 5377) (County Executive). I'll make a motion.
LEG. D'AMARO:
I'll offer a motion to approve, I guess.

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

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
I didn't catch the second, I'm sorry.

P.O. LINDSAY:
D'Amaro is the second.

LEG. D'AMARO:
No, I made the motion.

MR. LAUBE:
Who was the motion?

MS. MAHONEY:
Lindsay.

MR. LAUBE:
Thank you.

P.O. LINDSAY:
I made the motion, you made the second.

LEG. D'AMARO:
All right, I made the second. Okay, that's fine.

P.O. LINDSAY:
Okay, what was the vote?

MR. LAUBE:
Sixteen.

LEG. ALDEN:
No, you've got two negatives.

MR. LAUBE:

Oh, that makes it 14, sorry (Opposed: Legislators Alden & Barraga - Not Present: Legislator Cooper).

P.O. LINDSAY:
Okay, on the accompanying Bond Resolution 1376A --

LEG. LOSQUADRO:
Motion to table.

P.O. LINDSAY:
We have a motion to table. Do I have a second?

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second. I'm going to make a motion to approve.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. The tabling motion goes first.

LEG. ALDEN:
Withdraw the table for now and see.

LEG. LOSQUADRO:
Withdraw the table.

LEG. ROMAINE:
Withdraw my second.

P.O. LINDSAY:
Ah, they're playing their games, you know. Go ahead, roll call on the approval.

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

P.O. LINDSAY:
Yes.

LEG. STERN:
Yes.

LEG. ROMAINE:
This is on the approval?

MR. LAUBE:
Correct.

LEG. MONTANO:
This is on the bond.

LEG. ROMAINE:
No.

LEG. MONTANO:
This is on the bond, isn't it?

MR. NOLAN:
Yes, a 12 voter.

LEG. SCHNEIDERMAN:
Abstain.
LEG. MONTANO:
I'm sorry, I missed those two votes.

MS. ORTIZ:
No and abstention.

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

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Pass.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. D'AMARO:
Pass.

LEG. COOPER:
(Not present).

LEG. MONTANO:
Abstain.

LEG. D'AMARO:
Yes.

LEG. COOPER:
(Not present).

MR. LAUBE:
Eight.

P.O. LINDSAY:
Okay, it fails.

1379-08 - Appropriating funds in connection with restoration of facades at the Suffolk County Vanderbilt Museum (CP 7441)(County Executive). I'll make a motion.

LEG. BROWNING:
Second.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Same motion, same second; roll call on the accompanying Bond Resolution.

LEG. SCHNEIDERMAN:
Motion to table.

LEG. D'AMARO:
What was the vote on that last --

MR. LAUBE:
Fourteen (Opposed: Legislator Barraga - Abstention: Legislator Alden - Not Present: Legislator Cooper).

LEG. D'AMARO:
Fourteen?

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

P.O. LINDSAY:
Yes.

LEG. D'AMARO:
Yes.

LEG. SCHNEIDERMAN:
I made a motion to table.

LEG. VILORIA-FISHER:
Did you have a second?

P.O. LINDSAY:
I can't hear, you've got to talk into the mike.

LEG. SCHNEIDERMAN:
I made a motion to table 1379A, the companion Bond Resolution.
I don't know if there was a second, though.

P.O. LINDSAY:
I've got a motion. Is there a second? No second, dies for lack of a second.

LEG. MONTANO:
I'll second it.

P.O. LINDSAY:
Second by Legislator Montano. Tabling goes first, you have to redo the roll call.

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

LEG. SCHNEIDERMAN:
Yes.

LEG. MONTANO:
Yes.

LEG. ROMAINE:
Yes.

LEG. BROWNING:
No.

LEG. BEEDENBENDER:
Pass.

LEG. VILORIA-FISHER:
Pass.

LEG. LOSQUADRO:
Yes to table.

LEG. EDDINGTON:
No.

LEG. ALDEN:
Yes to table.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:
No.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No.

P.O. LINDSAY:
No.

LEG. BEEDENBENDER:
No.

LEG. VILORIA-FISHER:
No.

MR. LAUBE:
Seven.

P.O. LINDSAY:
Okay, tabling fails. Motion to approve.

LEG. D'AMARO:
Second.

MR. NOLAN:
No, we got it.

P.O. LINDSAY:
We already have a motion to approve and a second.

LEG. D'AMARO:
Just on the motion, Mr. Presiding Officer. I just wanted to ask the Budget Review Office, this is an ongoing Capital Project, No. 7441. Can you just tell me -- tell us very briefly what -- how much in funds has already been expended on this project, if anything, to date?

MR. REINHEIMER:
I don't have that right now. This is for $100,000 in planning, a million dollars in construction. The facades is an ongoing program. We'll look up and find out how much has been spent to date in a second, probably quite a bit of money.

Part of the problem with the Vanderbilt Museum is the Bell Tower is crumbling and there's somewhat of a safety issue, it's wrapped in netting and that's the entrance into the courtyard of the museum.

They are using it for site use for brides, weddings, so it's relatively important to the Vanderbilt to continue the site use.

LEG. D'AMARO:
So the Capital Project we're talking of in this Bonding Resolution is designated or designed to fix a portion of the building that could be posing a safety risk to people who are using the building.

MR. REINHEIMER:
Yes, and to prevent further deterioration of the exterior from water damage.

LEG. D'AMARO:
And have we ever committed or spent funds in the past to work on the same type of renovation and construction for the Vanderbilt?

MR. REINHEIMER:
Yes, we have. We spent about a million six previously.

LEG. D'AMARO:
We spent $1.6 million already --

MR. REINHEIMER:
Appropriated.

LEG. D'AMARO:
Appropriated, right.

MR. REINHEIMER:
We appropriated for this project, that's still open.

LEG. D'AMARO:
Okay. And if this Capital Project is included in the budget that was passed by this Legislature?

MR. REINHEIMER:
That's correct, this is in the Adopted 2008 Capital Budget.

LEG. D'AMARO:
Okay, thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Lance, are there other funds that are appropriated for projects at the Vanderbilt that aren't going forward at this time?

MS. VIZZINI:
There are. This particular project has a balance, according to the financial system, of a million four.

LEG. ALDEN:
There's already a million four in there?

MS. VIZZINI:
For the facades.

LEG. ALDEN:

Right. Now, correct me if I'm wrong, but over ten years, going back ten years, approximately ten years ago we had to fix facades at the Vanderbilt. But we also appropriated funds for other things that really aren't even going forward at this point in time; is that not correct.

MS. VIZZINI:
There are some outstanding appropriations, some projects are not moving forward, there are a variety of reasons for them.

LEG. ALDEN:
All right. But for instance, where's the seaplane hangar at?

MS. VIZZINI:
It's under reevaluation for public access. A lot of this will be addressed in our review coming out Friday.

LEG. ALDEN:
Right, but how much money is appropriated for the seaplane hangar project?

MS. VIZZINI:
Roughly two million.

LEG. ALDEN:
Okay. That's not an emergency, and actually that's kind of what should be a wish list. So we really don't have the public going in and out of the seaplane hangar on a regular basis because it's real hard to get to it.

