SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTEENTH DAY

October 14, 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 & Transcribed By:
Alison Mahoney & Lucia Braaten - Court Stenographers

(*The meeting was called to order at 9:37 a.m.*)

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

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

LEG. ROMAINE:
(Not present).

LEG. SCHNEIDERMAN:
Present.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not present).

LEG. ALDEN:
(Not present).

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Alden & Kennedy).

LEG. MONTANO:
Legislator Montano is here.

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
Okay. If everybody could rise for the salute to the flag led by Legislator Eddington.

Salutation

Okay. If you could remain standing, I'd like Deputy Presiding Officer Vivian Viloria-Fisher to introduce our guest clergy.

D.P.O. VILORIA-FISHER:
Good morning. Thank you, Mr. Presiding Officer. I'd like to introduce today Father Frank Pizzarelli to lead us in the invocation, and he and I agreed that I'm not going to tell you a lot about him. Father Frank?

FATHER FRANK:
Let us realize God's presence in our midst. And as we gather are for this month's General Meeting, we begin with gratitude; gratitude for the courageous leadership of the men and women around this oval. We pray for God's continued blessings upon them, that they will have the courage to act beyond partisan politics, that they will have the courage to lead us, that they will be committed to the needs of the people of Suffolk County no matter what the human circumstance, and that the special interest group of this body, this esteemed body, will be the people of Suffolk County, the working poor, the working class and the invisible among us, the young people that often times do not have a voice. We pray that this body, that you do not go where the path may lead, go instead where there is no path and make a trail that's about change and transformation and hope. And we ask God's blessing upon you. Amen.

****Amen Said In Unison****

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

P.O. LINDSAY:
If you could remain standing for a moment of silence. This past month a good friend of mine and someone that's been at this Legislature many, many times, William Pickering, who was the President of the United Auto Workers Local 259, passed away on Tuesday, September 16th. And also, as we do every month, unfortunately, that we remember in our minds and our thoughts and our prayers the men and women who have given their lives for this country and as we speak are currently in harm's way.

Moment of Silence Observed

Please be seated. Okay, we have two proclamations this morning. First Legislator Kennedy will present a proclamation to his constituent, Dr. Augusto Mantia who was just selected as the Critical Incident Police Surgeon for the Suffolk County Police Department. Legislator Kennedy?

LEG. KENNEDY:
Good morning, Mr. Chair, and thank you. And I'm going to ask Dr. Mantia to please join me here at the podium, as well as my friends from the Hauppauge Fire Department in which Dr. Mantia serves as the Police -- as the surgeon, surgeon for the Fire Department.

Dr. Mantia has distinguished himself with service to our Smithtown community for the better part of three decades. He has served in a variety of different functions, including a long-standing association with St. Catherine's Hospital. He has administered to our Emergency Services Departments as a surgeon providing oversight and as a Deputy Coordinator. And in addition to these key connections with our Emergency Services personnel, Dr. Mantia also takes the time in his busy schedule to work with clinics that assist our less fortunate here in Suffolk County, including out in the Riverhead area as well.

So it's my privilege to be able today to go ahead and present him with this proclamation that acknowledges and honors his service for all of us. And I ask you in all in joining me with a round of applause for Dr. Mantia over a long career.

Applause

DR. MANTIA:
I would just be brief in thanking all of the Legislators, especially Legislator Kennedy, for this proclamation. I've been honored to serve in positions that allow me to help heroes. 9/11 proved several things for all of us. And it's almost cliche to keep bringing it up, but I will tell you there are very few people that I know that would run into a fire, not away from it, or hear this round of gunfire and run towards it instead of away from it. So in whatever small role I play, I'm honored to be at their service, both the fire department, especially the Hauppauge Fire Department that I function in surgery, as a surgeon for them, and also the Police Department which recently appointed me to the medical crisis team. And I wish to thank you all for this honor. Thank you.

Applause

LEG. KENNEDY:
Thank you, Mr. Chair.

D.P.O. VILORIA-FISHER:
Thank you, Legislator Kennedy. And congratulations to the recipients. The next proclamation will be presented by Legislator Stern who will present proclamations to Joseph Viglucci and Joseph Ordonez who donated proceeds from their lemonade stands this summer to the Fisher-Price Foundation to support our troops.

LEG. STERN:
Good morning. Good morning. These two fine, young looking gentlemen who are with us this morning, a special day for them and their families. And it is a great pleasure to rise before my colleagues today to present these Legislative proclamations to two very special young men.

Joey and Joey, Joe Ordonez and Joe Viglucci, decided that they needed to do something, they needed to do something within their community to support our troops. And rather than just shout a slogan, rather than just tie a yellow ribbon, they decided to do something. And on a hot summer day, of all things, they decided to go into their community and sell lemonade. And they sold enough lemonade to raise a significant amount of money that they then donated to a very worthy organization, the Fisher House Foundation which is an organization that provides housing near military hospitals for families to stay in while they visit injured soldiers during their recovery.

I think why this presentation is so important, particularly given current circumstances in a time of war, in a time of economic uncertainty and all the bad that we see on a daily basis, it's great to see in Joey and Joey what is so very good in our community, particularly when it comes to our young people and they set such a fine example. So please join me in recognizing and congratulating Joe Ordonez and Joe Viglucci for their tremendous contributions to their -- to our military families and most importantly to our entire community.

Applause

D.P.O. VILORIA-FISHER:
Thank you, Legislator Stern. And congratulations, Joey and Joey, and thank you for your good community service. Our first speaker is Marian Lindberg. You have three minutes.

MS. LINDBERG:
Good morning. I'm Marian Lindberg from The Nature Conservancy. With me is Scott Willson, the Director of Land Acquisitions for the Town of East Hampton.

Your Chaplain exorted you today to make trails, you have that opportunity today. This is a map of the Amsterdam Beach Addition, the proposed Amsterdam Beach Addition. 76 acres stretching from Montauk Highway to the Atlantic Ocean, one of the most spectacular coastal properties not only on Long Island, but in the entire east coast. Towering bluffs, a thousand foot -- feet of shore line over the ocean. Nearly pristine vegetation, I should say pristine vegetation, native species, extensive stands of shad, very dense native species. If any construction were to take place on this property, invasive species would be introduced and that would begin the undoing of land that has taken thousands of years to evolve.

This is home to much wildlife, including some State species of special concern, and will make an incredible setting for trails. That is the intention, to have a set of sales that will link up with the Amsterdam Beach property that you, in your wisdom, helped to preserve a few years ago, and the area will be managed coherently as one. Access will be very easy right off Montauk Highway and the public will be allowed access to a piece of land that has, heretofore, been in private hands.

A number of user groups are very excited about the idea of gaining access to this property. I have letters from several such groups, hikers, bird watchers, nature educators and the like. Like Amsterdam Beach, this would be a partnership among the town, the County and the State. And for -- the total price is $18 million. We were happy at the The Nature Conservancy to play a roll in securing the State commitment of $6 million. The State's ready to go, the town is ready to go with its six million from its CPF funds. All that remains to be done is for this body to approve the transaction and it can close by the end of the year, consistent with the requirements in the contracts.

I should mention that this property was listed on the private market as recently as May for $30 million; we know for a fact, independently, that there were buyers interested at that price. So for $6 million, the County can have a piece of property that is valued at greatly more than that, it's a good deal for the taxpayers.

I was hiking Suffolk County parkland yesterday and I have to say that in doing so, my dwindling 401(K) was very far from my mind, I was happy about that, and I think that the public needs the tonic of the outdoors. I grew up on Long Island and what I --

D.P.O. VILORIA-FISHER:
Ms. Lindberg, I'm sorry to interrupt you but your time is up.

MS. LINDBERG:
Okay.

D.P.O. VILORIA-FISHER:
If you could wrap it up.

MS. LINDBERG:
I will, I will.

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

MS. LINDBERG:
I just want to say that what I loved about growing up on Long Island were the special places, the woods, the beaches, the coast. It makes me happy to know that this body has a commitment to making sure that future generations will know our Island's natural history by helping to preserve such spectacular places. I've worked on this deal for a lot of the last two years and would be happy to answer any questions, as would Mr. Wilson.

But in closing, assuming that you will see the wisdom of preserving this special piece of land, I thank you, I commend you. And I congratulate you for a decision that I think will well stand the test of time. Thank you.

D.P.O. VILORIA-FISHER:
Thank you. Our next speaker is Chris Destio. Gee, I wonder what could be on your mind this morning, Chris.

MR. DESTIO:
Lots of things. I actually didn't have a speech prepared because I was going to speak at the 2:30 public portion. I just would like to -- everybody knows my name is Chris Destio, I'm an employee of the John J. Foley Nursing Facility and I've been up here numerous times on behalf of all the residents of our facility.

I'd like to let all these Legislators here know that -- and the their chiefs of staff and all their members, I have the utmost respect for all your decisions that you's make on behalf of our facility. Because I know our County Executive is making things very difficult for you's to make these decisions, money-wise and other reasons why, and I know these are tough choices for you's to make.

But whatever choices you do make, always remember that you're not looking at a number here, you're looking at 264 residents here. Well, let's say 240, maybe less. Ever since all this started, we've been losing tons of bed-hold and we're losing a lot of revenue because of all the bad press on our building.

So just even today, when things start floating past your desk and you's have got to start making some votes on certain important issues, please consider the residents before you consider anything else. Because if you move the residents or even change their caregivers, this will be definitely detrimental to these people, especially on our Alzheimer's Unit. Remember, the reason we're all here, the caregivers and our Legislators, is to look out for the people of Suffolk County. And these residents in our nursing home are also taxpayers and they built Suffolk County.

So let's try not to forget our focus here. Our focus mainly is to worry about what's going to happen to our residents at John J. Foley that really, really need us. And let's worry about, too, hopefully we'll be starting to get some veterans in our nursing home, which is very important. We get

veterans in our nursing home, these are the same veterans that are over in Iraq that are fighting for us, wouldn't it be appropriate for us to take care of them and not push them to the corner because we're bullied into doing things that we don't want to do? I just hope everybody makes the correct choices on behalf of John J. Foley. And once again, I thank you all for your support.

D.P.O. VILORIA-FISHER:
Thank you, Chris. You want me to go ahead, Bill? You want me to go ahead with the third card?

P.O. LINDSAY:
Yes.
D.P.O. VILORIA-FISHER:
Thank you, Mr. Destio. Next speaker is Mike DePaoli. You have three minutes, Mike.

MR. DePAOLI:
Good morning. My name is Mike DePaoli, I'm a resident of Suffolk County. I'm also the Democratic candidate for State Senate, 2nd Senatorial District and I'm here today to speak out about the bully pulpit in this year's elections, for President, State and local, if you will be.

You people are our representatives. You people are our bully pulpit. You people have the opportunity to represent the members of Suffolk County, your constituencies and it's now time for you to speak out.
So I ask that you invite and hold different conferences and open meetings. Bring the candidates for Congress, bring the candidates for State Senate, bring them to your forum and ask them, "Show me the money. Where is the money?" If you don't speak up now, that voice will be lost.

This year we celebrate the 150th Anniversary of Teddy Roosevelt, the bully pulpit spokesman, if you will, and he spoke out. He was not afraid to stand up and be counted for, no matter what. So I ask that you speak out for main street and make sure Wall Street is held accountable. I have a distribution for you to ask for your concern in this particular matter.

And item number two, I'd also like to remind everybody that there are over 4,000 plus reasons to come to the polls this year. I'm a Vietnam Vet and there are a lot of veterans that are sacrificing. And first of all, I want to thank you for hanging the Blue Star Flag in this auditorium. It says something of you, it says something of the people of Suffolk County, it says that you really care.

Once again, you have the opportunity to use the bully pulpit. Irrelevant of party affiliation, irrelevant of political philosophy, please, ask the individuals of your particular district to please come out and vote. It's disgraceful that we're extorting democracy all over the world and we have the lowest voter turnout. John McCain, Barak Obama will be most proud to have the largest turnout. You, the people, are representatives, their voice. Speak out, do what you can now; even though it's not your election year, be our bully pulpit. Thank you.

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

P.O. LINDSAY:
Thank you. That is all the cards we have. Is there anybody else in the audience that would like to address us under the public portion? Is there anyone else that would like to address us? Seeing none, I'll take a motion to close the public portion. Motion by Legislator Eddington.

LEG. BARRAGA:
Second.

P.O. LINDSAY:
Second by Legislator Barraga. What I am going to do --

MR. NOLAN:
Call the vote.

P.O. LINDSAY:
Oh, yeah. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislators Alden & Cooper).

P.O. LINDSAY:
What I'm going to do now is I'm going to call -- call a short recess and we'll come back in about 15 minutes. All right?

(*Brief Recess Taken: 9:57 a.m. - 10:31 a.m.*)

D.P.O. VILORIA-FISHER:
Call the roll, please, Mr. Clerk?

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
(Not present).

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
(Not present).

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Yes, I'm here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

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

P.O. LINDSAY:
(Not present).

LEG. SCHNEIDERMAN:
Tim, call me again.

MR. LAUBE:
Sixteen (Not Present: Legislators Lindsay & Cooper).

D.P.O. VILORIA-FISHER:
Thank you, Mr. Clerk. Is there a motion on the ***Consent Calendar***?

LEG. NOWICK:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Nowick --

LEG. BARRAGA:
Second.

D.P.O. VILORIA-FISHER:
-- to approve the Consent Calendar, seconded by Legislator Barraga. All in favor? Opposed? The Consent Calendar is approved.

MR. LAUBE:
Sixteen (Not Present: Legislators Lindsay & Cooper).

D.P.O. VILORIA-FISHER:

Tabled Resolutions:

IR 1023-08 - Directing the Suffolk County sewer Agency and department of public works to finalize the creation of Sewer District No. 4 - Smithtown Galleria (Kennedy). Is there motion?

LEG. NOWICK:
Where's John?
LEG. D'AMARO:
Motion to table.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Motion to table. I didn't see where the voice came from, I'm sorry. Legislator D'Amaro makes a motion to table, seconded by Legislator Cooper. All in favor? Opposed? IR 1023 stands tabled.

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

LEG. LOSQUADRO:
Did they vote on the Consent Calendar?

MR. NOLAN:
Yes.

MR. LAUBE:
Yes.

LEG. LOSQUADRO:
Was I -- Mr. Clerk, did you catch me?

MR. LAUBE:
Yes, you were here.

LEG. LOSQUADRO:
Thank you.

D.P.O. VILORIA-FISHER:
He had already said the number, I think you were in here.

LEG. LOSQUADRO:
I was at the doorway.

D.P.O. VILORIA-FISHER:
Okay. **IR 1181-08 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection program [former Section C2-5(E)(1)(a) of the Suffolk County Charter] for the South Bay Street property, Town of Babylon (SCTM Nos. 0103-025.00-02.00-018.000 and 0103-025.00-02.00-019.000 (Horsley).** Legislator Horsley?

LEG. HORSLEY:
Motion to table.

D.P.O. VILORIA-FISHER:
Motion to table by Legislator Horsley.

LEG. D'AMARO:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed?
IR 1181 stands tabled.

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:
Thank you. **IR 1695-08 - Authorizing certain technical corrections to Adopted Resolution No. 1129-2007, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Component - for the Boys and Girls Harbor, Inc., property, Town of East Hampton (SCTM Nos. 0300-092.00-01.00-011.001 and 0300-074.00-05.00-030.002 (County Executive).** Is there a motion?

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

D.P.O. VILORIA-FISHER:
Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I make a motion to table. Real Estate has been working on answering some of my questions, but I haven't seen it yet. I believe they're finished reviewing, but I don't have the information to make a decision.

D.P.O. VILORIA-FISHER:
Okay. Legislator Schneiderman makes a motion to table.

LEG. STERN:
Second it.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Stern. All in favor? Opposed? IR 1695 stands tabled.

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:
Thank you. **IR 1786-08 - Amending the 2008 Capital Budget and program and appropriating funds in connection with the rehabilitation of various bridges and embankments (CP 5850)(County Executive).** I believe that there was a request to table this.

LEG. BEEDENBENDER:
Motion to table.

D.P.O. VILORIA-FISHER:
Motion to table by Legislator Beedenbender.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Cooper. All in favor? Opposed?

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:
IR 1786 stands tabled.

IR 1786A is a Bond, so we can go -- skip that.

IR 1793-08 - Amending the 2008 Capital Budget & Program and appropriating funds in

connection with the purchase of equipment for Health centers (CP 4055) (County Executive). Is there a motion?

LEG. BEEDENBENDER:
Madam Chair?

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

LEG. BEEDENBENDER:
I believe the County Executive requested that we table this last time. I was just wondering if they had an update on --

D.P.O. VILORIA-FISHER:
Okay. Is there someone from the County Executive's Office here who could speak to this resolution? I had seen a note that it had been asked to be tabled for one cycle.

LEG. BEEDENBENDER:
Yep.

D.P.O. VILORIA-FISHER:
But I didn't know what type of questions were --

LEG. BEEDENBENDER:
I don't remember what it was either, I just know that it was asked for one cycle.

D.P.O. VILORIA-FISHER:
Okay, Mr. Zwirn is heading to the podium, and we're on 1793.

MR. ZWIRN:
Right, I was listening inside. This can go, we're ready on this one.

D.P.O. VILORIA-FISHER:
Okay. Motion, Legislator?

LEG. BEEDENBENDER:
Motion to approve.

LEG. D'AMARO:
Second.

D.P.O. VILORIA-FISHER:
Motion to approve by Legislator Beedenbender, seconded by Legislator D'Amaro. All in favor? Opposed?

LEG. ALDEN:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Alden - Not Present: Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:
Motion is approved, IR 1793 is approved.

IR 1793A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $242,200 bonds to finance the cost of the purchase of a new digital mammography unit at

the Brentwood Family Health Center (CP 4055.528).

LEG. MONTANO:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator?

MR. NOLAN:
Montano.

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

LEG. GREGORY:
Second.

LEG. BROWNING:
Second.

D.P.O. VILORIA-FISHER:
Legislator Gregory.

LEG. ALDEN:
On the motion?

D.P.O. VILORIA-FISHER:
On the motion, Legislator Alden.

LEG. ALDEN:
Can we just hear -- you have the room for it, you have it picked out? Because just -- I'm going to go back a little history lesson. We bought one or authorized the purchase of one for the Riverhead County Center and two years later the space wasn't available to put it in. Is the space available, is everything set here.

MR. ZWIRN:
The answer is yes. And if you recall, going back to the one in Riverhead, we made those arguments at the time when it first came up and we said it was premature because we didn't have the space for it, we were looking for space in another portion of the County Center out there. But it went through and we said we just have to wait until we could find the space to put it in, but we did go ahead and appropriate the money. This one doesn't have the same problem. We have been ready to go and we ordered this, we'll be able to place it.

LEG. ALDEN:
And what are we using at the Brentwood Center now?

MR. ZWIRN:
I don't know what they have there at the present time.

LEG. ALDEN:
I know we're not using any thermal imaging because that was rejected out of hand by the County Executive and other people.

LEG. BARRAGA:
Analog.

D.P.O. VILORIA-FISHER:
Probably an Analog.

LEG. BARRAGA:
Analog..

LEG. ALDEN:
Analog right now? Thanks.

D.P.O. VILORIA-FISHER:
Okay. Mr. Clerk, roll call.

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

LEG. MONTANO:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.
LEG. ALDEN:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
(Not present).

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Not Present: Presiding Officer Lindsay).

LEG. MONTANO:
List me as a cosponsor, please.

MR. LAUBE:
Yes, sir.

D.P.O. VILORIA-FISHER:
Mr. Zwirn? On the next one, 1873, is the CN a different IR, or should we -- should we pass over this one or table it?

MR. ZWIRN:
I would pass over this one because we're presenting a CN because we're going to make it for November as opposed to October.

D.P.O. VILORIA-FISHER:
Is it the same IR number?

MR. ZWIRN:
Yes.

D.P.O. VILORIA-FISHER:
Okay. All right, on **1873-08 - Declaring October as "Homeless awareness Month" in Suffolk County (County Executive),** we'll be passing that over, there is a CN changing the month on that.

LEG. D'AMARO:
Excuse me. Madam Chair? Over here. We had just passed 1786 and I was in error on my vote and I'm going to ask if we could reconsider that.

LEG. ROMAINE:
That was tabled.

D.P.O. VILORIA-FISHER:
We tabled it.

LEG. D'AMARO:
Oh, that was tabled?

D.P.O. VILORIA-FISHER:
Yes, it was tabled, that's why we didn't vote on the bond.

LEG. D'AMARO:
Okay, never mind.

D.P.O. VILORIA-FISHER:
Okay, ***Introductory Resolutions:***

Budget & Finance

IR 1814-08 (sic) - 1817-08 - Amending the 2008 Operating Budget to fund a Middle Income Home energy Assistance Program (MI-HEAP) to protect residents of Suffolk County against a cold winter (Horsley). Now, Legislator Horsley, there's a CN coming on that?

LEG. HORSLEY:
Yes. First of all, Madam Chair, I believe it's 1814.

D.P.O. VILORIA-FISHER:
What did I say?

LEG. BARRAGA:
1817.

LEG. HORSLEY:
Seventeen, I think you said.

D.P.O. VILORIA-FISHER:
Who knows.

LEG. HORSLEY:
Who knows. It was a nice number, though.

D.P.O. VILORIA-FISHER:
I need that second cup of coffee, I guess.

LEG. HORSLEY:
There you go. But yes, you are correct that I am requesting, on behalf of my colleague Brian Beedenbender and myself, that we have a request from the County Executive, a CN with some fundamental changes that amount to reducing the dollar amount of a grant from 800 to 500 and working with some of the administrative -- working through some of the administrative issues in the Department of Social Services, working with their computer issues to make it compatible so that it is easily, more easily administered. So that CN I expect hopefully will be coming forward this afternoon.

D.P.O. VILORIA-FISHER:
Okay. So is it the same number or should we table this or pass over it?

MR. ZWIRN:
Just pass over it.

LEG. HORSLEY:
Pass over.

D.P.O. VILORIA-FISHER:
Okay, so we'll pass that over.

1835-08 - Amending the 2008 Operating Budget to accept and appropriate 95% State grant funds from the New York State Board of Elections to the Suffolk County Board of Elections for voter educational/poll worker training and authorizing an increase in the fleet of the Suffolk County Board of Elections for transporting voting machines and

personnel to and from various seminars and community events (Presiding Officer).

LEG. NOWICK:
Motion.

D.P.O. VILORIA-FISHER:
Is there a motion? Legislator Nowick?

LEG. NOWICK:
Yes.

D.P.O. VILORIA-FISHER:
Motion to approve, Legislator Nowick.

LEG. STERN:
Second?

D.P.O. VILORIA-FISHER:
Seconded by Legislator Stern.

LEG. ALDEN:
On the motion.

D.P.O. VILORIA-FISHER:
On the motion, Legislator Alden.

LEG. ALDEN:
What type of vehicles?

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

LEG. ALDEN:
How many, what type?

D.P.O. VILORIA-FISHER:
Can you come forward and please identify yourself?

MR. KNOBEL:
Yes. My name is Thomas Knobel, I'm an Assistant to Commissioner Geier at the Board of Elections, okay. And there are three different types of vehicles, two mini-vans, two full-size vans with lift gates to transport two of our new voting machines to seminars, and two box trucks to support -- to take -- each one capable of taking ten machines. Because we've discovered that in training for our ballot marketing devices that it's crucial to be able to bring sufficient machines for hands-on training to both the public and poll workers.

LEG. ALDEN:
What do we have right now to transport?

MR. KNOBEL:
An assortment of vehicles. We have two small box trucks right now that don't have stops or shocks or springs that can -- that will enable us to transport the new electronic machines safely. Because we are required, of course, to, relatively speaking, baby these new machines that are coming as opposed to the six to 800 pound lever machines that we currently use.

LEG. ALDEN:
So what size trucks are we getting, gross weight?

MR. KNOBEL:
Excuse me?

LEG. ALDEN:
What size trucks?

MR. KNOBEL:
What size truck? It's a 22-foot box truck, it's two 22-foot box trucks.

LEG. ALDEN:
Two-and-a-half tons, four ton?

MR. KNOBEL:
Excuse me? What, tonage you said? I'm sorry.

LEG. ALDEN:
Yeah.

MR. KNOBEL:
They are capable of being driven by someone without a CDL license, so they're under 26,000 gross.

LEG. ALDEN:
All right. And we're going to go off the New York State list to purchase that equipment?
MR. KNOBEL:
That's where we acquired the price for them, yes.

LEG. ALDEN:
So you're going to go through DPW, right?

MR. KNOBEL:
Yes.

LEG. ALDEN:
And some of these are passenger vans also, you said?

MR. KNOBEL:
Two of them are small -- we are calling them mini-vans, the equivalent of mini-vans which are purely for passengers. Because what we have are -- the vehicles that we have, we have the vans with lift-gates are to take a team of trainers -- four trainers, two machines -- to any place and it's a self-contained. The mini-vans have to accompany the box trucks because you can't deliver -- the box trucks themselves can't deliver the trainers to the seminars.

LEG. ALDEN:
Okay, just two more questions. We're going to use the State grant for all of that, for the purchase of those vehicles, too?

MR. KNOBEL:
Yes. It's going -- yes.

LEG. ALDEN:
And are you going to handle this? Because where I want to go here is just maybe mention alternative fuels to DPW. And I already have a call in to DPW about alternative fuel vehicles, so.

MR. KNOBEL:
Well, we've -- the board has discussed it with DPW and basically taking their recommendations as to the trucks. If DPW recommends that we use alternative fuels, that's what we'll probably use.

LEG. ALDEN:
But they haven't for, you know, like the eleven years I've been here, so. Maybe you could just mention that to them.

MR. KNOBEL:
Okay.

LEG. ALDEN:
And I'm in conversation with them now, actually, so. Thanks, Tom.

D.P.O. VILORIA-FISHER:
Thank you. And thank you, Legislator Alden, for putting alternative energy on the record again.

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

MR. LAUBE:
Eighteen.

D.P.O. VILORIA-FISHER:
1835 is approved.

P.O. LINDSAY:
Keep going.

D.P.O. VILORIA-FISHER:
Keep going? Okay.

IR 1847-08 - Amending the 2008 Operating Budget to provide funding for the Smithtown Alumni Association (Kennedy). Legislator Kennedy, what's your pleasure?

LEG. KENNEDY:
I'll make a motion to approve, Madam Chair.

LEG. NOWICK:
I'll second.

D.P.O. VILORIA-FISHER:
Okay. Motion to approve by Legislator Kennedy, seconded by Legislator Nowick. All in favor?

LEG. ALDEN:
It's not an add-on, right? Okay.

D.P.O. VILORIA-FISHER:
Opposed? Okay, IR 18 --

MR. LAUBE:
Eighteen.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Clerk. IR 1847 is approved.

IR 1860-08 - Authorizing the County Comptroller and County Treasurer to close certain Capital Projects that have sunset under Local Law No. 15-2002, Suffolk County, New York, a Charter Law establishing Common Sense Capital Project Sunset Policy for Suffolk County (County Executive). Is there a motion?

LEG. COOPER:
Motion to table for one cycle so the resolution could be amended with the agreement of the County Executive.

D.P.O. VILORIA-FISHER:
On that motion. Legislator Cooper, I just spoke with Budget Review and upon the recommendation of Budget Review, they suggested that we pass this and that we reintroduce -- that we introduce legislation appropriating the monies with a Capital offset for the Vanderbilt Go-To. Because this has sunset anyway, we would have to do another resolution. So it's more appropriate to just approve this and introduce a new resolution.
LEG. COOPER:
Fine. Thank you.

D.P.O. VILORIA-FISHER:
Okay?

LEG. MONTANO:
Where are we?

D.P.O. VILORIA-FISHER:
We're on 1860.

LEG. ALDEN:
Just on the motion?

D.P.O. VILORIA-FISHER:
Legislator Alden.

LEG. ALDEN:
If that's Budget Review's suggestion, tell us how we can get that done by the end of the year; is that when it has to be done, by the end of the year? Otherwise we --

MR. REINHEIMER:
Yes, this is a capital amending resolution which can be introduced at the next Legislative meeting. So it can be done by the end of the year. And we have an --

LEG. ALDEN:
If it's not done by the -- if it's not done by the end of the year, there's hole in the Goto -- or go to, whatever you want to call that projector thing.

MR. REINHEIMER:
Yes, this is -- these are planning funds which the whole project is very tightly budgeted to begin with, so they need every penny they can find. It can either been be done at the next Legislative meeting or by CN today, but it can be done by the end of the year.

LEG. ALDEN:
And then to Ben, is there any possibility of getting a CN for today?

MR. ZWIRN:
I'll ask. We have a bunch of CN's today and I know I -- we don't like to do as -- we try to refrain from them, even though we're coming to the end of the year and it's more likely we'll have them.

But I'll check, if Legislator Cooper wants us to, we'll get to it.

LEG. COOPER:
I prefer a CN, but if not, as long as we have your firm commitment that it will be at the next meeting.

MR. ZWIRN:
Absolutely.

LEG. COOPER:
But if we can do a CN, that would be great.

LEG. ALDEN:
Thanks, Ben. Thanks, Lance.

D.P.O. VILORIA-FISHER:
Okay. So I had spoken with Lance about preparing a resolution to be introduced for next month's meeting, but certainly a CN would make it more expeditious, if we could get that done today.

LEG. COOPER:
So I withdraw my tabling motion.

D.P.O. VILORIA-FISHER:
Thank you. And we have a motion to approve?

LEG. BEEDENBENDER:
Yeah, motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Beedenbender. Seconded by Legislator Horsley.
All in favor? Opposed?

LEG. KENNEDY:
Opposed.

D.P.O. VILORIA-FISHER:
Abstentions?

MR. LAUBE:
Seventeen (Opposed: Legislator Kennedy).

D.P.O. VILORIA-FISHER:
Okay, IR 1860 is approved.

IR 1872-08 - Amending the 2008 Operating Budget to provide funding for the Long Island 2-Day Walk to Fight Breast Cancer (Browning). Legislator Browning?

LEG. BROWNING:
Motion to approve.

D.P.O. VILORIA-FISHER:
Motion to approve. Seconded by?

LEG. KENNEDY:
Second.

D.P.O. VILORIA-FISHER:
Legislator Alden?

LEG. ALDEN:
Well, I have a question on it.

D.P.O. VILORIA-FISHER:
Legislator Alden.

LEG. BROWNING:
Omnibus.

LEG. ALDEN:
Okay.

D.P.O. VILORIA-FISHER:
Okay the question was asked and answered. All in favor? Opposed?
IR 1872 stands approved.

MR. LAUBE:
Eighteen.

D.P.O. VILORIA-FISHER:
Sorry, Tim, I always jump on you on that.

Economic Development, Higher Education & Energy

1851-08 - Authorizing an energy audit of the William H. Rogers: Legislative Building (Presiding Officer Lindsay). Legislator Alden, did you --

LEG. ALDEN:
That's not me, I was not present.

D.P.O. VILORIA-FISHER:
Oh, I'm sorry.

LEG. ALDEN:
Nice move.

D.P.O. VILORIA-FISHER:
It's the Presiding Officer. You know, I wanted to get you.

P.O. LINDSAY:
This came about as a result of a request from Mr. Schroeder who works for us, our energy expert. We've had some discussions with a local company that thinks that for the $10,000 they can effectuate enough changes in our energy usage here that it probably would pay for itself in a couple of years. And if it works here, we'd really like to use this as a model for other County buildings.

D.P.O. VILORIA-FISHER:
And actually, Legislator Nowick and I have been asking that every month, as she freezes and uses a heater.

P.O. LINDSAY:
Actually, I think when the consultant was here we did a walk-around and he saw the heater, "Unplug

the heater, that will save you a lot of energy right there."

D.P.O. VILORIA-FISHER:
Uh-oh.
LEG. NOWICK:
It broke, the heater. I used it so much.

D.P.O. VILORIA-FISHER:
One small step at a time, okay. So you're making a motion to approve?

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Motion to approve by Legislator Lindsay.

LEG. EDDINGTON:
Seconded.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Montano, was that --

LEG. MONTANO:
No, that's Eddington.

D.P.O. VILORIA-FISHER:
Legislator Eddington. All in favor? Opposed?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Barraga).

D.P.O. VILORIA-FISHER:
IR 1851 is approved.

IR 1863-08 - Allocating and appropriating (Phase VIII) in connection with the Downtown Revitalization Program (CP 6412)(County Executive).

LEG. ROMAINE:
Motion.

LEG. ALDEN:
Second.

LEG. MONTANO:
Second.

D.P.O. VILORIA-FISHER:
Okay, I heard a lot of voices, I couldn't see who's they were. Who made the motion to approve? I'm sorry.

LEG. MONTANO:
We both did, but give it to Romaine.

D.P.O. VILORIA-FISHER:
Legislator Romaine, seconded by Legislator Montano. All in favor?

LEG. BEEDENBENDER:
On the motion.

D.P.O. VILORIA-FISHER:
On the motion, Legislator Beedenbender.

LEG. BEEDENBENDER:
First, I just -- I want to say that these programs are valuable, obviously, and they do a lot of good for the downtowns throughout Suffolk County. But my only concern would be at this particular time we don't really have -- we don't really have any clear sense of what the bond market is going to look like and we're bonding money for these projects. And I would respectfully submit that this is not an emergency, this is not a bridge. For the most part, we're talking about things that do have great value in terms of community, you know, street lights and benches and things like that, but I don't know that this is something that we should be approving today. Perhaps if things get better and we get a better picture of the bond market and our fiscal situation it would be, but I don't know that this is something we need to approve today. So I would offer a motion to table.

D.P.O. VILORIA-FISHER:
Okay, there's a motion to table. Is there a second?

LEG. BARRAGA:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Barraga. Any discussion on the motion to table? It takes precedence, so motion to table. All in favor?

LEG. ALDEN:
Let's do a roll call.

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

LEG. BEEDENBENDER:
Yes.

LEG. BARRAGA:
Yes.

LEG. COOPER:
Yes to table.

LEG. D'AMARO:
Yes.

LEG. STERN:
Pass.

LEG. GREGORY:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. ALDEN:
Pass.

LEG. MONTANO:
No.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
Yes to table.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
No.

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

P.O. LINDSAY:
Yes.

LEG. STERN:
No to table.

LEG. ALDEN:
No.

MR. LAUBE:
Nine.

D.P.O. VILORIA-FISHER:
Okay, there's a motion to approve. All in favor?

LEG. KENNEDY:
Madam Chair, on the motion?

D.P.O. VILORIA-FISHER:
Yes, Legislator Kennedy.

LEG. KENNEDY:
There are two resolutions before us, actually, that run right in sequence, and I'm wondering if I can just ask Counsel for an explanation as to what the differences between these two resolutions are. Both are termed downtown revitalization, I'm just uncertain which one -- one I believe is something that comes out of the capital budget that's a direct allocation to certain areas by the County

Executive, the other comes out of a multi-member task force that each one of us has representatives on.

MR. NOLAN:
Well, I think they're both reviewed by that task force, but I believe one is generated more from the County Executive's side, one starts with the Legislature's side. They're both from like the Capital Program, appropriating monies. Carolyn Fahey, if I'm wrong you can correct me, but I believe that is the difference.

MS. FAHEY:
Good afternoon. No, there is no difference. Both pots of money, they're two separate Capital Programs. Traditionally, 6412 was the Legislature's and then the County Executive created Capital Program 6418, but two years ago he asked the Downtown Citizens Advisory Panel to review and recommend projects in the same fashion that they would review and recommend projects to the Legislature. So the process is exactly the same. The recommendations are for a total of a million dollars which we would just split down the middle into each program.

LEG. KENNEDY:
Through the Chair. Carolyn, you know, Legislator Beedenbender does bring up a good point, I think. And we've heard over the last week detailed presentations to us, both in committees and in other forums, about some of the difficulties with vending commercial paper and what some other municipalities are experiencing, and we heard about this almost going day by day. Is this still an issue for Suffolk County? Can we sell paper? What's our ability at this point?

MS. FAHEY:
I don't think I was elected the Comptroller. I can't answer that, Legislator Kennedy. The decision whether or not to bond these is left to you and the County Executive. If the County Executive's Office wants to respond, fine. I'm not in a position to tell you whether or not we're in the ability to sell paper or not.

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

LEG. KENNEDY:
Do we have anybody here, Madam Chair, who can speak to this?

LEG. ALDEN:
Gail might know.

D.P.O. VILORIA-FISHER:
Gail? You know, we just heard on the news this morning about California's problems selling.

LEG. KENNEDY:
San Bernandino, I mean, they're saying chop at the top, so.
What can you tell us?

MS. VIZZINI:
Well, if we could back up for a moment. What you're doing today is authorizing this. So we wouldn't be bonding for this until we need the money to move forward on the specific projects. We are going into the market October 28th, Mr. Tortora came before the Budget & Finance Committee and briefed you at that point in terms of the volatility of the market, but also that we have several options. So what you're doing today is authorizing this. We would be looking to bond this in one of our later issues. This is not on the list of when we're going to the market in October.

LEG. KENNEDY:

So then why are we doing this today?

MS. VIZZINI:
Well, this is what we typically do. This money is in the Capital Program. If you don't authorize it by the end of the year, it is no longer available. It is a schedule that, you know, will expire December 31st. So all through the year you are authorizing the County to move forward on bonds, unless you later rescind that authorization. So it's not like you're going to approve this and October 28th we're going to bond this; we are going to the market October 28th, but that is for other things.

LEG. KENNEDY:
I'll yield over.

D.P.O. VILORIA-FISHER:
Bill?

P.O. LINDSAY:
The only observation I was going to make is this is a little backwards. We just rejected a motion to table and now we're having a discussion about it; we probably should have had the discussion before we voted.

But having said that, I voted to table it for the simple reason that I'm concerned, and I want to see what's going to happen October 28th, as Legislator Beedenbender pointed out. I -- unless something is really, really dire, I would prefer that we go forward with this money for '07, mainly because there's a lot of -- a lot of hard work went in to selecting the communities and there's commitments, you know, out there, the different communities that we're going to fund this and fund that, and if I can at all avoid going back on our word, I would prefer to do that. However, having said that, moving forward into '08, you know, I think we should take a very serious look about renewing this program if things are as dire as they're being portrayed.