My point would be that if we've got other money that we could swing over to this project, because this project actually is something that probably should go forward pretty quickly. But we can't leave outstanding balances or outstanding appropriations out there and then go and appropriate more money. I think that we can't afford everything that we're appropriating. We are saddling future generations with huge amounts of debt on projects that probably won't even go anywhere. So why wasn't the funding from the -- and this is a suggestion. Maybe the funding from that project should have been cancelled in this resolution and then reappropriated to something that's an emergency. And that's what I stated earlier, we've got to reprioritize our funding, because otherwise we're going to bankrupt the people another generation from now.

P.O. LINDSAY:
Legislator Losquadro, Cooper and then D'Amaro.

LEG. LOSQUADRO:
Ditto; Legislator Alden raised the exact points I wanted to raise.
We have outstanding projects and outstanding appropriations at the Vanderbilt which are not moving forward. I don't think it's prudent to put additional money into this when we can reallocate those funds. And as it turns out, we even have a balance in this very account which would cover this entire program.

P.O. LINDSAY:
Cooper? Legislator Cooper.

LEG. COOPER:
I guess -- well, first of all, I'd like BRO to comment on that; are there indeed other funds that we could utilize for this? But I wanted to ask Carol Hart to come up, perhaps she's the best one to address this. I think it's vitally important that this particular project move forward because my understanding is that this is a serious public safety issue. So actually maybe, Carol, you can address that first?

MS. HART:
Yes. This is a public safety issue. Those of you familiar with the museum, this money is the second half of an appropriation for the Bell tower, the one million that we talked about is the first half. In talking to DPW, they can't go forward and bid out the project until they have the second half because they anticipate that full $2 million is going to be required for the Bell Tower because of the height of it. It is the main entrance to the museum for all people, it's currently -- I happened to bring some pictures, I'll pass them around -- netted and plat formed. The netting doesn't hold very large pieces, it's collecting as we speak. The concern is that we would have to put -- build more platforms, so it is a public safety issue in this area. It is a very large museum, the mansion Hall of Fishes, I have to get the square footage sometime for you of the different projects that we're talking about. But this particular appropriation is for this tall Bell Tower and for the falling facades, to correct that. And again, it can't go out to bid until it has the second half of the appropriation.

LEG. COOPER:
So Carol, worst case, if we were not to proceed with these needed repairs at this time, what are the possible ramifications of this?

MS. HART:
Well, the building is deteriorating as we speak, it makes it more and more expensive to do the fix. We have a problem -- you know, we do sell our site for photo shoots, it's one of our revenue-generating things. We have weddings starting this Saturday, almost every Saturday; to tell brides they can't walk under the bridge or around the bridge is difficult, the unsightliness. And just general public, when they come they look and they say, "Why aren't you taking care of our buildings? They're falling down."

And speaking to the future, we have to think about stripping our future generations of their heritage, of their buildings, of their museums, of their history and these kinds -- some maintenance, as you know, can be delayed; this has been delayed for many years. It's at the point, though, if you delay it too much further, it's -- we're going to have severe problems with that whole tower.

P.O. LINDSAY:
I know I have Legislator D'Amaro, but Legislator Alden has a question for Ms. Hart. Is that all right?

LEG. D'AMARO:
No, that's fine, I'll defer.

LEG. ALDEN:
No, I will go right after you.

LEG. D'AMARO:
No, no, go right ahead. That pretty much answered my questions,
Mr. Presiding Officer. So go ahead.

LEG. ALDEN:
Thanks for coming down. And I apologize for you sitting here all night, too. But the first million plus that we authorized for this project had some planning money in it also.

MS. HART:
Uh-huh.

LEG. ALDEN:
Has the plan to rebuild this been done?

MS. HART:
I believe the plan --

LEG. ALDEN:
Because this contains $100,000 for planning money.

MS. HART:
Uh-huh. Yeah, no, I think they have to continue doing more planning and that's why it's in there.

LEG. ALDEN:
And have you coordinated with whomever to see when the project could actually start? If we authorize this money tonight, it won't be borrowed until the May, the end of May -- I'm just making that assumption.

MS. HART:
I think once the money is appropriated they will go out to bid. They've been delaying going out to bid until they know what kind of money they have to deal with, so I --

LEG. ALDEN:
So the planning steps would have to be done if they're going out to bid.

MS. HART:
I think they can go out to bid to start, for more architectural work I think is what that part is for.

LEG. ALDEN:
Do you get involved in the evaluation of this is what I need today and even though we've got $2 million for the two seaplane hangar, it doesn't look like that's going to happen? Was there a discussion by you and someone else that maybe we could use that $2 million, just a resolution that would switch that funding?

MS. HART:
We have met. In fact, a couple of weeks ago DPW, BR -- the Budget Review Office, we do meet looking at further Capital Projects, we do look at things like that. The seaplane hangar, from the point of the museum, is an important project. Again, it's a preservation project that will ensure that the building is here for the future, there's not much -- the two million will stabilize the building and we hope to in the future, maybe with some more grants or public support, be able to do more with it.

LEG. ALDEN:
But very candidly --

MS. HART:
Uh-huh.

LEG. ALDEN:
-- that's not going to happen for quite a while. The $2 million is not going to be expended, the planning for that stabilization is not going to happen for --

MS. HART:
The planning is under way and I think that will -- that is in the future.

LEG. ALDEN:
Right. And when were you told that the building would be stabilized, the actual work on it?

MS. HART:
They're due to start -- they have a few design issues, it's already gone to design, so when they have

the money, so I think it's not that far off.

LEG. ALDEN:
And actually, in the Capital Budget the $2 million was to renovate it so it would be able to be open to the public, and that's questionable really right now at best.

MS. HART:
Uh-huh. Yeah, no --

LEG. ALDEN:
Because I don't know if you can get down there or not.

MS. HART:
Yeah. No, the project was started I think eight years ago, at that time I think $2 million was thought to be enough to do a full renovation. At this point, because we're eight years later, that $2 million is probably not going to get a full renovation inside, it will stabilize the building and do other things for us.

LEG. ALDEN:
You see, if this was presented to us, and it is, it's a dangerous situation, I think.

MS. HART:
Uh-huh.

LEG. ALDEN:
But you can't have something like a seaplane hangar that we would wish to get it open to the public at some point in time in the future and take up $2 million of our bonding and indebtedness and then go out and do another 1.1 million on this. We've got to make some tough choices and we're being asked to make touch choices every time we meet.

So I really think that the next time that something like this comes up, you really have to look at it from our perspective. We're looking at some major financial problems and this -- this is something that isn't -- it's not really a wish list, this is going to protect the public and the employees.

MS. HART:
Uh-huh.

LEG. ALDEN:
So this is something that we should actually do, so this should rate like almost a hundred, right up on the top.

MS. HART:
Absolutely.

LEG. ALDEN:
The seaplane hangar, it's been eight years; that's got to rate down near the bottom when you're in financial difficulty. So I would just hope that other resolutions that come forward would include -- you know, let's get rid of some of the other indebtedness or push that off to subsequent years and make this available. Because I can't support doing this with that outstanding debt.

MS. HART:
Okay.

LEG. D'AMARO:
Bill?