LEG. ALDEN:
You mean '09.

P.O. LINDSAY:
And '09.

D.P.O. VILORIA-FISHER:
I think you meant '08 and '09.

P.O. LINDSAY:
Right, what I'm talking about --

LEG. ALDEN:
Next year.

P.O. LINDSAY:
-- is next year.

D.P.O. VILORIA-FISHER:
Okay. That being said, we have a motion and a second to approve; roll call.

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

LEG. ROMAINE:
Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
Pass.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Pass.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.
LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

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

P.O. LINDSAY:
Yes.

LEG. D'AMARO:
Yes.

LEG. KENNEDY:
Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Cooper).

D.P.O. VILORIA-FISHER:
Okay, IR 1863 stands approved.

IR 1863A, the Bond Resolution. I'll make a motion to approve.

LEG. EDDINGTON:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Eddington.

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

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

LEG. EDDINGTON:
Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Cooper).

D.P.O. VILORIA-FISHER:
Okay, the Bond Resolution passes.

IR 1864-08 - Allocating and appropriating funds in connection with Downtown Beautification and Renewal (CP 6418)(County Executive).
Is there a motion?

LEG. EDDINGTON:
Motion to approve.

D.P.O. VILORIA-FISHER:
Motion to approve by Legislator Eddington.

LEG. MONTANO:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Montano. Any discussion? All in favor? Opposed?
LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen

D.P.O. VILORIA-FISHER:
IR 1864 is approved.

MR. LAUBE:
Sixteen; check that, sixteen (Opposed: Legislator Barraga -
Not Present: Legislator Cooper).

1864A, the Bond. I'll make the motion, seconded by Legislator Eddington.

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

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

LEG. EDDINGTON:
Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.
LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Cooper).

LEG. MONTANO:
Cosponsor, please.

MR. LAUBE:
Yes, sir.

D.P.O. VILORIA-FISHER:
Did you call it?

MR. LAUBE:
Yes, 16.

D.P.O. VILORIA-FISHER:
I'm sorry. Okay, 1864A is approved.

Environment, Planning & Agriculture

1807-08 - Authorizing planning steps for acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Schmitt Property) Town of Brookhaven (SCTM No. 0200-706.00-01.00-004.000)(Browning). Is there a motion?

LEG. EDDINGTON:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Eddington.

LEG. BROWNING:
Yes; sorry, second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Browning. On the motion, Legislator Alden.

LEG. ALDEN:
Legislator Browning, it's your resolution?

LEG. BROWNING:
Yes.

LEG. ALDEN:
Could you just tell me a little about the property and where it fits in and what we're going to do with it, that type of thing?

LEG. BROWNING:
Yeah. This is a piece of property -- you want to pass this out -- that it was a farm, now it's a sod farm. And I've had a lot of requests from local sports clubs, Longwood Youth.

LEG. LOSQUADRO:
LISA.

LEG. BROWNING:
LISA. Yep, sorry, I keep forgetting the name. And also, in the South Country School District sports teams that have nowhere to practice, the kids have nowhere to play. This is a nice piece of property, it's already for soccer clubs and, you know, it has rated well and we want to make sure that we have somewhere for the children to play. In fact, the Longwood group have had make requests to use the Cathedral Pines to practice every year because they have nowhere, so this is an opportunity to give our kids somewhere to good.

LEG. ALDEN:
And this is Longwood High School, just to the west of the proposed --

LEG. BROWNING:
It's actually split between Longwood and South Country School District, it's half and half. But it's going to be available for both groups.

LEG. ALDEN:
What school is that just to the west? Is that a school?

LEG. BROWNING:
No, that's not a school, that's Police Headquarters. That's Yaphank Avenue.

LEG. ALDEN:
Oh, all right.

LEG. BROWNING:
It's a sod farm directly across from the --

LEG. ALDEN:
How far from the school is this property then?

LEG. BROWNING:
How far from the school?

LEG. ALDEN:
Yeah.

LEG. BROWNING:
From South Country School District, it's probably maybe about three miles. It's not necessarily for the -- I'm sorry, I'm saying it's within the school districts, but it's --

LEG. ALDEN:
Oh, you mean an after school type program.

LEG. BROWNING:
After school programs, yes. And LISA has a very big program.

LEG. ALDEN:
Okay.

D.P.O. VILORIA-FISHER:
Are you done, Legislator Alden?

LEG. ALDEN:
Yes, I am.

D.P.O. VILORIA-FISHER:
Okay. There's a motion to approve and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

D.P.O. VILORIA-FISHER:
Abstain?

MR. LAUBE:
Fifteen (Opposed: Legislator Barraga - Not Present: Legislator Montano & Cooper).

D.P.O. VILORIA-FISHER:
1807 stands approved.

1853-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space Component - for the Norberto Property - Tuthills Creek/Pine Lake - Town of Brookhaven (SCTM No. 0204-003.00-01.00-027.000). (County Executive). Is there a motion?

LEG. EDDINGTON:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Sure, but I think Jack made it.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Eddington. I'm sorry, I --

LEG. SCHNEIDERMAN:
Other way around.

LEG. ALDEN:
On the motion.

D.P.O. VILORIA-FISHER:
On the motion, Legislator Alden.

LEG. ALDEN:
Is anybody here that could speak to what we're going to do with this property? And little things like --

D.P.O. VILORIA-FISHER:
Okay, perhaps the Chair?

LEG. SCHNEIDERMAN:
I could -- sure.

D.P.O. VILORIA-FISHER:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I could try. I'll pass another aerial. This is kind of the area that would drain into Pine Lake. This is in Patchogue, Village of Patchogue, it's an area where the County's done significant acquisition, a preserved area in here and I think if you see it, it will make a lot of sense. This is not for a ball field or anything, this is just environmental to protect the water quality and the lake.

LEG. ALDEN:
Well, what's it zoned for then?

LEG. SCHNEIDERMAN:

It's a quarter acre. I don't know what the zoning is. But you can see it's surrounded by preserved properties and it would be an environmentally sensitive property. So whether you -- however the -- whatever the zoning, it's one that makes sense not to develop.

LEG. ALDEN:
It's land-locked?

LEG. SCHNEIDERMAN:
You have the areal in front of you at this point.

LEG. ALDEN:
I'll pass it back to you, because it looks like it's land-locked.

LEG. SCHNEIDERMAN:
Well, I don't know if a road could be brought through there.

LEG. ALDEN:
How much is the --

LEG. SCHNEIDERMAN:
I don't think anybody from Real Estate is here, so.
LEG. ALDEN:
How much is the purchase price?

LEG. SCHNEIDERMAN:
Twenty-four five; 24,500 I believe.

D.P.O. VILORIA-FISHER:
Twenty-four five, yes. It's a quarter acre.

LEG. ALDEN:
Okay. But do we know if it's land-locked and what it was zoned?

LEG. LOSQUADRO:
No, it's point four.

D.P.O. VILORIA-FISHER:
Point four; sorry.

LEG. SCHNEIDERMAN:
Yeah, it sounds like at the purchase price it probably would be challenging to develop the property.

LEG. ALDEN:
My question would be why do we want to remove something from the tax rolls that can't be developed in the first place?

LEG. SCHNEIDERMAN:
It's property that should be in public ownership and stewarded by the public. It should not be a --

LEG. ALDEN:
Well, what's the plan now? And what are we doing on the surrounding properties?

LEG. SCHNEIDERMAN:
We've been preserving that entire watershed area.

LEG. ALDEN:

Are people allowed in, into that area?

LEG. SCHNEIDERMAN:
Yes.

LEG. ALDEN:
So what kind of preservation are we doing?

LEG. SCHNEIDERMAN:
Oh, will people be allowed in? Right now it's private property, so.

LEG. ALDEN:
No, no, I'm talking about the surrounding area. You're saying you want to combine that with the surrounding area that we already own.

LEG. SCHNEIDERMAN:
I believe this is --

D.P.O. VILORIA-FISHER:
It's the Mastic Shirley Conservation Area is what that area is called.

LEG. SCHNEIDERMAN:
This is a Master List property, as far as I understand.

LEG. ALDEN:
So what's the management plan that's being used right now? Do we have regular police patrols coming in there? Is there a problem with people going in there with four-wheel drive vehicles, with other off-road vehicles?

LEG. SCHNEIDERMAN:
I don't have the answers to that.

LEG. ALDEN:
All right. Well, those are the kind of things I was trying to get and I had resolution but it got killed. So I guess we don't want more information, we want less information on these things. All right, that's all I have. Thank you.

D.P.O. VILORIA-FISHER:
Legislator Alden, when I asked Lauretta Fisher regarding these properties in the Mastic-Shirley Conservation Area and I asked about land-locked pieces and why we would buy them if it were going to be difficult to develop them anyway, I asked some of the same questions that you're asking, she said that when there is water management involved, they have to be able to get on to the properties. And this is a very sensitive area that's feeding into Pine Lake -- is it Pine Lake, Jay?

LEG. SCHNEIDERMAN:
Pine Lake, yes.

D.P.O. VILORIA-FISHER:
And so she said that it's valuable in that sense for environmental protection of the -- and water protection. I believe both Legislators Browning and Losquadro were there when I asked that question of the Planning Department, precisely for what you're saying. And she said we need to have that in order to have the full Mastic-Shirley Conservation Area protected because there has been a lot of intrusion into the quality of the surface water there.

LEG. ALDEN:
Is there water on this property?

D.P.O. VILORIA-FISHER:
Well, I think it's in the watershed area.

LEG. SCHNEIDERMAN:
It looks like it's in an area delineated as DEC freshwater wetlands, at least in portions of the property.

LEG. ALDEN:
And if we surround the -- if our ownership surrounds the property --

LEG. SCHNEIDERMAN:
Not the whole property.

LEG. ALDEN:
-- we can control the property from the surrounding properties.
So I'm really hard-pressed for a reason to vote for this.

LEG. SCHNEIDERMAN:
The western portion of the property appears to have fresh water wetlands, the eastern portion does not. There may be some access available, it looks like there's a road right away that gets toward it.

LEG. ALDEN:
Those are important questions. And Jay, I'm not picking on you, I'm just saying --

LEG. SCHNEIDERMAN:
No.

LEG. ALDEN:
-- those are important questions to flesh out; what our management plan is for it, whether we have no enough police to go in there and look at the property to make sure that it doesn't get misused or abused.

LEG. SCHNEIDERMAN:
No, they're good questions. I'm just saying, you know, this fits kind of the classic characteristics of a property that would --

LEG. ALDEN:
Except --

LEG. SCHNEIDERMAN:
-- be targeted for preservation.

LEG. ALDEN:
Except right now money is tight, money is very tight. And to buy a piece of property that's land-locked, it's not going to get developed, that there's no application in, and I'm just guessing at some of these things. Is there an application in to build on this?

LEG. SCHNEIDERMAN:
I can't answer that.

LEG. ALDEN:
So those are the questions that have to be answered before we spend public money. That's my point.

D.P.O. VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:
Yeah, I just wanted to point out, in looking at the overhead, it is still an old file map area with paper roads that cannot be abandoned without the completion of the acquisition of the remaining parcels. So in its current checker-boarded state, there are still paper roads that could access any one of those parcels; to abandon those paper roads without that would be a taking. So the properties, if developed, would, by the very nature of the old file map, technically have access. The roads would have to be developed, it would be an additional cost, and I'm sure that went into the appraisal process. Our appraisal review staff is very good in looking at short-comings of properties. And for a property such as this that is surrounded by additional open space for this low dollar amount, I'm sure those short-comings were taken into place in the appraisal process. At least that's -- in looking at the map and my recollection of these discussions some time ago, that's what I recall.

D.P.O. VILORIA-FISHER:
Is there any other discussion? There's a motion and a second.
Oh, Legislator D'Amaro.

LEG. D'AMARO:
I just want to add that I also sit on this committee and, you know, we did ask many of those questions, as Legislator Alden is bringing up now, but I think he's right. I think in order for us to vote, the members who didn't have the benefit of being on that committee and hearing all the information and going through the questioning, I think at a minimum you should at least be looking at the same information that we did during the committee process, so. I mean, I'm going to vote for this because I had a chance to vet it at the committee level, but I can understand your questioning and I think you should pass your bill that requires more information exactly for this reason.

LEG. ALDEN:
I've been trying, Lou. Thanks. It's bottled up.

D.P.O. VILORIA-FISHER:
Any other discussion on this? Okay, there's a motion and a second. All in favor? Opposed?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Alden & Barraga - Not Present: Legislator Cooper).

D.P.O. VILORIA-FISHER:
1853 stands approved.

1854-08 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - for the Naples Property - Town of Riverhead (SCTM No. 0600-099.00-02.00-013.004) (County Executive).

LEG. ROMAINE:
Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

D.P.O. VILORIA-FISHER:
Second by Legislator Schneiderman.

LEG. ALDEN:
Just on the motion.

D.P.O. VILORIA-FISHER:
Discussion, Legislator Alden.

LEG. ALDEN:
Can somebody put on the record why this is important to buy this piece? I like the Farmland Preservation Program, but how does this fit in; is this a key piece, is it currently being farmed? Is the intent to keep it?

D.P.O. VILORIA-FISHER:
Legislator Romaine, you look like you might have information.

LEG. ROMAINE:
Yeah, it's currently being farmed. They have that -- this farm is a sod farm which is part of the agricultural industry of the east end. It's a question of whether this Legislature wants to see farming exist as an industry. Right now we have about 17,000 acres preserved and the consensus of everyone from an economic standpoint is that unless farming has about 35,000 acres in farming, at some point the farming will begin to die. Those who supply farmers or deal with farmers, they will move their industries off the Island because it will become unprofitable and farming as an industry will slowly shrink and be less a part of Suffolk County's agricult-- excuse me, economic base.

Preserving farmland is certainly preferable to having farmland developed. If farmland is not preserved, people will buy farmland and they will build houses; those houses will send children to school. The average school child in Suffolk County is about 17, $18,000, the average house pays, umm, maybe six, $7,000, maybe $8,000 in taxes. The deficit is about $10,000 a kid. At that point, we find that, you know, we are not generating enough taxes off new construction to benefit from new construction.

LEG. ALDEN:
I have one other question.

LEG. ROMAINE:
Sure.

LEG. ALDEN:
Do you know if they intend to continue to use this as farmland?

LEG. ROMAINE:
Yes.
LEG. ALDEN:
All right, because -- no, there was one last session that they had abandoned the farming on it, so that's a legitimate question to ask. And I can't let something else that you said go unchallenged.

LEG. ROMAINE:
Okay.

LEG. ALDEN:
You said yes, they intend to use it.

LEG. ROMAINE:
Well, my understanding is that they intend to use it; let me just explain. I mean, anyone can make an economic decision that is harmful to their best interest. If someone has a piece of land that's in farming, why would you let it lay fallow -- except for crop rotation purposes -- other than that, why would you let it lay fallow when you can -- even if you can't farm it, you can lease out the ability to farm it to someone else and make money.

LEG. ALDEN:
I'm not farming anymore, so I really --

LEG. ROMAINE:
Okay.

LEG. ALDEN:
I can't answer that. Otherwise, I'd give you an answer if I still had a farm.

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

LEG. ALDEN:
I just had one other comment.

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

LEG. ROMAINE:
Sure.

LEG. ALDEN:
Sometimes what you said about a school district, the added cost, sometimes that's valid, but other times it's not. And unless there's enough of an influx into the school district where they're going to have to build a new building or expand the number of teachers they have, it's not a direct add, it's actually a direct add from the taxes that are built off of those -- the one or two or three or four houses that might be developed. So you can't just make a blanket statement that because you developed property, you have to increase the cost in your school, because --

LEG. ROMAINE:
Yeah, everything depends -- I'm sorry, I should have filled you in. Riverhead School District is at capacity, looking to build new schools, probably would have to build new schools if they have additional capacity. They are at capacity.

LEG. ALDEN:
All right, then it might be a legitimate statement.

LEG. ROMAINE:
Right.

LEG. ALDEN:
Thanks, Ed.

D.P.O. VILORIA-FISHER:
Okay. We have a motion and a second. All in favor? Opposed?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Cooper).

D.P.O. VILORIA-FISHER:
IR 1854 stands approved.

1855-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space Component - for the Avakian Property - Miller Place/Yaphank Road NP addition - Town of Brookhaven (SCTM No. 0200-213.00-04.00-008.000) (County Executive). Is there a motion?

LEG. LOSQUADRO:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Losquadro. Seconded by myself.

LEG. ALDEN:
Explanation? I'm not on the committee and I --

LEG. LOSQUADRO:
No, that's fine. This is just a small addition in existing nature preserve. Again, old file map, many small parcels. We've been adding to this since before my tenure and we continue to do so.

LEG. ALDEN:
Who's the owners?

LEG. LOSQUADRO:
That I do not have in front of me. It's the Avakian property.

D.P.O. VILORIA-FISHER:
Avakian property, yes.

P.O. LINDSAY:
I bet you it's Mr. Avakian.
LEG. ALDEN:
Anybody know the condition of this property?

D.P.O. VILORIA-FISHER:
It's in the Pine Barrens, isn't it?

LEG. LOSQUADRO:
Yeah, all of these properties are in and around the existing nature preserve, they're all untouched, undeveloped parcels.

LEG. ALDEN:
And what's the total acquisition price of this?

D.P.O. VILORIA-FISHER:
Thirty thousand.

LEG. LOSQUADRO:
I have $30,000 listed here.

LEG. ALDEN:
Thanks.

D.P.O. VILORIA-FISHER:
Okay? We have a motion and second. All in favor? Opposed?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen (Opposed: Legislators Alden & Barraga - Not Present: Legislator Cooper).

LEG. LOSQUADRO:
Tim, cosponsor, please; if I'm not on already.

D.P.O. VILORIA-FISHER:
IR 1855 stands approved.

1856-08 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space Component - for the Jeffers Property - Forge River Addition - Town of Brookhaven (SCTM Nos. 0200-750.00-03.00-029.002, 0200-750.00-03.00-029.003, 0200-750.00-03.00-029.004, 0200-750.00-03.00-029.005, 0200-750.00-03.00-029.006, 0200-750.00-03.00-036.000, 0200-750.00-03.00-039.003)
(County Executive). Is there a motion?

LEG. EDDINGTON:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Eddington. Kate, did you want to make a motion on this?
LEG. BROWNING:
Second; sorry.

D.P.O. VILORIA-FISHER:
Second by Legislator Browning.

LEG. KENNEDY:
Madam --

D.P.O. VILORIA-FISHER:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
I have a question on this one, just as to the evaluation that we came in at. The note that I have here is it's one point three four acres?

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

LEG. KENNEDY:
And we're coming in at close to 200,000?

D.P.O. VILORIA-FISHER:
Yes, one ninety-four three.

LEG. KENNEDY:
Okay. Arm's length value for a buildable lot? What is this, approximate to the river I guess?

D.P.O. VILORIA-FISHER:
Legislator Schneiderman, would you have any comment on this, how we arrived at the evaluation? I can't recall my ETRB meeting with the appraisals. Is there anyone on the committee who can --

LEG. SCHNEIDERMAN:
Yeah, I have the aerial with me.

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

LEG. SCHNEIDERMAN:
Yeah, this is an area where, again, we've been targeting a lot of these parcels. This is all on the Forge River.

LEG. KENNEDY:
Two questions, then. So is it river front and is it buildable?