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, I just want to add that I agree with Legislator Alden about making the tough decisions and that we have tough fiscal times ahead, but I thought that when we did our budgets that we were taking that into account and making those policy decisions at that time.

You know, the flip side of voting against every single Bonding Resolution is, in my opinion, short-sighted, because ultimately it's going to cost us far, far more in funds to repair an infrastructure that we permit to fall into a state of disrepair. So my only point is I agree with the tough fiscal times and I think we do have to make tough choices, but I think we're making those choices whether we're doing budget adjustment bills or whether we're looking now, we're working in our working group with the Capital Program that's coming up and we're going to make those tough choices. But these are ongoing projects that have already received that scrutiny and we've already voted on, we're just funding them at this point.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
To respond. I'm sorry you think that that's short-sighted, but I can honestly tell you, and for most of the ten years I've been here, I've probably been on maybe nine times on the Capital Budget Committee, the Working Committee. And in all honesty, last year when we were looking at our Capital Budget, this 2009 was not presented as the problem that it's been presented very recently. And even to the extent that last November when we were working on the Operating Budget, 2009 was not presented as the problem that it's turning out to be. So I think things change and, therefore, I think maybe I'm being misunderstood.
I would like to take a look at our whole Capital Budget, things that we've approved in the past --

LEG. D'AMARO:
We're doing that now.

LEG. ALDEN:
Exactly, and then go forward. I think that we rush a little bit right now knowing this is new evidence that we have, every day is coming in and it doesn't look real good. So new evidence and I think it warrants a slowing down or even a suspension of new Capital Projects until we get our hands around the existing debt that we have, the existing approved but unissued and then what our true needs are. Because Legislator D'Amaro, we never were presented with "This is a hundred percent, we need this yesterday. This can wait another year." There was a wish list of what we wanted to do and a lot of things were predicated on the fact that we would have the money to do that, now we're finding out that we don't really have the money to do that and our debt carrying charges have gone up $30 million over the past three years, that's a huge difference, and our income looks like it's flattened out. So those are different circumstances that require different actions.

LEG. D'AMARO:
Not to belabor the point, if I could, through the Chair, just very quickly. I agree with that and I think -- you know, I happen to be a member of the Working Group on the Capital Budget, we've done it together and I think we have a lot more difficult road this year than in the past. But I don't think we're going to solve that problem by taking projects that we've already committed a million or a million four two and is going forward, is in a design phase and funds are being expended and stopping every single one of them cold in their tracks. I just don't think that's responsible policy making or prioritizing.

LEG. ALDEN:
I don't advocate that, but okay.

P.O. LINDSAY:
Okay. Legislator Stern.

LEG. STERN:
Yeah, very quickly. Even if you agree with Legislator Alden's big premise, which I think many of us do, we have to look at this individual project that's before us. You know, here it is certainly a public safety issue, we're talking about the Vanderbilt Museum which depends on the ability to generate its own revenue in an effort to offset, at least in some way, the expenditure that we need to make. Here, without approving this particular expenditure, we are once again putting the Vanderbilt at a distinct disadvantage and having the ability to do that in the future, I think we have to look at this one a little bit differently. This is not like an ordinary project that might not have some kind of return for the investment that we're making, this one certainly would.

MS. HART:
Yes.

P.O. LINDSAY:
Okay. So give me a refresher here, Mr. Clerk; where are we?

MR. LAUBE:
You are the motion and Legislator D'Amaro is the second.

P.O. LINDSAY:
Okay, that's the only thing we have.

LEG. MONTANO:
And this is on the Bond?

P.O. LINDSAY:
On the Bond.

MR. LAUBE:
On the Bond, 1379A.

P.O. LINDSAY:
All right. We have a motion and a second on the Bond; roll call.

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

P.O. LINDSAY:
Yes.

LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Pass.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Pass.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

LEG. ROMAINE:
Abstain.

LEG. MONTANO:
Abstain.

MR. LAUBE:
Ten.

P.O. LINDSAY:
Okay, it fails.

Public Safety:

1046-08 - Adopting Local Law No. 2008, a Local Law to prohibit text messaging while driving (Schneiderman).

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Is there a second?

LEG. LOSQUADRO:
Second.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. Roll call.

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

LEG. SCHNEIDERMAN:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. EDDINGTON:
Abstain.

LEG. MONTANO:
Yes.

LEG. ALDEN:
Pass.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
No.

LEG. ALDEN:
Yes.

MR. LAUBE:
Fourteen (RECORDED VOTE: 15-1-1-0 Opposed: Legislator Lindsay - Abstention: Legislator Eddington).

P.O. LINDSAY:
1151-08 - Appoint a member to the Suffolk County Citizens Corps Council (Edmund Moore).

LEG. SCHNEIDERMAN:
Motion.

LEG. ROMAINE:
Second.

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

LEG. EDDINGTON:
Yes, he came.

MR. LAUBE:
Seventeen. That last one was 15, by the way.

P.O. LINDSAY:
1361-08 - Adopting an "In Case of Emergency" (ICE) Public Education Program to assist first responders in emergency response situations (Horsley).

LEG. HORSLEY:
Motion to approve.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion by Legislator Horsley. Who was the second? Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.
P.O. LINDSAY:
1365-08 - To establish training requirement policy for Probation Officers in Suffolk County (Eddington).

LEG. EDDINGTON:
Motion to approve.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion by Legislator Eddington, second by Losquadro. You want to talk, Legislator Kennedy?

LEG. KENNEDY:
Just very briefly to the sponsor. I'm in favor of the resolution, I'll be happy to go ahead and vote for it. Was there any discussion in committee as to the department's ability to do any of this, or willingness to?

LEG. EDDINGTON:
I think they want to train, it's just that we want it in a timely fashion and it hasn't been.

LEG. KENNEDY:
The {asbaton} in particular, as you know, took quite some time for the Sheriffs to go ahead and be trained on and it was only after great, you know, urging, I think, that some of the Probation Officers got it. So my question is just in the course of testimony in the committee, do we have any reason to believe any of this is going to happen?

LEG. EDDINGTON:
Well I think that's my job as public safety to make sure, to follow-up that it does happen, but now I'll legislation that says it's going to happen.

LEG. KENNEDY:
So this is a bit of a hammer then, Mr. Chair?

LEG. EDDINGTON:
Well, how about a baton?

LEG. KENNEDY:
Works for me. Thank you.

LEG. BEEDENBENDER:
Nice; somebody is still awake.

LEG. LOSQUADRO:
That makes one of us.

LEG. ROMAINE:
Quick question?

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
To the sponsor. I'm happy to hear that. What would you do hypothetically, considering the situations that we face in County government today, if the Executive ignored this or chose not to implement this law? What actions would you seek to take?

LEG. EDDINGTON:
Well, the first thing would be --

LEG. ROMAINE:
I had to ask.

LEG. EDDINGTON:
-- you know, not carrying my boxing gloves. Well, I'm going to strongly advocate for this to happen. I'm going to continue -- I'll work with the union, I will talk to the Legislative Branch, I will meet with my colleagues to see how else we can try to push this through. This is the one branch that just seems to be put aside.

LEG. ROMAINE:
Well, I'm definitely going to vote for this, but I will give you whatever support I possibly can. If I'm going to vote for something, I want to see the training of our Probation Officers take place in a timely fashion, particularly since the Probation Officers have requested this. And if it doesn't, I will support whatever efforts you deem necessary to be the hammer.

P.O. LINDSAY:
Legislator Eddington made a motion to approve this to do that, so if you don't want it, don't vote for it.

LEG. ROMAINE:
I'm voting for it.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:
1366-08 - Accepting and appropriating 97% Federal funds awarded to the New York State Unified Court System for a contract with the Suffolk County Department of Probation to provide services to the Suffolk County Sex Offense Court and Sex Offender Management System and authorizing the County Executive to execute grant related agreements (County Executive). Does anyone want to make a motion?

LEG. LOSQUADRO:
Motion.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:
1370-08 - Approving the appointment of Christopher DelVecchio as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive).

LEG. EDDINGTON:
Motion.

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:
Motion by Legislator Eddington. Who seconded it? Legislator Browning.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1406-08 - Approving the reappointment of Rabbi Steven A. Moss as Chair of the Suffolk County Human Rights Commission (County Executive). I make the motion.

LEG. COOPER:
Second.

LEG. MONTANO:
Second.

P.O. LINDSAY:
Second by Legislator --

LEG. MONTANO:
On the motion.

P.O. LINDSAY:
Second by Legislator Montano. Legislator Montano.

LEG. MONTANO:
Yeah, is Ben here, is the County Exec's Office here?

LEG. BEEDENBENDER:
They're in the back.

LEG. ROMAINE:
They can hear you.

LEG. MONTANO:
Well, what -- I obviously support the motion and I know Rabbi Moss very well, I served as Executive Director of the Human Rights Commission for eight years. But my question goes to the appointments on the commission. There are 15 appointments and I'm just wondering how many are holdovers of the 15. Ben?

MR. ZWIRN:
Yes.

LEG. MONTANO:
How you doing, guy?

MR. ZWIRN:
The bar is open, I'm good.

LEG. MONTANO:
Good. Ben, I just had a question on the Human Rights Commission, since the resolution of Rabbi Moss is before us. There are 15 members of the commission, do you know how many of the members there, do you know how many of those members' terms have expired and how many are

sitting as holdovers of the 15?

MR. ZWIRN:
You know, I don't have that information. April would have that information and she's not --

LEG. MONTANO:
April is not here.

MR. ZWIRN:
She's not here, but I can get that information for you.

LEG. MONTANO:
All right, I would like to get that information. It's my impression that most of the members' terms have expired, they have not been reappointed and they have not -- well, they serve as holdovers.

MR. ZWIRN:
Right.

LEG. MONTANO:
And I would like to see the commission go back to its full force and that is to have the 15 members appointed -- the terms are supposed to be scattered so that every year five members come up for reappointment and I think that's a problem. But I do support Rabbi Moss, he's been the Chairperson, but I would like -- and I want to put that on -- you know, I would like an answer to that question; of the 15, who's a holdover and when have their terms expired? Thank you, Ben.

MR. ZWIRN:
Thank you.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1423-08 - Amending Resolution --

MR. NOLAN:
1407.

P.O. LINDSAY:
Oh, ***1407-08 - Approving the reappointment of Rabbi Steven A. Moss as a Member of the Suffolk County Human Rights Commission (County Executive);*** one was as a member, one is as a Chairman. How about we do same motion, same second, same vote all right with everybody?

LEG. ALDEN:
Sounds good.

LEG. MONTANO:
We should have done it in the reverse order, though.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1423-08 - Amending Resolution No. 48-2008 (County Executive).

Do I have a motion?

LEG. ROMAINE:
Motion.

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

LEG. BROWNING:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1424-08 - Amending Resolution No. 76-2007 (County Executive).
Do I have a motion?

LEG. BEEDENBENDER:
Motion.

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

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Public Works & Transportation:

IR 1313-08 - Authorizing transfer of two (2) surplus County computers, two (2) surplus County monitors and two (2) surplus County keyboards to Glory of God Church (Presiding Officer Lindsay). I'll make a motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
1318-08 - Directing the Suffolk County Sewer Agency to prepare reports and make recommendations necessary to form a sewer district at Mastic/Mastic Beach/Shirley (Browning).

LEG. BROWNING:
Motion to approve.

LEG. EDDINGTON:
Second.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
14 -- 1347-08 - Authorizing Public Hearing for authorization of extension of license for North Ferry Company, Inc., for Greenport Harbor Service between Shelter Island Heights, New York and Greenport, New York (Presiding Officer). Ms. Vizzini, is that ready to be -- to move?

MR. NOLAN:
It's just setting a Public Hearing.

P.O. LINDSAY:
Oh, it's setting a Public Hearing, I'm sorry.

MS. VIZZINI:
Correct.

P.O. LINDSAY:
I'll make a motion to set the Public Hearing.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
1371-08 - Appropriating funds in connection with median improvements on various County roads (CP 5001)(County Executive). That has to be tabled, there's no bond. So I'll make a motion to table.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
1371A is moot.

1372-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with strengthening and improving County Roads (CP 5014)(County Executive).
I'll make a motion.

LEG. COOPER:
Second.

LEG. EDDINGTON:
Second.

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

LEG. ALDEN:
Opposed.

MR. LAUBE:
Fifteen.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Alden & Barraga - Not Present: Legislator Montano).

P.O. LINDSAY:
Same motion, same second on the Bond; roll call.

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

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. MONTANO:
(Not present).

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.
LEG. COOPER:
Yep.

LEG. SCHNEIDERMAN:
Abstain.

MR. LAUBE:
Nine.

P.O. LINDSAY:
Okay, we just voted that we don't want to strengthen roads, wonderful.

1373-08 - Appropriating funds in connection with dredging of County waters (CP 5200)(County Executive).

LEG. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. LOSQUADRO:
On the motion, Mr. Chairman?

P.O. LINDSAY:
On the motion, Legislator Losquadro.

LEG. LOSQUADRO:
Despite everything else we've been discussing about dead overhang and everything else this evening, this is $50,000. And we've had discussions over the past -- since I've been here about bonding dollar figures this small. I disagree with this wholeheartedly, despite any of the other arguments that have gone on this evening. This is $50,000, we should be paying for this in cash. I'm not even going to vote for the resolution, let alone the Bond.

P.O. LINDSAY:
Be my guest, vote against it.

LEG. VILORIA-FISHER:
Mr. Chair, if I may?

P.O. LINDSAY:
Legislator Viloria-Fisher.

LEG. VILORIA-FISHER:
The dredging of --

LEG. HORSLEY:
This is dredging?
LEG. VILORIA-FISHER:
Yes. The dredging is not only an issue of maintenance but it's public safety because you do have boats that run aground. The funding is another issue, we can discuss that when we discuss the bonding, but the dredging is very important. I think Legislator Nowick knows as well as I how important this is to Stony Brook Harbor, it affects both Brookhaven Town and Smithtown and it really is just part of our commitment to the public safety of the people in the community.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
Legislator Viloria-Fisher, maybe you would know; is this project going on now? Because basically you can't dredge now again until November.