LEG. SCHNEIDERMAN:
I'll pass it to you.

D.P.O. VILORIA-FISHER:
It's listed as seven parcels. I wonder what the yield on those would have been. Because as you know, you call yourself a dirt lawyer, you would know that --

LEG. KENNEDY:
You can coddle them together, aggregate it, make them all to amend the --

D.P.O. VILORIA-FISHER:
Right, and it's highest and best use.

LEG. KENNEDY:
Yes.

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

LEG. KENNEDY:
So that's --

D.P.O. VILORIA-FISHER:
Legislator Browning.

LEG. SCHNEIDERMAN:
The aerial is coming over. I wouldn't describe it necessarily as river front, but in that feeder area, the head waters.

LEG. KENNEDY:
It's on Sunrise -- is this on Sunrise Highway?

LEG. BROWNING:
No, it's --

D.P.O. VILORIA-FISHER:
Okay, Legislator Browning.

D.P.O. VILORIA-FISHER:
-- the Sunrise Service Road. It's actually connected to other parcels that we're already -- have already purchased or are working on purchasing. It is on the Forge River Watershed.

LEG. KENNEDY:
The areas in between then I presume are paper roads and you're going to make a move to abandon the paper roads, too?

LEG. BROWNING:
Yes, I believe so.

D.P.O. VILORIA-FISHER:
Okay. Legislator Romaine.

LEG. ROMAINE:
I just wanted to say, it was north of Sunrise Highway on the Sunrise Service Road and I believe it was seven separate parcels. And if they're buildable, which they may be under the Town of Brookhaven knowing that area, then obviously that's where the evaluation must have come from.

LEG. KENNEDY:
Okay. Yeah, it looks like it probably even has some kind of commercial zoning, because there's some kind of parking lot and stuff to that. Fine, all right. I guess, that's what it's -- it must be -- gee, we'd know that if we had your bill, wouldn't we?

D.P.O. VILORIA-FISHER:
Okay. Legislator Alden.

LEG. ALDEN:
Absolutely. Just one other quick question, then. Do we know where this fits in with the management plan? Do we have enough police, are we still in conformance or out of conformance with the laws that we passed? And it's a number of years ago now, that we're supposed to have X number of park police for x amount of acreage; are we in conformance with that? Is there a plan in place to manage this?

LEG. SCHNEIDERMAN:
We've got to ask Parks, I guess, in terms of whether Parks is in compliance. Legislator D'Amaro, this question came up, didn't it, in the committee? Didn't we ask about that, do you recall, Parks' response on whether they had enough personnel to properly steward these properties? Or maybe that was a different department.

LEG. ALDEN:
Well, just as a correction, it's not up to them whether they think they might have enough personnel, there's an actual formula that's a law in Suffolk County. So whether they think they have enough personnel is immaterial.

LEG. SCHNEIDERMAN:
Right. Do you know what the requirements of the law are in terms of personnel per acre?

LEG. ALDEN:
I don't have it with me but it's on my desk, if you want me to run home and get it.

LEG. SCHNEIDERMAN:
No, no, but maybe if Counsel could provide me with the bill number.

P.O. LINDSAY:
I think Gail --

D.P.O. VILORIA-FISHER:
Okay. I think Gail Vizzini can answer that.

P.O. LINDSAY:
-- can answer your question.

MS. VIZZINI:
This is something that we're addressing in our review of the '09 Operating Budget. And based on our analysis, we -- you know, in technically complying with the legislation, we would be short six Park Police Officers.

LEG. ALDEN:
That's important to know. But even going forward because a lot of this property gets abused, so we buy it to preserve and then you have abuses going on.

LEG. SCHNEIDERMAN:
I agree. And I think it's a very important point and we'll have to look at that in the context of the budget, whether we're going to, you know, bring the Park personnel up to the required number of people based on -- we keep acquiring more land. And you're right, there's dumping, there's encroachments, there's illegal ATV use, all kinds of things that need to be monitored. It's an additional cost to preserving land, no question.

D.P.O. VILORIA-FISHER:
Okay. Legislator Romaine.

LEG. ROMAINE:
Very briefly, I agree with Legislator Alden. Obviously, if there's a formula that we should be following, that formula should be related to how much land we purchase regarding how many Park Police we hire to ensure that at least we have some adequate patrolling of some of these properties. If that isn't done, it really is the responsibility of the Executive to make sure that law is followed; if that's not being done, this Legislature really has to exercise its oversight responsibilities.

And you would hope that in the presentation of the 2009 Operating Budget, all of the laws of this County were considered when presenting the budget, because if they weren't it calls into question the legality of the budget presentation; and I mean all the laws, not only the ones dealing with the ratio of Park Police versus acquired land. Thank you.

D.P.O. VILORIA-FISHER:
Okay. There's a motion and a second to approve. All in favor? Opposed?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen.

MS. LOMORIELLO:
No, Jonathan.

MR. LAUBE:
Fifteen.

D.P.O. VILORIA-FISHER:
No, Jonathan is right there.

MR. LAUBE:
No -- oh, we'll count him now. Sixteen (Opposed: Legislators Alden & Barraga).

D.P.O. VILORIA-FISHER:
Very fluid. IR 1856 stands approved.

1858-08 - Authorizing acquisition (residual fee) of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] for the Warner Property - Pine Barrens Core - Town of Riverhead (SCTM No. 0600-118.00-04.00-005.009) (County Executive). Is there a motion?

LEG. SCHNEIDERMAN:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Schneiderman.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Seconded by Legislator Cooper.

LEG. ALDEN:
On the motion?

D.P.O. VILORIA-FISHER:
On the motion, Legislator Alden.

LEG. ALDEN:
How much is left in that old Drinking Water Acquisition Account?

D.P.O. VILORIA-FISHER:
Five acres?

LEG. ALDEN:
No, no, there's -- there was money allocated to each town and that's what we're drawing down to purchase this.

D.P.O. VILORIA-FISHER:
Oh, I see. In the Old Drinking Water Protection there's 1.2 million; am I correct, Gail?

LEG. ALDEN:
In Brookhaven? This is Brookhaven, right?

D.P.O. VILORIA-FISHER:
This is Riverhead.

LEG. ALDEN:
Riverhead.

MS. VIZZINI:
We have Real Estate's report from September of '08 and based on their calculations, including those that are in negotiations, there's a balance of $1.3 million.

LEG. ALDEN:
Thanks.

D.P.O. VILORIA-FISHER:
Okay?

LEG. ALDEN:
And that's Riverhead's portion, or is that a total of all of them?

MS. VIZZINI:
This is in the aggregate. This summary is not differentiated by the towns.

LEG. ALDEN:
Okay. Thanks.

D.P.O. VILORIA-FISHER:
Okay. There is a motion and a second. All in favor? Opposed?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen (Opposed: Legislator Barraga).

D.P.O. VILORIA-FISHER:
1858 is approved.

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

MR. LAUBE:
Yes, sir.

LEG. ROMAINE:
Thank you.

D.P.O. VILORIA-FISHER:
1861-08 - Authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space Component - for the Cavett Property - Amsterdam Beach Addition - Town of East Hampton (SCTM No. 0300-032.00-06.00-001.002)
(County Executive).

LEG. SCHNEIDERMAN:
Motion.

D.P.O. VILORIA-FISHER:
Motion by Legislator Schneiderman.

LEG. COOPER:
Second.

D.P.O. VILORIA-FISHER:
Second by Legislator Cooper.

LEG. ALDEN:
On the motion?

D.P.O. VILORIA-FISHER:
On the motion, Legislator Alden.

P.O. LINDSAY:
Put me on the list.

LEG. ALDEN:
I hope somebody here is from Real Estate, right, that can answer some questions on this?

LEG. SCHNEIDERMAN:
I'll do my best, because they're not here.

LEG. ALDEN:
All right. You're the committee Chairman, right?

LEG. SCHNEIDERMAN:
Yes.

LEG. ALDEN:
Okay. The portion that we're buying is land-locked?

LEG. SCHNEIDERMAN:
No. No, this is certainly not land-locked. There's a road, I think it's called Deforest Road that leads directly to it on the south portion and on the north portion it fronts with Montauk Highway.

LEG. ALDEN:
Okay. This is zoned for -- if they went and built on it --

LEG. SCHNEIDERMAN:
It's ten-acre zoning.

LEG. ALDEN:
Ten-acre zoning? So we're buying how many acres?

LEG. SCHNEIDERMAN:
It was challenged in court, but it was upheld at ten-acre zoning.

LEG. ALDEN:
Okay. So --

LEG. SCHNEIDERMAN:
It's 77 acres, I believe; 76.9, something like that.

LEG. ALDEN:
So the yield is --

P.O. LINDSAY:
Seven.
D.P.O. VILORIA-FISHER:
I think less because of the wetlands.

LEG. SCHNEIDERMAN:
It could be seven, it could be six, I'm not sure. Something like that, yeah; I guess seven.

P.O. LINDSAY:
Four lots.

LEG. ALDEN:
Well, actually there was a --

D.P.O. VILORIA-FISHER:
It's four lots, yeah.

LEG. ALDEN:
Because there was a --

LEG. SCHNEIDERMAN:
Four lots? Oh, because you have to deduct the wetland areas.

D.P.O. VILORIA-FISHER:
The wetland area.

LEG. ALDEN:
Right, there was a statement by a representative from the town that said you could get four building lots out of this. What's it currently yielding as far as taxes?

LEG. SCHNEIDERMAN:
Well, I don't know the taxes. It would be taxed as undeveloped property which is significantly lower than the developed property.

LEG. ALDEN:
Well, this is separate from where his house is?

LEG. SCHNEIDERMAN:
Yes. His house is on this property, but his house is being carved out. There's a section he's keeping --

LEG. ALDEN:
It's being carved out, but right now this is all --

LEG. SCHNEIDERMAN:
A ten-acre lot.

LEG. ALDEN:
This is all one lot, though, right?

MS. LINDBERG:
No, it's a separate parcel.

LEG. SCHNEIDERMAN:
Has it already been subdivided?

MS. LINDBERG:
It's a separate parcel.

LEG. SCHNEIDERMAN:
It's a separate parcel. Okay, thank you. Okay, at one point I think it may have all been one parcel, but I guess he was able to subdivide it into the large lot and his own house lot.

LEG. ALDEN:
All right. Any idea what the taxes are on that large parcel then?

LEG. SCHNEIDERMAN:
I don't know the taxes. On his house parcel?

LEG. ALDEN:
Right.

LEG. SCHNEIDERMAN:
I don't know.

LEG. ALDEN:
Is this accessible? You said it's actually -- it would have to be accessible from roads.

LEG. SCHNEIDERMAN:
Yeah, there is a plan for public access as part of this. This is a town/County/State acquisition, similar to what we did next door with Amsterdam Beach. And I think that the plan that's being developed has access to both of these parcels together, as well as trails.

LEG. ALDEN:
You know, I just question that after we've purchased the amount of property that we purchased in Montauk, whether adding to more open space in Montauk is going to increase the number of people that come out there and actually walk around and enjoy the area or if this is an effort in just taking the taxpayers' money and making a guy like -- a very rich owner, making him very happy. Because now he's got cash, he can do whatever he wants with his piece of property, which I understand overlooks the ocean. So this is not the choice part of that parcel, this is a part that was cut out that is a little bit inferior. And with the threat of development of four more houses out there --

D.P.O. VILORIA-FISHER:
Carrie, I'll recognize you in a minute.

LEG. ALDEN:
-- I'm not so sure --

LEG. SCHNEIDERMAN:
I'm not sure I agree entirely with the last part of what you said, everything else I wouldn't disagree with. But the piece that we're getting is not an inferior piece.

LEG. ALDEN:
It's inferior to what he's keeping.

LEG. SCHNEIDERMAN:

I don't --

D.P.O. VILORIA-FISHER:
Okay. Rather than engaging in a back and forth debate --

LEG. SCHNEIDERMAN:
I don't know that that's true.

D.P.O. VILORIA-FISHER:
Legislator Schneiderman, if we could just have a response.

LEG. SCHNEIDERMAN:
There's a significant amount of ocean front in the piece we're buying.

D.P.O. VILORIA-FISHER:
Legislator Schneiderman, if we could just have a response from Carrie Meek-Gallagher to some of the questions?

LEG. SCHNEIDERMAN:
Oh, wonderful.

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

COMMISSIONER MEEK-GALLAGHER:
Yes. I have maps being distributed that will make it clear that we actually are acquiring a thousand linear front of ocean property with this acquisition, it will be added to the Amsterdam Beach Property which is directly adjacent to it. And there is a bigger picture map that shows, yes, we have been working very closely with the State and the town in acquiring a lot of property in Montauk because it is a very sensitive environmental area. And we do believe that this has actually been a priority acquisition by the town, the County and the State for many years.

LEG. ALDEN:
But my point is -- well, there's a bunch of points here. For the possibility of having four houses built on this parcel doesn't seem to be overtaxing as far as any natural resources and things of that nature. The other point would be how much property is now publicly owned in Montauk, in and around this -- not adjacent to it, obviously, but in Montauk?

COMMISSIONER MEEK-GALLAGHER:
I don't know off the top of my how many hundreds of acres there are.

LEG. ALDEN:
That's an important consideration. If we're going to spend $6 million of taxpayers' money to preserve more open space, if 75 or 80% of Montauk is already preserved in an open space forum or format, then I really question the wisdom of spending this kind of money to buy another piece to add to the 75 or 80% of open space that's already preserved out there.

COMMISSIONER MEEK-GALLAGHER:
Well, we feel this is a very significant parcel from an environmental perspective. We also feel that adding that amount of ocean-front access for public use is very valuable given the limited amount of ocean-front access that there is for the number of people that are here and that come out to visit. And there would be some significant environmental impacts were there allowed to be, say, four kingdom lots developed because of the slopes, the grading, everything that would have to go into developing those houses. So we feel it's important to preserve this property.

LEG. ALDEN:
You just mentioned that an environmental impact and access to the ocean, and I'll take the easy one first. How many miles of ocean do we have -- do people have access to? Or even you can use the yardage or feet or whatever in Montauk.

COMMISSIONER MEEK-GALLAGHER:
I wouldn't know that figure off the top of my head either.

LEG. ALDEN:
A lot; I can answer it sort of, a lot. But then the second one --

LEG. SCHNEIDERMAN:
Well, no, there's no private ocean-front. In Montauk, the beaches are accessible, all of them.

LEG. ALDEN:
All the beaches are accessible.

LEG. SCHNEIDERMAN:
Right, but the areas behind the beach is not --

D.P.O. VILORIA-FISHER:
Okay. Legislator Schneiderman, I'm sorry, Legislator Alden has the floor.

LEG. SCHNEIDERMAN:
I'm just trying to answer the questions. It's truce biblical, right, it's a public law? The beaches is New York State, but behind it is private property.

P.O. LINDSAY:
Come on. Legislator Schneiderman, you don't have the floor.

LEG. SCHNEIDERMAN:
I'm trying to answer the question.

LEG. ALDEN:
Well, the point was we have a lot of access to beaches, so we're not adding anything here. But the environmental impact of building four houses on this property would be devastating to the whole area of Montauk?

COMMISSIONER MEEK-GALLAGHER:
No, not devastating to the whole area of Montauk, or I'm not even saying devastating but I'm saying there would be significant environmental impacts because you do have to go in, things have to be graded, soil and vegetation has to be removed, surfaces have to be paved over. Those types of impacts take a toll and this is a --

LEG. ALDEN:
And that's where the towns protect the property through their zoning laws and they're the ones that issue the building permits. So the town is the one that can actually protect it.

COMMISSIONER MEEK-GALLAGHER:
I would have to, you know, defer to the town to respond. But in general, what is required to meet all the other codes and be co-compliant does still require grading, paving, etcetera and so forth that would negatively impact the environment here.

LEG. ALDEN:

Okay. And I don't know if you heard the first question, and Legislator Schneiderman tried to answer it; do you know how much public land we have in Montauk now?

COMMISSIONER MEEK-GALLAGHER:
Again, I don't know how many -- it's hundreds of acres, I don't know how many hundreds of acres off the top of my head.

LEG. ALDEN:
They were preserved.

COMMISSIONER MEEK-GALLAGHER:
Yes.

LEG. ALDEN:
By the --

COMMISSIONER MEEK-GALLAGHER:
Between the County --

LEG. ALDEN:
The State and the town.

COMMISSIONER MEEK-GALLAGHER:
-- the State and the town, and The Nature Conservancy.

LEG. ALDEN:
You don't have that number for us, though?

COMMISSIONER MEEK-GALLAGHER:
No.

LEG. ALDEN:
Okay. All right. Thanks.

D.P.O. VILORIA-FISHER:
Okay. Presiding Officer?
P.O. LINDSAY:
I usually vote for all of these, but this one I'm thinking maybe we should back off a little bit.

Before, Legislator Beedenbender talked about the potential problem of us selling bonds on the 28th and the financial crisis, how it's going to flesh out. And we went forward with that project over his objections, it was a million dollars for multiple communities to go forward with beautification projects. Here we're talking about spending $6 million. And you know, the real big winner in this, I think, would be Mr. Cavett because he literally protects all his property, it just becomes parkland and he can be assured it will never be built on. And I have some serious concerns about moving forward with this at this point and I'm going to make a motion to table.

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

COMMISSIONER MEEK-GALLAGHER:
If I might, through the Chair?

D.P.O. VILORIA-FISHER:
Let me just complete that -- there's a motion to table. Is there a second?

LEG. GREGORY:
Second.

LEG. BARRAGA:
Second.

LEG. NOWICK:
I'll second.

D.P.O. VILORIA-FISHER:
Seconded by -- whoa; Legislator Gregory I believe is the first person I heard on that. So there's a motion to table and a second. Let me just go to the next Legislator who's waiting on the list and if there's a question, you know, he'll direct it to you, Carrie.

COMMISSIONER MEEK-GALLAGHER:
Okay.

LEG. MONTANO:
Put me on the list, please.

D.P.O. VILORIA-FISHER:
Legislator Barraga.

LEG. BARRAGA:
Certainly, as you take a look at these different bond issues, I usually vote against all of them. Not because I have strong negative feelings with reference to the environment, it's just that right now in this County, this State and this nation, we face some very, very serious fiscal problems. And to try to deal with that in a budget for Suffolk County and at the same time continue as if they're all separate issues, continuing to spend money like this -- in this case, $18 million -- of taxpayers' money that nobody really has. The State doesn't have six million, the County doesn't have six million. I mean, I'm not familiar with East Hampton, but I don't know where they get the six million, maybe they have a special fund out there, but I thought I read in the papers where somehow the Town Supervisor was raising the taxes in that town close to 20%.

COMMISSIONER MEEK-GALLAGHER:
If I might respond. All of these --

LEG. BARRAGA:
No, you may not.

COMMISSIONER MEEK-GALLAGHER:
Okay.

LEG. BARRAGA:
Okay? In fact, I'm a bit surprised that the administration would still have Commissioners in here promoting these kinds of programs. This is, you know, a tough decision for most people. I would like to see this particular proposal tabled for a year or two and let's get some visibility in terms of where we're going in this County, in this State before we start expending monies like this; monies we really don't have. And, you know, I'm sitting here as an individual worrying about the Foley Nursing Home. You know, it's a question of priorities.