LEG. VILORIA-FISHER:
No, but we have to start the planning. Let -- Gil Anderson is here, he can talk to you about the windows of opportunity. And that's why we have to do it now so that we can get the planning done for that; isn't it -- Gil, isn't that the issue?

LEG. ALDEN:
Then the other question is to Budget Review; did we put in cash money into the budget for dredging?

MS. VIZZINI:
Well, the Operating Budget has $2 million in pay-as-you-go, but we were waiving that in IR 1307 which --

LEG. ALDEN:

That's discretionary, though, right?

MS. VIZZINI:
Yes.

LEG. ALDEN:
We still could put a bill in to take $50,000 out of the two million and use it for dredging.

MS. VIZZINI:
It would be a policy decision.

P.O. LINDSAY:
We already passed a bill saying we weren't going to do that, that we're going to take the two million.

LEG. ROMAINE:
Not all of us voted for it.

LEG. ALDEN:
And then the question becomes, Gil, where are we on this?

COMMISSIONER ANDERSON:
This is for a survey of the harbor. There is {Porpois} Channel and the Yacht Club Channel that need to be surveyed and then a design put together for permits. We are in the process of preparing the permit applications, they have to go before the regulatory agencies and at that point we anticipate having the permits in-hand, you know, for the current Fall window.

LEG. ALDEN:
The surveying is going to cost 50,000?

COMMISSIONER ANDERSON:
That's what we're anticipating right now, yeah. We don't have a proposal in-hand.

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

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislator Barraga - Abstention: Legislator Alden - Not Present: Legislator Cooper).

P.O. LINDSAY:
Same motion, same second on the Bond; roll call.

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

LEG. VILORIA-FISHER:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
No.

LEG. MONTANO:
Pass.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Abstain.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes for Smithtown Harbor.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

LEG. MONTANO:
Abstain.

MR. LAUBE:
Eleven.

P.O. LINDSAY:
It fails.

1374-08 - Appropriating funds in connection with a County-wide Highway Capacity Study

(CP 5502)(County Executive). I'll make a motion.

LEG. BEEDENBENDER:
Second.

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

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fourteen -- oh, excuse me, 15 (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:
Same motion, same second, roll call on the Bond.

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

P.O. LINDSAY:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Abstain.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Five.

LEG. MONTANO:
Five? Do that again.

LEG. D'AMARO:
Do over.

MR. LAUBE:
Seven.

P.O. LINDSAY:
It failed.

1375-08 - Amending the 2008 Operating Budget to transfer unexpended funds from Fund 477 Water Quality Protection Program fund balance, Water Quality Protection Component from the program ending November 30, 2007, Amending the 2008 Capital Budget and Program and appropriating funds in connection with storm water remediation to Green Creek at County Road 85, Montauk Highway (County Executive).

MR. LAUBE:
That was nine, the last one (RECORDED VOTE: 9-4-4-0).

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

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
Just a brief explanation of what -- is this normal that we close out 477 funds from last -- this is closing out 477 funds from last year?

P.O. LINDSAY:
Mr. Anderson, can you answer that?

LEG. ALDEN:
And then just the last sentence in there, it's storm water remediation to Green Creek at County Road 85. And that's the purpose, we're just taking this money and allocating it towards bricks and mortar jobs there?

COMMISSIONER ANDERSON:
Correct, this is 700,000 left over from last year. The intent of the project is to install storm water remediation units to swirl separators at that location.

LEG. ALDEN:
Why do we have to -- why do we have to manipulate the balance from last year? I thought that the money is just in the fund for exactly like this project would appear to be.

COMMISSIONER ANDERSON:
That one I can't answer.

MS. VIZZINI:
The money is in Fund 477, this resolution conveniently transfers it to the Capital so the cash can be expended for this project.

LEG. ALDEN:
Is that how we've been doing 477's?

MS. VIZZINI:
Yeah, for --

LEG. ALDEN:
Okay, that's fine.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1377-08 - Calling for a Public Hearing for the purpose of considering the planning of the increase and improvements of facilities for Sewer District No. 3 - Southwest (Outfall) (CP 8108) (County Executive).
Do some of you Babylon guys want to make a motion on this?

LEG. HORSLEY:
I'll make a motion.

LEG. D'AMARO:
Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by -- what?

MR. NOLAN:
Hang on one second.

P.O. LINDSAY:
It's just to plan a Public Hearing.

LEG. ALDEN:
I'll make a second.

P.O. LINDSAY:
Yeah, but we're checking to see, there might be a CN on this.

MR. ZWIRN:
We changed the date on this, so we did it by CN.

P.O. LINDSAY:
So I'm going to skip over 1377, we'll address it under CN's.

1378-08 - A resolution making certain additional findings and determinations in relation to a proposal to increase and improve facilities for sewer District No. 18 - Hauppauge Industrial (CP 8126) (County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. ALDEN:
Is this the new -- I have a note that would indicate it might need a new notice of a Public Hearing?

LEG. KENNEDY:
On the motion.

LEG. MONTANO:
Now what are we on, 1377?

LEG. KENNEDY:
1378.

LEG. MONTANO:
Oh, 78; 77 we skipped.

LEG. KENNEDY:
Do we have a second yet?

P.O. LINDSAY:
Not yet.

LEG. MONTANO:
You've got a second.

LEG. KENNEDY:
Okay. On the motion, then? Can I ask Mr. Anderson if, in fact, the Public Hearing notices have been

filed properly, through the Chair?

LEG. MONTANO:
We can't hear you, John.

LEG. LOSQUADRO:
Use the mike, John.

LEG. KENNEDY:
I'm sorry. That's the first time anybody ever told me to use the mike. Through the Chair, can we ask Mr. Anderson?

P.O. LINDSAY:
Turn on the mike now. There you go.

LEG. KENNEDY:
Through the Chair, can we ask Mr. Anderson?

P.O. LINDSAY:
He's there.

LEG. KENNEDY:
Okay. Do we have the Public Hearing notices properly filed with this thing at this point?

COMMISSIONER ANDERSON:
Yes.

LEG. KENNEDY:
We do. Okay.

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

MS. ORTIZ:
You don't have a second.

MR. LAUBE:
I never heard the second.

LEG. MONTANO:
Montano second.

P.O. LINDSAY:
Legislator Montano seconded it.

MR. LAUBE:
Thank you.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1392-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the reconstruction and improvements at the Bomarc Records Storage Facility (CP 1705).
(County Executive). God only knows it needs improvement.

LEG. STERN:
Motion to approve.

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

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

LEG. KENNEDY:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Alden, Barraga & Kennedy).

P.O. LINDSAY:
Same motion, same second on the Bond; roll call.

LEG. D'AMARO:
Excuse me. Just on the motion, very quickly. Again, to the Budget Review Office, this is Capital Project No. 1705 and I was just curious if -- again, this is an ongoing Capital Project that was included in our Capital Program, and have there been any funds expended? Can you tell us if the project has started?

MR. REINHEIMER:
This is the Archives Building and it has had funds in the past, you know, nothing recently that I'm aware of. So it's not an ongoing project in the sense that the Vanderbilt facades is where it continues, so it's just additional money for that facility to make improvements.

LEG. D'AMARO:
Okay, thank you.

LEG. SCHNEIDERMAN:
Motion to table.

P.O. LINDSAY:
On the -- Legislator Alden.

LEG. ALDEN:
Just one quick follow-up. Budget review, it says, "Amending the 2008 Capital Budget"; what is that, what's the amendment?

MR. REINHEIMER:
It's shifting money within the project from planning to provide money for site improvements, construction and reduced planning. So it's within the project, just mixing the elements.

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:
Okay, we have --

MR. NOLAN:
He made a motion.

P.O. LINDSAY:
I didn't --

LEG. SCHNEIDERMAN:
I made a motion to table.

P.O. LINDSAY:
Come on, use the mike, will you?

LEG. SCHNEIDERMAN:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Schneiderman. Do we have a second?

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Romaine. The tabling motion comes first.
Roll call.

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

LEG. SCHNEIDERMAN:
Yes to table.

LEG. ROMAINE:
Yes.

LEG. BROWNING:
No.

LEG. BEEDENBENDER:
No.

LEG. VILORIA-FISHER:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
Yes to table.

LEG. ALDEN:
Yes to table.

LEG. BARRAGA:
No.
LEG. KENNEDY:
Yes to table.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
No.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
No to table.

P.O. LINDSAY:
No.

MR. LAUBE:
Six.

P.O. LINDSAY:
We have a motion to approve. Roll call.

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

LEG. STERN:
Yes.

P.O. LINDSAY:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Abstain.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Nine.

P.O. LINDSAY:
Okay, it fails.

1393-08 - Appropriating funds in connection with renovations to Surrogate's Court (CP 1133). Do I have a motion?

LEG. STERN:
Motion.

P.O. LINDSAY:
By Legislator Stern.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by D'Amaro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Abstain.

LEG. KENNEDY:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislators Barraga & Kennedy - Abstention: Legislator Alden).

P.O. LINDSAY:
Same motion, same second on the accompanying -- 1393A, the Bonding Resolution; roll call.

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

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Abstain.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Abstain.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:

Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Nine.

P.O. LINDSAY:
It fails.

1395-08 - Appropriating funds in connection with removal of toxic and hazardous building materials and components at various County facilities (CP 1732)(County Executive). I make a motion.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Same motion, same second on the Bond; roll call.

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

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:

No.

LEG. MONTANO:
No.
LEG. MONTANO:
Abstain.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
Hey.

1396-08 - Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737) (County Executive). I'll make a motion. Do I have a second?

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Alden).

P.O. LINDSAY:
Same motion, same second; roll call on the Bond.

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

P.O. LINDSAY:
Yes.
LEG. D'AMARO:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Abstain.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

LEG. SCHNEIDERMAN:
Abstain.

P.O. LINDSAY:

It failed?

MR. LAUBE:
Nine.
P.O. LINDSAY:
It fails.

1398-08 - Appropriating funds in connection with Riverhead County Center power plant upgrade (CP 1715)(County Executive). I make a motion.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Legislator Browning is the second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:
Same motion, same second on the accompanying Bonding Resolution; roll call.

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

P.O. LINDSAY:
Yes.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Abstain.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Ten.

P.O. LINDSAY:
It fails.

1412-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with safety improvements at various locations (CP 3301)(County Executive). I will make a motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
Explanation. Through the Chair, Gil, do you want to --

P.O. LINDSAY:
I think Gail is working on it, right? Are you coming up with the explanation?

LEG. ALDEN:
Somebody.

P.O. LINDSAY:
She was just trying to find it.

COMMISSIONER ANDERSON:
This is $200,000 for emergency traffic studies. We have such an inordinate amount of traffic studies right now, we're looking to -- when there are situations that require emergency studies, we're

looking to use this to basically supplement our staff and help us get these out that much quicker. That's the intent of it.

LEG. ALDEN:
Gil, $200,000 and it would establish a fund that you could hire outside engineers to do the study?

COMMISSIONER ANDERSON:
Correct.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Gil, while you're there, where do most of the requests come for these traffic studies?

COMMISSIONER ANDERSON:
They come from Legislators.

P.O. LINDSAY:
That's what I thought. Okay, we have a motion and a second.
All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MR. LAUBE:
Fourteen (Opposed: Legislator Alden - Not Present: Legislators Beedenbender & Barraga).

P.O. LINDSAY:
Legislator Montano?

LEG. MONTANO:
No, we're going to get to the Bond, I'll ask a question on the Bond.

P.O. LINDSAY:
Okay, we have same motion, same second on the Bond. Legislator Montano?

LEG. MONTANO:
Commissioner, I just want to be clear, was this the bill where you were doing the traffic studies throughout all the County roads or is this different?

COMMISSIONER ANDERSON:
This is different. The other one --

LEG. MONTANO:
This is not the one we discussed in the other committee where the report would be due at the end of the year.

COMMISSIONER ANDERSON:
Right.
LEG. MONTANO:
Okay, that's what I wanted to know. Thank you.

P.O. LINDSAY:
Roll call.

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

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
No.

LEG. MONTANO:
Abstain.

LEG. ALDEN:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
Abstain.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

MR. LAUBE:
Ten.

P.O. LINDSAY:
It fails.

1415-08 - A resolution making ceratin additional findings and determinations in relation to a proposal to extend Sewer District No. 18 - Hauppauge Industrial (CP 8126)(County Executive).

LEG. KENNEDY:
Motion to approve.

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

LEG. ALDEN:
Second.

P.O. LINDSAY:
Second by Legislator Alden. On the question, no? All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1425-08 - Amending Resolution No. 687-2007, creating the Suffolk Municipal Academic Regional Transit (SMART) Transportation Task Force (Viloria-Fisher).

LEG. VILORIA-FISHER:
Motion.

LEG. LOSQUADRO:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga).

P.O. LINDSAY:
Veterans & Seniors:

1251-08 - Adopting Local Law No. 2008, a Local Law further strengthening protections for residents of planned retirement communities (Romaine).
MR. LAUBE:
That was 15 (Opposed: Legislator Barraga - Not Present:
Legislator Montano).

LEG. ROMAINE:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Who made a motion?

MR. NOLAN:
Romaine.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
1341-08 - Approving the appointment of Christine Castiglia-Rubinstein as a member of the Senior Citizens Advisory Board (County Executive).

LEG. STERN:
Motion to approve.

P.O. LINDSAY:
Legislator Stern makes the motion, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
Ways & Means:

1311-08 - Approving payment to General Code Publishers for Administrative Code pages (Presiding Officer).

LEG. VILORIA-FISHER:
Motion.

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:
1325-08 - Sale of County-owned real estate pursuant to Local Law 13-1976, Thomas J. Dunn and Linda S. Dunn as tenants by entirety
(SCTM No. 0200-787.00-06.00-034.000) (County Executive).
I'll make the motion.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Montano & Beedenbender).

P.O. LINDSAY:
1326-08 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon
(SCTM No. 0100-056.00-03.00-059.000) (County Executive).

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator D'Amaro.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Montano & Beedenbender).

P.O. LINDSAY:
1333-08 - Sale of County-owned real estate pursuant to Local Law 13-1976, Valerie A. Trocchio (SCTM No. 0500-083.00-03.00-058.002) (County Executive).

LEG. D'AMARO:
Motion.