This thing should be tabled immediately. And let's back away from all of this bonding.

D.P.O. VILORIA-FISHER:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. I had some of the same questions during the committee process that are being raised today, especially what Legislator Alden points out, that this property would only yield four residences under current zoning. But I do agree with the Commissioner that it's more than just the four residences, it's also the impacts of putting those residences onto this property. But I did have reservation about the property. I wanted to ask a question of the Commissioner; would the funding source for this property be the Quarter Cent that is bonded?

COMMISSIONER MEEK-GALLAGHER:
Yes, it would. And similar East Hampton funds are coming from their CPF and the State has a dedicated funding source for this. So we are leveraging, you know, $12 million of non-County funding for this acquisition.

LEG. D'AMARO:
Now, that -- that is the Quarter Cent that was approved by referendum; is that correct?

COMMISSIONER MEEK-GALLAGHER:
Yes, just about a year ago.

LEG. D'AMARO:
I just want to point out to my colleagues that there's a difference between some of the bills we've considered in the past where the debt service would be coming from the Operating Budget whereas the debt service and the principal here would be coming from the Quarter Penny that's dedicated for precisely that use. Although I had serious reservation about going forward with this purchase for the same reasons, you know, the economic downturn and all of that, I felt that this was a separate funding source that's not directly going to impact the Operating Budget and that the voters had approved by referendum. It also gives us an opportunity to get a thousand feet; is that correct, a thousand feet of shoreline?

COMMISSIONER MEEK-GALLAGHER:
Yes.

LEG. D'AMARO:
So those were the primary reasons that I relied on in putting my vote over the top to vote to support this. It is not going to be debt service out of the Operating Budget, it's from the Quarter Cent Sales Tax.

D.P.O. VILORIA-FISHER:
Okay. Thank you, Legislator D'Amaro. Legislator Nowick -- Schneiderman, I'm sorry.

LEG. SCHNEIDERMAN:
The first thing I was going to say Legislator D'Amaro just covered in terms of the dedicated funding source. There's a significant amount of State money involved here, if this gets held up we may no longer be able to hold on to that State money; that is a concern.

This is probably the highest-scoring property I've ever seen, it was off-the-charts. From an environmental standpoint, it's probably one of the most important properties we've ever endeavored to purchase. If we believe in, you know, protecting properties of high ecological value, habitat value, they don't get more important than this one. So I would just urge my colleagues to move forward in really a tripartite acquisition. This is the town, the County, the State, we've been working together and I'd like us to hold up our end of the deal here and move forward with this. And it certainly adjoins significant County holdings and that's always been one of the, I think, main considerations is to expanding these large blocks of woodlands. So again, I just ask for your support.

D.P.O. VILORIA-FISHER:

Legislator Nowick.

LEG. NOWICK:
You know, look, in the best of all worlds, it would be wonderful if the economy was good and if we could be purchasing this wonderful, beautiful piece of property. But I think at this point it's very telling, the property was on the market for $30 million and the price has been dropped to $18 million which shows the economy that we do have. And I agree with Legislator Barraga, these are all beautiful pieces of property and what, of course, the County would want.
One of my concerns, though, is I'm hearing all over that the State is calling back its representatives after the election because they're in such a fiscal crisis. I'm not so sure the State's going to anti up $6 million because I'm hearing they're taking away State aid from schools and all possible varieties of things.

So I think that if we table it, I don't think this property is going anywhere immediately, as evidenced by the drop in price by more than 50%. If we table it, maybe the economy will take a shift and maybe there will be a time that we can purchase this property. But in times right now that we're worrying about a HEAP Program and heating people's homes and doing other very valuable things that have to be done for more -- for the poor and the indigent, I think that we have to set our priorities in order.

D.P.O. VILORIA-FISHER:
Commissioner, I have a question before we go to the next person on the list. Is there a dedicated fund on the State level for this as well?

COMMISSIONER MEEK-GALLAGHER:
Yes, and I've been in close contact over the past week with the head of State Parks, you know, to make sure that that funding source and that $6 million is still going to be there.

D.P.O. VILORIA-FISHER:
What is the funding source?

COMMISSIONER MEEK-GALLAGHER:
I don't recall. I know it was a Parks Department fund that was specifically set aside for these high -- you know, State priority acquisitions in various areas.

D.P.O. VILORIA-FISHER:
But with the cuts that the Governor is telling us about and the shortfalls, you know, billions of dollars.

COMMISSIONER MEEK-GALLAGHER:
Right.

D.P.O. VILORIA-FISHER:
Can those funds be rated?

COMMISSIONER MEEK-GALLAGHER:
I --

LEG. BARRAGA:
The answer is yes.

MS. LINDBERG:
Yes, the funds have been allocated.

LEG. BARRAGA:
The answer is yes.

D.P.O. VILORIA-FISHER:
The funds -- okay. Legislator Barraga --
COMMISSIONER MEEK-GALLAGHER:
They've been allocated but they could be rated, right?

LEG. BARRAGA:
Because we've rated them.

MS. LINDBERG:
They're not going to be rated, no. They are allocated for this acquisition.

COMMISSIONER MEEK-GALLAGHER:
Right. But -- yeah, I don't think it's the same thing as, say, the CPF or our Quarter Percent Drinking Water Protection Fund which cannot be rated for other uses. It is probably a -- I would have to check on that. But I know that I had been calling him because we wanted to make sure that the funds were still going to be available.

If I might also just clarify one point made by Legislator Nowick. We actually -- the property was on the market for $30 million, but only for a short period of time. There were interested buyers -- well, I mean only a short period of time before ETRB approved a value of $20 million for the parcel and the Cavetts were willing to accept or take $18 million as a bargain sale for the parcel. So it's -- just to clarify, it's not that it drops in price. We, of course, go by what's ETRB approved value, we can offer less, we can't offer more.

D.P.O. VILORIA-FISHER:
Okay, thank you. Legislator Alden.

LEG. ALDEN:
The first thing is I'm not so sure about our funding stream. If we're going to rely on sales tax and sales tax staying at its current level, that's making a huge assumption that we don't slip into a recession or even more of a recession than we're feeling out here in Suffolk County.

The second thing is that if we put this to a vote again to the people, I'm not so sure that the people would side with let's spend a half of billion dollars for the next 30 years of our tax dollars to acquire parcels like an $18 million parcel out in Montauk.

And then another point to be made -- and it's interesting because I went to the presentation down at Dowling Institute and they seem to think that we might need sewers here in Suffolk County, maybe equally as much as we need open space preservation. So that would be an interesting vote to see if that was put to the people now, too, if some of that money or more of that allocation would go towards purchasing sewering to protect our drinking water, because I think only about 30% of Suffolk County is sewered whereas in Nassau County they're up around 75, 80, maybe even 85%. If that proposition went to the people, I think they might want to reallocate the money that we've gone out and gotten them to agree for the next 30 years to spend their tax dollars for us to go out there and pay off bonds to buy this open space.

Plus, what we're hearing, the next time we go to market, I'm not so sure we can even afford what we end up getting on the market for paying for this open because it's a 30-year commitment beyond the day of purchasing the property. So that might eat up a lot more than we anticipated as far as that Quarter Cent of sales tax money.

I would just be very, very cautionary on these type of large purchases in an area where a majority of the property -- and I can safely say that even though we don't have a true number -- a majority of the property in Montauk is publicly owned. And to make the arguement that we need more public ownership of property out there at this kind of a price, I think it -- you know, going back to my

constituents, I might get hung.

D.P.O. VILORIA-FISHER:
Legislator Montano.

LEG. MONTANO:
Thank you. Gail, I just wanted to get some clarification with respect to the Quarter Percent Sales Tax revenue. It's my understanding that if we go out and we expend monies based on what we anticipate we're going to receive on the Quarter Percent and we bond this and we don't receive and our revenues go down, does it not have to be repaid and would that not come out of the Operating Budget if we fell short on our projections? I mean, I thought there was correlation between the Operating Budget and the Quarter Percent if, in fact, the amount of money that we received was not what we anticipated and we bonded more than we should based on the economy. I just want you to clarify that. That was my understanding when we had this debate, to approve the Quarter Percent Sales Tax.

MS. VIZZINI:
The monies that would be paying for this are the previously-authorized 32 million that we borrowed based on our projections regarding sales tax revenue which was projected, you know, conservatively then using about a 3%, but we are constantly required to renew those projections. So I think what you're asking is really a legal question.

LEG. MONTANO:
No, I'm not asking a legal question, I'm asking a budgetary question.

MS. VIZZINI:
Right. This --

LEG. MONTANO:
If, in fact, we do not receive -- I just want to be clear on this. If, in fact, we do not receive the amount of money that we anticipate or that we estimate on the Quarter Percent Sales Tax, then any amount that's owed after we bond would have to come out of or be made up from the Operating Budget. It has nothing to do with legality, it has to do with dollars and cents. So, you know, the answer is a yes or a no; would we not have to go back in the Operating Budget and make up the difference? Because we're -- the legal obligation is already there, so I'm not talking about the legality, I'm talking about the budgetary aspect.

D.P.O. VILORIA-FISHER:
Legislator D'Amaro, do you have an answer for that?

LEG. MONTANO:
Well, the answer --

D.P.O. VILORIA-FISHER:
Would you mind, Legislator Montano?

LEG. MONTANO:
Yeah, if you want to answer -- if you know the answer. I don't want to get into a debate, but if you know the answer, it's a simple question.

LEG. D'AMARO:
No, I think it's an important question. I just wanted to add, maybe ask it another way.

LEG. MONTANO:
Go ahead.

LEG. D'AMARO:
I think it's a very important question.

LEG. MONTANO:
Go ahead, I'll yield.

LEG. D'AMARO:
Is it possible to bond, under this Quarter Cent Program, more than the actual sales tax revenue that comes in for the bonding; is that a possibility?

MR. LIPP:
Okay. Technically --

LEG. MONTANO:
If I may, I believe that it is.

MR. LIPP:
Technically, if the money didn't come in, we would have that obligation. However --

LEG. MONTANO:
Exactly.

MR. LIPP:
However, that being said, the projections in terms of how much sales tax revenue would maximally be allocated is only 80% of that projected amount. So therefore, it's highly unlikely that we would bump up against that technical, legal constraint.

LEG. MONTANO:
Right. But that's the justification to approve or not approve the bill, but that doesn't speak to the issue of whether or not we receive sufficient money. And if we don't, it would impact on the Operating Budget, and these are projections that we don't really know whether or not are going to come through, so whether it's 80% or 90%. The point I'm making, the simple point I'm making is that to say that it has no affect or no potential affect on the Operating Budget is not accurate, that's the point I'm making. And I don't know that you're going to dispute that, or are you?

MR. LIPP:
The likelihood is slim that we would bump against that constraint.

LEG. MONTANO:
We're not dealing -- right, I understand that. I don't want to deal with the likelihood of this or the likelihood of that. My point simply is I just want to debunk the notion that it has no impact or no potential impact on the Operating Budget, and that's really a simple yes or no. All right, I think we've exhausted that. That basically was the point I wanted to make.

D.P.O. VILORIA-FISHER:
Thank you. Legislator Kennedy; is he gone? Ooops.

LEG. D'AMARO:
Vivian, could I just respond to that.

D.P.O. VILORIA-FISHER:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you. I did make the point before that I am concerned about the bonding and I am concerned about prioritizing things. But later on today we're going to consider a couple of CN's in terms of

road projects and they represent very large projects and very large expenditures of money; the type of things that I would normally say we should take a look at, but those two road projects that we'll consider later are 95% funded by the government. And this is an $18 million project and normally I would consider this -- you know, we have to look at this and whether there's a priority. But I think it is important to include in this that we've, for the past year, you know -- well, for the past several months and even the years before that, we've been trying to encourage partnerships as much as possible. So I think we do have to prioritize and we do have to be very sensitive to what we're going to be able to sell on the market, what we're going to be able to bear the cost of through our Operating Budget, through our other funds and things of that nature.

However, I think the overriding factors that will lead me to support this particular resolution are that there's a three-way partnership, so we are not going it alone. I believe the rating, if I I'm correct, I heard like 95 or some ridiculous number like that?

COMMISSIONER MEEK-GALLAGHER:
Well, actually this was a Master List parcel, so it didn't get a separate rating.

LEG. BEEDENBENDER:
Right, but they speculated in committee.

COMMISSIONER MEEK-GALLAGHER:
But the estimated -- the speculated, yeah, that the rating would be somewhere close to a 95 or maybe even as high as a 98.

LEG. BEEDENBENDER:
Ninety-five out of a hundred, right. So given the fact that that's exceptionally high, and just for the whole Legislature's, you know, information, at committee we did consider another property, I think it was actually in the same area. It was a conservation easement and we had a concern about it creating an estate for somebody and we tabled that one because we were concerned that we were having the problem now.

I know this is -- you know, the last thing I want to make the point of is beyond the fact that it's a very high rating, beyond the fact that there's a partnership, it is located next to one of the other largest holdings that the County, the Town and the State got together on. So I am the first one to say we should be prioritizing and there will be certainly things I think that we will not be able to do going forward and there will be things that many of us want to do. But considering that -- you know, I think if we're going to prioritize things, this is exactly the type of thing that would rise to the top of the list. So I would just submit that to my colleagues.

D.P.O. VILORIA-FISHER:
Okay, hopefully we're coming close to wrapping it up. Legislator Kennedy and then Legislator Alden.

LEG. KENNEDY:
Thank you, Madam Chair. My questions for this go to -- and this may have been answered already. The visual that I'm looking at shows what appears to me to just be very densely wooded property, from the road all the way down to the ocean. Is this something where we would, if we were to purchase, have some kind of parking facilities cut in it? Are we going to have a trail for access down to the ocean cut into it? What kind of use will County residents from, you know, Nesconset or Amityville or any place be able to make of a parcel like this?

COMMISSIONER MEEK-GALLAGHER:
It would be -- the plans are to add it to the Amsterdam Beach Parkland next door, directly adjacent to this holding. So it will have -- there will be public access for all those types of activities.

LEG. KENNEDY:
Is that the orange piece?

COMMISSIONER MEEK-GALLAGHER:
Yes, the orange piece.

LEG. KENNEDY:
And there's parking, off-street parking in that section there?

COMMISSIONER MEEK-GALLAGHER:
There will be parking created for this new acquisition.

LEG. KENNEDY:
Let me ask the question one more time, then. You're telling me that the parking for the red piece is going to be accommodated with the orange piece. Is there parking in the orange piece, is there a path to get to the ocean?

COMMISSIONER MEEK-GALLAGHER:
Apparently the plan is to add new parking as a result of this acquisition, but I don't have the exact details of that.

LEG. KENNEDY:
Do we have a motion to table this?

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

LEG. LOSQUADRO:
Yes, there's one on the table.

LEG. KENNEDY:
Okay, good. I want to cosponsor that motion. Thank you.

D.P.O. VILORIA-FISHER:
Okay. Legislator Alden, and I hope that after that we will have the vote.

LEG. KENNEDY:
Why not?

D.P.O. VILORIA-FISHER:
Legislator Alden.

LEG. ALDEN:
Are there any numbers as far as how many people are using the parcel that's located next door to this?

COMMISSIONER MEEK-GALLAGHER:
Amsterdam Beach? No, I don't have those figures.

LEG. ALDEN:
All right. And just to point out something that was brought up by Budget Review. If you go by probabilities, and you have to watch out because the condition we're in right now in the whole world as far as a meltdown of our economics and mainly our financial situation, we're slim to none. And the probability of the United States slipping into a major economic recession like we've already gone into were slim to none. So when you project that your sales tax for the next 30 years has to come in at a certain number, with a 20% variance as far as a cushion, so to speak, you better be very, very careful. Because the last depression that the United States went into lasted for a very long time, more than 20 years, and it got worse and worse and worse and worse. And sales tax, if that

happens to us, sales tax can go through -- there's no floor for it.

LEG. MONTANO:
That's right.

LEG. ALDEN:
And if it keeps going just like it's going right now, the people in Suffolk County are suffering immensely right now and they're not buying much of anything, because high energy costs and they're coming into a winter where they're going to have high heating costs. The food cost has gone up almost immeasurably, even though we're lied to as far as that economic indicator. People are suffering right now. And if we think that we're going to predicate these kind of purchases on a revenue stream now for the next 30 years, we better rethink that.

COMMISSIONER MEEK-GALLAGHER:
Well, I'm sure we all hope that that doesn't happen.

LEG. ALDEN:
Pray, I pray that it doesn't happen.

D.P.O. VILORIA-FISHER:
Okay. There is a motion to table and a second.

P.O. LINDSAY:
Could I just, on the motion?

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

P.O. LINDSAY:
Just the last word. I started this by making a motion to table for one cycle, to see where we are next month because of the situation with us selling bonds at the end of the month, us putting together the budget and the size of the parcel, not to kill it or to -- you know, I just want to take a deep breath and see where we are this time next month. That was the purpose of my motion. It might not be the purpose of some of the other people that are supporting it, but that was my purpose, all right? So with that, call the vote.

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

LEG. SCHNEIDERMAN:
Roll call.

D.P.O. VILORIA-FISHER:
-- asking Budget Review a question about that, we have heard about the -- Mr. Tortora came and talked to us about bonds. Do we anticipate the same kind of problem with the bonding of the monies based on the Quarter Percent Program? Are we anticipating problems with the sale of those bonds? I know that he was speaking primarily about the --

P.O. LINDSAY:
Tax stabilization. No, the --

D.P.O. VILORIA-FISHER:
The Tax Anticipation Notes, the DTANs.

P.O. LINDSAY:
Right.

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

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

MS. VIZZINI:
I think the short-term borrowing is more vulnerable because of the absence of cash in the marketplace, which is --

D.P.O. VILORIA-FISHER:
Those D-TANs.

MS. VIZZINI:
And the D-TANs and the TANs.

D.P.O. VILORIA-FISHER:
And the other short -- okay.

MS. VIZZINI:
Yes. We are also growing for the long term. I think it's 88 million, or somewhere in that vicinity, which would include the land borrowing. The market for long-term municipal is a little more attractive.

D.P.O. VILORIA-FISHER:
Okay. And this would be long-term, you're saying?

MS. VIZZINI:
Yes.

D.P.O. VILORIA-FISHER:
Okay. Because the problem with California is also with the short-term borrowing.

MS. VIZZINI:
They have a cash flow problem, much like many municipalities. It really -- the worst case scenario is the short term. There's actually some newsletters that would indicate that people are actually looking for long-term municipal. But, again, the market is so volatile, it's really hard to say.

D.P.O. VILORIA-FISHER:
Okay. We have a motion and a --

LEG. D'AMARO:
Could I ask one more -- could I ask a question?

D.P.O. VILORIA-FISHER:
Yes, Legislator D'Amaro.

LEG. D'AMARO:
Just to BRO to follow-up on that. What would sales tax have to go to in order for this to -- if we went ahead with it, for it to impact the Operating Budget? We're not talking about the growth in sales tax, we're talking about actual -- a quarter of one percent of whatever sales tax we collect. So we can only bond the amount that we actually are collecting. If there's a possibility, and I agree, there probably is a possibility that you could overestimate and bond against a revenue stream that doesn't materialize, but that's a very minimal possibility. But, in order to make that a reality, what

would sales tax have to go to?

MS. VIZZINI:
You know, to give you an answer, we'd have to do some calculations. In the -- the big picture is, if there are severe problems, it would usually impact the General Fund. The General Fund would bail out any severe problem. But both Budget Offices are extremely conservative in their projections and their budgeting of the sales tax, and the revenue is so far out that even with the borrowing we're being very measured in terms of the borrowing. We're certainly not borrowing at full capacity, and, you know, we're talking about, this is -- 32 million of the total long-term borrowing is for the land.

LEG. D'AMARO:
Okay.

D.P.O. VILORIA-FISHER:
Okay. And that factor, I think, becomes a smaller percentage, because it's quarter percent, but then of that quarter percent, only a percentage is going to land acquisition.

LEG. D'AMARO:
Correct.

D.P.O. VILORIA-FISHER:
So that's an even smaller factor.

LEG. D'AMARO:
Right. Balancing that against the fact that the property is available now, probably at the right price --

LEG. MONTANO:
If I may, Vivian.

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

LEG. D'AMARO:
-- and for all the reasons we talked about.

D.P.O. VILORIA-FISHER:
Right. Okay. You're on the lift, Legislator Montano. And was there another hand?

LEG. HORSLEY:
Yeah.

D.P.O. VILORIA-FISHER:
I'm sorry, Legislator Horsley. Legislator Montano.

LEG. MONTANO:
Yeah. I just -- Legislator D'Amaro, just so I'm clear, my understanding is that prior to the recent passage of the extension of the Quarter Percent, it was more in the nature of a pay-as-you-go. In other words, we spent the money that we had. Now what we're doing is we're bonding out based on anticipated revenues. Each individual purchase may not reach the point where we're in trouble, but when you aggregate all of these bonds that we're going to approve, then, if the economy goes bad, which it has every indication that it is, and we don't receive the same amount or what we project under the Quarter Percent, then we're going to have to supplement that amount by the Operating Budget. That's my understanding. So, the difference here is that we're actually bonding out these purchases where I thought under the old program it was sort of a pay-as-you-go; am I accurate in that?

MR. LIPP:
In general, the old program was pay-as-you-go. There were some minor exceptions, but, in general, it was.

LEG. MONTANO:
Right.

MR. LIPP:
And now we plan to pay up front, but --

LEG. MONTANO:
So, my point is, then, if we over-bond based on what we anticipate, the Quarter Percent may not, and I'm not saying that it's going to, but it may not be sufficient to meet our financial obligations and if -- under the Quarter Percent, and then we would have to dip into the Operating at some point in the future.

MR. LIPP:
That's not likely. It's possible, but not likely.

LEG. MONTANO:
It's not like -- your opinion is it's not likely, my opinion is it's possible. But the reality is that exists as a real possibility; am I correct on that?

LEG. D'AMARO:
Well --

LEG. MONTANO:
I mean, I'm not going to argue with the likelihood. You know, last year my brokers were telling me it wasn't likely that the real estate market was going to crash either, and they're not singing that song right now.

MR. LIPP:
We're dedicating a maximum of 80%.

LEG. MONTANO:
I understand that.

MR. LIPP:
And we're projecting a 3% annual increase, if it was -- it would have to go down by negative growth of 20% in order to --

LEG. MONTANO:
But we're not hitting that 3% now.
MR. LIPP:
-- bump up against that.

LEG. MONTANO:
We're not hitting the 3% now.

LEG. ALDEN:
That's not the right number.

LEG. MONTANO:
Well, hold on.

MR. LIPP:
But my point is --

LEG. MONTANO:
I'll yield to Legislator Alden on this.

LEG. ALDEN:
It doesn't have to go back into negative territory by 20%. If we don't reach 3% growth over the average -- for the next 30 years, we've got a major problem.

LEG. MONTANO:
Right. Did we extend it for 30 years?

MR. LIPP:
But we're only going to dedicate a maximum of 80% with that 3% growth.

LEG. ALDEN:
Predicated on 3% growth per year for 30 years.

MR. LIPP:
Correct.

LEG. ALDEN:
If we go -- if we go flat-line for a number of those years, we've got a major problem, especially if we go flat-line now, not in the future, we've got a problem. It doesn't have to go negative.

D.P.O. VILORIA-FISHER:
Okay. There was another --

LEG. HORSLEY:
Me.

D.P.O. VILORIA-FISHER:
Okay. Legislator Montano, are you finished?

LEG. MONTANO:
Yes, I am.

D.P.O. VILORIA-FISHER:
Legislator Horsley.

LEG. HORSLEY:
Just a quick question on the contract itself. What is -- what happens if the contract is put off for a month, if there's a -- you know, if there is a non-signing at this point, you know, what is the repercussions?

COMMISSIONER MEEK-GALLAGHER:
There is a -- if the contract -- if we don't go to closing by December 31st, Cavett could --

LEG. HORSLEY:
December 31st, that's the date?

COMMISSIONER MEEK-GALLAGHER:
Yes, of this year. Cavett can walk away and put it back on the market. So we do have some concern over the timeliness. And, like I said, while it seems odd in this time and to us sitting around

this horseshoe, there are actually still willing buyers for that type of market on the East End, because it's so rare that you have 76 vacant acres available, and for people who can afford kingdom lots, which there are still many people.

LEG. HORSLEY:
Okay. I don't doubt that there's still people that have money out there, that I don't question. But my question is, if this was put off for one cycle, what are the ramifications to the contract itself.

COMMISSIONER MEEK-GALLAGHER:
Right. So there's two potential ramifications. One is that the State -- that the State money could evaporate. There is a fear that it is -- which is why I don't believe it is the same type of dedicated funding source. While we have been assured it's been allocated and allocated for awhile for this acquisition, there is some fear that that money could evaporate, which means the partnership falls apart and it's unlikely we'd be able to build that partnership again and get this property at the price that we're getting it at.

And the second is that it takes awhile from the time that the authorizing resolution is passed to actually go to closing. It's usually still a -- I mean, we can try to expedite, but it's still usually a two-to-four month process, you know, final steps that have to be taken. So we wouldn't want to jeopardize actually being able to close by the end of the year and have Cavett walk away from the deal.

So those are the two things that we're worried about in terms of timeliness, while obviously being very sensitive to what's going on in the economic climate right now.

LEG. HORSLEY:
Okay. So what you're saying, basically, then, is that he could walk away, but if the deal is progressing, it's moving towards finality, more than likely, this is a pretty good deal, that it's going to actually close. However, what may happen is the State could go either way.

COMMISSIONER MEEK-GALLAGHER:
Right.

LEG. HORSLEY:
And they could go either way, either way. If Mr. Barraga is correct, I mean, they could walk away from this tomorrow.

COMMISSIONER MEEK-GALLAGHER:
No, but I was assured that --

LEG. HORSLEY:
Or after the election, when --

COMMISSIONER MEEK-GALLAGHER:
Right. I was assured that --

LEG. HORSLEY:
-- all hell breaks loose.

COMMISSIONER MEEK-GALLAGHER:
If the resolution passed today, then the money's there, because we'll be closing by the end of the year. If the closing is pushed off after the end of the year, there's some concern that the money may not be available or Cavett may walk away, so --

LEG. HORSLEY:

Okay. Thank you.

COMMISSIONER MEEK-GALLAGHER:
And I know that your next cycle is only dealing with the Operating Budget, so the next time this could be considered would be November 18th.

LEG. HORSLEY:
Thank you.

D.P.O. VILORIA-FISHER:
Okay. There is a motion and a second to table.

LEG. SCHNEIDERMAN:
Roll call.

D.P.O. VILORIA-FISHER:
Roll call.

LEG. SCHNEIDERMAN:
Roll call, please.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
No.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. MONTANO:
I couldn't hear.

LEG. HORSLEY:
Pass.

LEG. MONTANO:
What was that vote?

MR. LAUBE:
Stern's vote was a no. Horsley?

LEG. HORSLEY:
Pass.

LEG. NOWICK:
Yes to table.

LEG. KENNEDY:
Yes to table.

LEG. BARRAGA:
Yes to table.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
No to table.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No to table.

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

LEG. HORSLEY:
No to table.

MR. LAUBE:
Eight.

LEG. ALDEN:
Mr. Cavett's very happy. There's a smile on his face.

D.P.O. VILORIA-FISHER:
There's a motion and a second to approve. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:

Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
No.

MR. LAUBE:
Twelve.

P.O. LINDSAY:
Okay. I'm going to take over.

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

P.O. LINDSAY:
Okay. I'm going to try and do a few more resolutions and see if we can get through the Environment. And we have Mr. Like here who wants to talk to us about our pending litigation, so

I'm going to try and do that at 12:15 before we break.

1875 - Adopting a Memorandum of Understanding between Nassau County and Suffolk County relating to the Long Island Regional Planning Council. Do I have a motion?

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro, seconded by Legislator Eddington. Any discussion?

LEG. MONTANO:
Just a brief explanation.

P.O. LINDSAY:
Okay, explanation. Counsel, do you want to do that?

LEG. MONTANO:
What does the Memorandum of Understanding say?

MR. NOLAN:
It's actually a very short Memorandum of Understanding between the two Counties as to how they're going to support the new Regional Planning Council. The key provisions are that each County agrees to provide equal amounts of funding for the Regional Planning Council each year in their budget. It doesn't delineate a number.

LEG. MONTANO:
Doesn't specify? Okay.

MR. NOLAN:
And the other thing is that the two Counties will provide services to the Planning Council as practicable, support staff, office space. Those are the key elements.

LEG. MONTANO:
On an equal basis?

MR. NOLAN:
As to the support services, I forget if it said it had to be equal. The money part has to be equal, but in terms of support services, I do not believe the agreement specified that.

LEG. MONTANO:
Okay. Thank you.

P.O. LINDSAY:
Okay. Any other questions? Seeing none, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. 1876 --

LEG. SCHNEIDERMAN:
Tim, I'm here.

MR. LAUBE:
I got you.

LEG. ROMAINE:
Yeah, he got you.

P.O. LINDSAY:
1876 - Appointing Babylon Town Supervisor Steve Bellone as a member of the Long Island Regional Planning Council.

LEG. HORSLEY:
Motion.

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Seconded by Legislator -- yeah, Gregory. On the motion, Legislator Barraga, and then Alden.

LEG. BARRAGA:
The only question I have, currently, you know, Steve Bellone is the Supervisor of the Town of Babylon, and is it the wisest move on his part to be a member of the Long Island Regional Planning Council in the sense that, you know, that Council, at some point in time, will be taking up probably projections, or projects, or plans having to do with his particular Town. And does it put him in a situation where there could be a conflict of interest? Can he be objective in terms of the input to the Council, being a member? I'm not so sure why he actually has -- he needs this, why he's doing this. It just seems it isn't the wisest move on the part of a Supervisor of a Town to get involved in a Council like this. It would seem to me -- it would seem to me that, you know, he'd be better off staying in his current position, and he is, and then as the Council makes recommendations from that position of being Town Supervisor to make the appropriate evaluation based on their suggestions or recommendations, as opposed to being an actual member of the Council.

P.O. LINDSAY:
Legislator Barraga, if you would give me just an interruption, I think Legislator Losquadro helped reorganize this and maybe he can answer some of those questions, if he'll allow me.

LEG. LOSQUADRO:
Sure. Through the Chair, the resolution actually requires the -- a member of the Supervisors Association to be a part of the Planning Council now. That was something that we changed because we felt it was important to actually bring the stakeholders who were responsible for land use to the table. It was up to the Board of Supervisors -- not the Board of Supervisors, Supervisors Association, excuse me. A little slip from the past there.

D.P.O. VILORIA-FISHER:
Harkening back.

LEG. MONTANO:
Board of Supervisors?

LEG. LOSQUADRO:
The Supervisors Association to decide who they would put up as their representative, and Mr. Bellone was the choice there. But we needed a representative from the Supervisors Association who would speak for those who actually do hold land use powers. And we thought, in reorganizing this a number of years ago, a few years ago when we began this process, that that would be an important component to having that buy-in that the former Regional Planning Board did not have, doing things in a vacuum with the absence of input from the various Towns and their Planning Boards.

LEG. BARRAGA:
No, I understand your point of view.

LEG. MONTANO:
I have a question.

LEG. BARRAGA:
I understand your point of view, but --

LEG. LOSQUADRO:
I don't think your mike's on.

LEG. BARRAGA:
I understand your point of view, but what happens in a situation where Mr. Bellone is sitting there and they're talking about a project that may influence his Town?

LEG. LOSQUADRO:
I'd have to defer to Counsel on that. I assume he'd have to recuse himself.

P.O. LINDSAY:
Someone else have a question?

LEG. MONTANO:
I have a question.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah. I'm looking at the resolution. It calls for a Supervisor and a Mayor of a Village within Suffolk County. Can anyone tell me who -- which Mayor represents or sits on the Board of -- the Regional Planning Board?

P.O. LINDSAY:
I think Counsel --

LEG. MONTANO:
Hasn't been named yet.

P.O. LINDSAY:
I think Counsel has that answer.

MR. NOLAN:
I believe Paul Pontieri was nominated. I believe there's a resolution pending, but he didn't appear at the Committee, so it was tabled there. So there is no representative of Villages yet.

LEG. MONTANO:
Okay.

P.O. LINDSAY:
Any other -- Legislator D'Amaro?

LEG. D'AMARO:
Yeah, thank you. I just want to point out that, you know, as elected officials, we sit on other Boards all the time, and there's always a potential for conflict. And I think it's good that we talk about it and raise it, and, certainly, I would rely on the Supervisor to recuse in the event that there's a conflict, and I'm confident that he would. But I also want to say, whether the law or the statute requires a Supervisor or not, I think it's the right direction. I think we need to have that perspective on this particular Planning Council, someone who lives this day-to-day, is aware of every side of the issues that come up in regional planning and how it impacts various Towns, and I can think of no better candidate.

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

LEG. SCHNEIDERMAN:
Tim, I'm in.

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

P.O. LINDSAY:
And I'll do this last one. We should be able to do without any discussion, I hope.

1878 - Appointing Grant Hendricks as a Member of the Long Island Regional Planning Council.

LEG. LOSQUADRO:
Motion to approve, Mr. Chairman.

P.O. LINDSAY:
And I'll second it. He did appear at the Committee meeting, it is my understanding, and there was no questions of him. Where is Legislator Schneiderman?

LEG. SCHNEIDERMAN:
I'm here.

P.O. LINDSAY:
He could verify that. Could you verify that Mr. Hendricks did appear?

LEG. BARRAGA:
Yes. I was there.

LEG. SCHNEIDERMAN:
Yes, he did, Grant Hendricks.

P.O. LINDSAY:
Okay. So we have -- we have a motion and a second, Mr. Clerk?

MR. LAUBE:

Yes, you do.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
We got through the Environment. That's amazing. What I'm going to do now is I'm going to call for -- make a motion to have an Executive Session to discuss the LIPA litigation. Mr. Like is in the audience to brief us. It shouldn't take that long. You'll be out for your normal -- Legislator D'Amaro?

LEG. D'AMARO:
Yeah. Just, please, note my recusal on the record, pursuant to my previously filed recusal statement.

P.O. LINDSAY:
Okay.

LEG. D'AMARO:
Thank you.

P.O. LINDSAY:
Thank you very much. Do I have a second?

LEG. STERN:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. If we could -- I'm going to keep Counsel. I think we just need Counsel and the County Attorney's Office as well. Everybody else, if you'd please leave the room. Thank you.

[EXECUTIVE SESSION WAS HELD FROM 12:14 TO 12:34]

P.O. LINDSAY:
All right. We're back on the record. I want to make a motion to recess for lunch.

LEG. NOWICK:
Second.

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

MR. LAUBE:
Twelve.

[THE MEETING WAS RECESSED AT 12:35 P.M. AND RESUMED AT 2:36 P.M.]

P.O. LINDSAY:
Okay. Oh, I apologize for being a little tardy. Do we have any comment cards on the Public Hearings? I don't have them here yet.

LEG. SCHNEIDERMAN:
Are you calling the roll, Bill?

P.O. LINDSAY:
Oh, yeah. Call the roll, please, Mr. Clerk.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Not Present)

LEG. BEEDENBENDER:
(Not Present)

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not Present)

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not Present)

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

P.O. LINDSAY:
Here.

LEG. BROWNING:
Tim.

MR. LAUBE:
Fourteen.

LEG. BROWNING:
Tim.

MR. LAUBE:
Thirteen -- 15.

LEG. BEEDENBENDER:
Tim.

MR. LAUBE:
Gets us to Sixteen. (Not Present at Roll Call: Montano and Cooper)

P.O. LINDSAY:
Okay. The first up is the 2009 Operating Budget hearings, and I have a few cards on people that want to talk about it. First, Christopher DeStio.

MR. DESTIO:
Hello. Once again, I'm sure everybody knows who I am here.

D.P.O. VILORIA-FISHER:
Except we always mispronounce your name.

MR. DESTIO:
My name is Christopher Destio, or De'stio, either way.

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

MR. DESTIO:
I've just got a few things just to say here. When the Nursing Home closes, there's a profound human consequence that elders will lose their home, hardworking caregivers will lose their jobs, and the community loses a valuable healthcare resource forever. What we consider to be normal life is a traumatic experience for others. Add on the adjustment of switching facilities and the change becomes overwhelming to them.

Once again, I'm here on behalf of the John J. Foley Skilled Nursing Facility, and I'm totally outraged that our facility was removed from the Operating Budget.

On page 14 of the recommended budget, it said that seven County nursing homes will close or downsize due to the Berger Commission's recommendation. And it also mentioned the Broome

County Nursing Home. True, it was shut down, but, also, the Commission's --

D.P.O. VILORIA-FISHER:
Chris. Chris, can you lower the volume a little bit?

LEG. SCHNEIDERMAN:
Just move away from the microphone.

MR. DESTIO:
I'm sorry.

LEG. LOSQUADRO:
Just move away from the mike a bit.

D.P.O. VILORIA-FISHER:
That's good.

LEG. ALDEN:
Just move away from the microphone.

MR. DESTIO:
How about that?

LEG. BARRAGA:
That's great.

D.P.O. VILORIA-FISHER:
Much better, thank you.

MR. DESTIO:
I'm sorry, it's the Marine in me, a little loud. And it also mentioned the Broome County Nursing Home. True, it was cut down, but, also, the Commission said it was because it was to make room for a new County-run nursing home, and recommended that it be built -- rebuilt. Just another falsehood being presented to the public here. The nursing home is being built as we speak, a county nursing home.

And here's another nursing home. The Rockland Nursing Home has got approval to build a new 120 million dollar nursing home. Chris Kopf, the Budget Director, says even if the facility does not operate at a break-even point, the County will still fund it as it's done in the past.

Currently, there is 33 County-operated nursing homes in New York State, 33, and all of us here, we are told that the Counties are getting out of the nursing home business. On Page 9 of the recommended budget, it's quoted as saying, "It's been an ongoing struggle to fill the beds at John J. Foley, and the facility has been unable to achieve a 95% capacity level needed to guarantee bed hold, a significant source of revenue to nursing homes." Well, another falsehood here being presented to the public. The 2004 Task Force Committee's ideas were ignored. They're suggesting marketing the building to keep the beds to full capacity. Was it done? No. Was marketing done on a new addition to day care or the P.T. Department? And we all know the answer to that again is no. And where do we stand today? Our bed hold, as we stand today, is 235; that's down 29.