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

LEG. STERN:
Second.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Beedenbender & Montano).

1334-08 - Sale of County-owned real estate pursuant to Local Law 13-1976, Dowling College (SCTM No. 0500-325.00-03.00-006.000)
(County Executive).

LEG. D'AMARO:
Motion.
LEG. ALDEN:
Motion.

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

MR. LAUBE:
Sixteen (Not Present: Legislator Beedenbender).

P.O. LINDSAY:
1380-08 - Requesting Legislative approval of a contract award for audit of the Public

Administrator's Office (County Executive).

LEG. D'AMARO:
Motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion by Legislator Stern was that?

LEG. STERN:
Sure.

P.O. LINDSAY:
Or D'Amaro; I'm sorry, I didn't know who it was. Second by Legislator Cooper. All in favor? Opposed?

LEG. ROMAINE:
Quick question on the matter.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
It's my understanding that the contract award is being awarded to an accounting firm that was the only one to respond to the RFP. Now, I've got to tell you --

LEG. MONTANO:
That's strange.

LEG. ROMAINE:
That's exactly what I said when I read this, it's strange because there's a lot of accounting firms out there looking for business.
I'm wondering how this RFP was advertised and why only one accounting firm responded. We all know the accounting firms in Suffolk County are looking for business, this is a simple audit. Why would we not have, you know, three or four or five respondents? That there was only one respondent to the RFP makes me question how this RFP was advertised and how vigorously our Purchasing Department went out to gather vendors.

P.O. LINDSAY:
Mr. Brown, can you answer that, please?
LEG. MONTANO:
Put me on the list.

MR. BROWN:
I can't answer those questions specifically because it was put out by the Comptroller's Office. But what I can tell you is that it came up for a vote in the committee and it was brought to the attention of the Comptroller's Office to have somebody here to perhaps answer any questions that might come up; no questions came up. And it was also brought to the attention of the Comptroller's Office that if questions came up this evening that they should have somebody here; I had spoke to Liz Tesoriero and she could not be here this evening.

The only thing I can tell you is that what they told me was that it was important that they undertake the audit.

P.O. LINDSAY:
So Legislator Romaine, why don't you table it then and get the Comptroller in here to answer the questions? So you'll make a motion to table.

LEG. ROMAINE:
No, I haven't.

P.O. LINDSAY:
Oh.

LEG. ROMAINE:
I had a question, got an answer, it wasn't the answer I was looking for, but --

P.O. LINDSAY:
Well, the answer was--

LEG. VILORIA-FISHER:
It was good enough.

P.O. LINDSAY:
-- that you've got to get the answer from the Comptroller.

LEG. KENNEDY:
So I'll make a motion to table.

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

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga, and I think Legislator Montano wants to speak.

LEG. MONTANO:
Well, I don't know the answer to your question, Legislator Romaine, but it seems to me that the reason that we would get one response based on how I -- what I know about RFP's is that it had to be -- well, I won't say it had to be, maybe the way it was written was designed to limit competition. We don't know that, that's not an accusation, but I think that the fact that one accounting firm submitted a response to the RFP raises some questions in my mind.

P.O. LINDSAY:
Mr. Clerk, did I make the motion to approve?

MR. LAUBE:
On 1380, Legislator D'Amaro and Legislator Cooper.

P.O. LINDSAY:
Okay.

MR. LAUBE:
That's to approve on 1380.

P.O. LINDSAY:
Why don't you guys withdrew the approval motion and let the tabling take place.

LEG. D'AMARO:
That's fine with me.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1404-08 - Authorizing the issuance of a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Babylon (SCTM No. 0100-058.00-01.00-044.000) pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro, second by Legislator Cooper.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1410-08 - Authorizing use of H. Lee Dennison Executive Office Building property by Cooley's Anemia Foundation (Kennedy).

LEG. KENNEDY:
I'll make a motion to approve.

LEG. D'AMARO:
Second.

LEG. KENNEDY:
Thank you.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1427-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the purchase of Optical Scanner HAVA voting machines for the board of Elections (CP 1451)(Presiding Officer).

LEG. LOSQUADRO:
Mr. Chairman, I'll make a motion to approve this and --

LEG. VILORIA-FISHER:
Second.

LEG. LOSQUADRO:
Despite our debt overhang, I feel that the 95% Federal funding on this warrants us adding this to the overhang, even as we move forward with examining which projects we're looking to delete out of our stock of over hang.

P.O. LINDSAY:
Was there a second?

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes, second.

P.O. LINDSAY:
Second by Viloria-Fisher. Yeah, I guess I agree with you. You know, rather than us bond 5%, we'll lose all the Federal funding and pay a hundred percent of it; it makes sense.

LEG. HORSLEY:
It's a hard choice, though.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Same motion, same second, roll call on the Bond.

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

LEG. LOSQUADRO:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
Yep.

LEG. MONTANO:

Yes.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Ah, yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1430-08 - Authorizing a contract with General Code Publishers to update the Suffolk County Code (Presiding Officer). I make a motion.

LEG. BEEDENBENDER:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Procedural Motion:

Procedural Motion No. 7-2008 - Procedural Motion directing the Clerk of the Legislature to post public hearing information (Beedenbender).

LEG. BEEDENBENDER:
Motion.

LEG. VILORIA-FISHER:
Second.

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

MR. LAUBE:
Seventeen.

LEG. LOSQUADRO:
You want to do 14 now, the same time?

MR. NOLAN:
Twelve.

P.O. LINDSAY:
We have ***Procedural Motion No. 12-2008,*** it's for CSI's and they're listed there. I'll make a motion.

LEG. STERN:
Second.

P.O. LINDSAY:
Second by Legislator Stern. Procedural Motion No. 12.

LEG. ALDEN:
(Inaudible).

P.O. LINDSAY:
Does anybody want to abstain on these? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Procedural Motion No. 12, ***Amending Resolution No. 8-2008 designating -- --***

LEG. NOWICK:
No, 13.

P.O. LINDSAY:
Oh, ***13***, I'm sorry -- ***designating depositories pursuant to Section 212 of the County Law.*** I'll make a motion. Is there a second?

LEG. COOPER:
I'll second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
We have ***Procedural Motion No. 14-2008 - Designating the Smithtown Messenger as the Republican designated paper through October 15th, 2008.***

LEG. KENNEDY:
I'll make a motion, Mr. Chairman.

LEG. NOWICK:
I'll second that motion.

P.O. LINDSAY:
Legislator Kennedy makes a motion, Nowick seconds it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Home Rule Messages:

Home Rule Message requesting the State of New York to amend Civil Service Law in relation to resolution of disputes between public employers and Suffolk County Police Officers.

LEG. NOWICK:
It's all in the timing, though, isn't it.

P.O. LINDSAY:
Suffolk County Park Police Officer. I'll make a motion.

LEG. LOSQUADRO:
Where is this? Oh, okay, I got it.

P.O. LINDSAY:
Legislator Eddington seconds it. Everybody got it? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay, the ***CN's***, red folder.

1377-08 - Calling for a Public Hearing for the purpose of considering planning of the increase and improvement of facilities for Southwest Sewer District (The Outfall). This is to replace the one that was in the packet.

MR. ZWIRN:
We changed the date.