Well, every time you open the paper, like I said before, negative press about our Facility brings negative results. How can we keep our beds full with what's going on? Are we, the staff, responsible for this? Is our current Administrator responsible for this? No. If all the staff members and the Legislators don't look out for our residents at John J. Foley, who else will? They need us to watch out for their well-being, because we don't -- because, if we don't they will just be another number in the County Executive's budget. Then the Budget Review Office said the facility will need

a 9 million dollar subsidy in 2010, and the County Executive says 15 to 18 million dollars. That's about half, so what's the truth here? And my opinion is I swayed and listened to the Budget Review Office.

The American Council of Life Insurers Research finds and says, currently, 55% of those 85 and older require some care, some form of long-term care, and about 19% of all seniors suffer from some degree of chronic impairments. But, by 2050, it's estimated that up to 5.4 million seniors will need services in nursing homes, but those who are currently 65, about 44%, will use a nursing home in some point of their lives.

As the populations grow, as do our elderly, and so do the people stricken down with these diseases, and all of us here are trying to be tricked into believing that we do not need this Nursing Facility, that a private sector can do the same job, where just five miles away, we all heard what happened at the new Medford nursing facility, where four staff members were arrested for abuse, and we're supposed to let our residents into the hands of these people? And we are told it will be okay. Well, it's not okay. How can you pass judgment on the residents of our facility on what kind of care other facilities can give them? And how can you pass judgment on what kind of staffing needs are to be met to meet the needs of our residents there if you have never stepped foot in our facility in the five years you were elected County Executive? Then we are told that the reason we are losing money is because of contractual issues. Our --

P.O. LINDSAY:
Could you wrap it up, Chris, please?

MR. DESTIO:
Yes, sir. All right. Now I'm messed up here. Okay.

P.O. LINDSAY:
Don't get messed up, just take your time and sum up.

MR. DESTIO:
Okay. Okay. Basically, what I would like to say, I would like to thank the nine members of the State Assembly for backing us with their Letter of Delegation. And I applaud Presiding Officer Lindsay and the rest of the Legislators for looking out for the residents of the John J. Foley Nursing Home. Thank you.

(Applause)

P.O. LINDSAY:
Thank you.

MR. DESTIO:
I have -- I've just got some documentation maybe Legislators would like to look at --

P.O. LINDSAY:
That's fine. Thank you.

MR. DESTIO:
-- for the two nursing homes that are being built, and the 33 nursing homes that are in the County. Thank you.

P.O. LINDSAY:
Okay. Brenda Reid.

MS. REID:
Good afternoon, Legislative Body. I thank you for allowing me the opportunity to come and speak

before you. My name is Brenda Reid and I am representing VOICE/CSEA, the Child Care Union.

As you know, our County has lost quite a substantial amount of child care dollars, and I know some of you have been very helpful in helping us to try and track some of these dollars down to try to get some of these dollars back, and we thank you and applaud for you that. But we want to publicly and -- express and voice, and we want to be on record expressing and voicing, our concern regarding these child -- these recent cuts to child care. And we respectfully request your support to help locate funds within the County budget for 2009 to restore, at least to restore the DSS subsidy -- excuse me -- intake process.

As you know, with this current downturn in the economy, it's really not the time to be allowing any type of reductions to child care funding and to access child care by licensed, qualified licensed providers. Families are now being forced to go into illegal day cares. We have footage where a licensed provider caught on her -- on her camera children that were walking in the street unsupervised, unsupervised, because these illegal day care providers were not caring for these children properly. When the provider saw it on her cameras, she ran outside, her and her husband, and took the children out of the street and brought them back into that day care, and those illegal providers did not even know that those children were gone.

It's just not -- it's just really -- just not acceptable. So we're asking you -- and, also, I do want to share with you, in these illegal day cares, there are upwards, and these are homes now, upwards of 20 to 30 children in there. There is no type of educational programming going on in many of these programs, and, in addition, they're sitting and watching television all day, and there's inadequate supervision. You're talking one person with 20 to 30 children in a regular home facility, and that's just not acceptable.

So we are also respectfully requesting your attendance. We are going to have a Town meeting. It's scheduled for October 28th. It will be held at the CSEA building, and it will be at 7 o'clock p.m. We are asking that you -- that you attend that meeting. Currently, we know that meetings are being held for day care, but they're being held during the day. Day care, in-home providers, there's no way they can get out of their programs to come and attend these meetings. That's why we're requesting these evening meeting, and we are going to be asking for your attendance. Your constituents will be calling you and meeting with you individually to ask that you attend, and to help us and to support us with getting Steve Levy and DSS to answer some of the questions that day care providers have, and to provide sound solutions for day care.

We thank those of you who have been very supportive and helpful in helping us to get this agenda out, and to get the ears of DSS and Steve Levy, and we also are requesting that you back this request in the 2009 Suffolk budget.

I do want to leave you with one word. When you reduce day care, we know that that means that it's going to increase the welfare rolls, and that means it's going to cost more to even care for children. And, at this time -- and it's also going to mean poor care for children. So we ask that you consider that and that you consider supporting this, and we thank you very, very much.

P.O. LINDSAY:
Thank you very much. Dot Kerrigan.

MS. REID:
Excuse me. Should I just leave a copy of the flier?

P.O. LINDSAY:
Yes, that would be fine. Thank you.

MS. REID:
Thank you very much, sir.

P.O. LINDSAY:
And following Dot is Cheryl Felice.

MS. KERRIGAN:
Good afternoon. My name is Dot Kerrigan, I live in Ronkonkoma. I'm here to speak about the John J. Foley Facility. A short time after my husband and I -- can you hear me? I'm sorry.

P.O. LINDSAY:
Yeah, you're fine, Dot.

MS. KERRIGAN:
My husband and I bought our first home --

P.O. LINDSAY:
No, no, you're fine. We can hear you fine.

MS. KERRIGAN:
Thank you. A nice young man knocked on our door. He introduced himself and assured us, if we voted for him, he would fight to protect our rights and to make sure Suffolk County remained a great place to live and work. He seemed sincere in his beliefs and was open to the public. That man was Steve Levy, and let me repeat, was Steve Levy. He knocked on my door, and now that I work with him, he won't even answer my phone calls. He will not meet with us, and, to the best of anyone's knowledge, he has never been to the County Nursing Home. So how is it he knows so much about this place?

About two weeks ago, I sat down and worked out some figures that I think Steve Levy might be interested in and I think the public should know. Of course, they do change every time our County Executive publicizes that he's closing the facility, then beds go down. Two weeks ago the residents at John J. Foley totaled 242 in-house, 55 day care registrants, and a staff of 285, a total of two -- 582 persons to be immediately affected by the threatened closure of this facility. If we use the U.S. Census Bureau's most recent figures of approximately three persons per household that -- in Suffolk County, that number jumps to seventeen-hundred-forty-six people. If you include the surrounding businesses and the neighborhoods affected with additional foreclosures, the numbers just keep increasing. Literally, thousands of Suffolk residents will be negatively affected if this closure is allowed to happen.

In the past, the Legislature has cared too much for the future of this population to let that happen, but our current County Executive does not care what anyone else thinks or how they do vote. I have in front of me the U.S. Census Bureau's figures and a comparison of the John J. Foley Census. First, the median household income, according to the U.S. Census Bureau's figures, in Suffolk County is just over 65,000 annually. Eighty-five percent of the John J. Foley staff are a Grade 14 or less, making less than $32,000 a year. Second, 81 -- 87.1% of Suffolk County residents are Caucasian. Only 65% of the John J. Foley staff are Caucasian. Third, 7.8% of Suffolk County residents are black; 35 of John J. Foley staff are black. Fourth, 13% of Suffolk County residents are of Hispanic descent; 17.1% of John J. Foley staff are of Hispanic descent. Of the John J. Foley employees, 82% are women, 31% of those are head of households; 27% are minority women, and of those minority women, 65% are head of households.

I promise you today, these figures are accurate. They're much more accurate than the figures Steve Levy was able to pay for in the HM&M Report. I hope the public was outraged by his distortion of facts and figures, now documented in the recent Budget Review Office's 22-page report. Maybe he should have thought to have our own Budget Review Office analyze John J. Foley before wasting a fortune in taxpayers' money on HM&M and other private companies. Money should be put back into the taxpayers' coffers out of Steven's own pocket. If he thinks our benefits are too expensive, what

about his own; how much more do they cost? We have the same benefits as other County employees.

After analyzing the figures I've reported, I really am outraged that he is targeting our facility for closure. It is not only insensitive, but it is offensive. He has been called a bully before, and I really believe he is. He has sabotaged any progress we have made with filling the beds. Every time he announces our closure, which he repeatedly does, he takes money right out of the taxpayers' pockets. This man is not the same person elected to serve the public of Suffolk County in 2003. He has targeted the most vulnerable of our taxpayers, women, minorities, the sick and the disabled. He tries over and over again to scare the public with the threat that keeping our facility open will cause taxes to go way up. He is scaring the public, who only gets to hear his side of things, in my opinion, because he has so many friends in the media. If the news reporters do not start publicizing both sides of the story, I predict not only the staff at John J. Foley and the other public servants who have already cancelled their subscriptions, but other family members and community will at our urging.

P.O. LINDSAY:
Could you wrap up, Dot?

MS. KERRIGAN:
I can, but I really want to -- okay. How in God's name --

P.O. LINDSAY:
Okay. Take a deep breath and then wrap up.

MS. KERRIGAN:
Okay. We desperately need elected officials who can manage our County, not get rid of it piece by piece. How in God's name can an American politician stay in office after single-handedly trying to stop our injured men and women from entering the County Nursing Home? We would be proud to take care of our young veterans close to their homes and families where they really need and deserve to be. We don't really believe, as Steve Levy has suggested, that this should depend on reimbursement. Is that for -- is he for real? He should lay off several of his top Aides, making six figures. And what about his recent hire of I.T., with an annual -- and I.T. of an annual salary of $110,000 a year? These brave men -- young men and women have been severely injured serving their country, are covered by the U.S. Government insurance, and that should be good enough for Steve Levy.

One of the things I have learned in this fight to save our beloved County Nursing Home is that we must be active with our convictions, and I pledge today to devote my free time to empowering the public with all the knowledge I have gained about Steve Levy and his followers, so he can no longer adversely affect our County, and I may have a lot of free time to do that.

P.O. LINDSAY:
Thank you, Dot.

MS. KERRIGAN:
Thank you.

(Applause)

P.O. LINDSAY:
Thank you. Cheryl Felice, followed by Karen Boorshtein.

MS. FELICE:
Thank you, Presiding Officer. I had a number of comments that I was going to make to you today, but nothing can surpass what Dottie Kerrigan just told you today.

(Applause)

She's one of the workers, she spoke from the heart, and the ball clearly rests in your court. The Budget Review Office proved that Mr. Levy's numbers were incorrect. And I think John McCain put it best in one of his recent debates when he said nailing down budget numbers was like nailing Jell-O to the wall; it can't be done. And you have 300, nearly 300 members of this community that do not know their certainty come January 1st. So I stand before you today as a representative of the 7,000 workers of AME, and getting less and less by every day, to appeal to this Legislature to do the right thing, not only by John J. Foley, but this entire community.

The debate about John J. Foley we presented at the Health and Human Services Committee on Friday, and we have more presentations prepared for the Committees during the week of October 20th, and we'll be there to go through the entire details. But I'm here today to appeal to you to do the right thing. Restore John J. Foley to the 2009 Suffolk County budget. Support Presiding Officer Lindsay's proposal to secure a management company to run the facility with AME workers. Provide greater oversight to the operations of the facility with the Union and the workers at the table, and assure this group that there will be no layoffs in January 2009. Thank you.

(Applause)

P.O. LINDSAY:
Thank you, Cheryl. Karen, followed by Gregory Noone.

MS. BOORSHTEIN:
Thank you. Good afternoon. I'm Karen Boorshtein, the Executive Vice President and Chief Operating Officer at Family Service League. I want to tell you today how critically important your funding is to the clients we serve who represent all 18 Legislative Districts in Suffolk County. In today's terribly tough, challenging economic times, nonprofits need the Legislature's help more than ever. We view ourselves as a partner with the Legislature to deliver services to our shared constituency. We need you and you need us.

People who never thought they would find themselves in need of assistance are reaching out to us today for help. Indeed, the faces of clients are changing. Whether it's for assistance for emergency relief and welfare to increased problems with substance abuse, increased debt, and mental health services, people are hurting and finding themselves in some of the most stressful times ever to face human service organizations. I urge you to find a way to secure the funding in the omnibus budget.

Many of our services have increased nearly 40% since a year ago today. FSL provides some of the largest and most comprehensive networks of care across Suffolk. We serve infants to elders with innovative programs in our family centers that empower and strengthen communities. As many of you know, we are the only agency on Long Island to hold the accreditation from the Council on Accreditation for children and family services. This is a nationally-recognized standard setting organization for meeting the highest standards of care for individuals and families. The additional funding we receive through the omnibus budget is truly a lifesaver, a lifesaver for those we help who are the most vulnerable and disenfranchised living in Suffolk. Without your help, we'll have to turn people away, not a practice we want to do. With your support, we'll be able to keep programs whole. For example, without your help, we could not have the many programs we do within different school districts at a cost-savings and family strengthening. Without your help, we wouldn't be able to do intergenerational house-matching programs to keep our seniors living in Suffolk County and young people here as well.

We ask that you restore the funding for Family Service League's program in the omnibus budget to the 2008 level. We value our partnership with all of you, and thank you for your support, trust and confidence in the past. Please, help us to help those in need throughout the County by ensuring programs are protected. Thank you.

(Applause)

P.O. LINDSAY:
Thank you very much, Karen. We have a question from Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Hi, Karen. Thank you for being here. I have a couple of questions for you, because, as you know, we're looking at a tight budget. We have a lot of considerations as we work on it. But I've been very concerned about our contract agencies, our not-for-profits because of the dire economic situation in which we all find ourselves. And there's been a lot of -- there have been a lot of talking heads regarding small businesses and credit that's being extended to small businesses, and I see our not-for-profits as small businesses who often rely on bridge loans as they wait for their contract monies. Now, can you speak to that a little bit? What do you see in this coming year as a challenge for you regarding your ability to get credit, to get those loans that will help you meet payroll while you wait for payments?

MS. BOORSHTEIN:
Absolutely. In fact, just this morning I was talking to our Finance Director who said we're already seeing the slowness in payments from many sources and we're having to extend, and you go into our credit, into our reserve fund more than ever, so -- you know, and we're one of the larger agencies, so -- and for us, we're hurting. For the smaller ones, it's going -- the impact is going to be exponential. So we absolutely see it, that it's going to just increase over time. We're getting more and more calls from the banks that we work with that they are slower in giving us credit. It's impacting everybody.

D.P.O. VILORIA-FISHER:
But you're still able to get credit, being one of the larger agencies.

MS. BOORSHTEIN:
Right now.

D.P.O. VILORIA-FISHER:
And how does this impact your bottom line? Are they charging more interest, are -- the slowness, does that -- can you just explain to us?

MS. BOORSHTEIN:
Right now, it hasn't changed our interest, but it certainly could, and that's -- they have been, you know, telling us all along that it's only the beginning of the fallout. So we don't know what to expect and how much it's going to increase, but we see the handwriting on the wall.

D.P.O. VILORIA-FISHER:
Do you see some of the smaller agencies having to shut their doors because of the tight credit market?

MS. BOORSHTEIN:
I would imagine so, absolutely. And the tight credit -- and, again, all of our funding resources, and I know I'm preaching to the choir here, that you're all very supportive of the not-for-profits, but doors are closing in front of us as we speak. I mean, foundations, where we typically go for grants, their investments are in the stock market. As those go down, they're no longer going to have the same amount of resources to give out to agencies. So, if, normally you got a $15,000 grant, you may be lucky if you'll get 5,000. The resources are shrinking on all places.

Recently, we contacted a corporation that does holiday events for children in need. We said, "Can we send 50 more children this year?" They said no, their donors are down. We're in the process of doing a capital campaign. Doors are being shut on us left and right, that donors are saying, you

know, "Sorry, Karen, we just really have to wait and see what the fallout of this is." So doors are slamming on not-for-profits all around us, and the dollars that were ever so scarce before are shrinking.

D.P.O. VILORIA-FISHER:
Karen, everybody knows that I'm a bleeding heart, but let me put on my economic development hat, because we're very much aware of that.

MS. BOORSHTEIN:
Right.

D.P.O. VILORIA-FISHER:
How many people do you employ?

MS. BOORSHTEIN:
Five hundred and fifty.

D.P.O. VILORIA-FISHER:
So that's a pretty sizable economic engine.

MS. BOORSHTEIN:
Absolutely.

D.P.O. VILORIA-FISHER:
And what's the factor? How much money stays here in Suffolk, you know, the dollar to dollar; is it a two or a one? How much --

MS. BOORSHTEIN:
I mean, I can tell you, 15% of every dollar just goes to cover admin, and 86 cents of every dollar stays here in Suffolk.

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

MS. BOORSHTEIN:
And we're a 22 million dollar operating budget.

D.P.O. VILORIA-FISHER:
All right. And if those small businesses or those small agencies were to close, what kind of economic impact do you think that would have?

MS. BOORSHTEIN:
Oh, I think you would find more and more people here in Suffolk needing our services, and doors, not being able to see them as readily, and slowing the economy down even further.

D.P.O. VILORIA-FISHER:
Because of the number of people that they employ as well.

MS. BOORSHTEIN:
Absolutely. And, again, that's why I said the faces of those in need are changing. It's not longer just -- you know, people think, oh, yeah, you're going to help the poor. Coming through our doors are more and more middle class people. Over the weekend, I had a friend contact me that a friend of a friend who lives in Woodbury, an insurance broker, is losing his shirt and attempted suicide from that, and those are the people who are coming now to Family Service League and other not-for-profits for help, so --

D.P.O. VILORIA-FISHER:
Well, not only is your client base growing because of the unemployment, but, as these agencies close, you create another set of clients --

MS. BOORSHTEIN:
Absolutely.

D.P.O. VILORIA-FISHER:
-- because people will be losing their jobs.

MS. BOORSHTEIN:
Absolutely.

D.P.O. VILORIA-FISHER:
Okay. So supporting the not-for-profits, supporting the agencies is not only about the services that you provide that save the County money, but you're also an important and very large economic engine.

MS. BOORSHTEIN:
Absolutely, absolutely. Thank you.

D.P.O. VILORIA-FISHER:
Are there any other questions? Thank you.

MS. BOORSHTEIN:
Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Gregory Noone, followed by Wallace Broege. You have five minutes.

MR. NOONE:
Thank you. Good afternoon, Ladies and Gentlemen. This past Friday I stood before the Health and Human Services Committee and offered my report on the first year of the Thursday's Child AIDs Services Access Program. Last year this body, along with the County Executive's Office, came to the rescue of HIV/AIDS Services after our region suffered massive cuts in Federal support for families living with HIV and AIDS. I'll keep my remarks brief this afternoon, as I'll forward to all members of the Legislature our Service Unit Reports and analyses of services rendered.