P.O. LINDSAY:
They changed the date. I'll make a motion.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1417-08 - Amending the 2008 Capital Budget & Program and appropriating funds in connection with the relocation of three modular buildings on County property. I'll make a motion.

LEG. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher.

LEG. ALDEN:
Explanation.

LEG. KENNEDY:
On the motion.

MR. ZWIRN:
If I might, Mr. Presiding Officer? This was at the request of the former Presiding Officer, Joseph Caracappa who is now the Under-Sheriff. There are three trailers at the Sachem School District and one of them is going to the Sheriff's Office. The school district would like to get them off their property and the Sheriff's Office would like to have this at their facility as soon as possible. So at their request, we tried to cooperate, they've requested a CN and we provided it today. The pleasure is yours.

LEG. SCHNEIDERMAN:
On the motion?

P.O. LINDSAY:
On the motion -- who said that?

LEG. SCHNEIDERMAN:
This is for Mr. Zwirn. I see the offset here is you're taking money out of the Long Lane reconstruction project in East Hampton?

MR. ZWIRN:
Right.

LEG. SCHNEIDERMAN:
What's the status of that project?

MR. ZWIRN:
I don't think it was ready to go, it was part of the --

LEG. SCHNEIDERMAN:
Maybe the Commissioner could answer that.

MR. ZWIRN:
You asked me, but if you want the Commissioner, sure.

COMMISSIONER ANDERSON:
Mr. Zwirn is correct, we're not ready for that but the money will be put into the -- back into the Capital Budget.

LEG. SCHNEIDERMAN:

When is the plan to do that road?

COMMISSIONER ANDERSON:
I can -- I don't know, I'll have to get back to you on that. I don't know exactly where they are.

LEG. SCHNEIDERMAN:
I'm going to abstain, then.

P.O. LINDSAY:
You're going to have to bond it, Jay. Do we have -- Legislator Kennedy.

LEG. KENNEDY:
Ben, what's going to happen with the other two trailers? We have one going out to Riverhead, to the jail area, is that where the Sheriff wants it, or is it in Yaphank?

MR. ZWIRN:
That's where the one is going. I'm not sure -- do you know where the other one is going?

COMMISSIONER ANDERSON:
The other one is going to be here, IT is using it for storage, and then the third one is still up for grabs.

P.O. LINDSAY:
You know, didn't Consumer Affairs try and get one of them? I tried to get them one of them. Nobody talked to Charlie?

MR. ZWIRN:
They're nice trailers. They were classrooms, they're really --

P.O. LINDSAY:
I know they're nice trailers.

MR. ZWIRN:
Yeah, these were nice ones.

P.O. LINDSAY:
They first came to me, the school district. I mean, when they opened the new school there were excess, anybody who takes them away could have them; they're air-conditioned, heated.

MR. ZWIRN:
I don't know what the Sheriff had in mind for the one out there, but if you --

P.O. LINDSAY:
Can you guys check with Charlie Gardner, though? He desperately needs space there and you've got some additional space next door to put the trailer, you know.

LEG. BEEDENBENDER:
Can I use this for a district office?

P.O. LINDSAY:
Sure. We could put it on wheels and roll it around if you want. Legislator Alden.

LEG. ALDEN:
Yeah, go right to the Sheriff's Office and hang out there. Is this a guesstimate on the expense? Because these trailers, they take the wheels off when they put them there?

P.O. LINDSAY:
They don't have wheels on them. They're modular classrooms, Cameron, they're big.

COMMISSIONER ANDERSON:
Yeah, these aren't -- they don't have wheels on them. These actually physically have to be moved. It's a little different, the original ones we bought were able to be moved just right off of the wheels, but this will have to move and this also includes the cost of the actual hook-up or the utilities.

LEG. ALDEN:
So this includes installing them wherever we're going to take them to?

COMMISSIONER ANDERSON:
Yes.

LEG. ALDEN:
But it's still a guess, right? It could be less than this, right? Or you think this is right on the money?

COMMISSIONER ANDERSON:
Yeah. I mean, the installation costs, we've gone through previous installations and we're comfortable with the numbers that are in there.

LEG. ALDEN:
Okay, thanks.

P.O. LINDSAY:
Okay, we have a motion and a second on 417. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:
Abstain.

MR. LAUBE:
Seventeen.

LEG. SCHNEIDERMAN:
Sixteen, I abstained.

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fourteen (Opposed: Legislator Barraga - Abstention: Legislators Alden & Schneiderman).

P.O. LINDSAY:
Okay, we have the accompanying Bond Resolution 1417A. Same motion, same second, roll call on the Bond.

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

P.O. LINDSAY:
Yes.

LEG. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Abstain.

LEG. SCHNEIDERMAN:
Abstain.

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Pass.

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
No.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. MONTANO:
Yes.

MR. LAUBE:
Thirteen.

P.O. LINDSAY:
Okay, we're yellow folder, ***Late Starters:***

I will make a motion to waive the rules and lay the following resolutions on the table. Do I have

second?

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. 1470, Appointing a member to the Suffolk County Off-Track Betting Corporation, Board of Directors, Eddie Wynn to Ways & Means; 1471, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law No. 24-2007, St. Joseph's Property, Town of Islip to Environment, Planning & Agriculture; 1472, Authorizing the reconveyance of County-owned real estate pursuant to Section 215 New York State County Law to Fred C. Smith III and Ann M. Smith, assigned to Ways & Means; 1473, Authorizing reconveyance of County-owned real estate pursuant to Section 215 New York State County Law to Carol Haas as advising tenant by entirety to Ways & Means; 1474, appropriating funds in connection with the Energy Conservation & Safety Improvements to the H. Lee Dennison Building, assigned to Public Works; 1475, appropriating funds in connection to the elevated controls and safety upgrading of various County facilities, assigned to Public Works; 1476, a Local Law to amend the qualifications for electricians and plumbers, assigned to Consumer Protection and sets the Public Hearing for June 10th, 2:30 in Hauppauge; 1477, Amending the 2008 Capital Budget & Program and appropriating funds in connection with the renovation, rehabilitation of Water Pollution Control Plants college-wide, to Economic Development; 478, Amending prior capital authorized appropriations for installation of RPZ valves to Economic Development; 1479, Establishing E-Verify Pilot Program in the Department of Public Works, to Public Works; 1480, a resolution authorizing the County Executive to execute an agreement for the sale of the Suffolk Health Plan, it's assigned to health & Human Services but I'm going to instruct that committee to hold a special hearing on a separate day from their normal hearing date and invite all Legislators to attend that hearing to get the information so that we are prepared to analyze and vote on it at the next meeting; 1481, a Local Law amending Chapter 270 of the Suffolk County Code to expand the use of forfeitures to the misdemeanor crime of reckless driving and to set the Public Hearing for June 10th, 2:30 in Hauppauge. And the rest is procedural motions, okay. We have a motion and a second to accomplish that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen -- oh, seventeen.

P.O. LINDSAY:
Without any other business before us, I'll accept a motion to adjourn.

LEG. LOSQUADRO:
Motion.

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
And a second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen

(*The meeting was adjourned at 9:51 P.M.*)
{ } - Denotes Spelled Phonetically