What I wish to convey to you today publicly are words that so often get lost in political discourse, and that is to say thank you. Thank you for your services, our Representatives. Thank you, as many do not realize how many hours each of you works to do your best for your constituents. The media are quick to pounce on political disagreements, yet slow to praise, and one rarely hears the phrase, "Job well done."

Since January, over 125 unduplicated clients have received over 600 units of service at Thursday's Child of Long Island. These services include the provision of essential and vital information, referral, advocacy, technical aid, and emergency financial assistance. These services are performed in a confidential setting, a setting that is purposely designed to be unique and singular, including the ability for people with AIDS to walk into our doors unannounced and be welcomed, including the ability that one can enter our doorway with a deeply personal problem and then leave with one's dignity intact, and that in these uncertain economic times, folks can come to our office and find not only a resource for help, but also kindness and compassion. For all these reasons and more, thank

you.

Each of you has enormous pressures placed upon you, of which the press and public are rarely made aware. You regularly make decisions of grave importance that most would shy from. Thursday's Child of Long Island is grateful for the support we have received from the County Executive's Office, and with the assistance of this Legislature, our agency can do so much more. Thursday's Child also acknowledges our strong ties with the superb men and women of the Suffolk County Department of Health Services and the Family Health Centers located throughout the County. With your support in 2009, Thursday's Child proposes to do more and to be more proactive in HIV/AIDS testing and counseling in order to bolster our mission statement calling for HIV awareness and prevention. With your support in 2009, this Agency will also pursue private and foundation funding for our Personal Hygiene Pantry, another unique service, a service that has been designated from client interaction and inspiration.

As many of you are aware, the Federal Food Stamp Program administered by this County's Department of Social Services does not allow for the purchase of such basic items as soap, laundry detergent, deodorant, paper goods. These aren't luxury items, they are essential and humane, items with which we all can identify. These service goals are why Thursday's Child retains its excellent reputation among those whom we serve, those who are among the least powerful in society, the poor, the disabled, those still shunned by stigma and fear of discrimination, those who are just one paycheck away from poverty, and those who are too ill to work full-time. It is on their behalf and for all persons living with HIV and AIDS that I plead for you to continue to support Thursday's Child and to say thank you.

And I would be remiss if I did not speak -- although I cannot speak to the economic or the political consequences of the Skilled Nursing Facility, the Foley Nursing Home, I can tell you the human compassion stories. I'll just tell you the one story, LG. I will not name her name. She is a woman only in her fifties who lives in Medford. She has AIDS, she also has Hepatitis C, and last year, when she was very ill and on her deathbed, the Foley Nursing Center welcomed her into their care, and those wonderful men and women at that Skilled Nursing Facility nursed her back to health, to where today she is now leading a productive life. She volunteers at our office and she volunteers at the local missions in Patchogue and Medford. That's what we can speak to for the good work that is done in your name. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Thank you very much. Wallace Broege, and Carolyn Brown is on deck.

MR. BROEGE:
Good afternoon. My name is Wally Broege. I'm the Director of the Suffolk County Historical Society. I'm here to speak about the impact of the County Executive's recommended budget on the Historical Society for 2009.

The County Executive's recommended budget sets funding for the Historical Society at $185,000 for 2009. That's 34% less than we received in 2008, or a loss of $95,000, and $115,000 less than our request. The effect of this is going to be nothing short of devastating to the Historical Society. If that budget is put in place, we'll have to lay off eight part-time staff members. That will leave two full-time people at the Historical Society. We'll close the Museum three additional days a week. That will mean it will only be open two days a week. We'll close the Research Library, the Weathervane gift shop will be closed, we'll eliminate our Public Relations Program. Unfortunately, most of the new programs and improvements that we've been able to put in place during 2007 and 2008 will be lost.

I'm pleased to say that the Legislature has been very supportive to the Historical Society in the past. We're grateful for your continued interest and support. By increasing support of the Organization,

you have enabled it to concentrate on a very simple three-pronged approach. We've increased the number of temporary exhibitions and programs that the Historical Society has been offering to the public, we're able to publicize the organization better so that people know who we are and what we're doing, and we've been able to increase the public hours at the Museum and the Library. By strengthening the Historical Society, you've made it possible for the Society to build on the solid foundation of artifacts and documentary materials that we've been building since 1886.

The material I've left with you today details the accomplishments that the Historical Society has had during the last two years, and also looks ahead a little bit to 2009. I urge you to please consider restoring the funds that the County Executive has removed from our budget and to fund the Historical Society in 2009 at the $300,000 level.

I want to thank you for giving me this opportunity to speak with you this afternoon, as you have in the past. If you have any questions about the Historical Society, I'd be happy to answer them right now, or at any other time.

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

MR. BROEGE:
Thank you.

D.P.O. VILORIA-FISHER:
On deck is Thomas Humphrey.

MS. BROWN:
Carolyn Brown. Good afternoon. My name is Carolyn Brown and I am an active leader in the Babylon Den of LION, which is an acronym for Long Island Organizing Network. The issue of the local health centers first surfaced earlier this year in February, when a group of community leaders raised concern about the conditions of local hospital emergency rooms. We are very concerned about Steve Levy's plan to close or privatize two clinics in our area due to possible budget cuts. LION was able to conduct power one-on-one meetings with administrators of two clinics, the Martin Luther King, Jr. Health Clinic in Wyandanch, as well as the Maxine Postal Tri-Community Health Clinic in Amityville.

The County has partnershipped with Good Samaritan Hospital at the Martin Luther King, Jr. Health Clinic, but the Maxine Postal Tri-Community Health Clinic is solely owned by the County. Good Samaritan Hospital is able to fill in the gaps where the County has fallen short, for example, medical staff, supplies, furniture, maintenance, etcetera. On the contrary, the Maxine Postal Tri-Community Health Clinic remains in need of replenishment of much needed supplies, medical equipment, medical staff, and other personnel. As a result, the services rendered at the Maxine Postal Tri-Community Health Clinic continue to be compromised on a daily basis. There is no other hospital to fill in the gaps where the County continues to fall short.

LION also found that the neighboring hospital emergency rooms are already overburdened with an increase in patient population. Patient wait times have almost doubled at both the clinics, as well as the hospital emergency room. LION urges the Legislature to restore funding back into the Health Center's budget and not to support any additional medical staff cuts at the Health Clinics as well. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
All right. Thank you. Thomas Humphrey, and on deck is Mildred Hodgson.

MR. HUMPHREY:

Good morning. My name is Thomas Humphrey. I'm from -- representing LION, a Long Island wide Health Care Center Task Force. I'm a LION Board Member from Grace Community Church in North Amityville. LION is made up a congregations, community groups, unions, and others across Suffolk County. LION's members are very concerned about protecting our health care system provided by the Suffolk County Network of Clinics. We are asking that you increase the funding to all the clinics with priority towards the two that do not have hospital partners, Tri-Center, which are -- which serve the Wyandanch and Amityville areas, and also Riverhead.

Last year County Executive Levy submitted a budget that included the sale of one of our County HMOs, forcing the Legislature into an impossible situation. This year the Thomas F. Foley Nursing Facility (sic) is under attack. We ask that you not close short-term budget gaps by jeopardizing the health of Suffolk County residents, already struggling to make ends meet by skyrocketing housing, gasoline and taxes. Instead, we are -- ask that Mr. Levy, and the County Commissioner, and the members of the Suffolk County Legislature work with LION to get more money from the Federal Government to support our clinics and ease the burden of our overall County Health Department budgets. We are offering a way to get more money into the County Health System. If you have any questions on this issue, please feel free to ask me.

D.P.O. VILORIA-FISHER:
Thank you, sir. Anybody have a question?

(Applause)

Mildred Hodgson, followed by JoAnne Sanders.

MS. HODGSON:
Good afternoon. I'm Mildred Hodgson, and I'm also a member of Long Island National Organizing Network, and also a member of Prayer Tabernacle Church.

And I just want to follow up with what Mr. Humphrey said. And what we would like you to do is to get the Health Clinics designated as Federally qualified health centers, and by that happening, it would enhance Medicare and Medicaid reimbursement, and also would give access to National Health Service, also access to the Vaccine for Children's Program, and also eligibility for various Federal grants, and also funding up to $650,000 as requested.

And we also know that the -- this Federal formula has been designated in the City to many of the underserved areas in the cities that are designated as poverty areas. And many times people forget that there is a poor element out here also, but it seems to be more invisible than it is in the City. And sometimes out here the suburbs are overlooked. And this is what we're asking for also today, because a few years ago, that Suffolk County started to do this, but then they didn't go through with it. And we also would like to meet with the Health Commissioner Chaudhry, and also to explain some of these options and go over it with him, and we also would like to have Mr. Levy's support, and as well as you at the Legislature. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Ms. Hodgson, I have a question.

MS. HODGSON:
I'm sorry.

D.P.O. VILORIA-FISHER:
Thank you. That was very interesting information about the federally qualified health service center.

Are those competitive grants?

MS. HODGSON:
I really don't know, I'm sorry. I am not an expert at this --

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

MS. HODGSON:
But I've been reading and that's all I know, but I really don't know.

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

MS. HODGSON:
But I could get the information.

D.P.O. VILORIA-FISHER:
When Ms. Poe comes up, we'll ask her that question.

MS. HODGSON:
Okay, fine.

MS. POE:
I'm not down to testify, though.

MS. HODGSON:
Okay.

MS. POE:
Can I just answer that question without --

D.P.O. VILORIA-FISHER:
No. We really need you to fill out a card, because we want to ask you a couple of questions.

MS. POE:
All right. I'll give you an FAQ on it and I can fill out a card.

D.P.O. VILORIA-FISHER:
Okay. Thank you. JoAnne Sanders, followed by Robert Abrams.

MS. SANDERS:
I think everybody knows me. JoAnne Sanders, Executive Director of the Suffolk County Coalition Against Domestic Violence. I come to you every year, and I wish I didn't have to come to you for help, but, unfortunately, I do. You know what -- the victims of domestic violence that we deal with. We're talking about life-and-death situations. We're not only protecting victims through Orders of Protection and through police advocacy, and all the work that we do with the victims themselves, but also the children who suffer from the effects of domestic violence.

If we don't get our omnibus funding restored, we will definitely lose one of our Precinct Advocates, and also likely cut down on our children's counseling and community education. So I ask you today to please restore our funding of -- we lost in the County Executive's budget $94,807. And I'm being a little bold here, but I'm going to ask you if you can also -- just a 2% increase. We haven't gotten an increase in funding in like three years, just to possibly maintain some kind of health care for our staff. So what I'm asking for is -- our level of funding for 2008 was $728,697, so I'm asking for a

total of 742,251, which is an additional -- which is 109,000 over the County Exec's budget.

D.P.O. VILORIA-FISHER:
How many employees do you have?

MS. SANDERS:
We have 35 employees.

D.P.O. VILORIA-FISHER:
Thirty-five employees.

MS. SANDERS:
Yeah.
D.P.O. VILORIA-FISHER:
Okay. Thank you.

MS. SANDERS:
Thank you.

D.P.O. VILORIA-FISHER:
Any other questions? Thank you very much. Okay. Robert Abrams, and next is -- I believe it says Jennifer Tay. I'm not sure if that's a T or an F. I'm sorry.

MR. ABRAMS:
Hi. My name is Robert Abrams, speaking about the fact that the John J. Foley Skilled Nursing Facility was left out of the budget.

I was wondering, when I was thinking of this, why you 17 people became Legislators. I assume you worked your way up as an Aide to another politician, got your name out there to your future constituents. You wanted to make a difference and, at the end of the day, be proud of yourselves. If John J. Foley Skilled Nursing Facility were to be closed without your vote, I'd be sad for all involved, but perhaps most sad for all of you, because you would have made the conscious effort and not take a stand and say, "Never again should this facility have to go through the threat of closing?"

That phrase, "never again", reminds me of Nazi, Germany, when Adolph Hitler, but in this case Steve Levy, made his mind up to get rid of one group of people, the employees, at the expense of the residents. And if you 17 accept his beliefs and are executing his orders, I might as well have stopped at Home Depot on the way to get 17 shovels, because then all of you will be throwing dirt on their coffins. You all have the chance to change history, because when this facility is gone, never again will we have the opportunity to make as big a difference as now. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Okay. I'm hearing some murmuring and I just want to say something. Sometimes our metaphors become a little bit more enthusiastic than we want them to be, or a little bit more cutting. So if we can just try to keep the metaphors so that they don't go over the appropriate line. Thank you.

MS. TAY:
Good afternoon. My name is Jennifer Tay. I serve as a Registered Nurse at the John J. Foley Skilled Nursing Facility. I work on the Dementia Unit. And I'm here again today because I just -- I've stated my position, as well as all people that I work with, for about a year now with this cloud of unsurety as to whether or not we're even going to have a job come January. But the reason that I stay, I stay because I believe that I'm doing something over and above. Working with these people, with this population, it's very important. It's -- I could go tomorrow and probably get a job

somewhere else, but I feel that I have to stay, because I just don't think that any of us have a right to undo what has begun, to put a stop to something that was started many, many years ago.

When you work with dementia patients, there are levels, there are stages. There's beginning stage, there's mid stage, there's end stage, and it's not for everyone. But one thing that I could say about my patients is that familiarity is probably 80% of their day. If we could give them anything that could make them have quality of life, when I see my patients smiling at a particular aide or the nurses that are on that unit that take care of them, it's the setting, it's the familiar setting that makes their life somewhat comfortable. And I really think that many of my patients I have from -- that have been there from beginning stage, from early onset, one of my residents has been in this facility for over 30 years. I believe, if this facility were to change hands, be closed, if these people were to be moved, those residents that have end-stage, even mid-stage dementia, I really don't believe they can develop familiarity. I believe it will cause them to quickly decline and certainly die; certainly, certainly die. If this facility closes, I think that we are really hurting, not only my 40 dementia people, it goes beyond that. I think that we have to restore this piece of history, we have to keep it, because it goes beyond us. It's there for a reason, it was started for a reason. To stop it now would be wrong. It would be taking the lives of those most vulnerable, who need us, and destroying it.

I'll have plenty of time like Dottie, and I certainly will follow each and every one of my residents. If it closes, I will, because this should never happen again. If it happens to us, so be it, but I will follow. And I believe that in 30 to 60 to 90 days, my residents will quickly decline and will have a significant mortality rate, not only for the dementia, but for the more alert patients that are like on our AIDs unit on the third floor. I'll see to it, I will follow through, and I will bring all that information to you, so that if this happens to the clinics or another facility down the road, it could be prevented. One person, Mr. Levy, should not have this kind of power.

And I just want to touch on an article that I read last week about Bishop. Mr. Bishop was planning to bring, I believe, TRICARE into our facility to guarantee that our beds would be filled with our men at war right now. And I would just believe that it was put -- it was squashed. Right now we're down 28 beds. I mean, I would just think, not even as a businessperson, that if we could close that gap and be running at 100% capacity, guaranteed for the next several years, that would have to do something to significantly close this budget. It doesn't make sense to me that they would just not do it. That's about it. Thank you for your time, I appreciate it.

(Applause)

D.P.O. VILORIA-FISHER:
Thank you, Jennifer. Dominick. Dominick Ogno, followed by Deborah Kelly. (Time clock rang).

MR. OGNO:
I didn't even start yet.

D.P.O. VILORIA-FISHER:
You're out of time already.

MR. OGNO:
Yeah, I know. Good afternoon Legislators. My name is Dominick Ogno. I've been a volunteer at John J. Foley Skilled Nursing Facility for over 15 years and a County employee for two. I've learned that we don't always grow old as gracefully as we hoped, and sometimes circumstances are beyond our control. What Steve Levy is doing is wrong. Not only is it a violation against the Taylor Law and our Collective Bargaining Agreement, but also morally.

At this institution, by definition, an organization or an establishment devoted to the promotion of a particular object, one, public, educational, or to charitable character, John J. Foley is all of these. It

has been a place devoted to the well-being of the Suffolk County's vulnerable citizens for over 100 years. How can it -- how can the County Executive take this establishment out of the budget? An establishment, by definition, is a permanent, civil, military or other organization, an institute, as a school, hospital, etcetera. The John J. Foley Skilled Nursing Facility has been this establishment for decades.

An established church is often financially supported as an official church of a nation. If we need to do this, let's establish this facility as Suffolk County's Official Permanent Institution. If the County has the funds to build a brand new correctional facility to house criminals, then we should be able to find the funding to continue the support of this amazing facility to house our hardworking citizens. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Thank you, Mr. Ogno. I said your name in Italian before, sorry.

MR. OGNO:
Yeah, that's all right, don't worry about it.

D.P.O. VILORIA-FISHER:
Deborah Kelly.

MS. KELLY:
Good afternoon. My name is Deborah Kelly and I am an employee for the County of Suffolk at the John J. Foley Skilled Nursing Facility in Yaphank.

D.P.O. VILORIA-FISHER:
Excuse me, Ms. Kelly. Can you hold the mike a little closer to you?

MS. KELLY:
Closer?

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

MS. KELLY:
Can you hear me now?

D.P.O. VILORIA-FISHER:
Can everybody hear? Okay.

MS. KELLY:
Today seems especially important to me, because the entire Legislature will soon be making a decision on the 2009 fiscal budget, which will have a very direct impact on John J. Foley. As all of you deliberate this budget, please keep in mind the 265 residents who call John J. Foley home.

I would like to take a moment to tell you about a few of our residents. One of our residents, who recently passed away, unknowingly gave me food for thought. Her obituary has stayed with me from the first time I read it, and I've read it several times; it was so eloquently written. She was instrumental in initiating Field Hockey on Long Island in the 1920's, she was also a school teacher. She taught right here on Long Island for many years. She played her last Field Hockey game at age 65. She was 102 years old when she passed away, and she lived with us at John J. Foley for many years.

Another resident living with us was a Navy Seal; another was a Vietnam Veteran who received

several medals for valor. There are approximately 300 life stories, but only a few minutes to tell you about them. We have nurses, teachers, housewives, young people and old. All of our residents led very proud, productive lives here on Long Island. They were taxpayers and homeowners at one time in their lives. Some were business owners who had employees of their own. This decision, however, not only affects the residents, but almost 300 employees. Many have served our Suffolk County elderly and infirmed for over 20 years. Some manage single-parent households. Consider how this decision will affect their lives and the lives of their children. How many more families are we going to displace in Suffolk County?

When you take into consideration our full-time residents, adult day care residents, and almost 300 employees, this decision affects almost 600 families, not just individuals. With an already floundering economy, the sale or privatization of John J. Foley will have a devastating impact on so many lives long into the future. With proper management and marketing, there is no good reason to sell or privatize this facility.

Over the past eight months, we've brought to your attention the honest facts about John J. Foley's mismanagement. It is up to you, our elected Legislators, to ensure the future home of the Suffolk County residents. With the recent report of October 7th, this month, on News 12 Long Island, regarding the abuse of residents and the arrest of four employees at a Medford nursing home, it tugs at my heart-strings to think that some of our residents may very well end up living there.

I look at this experience with you as a blessing. It has given us the voice to try to change something that is very wrong and turn it into something that is correct and makes sound sense. The entire Legislative Body has given us a vehicle to make such a huge difference for the future of this great institution, which is John J. Foley Skilled Nursing Facility.

I would like to personally thank Presiding Officer Lindsay and Legislators Kennedy and Browning for your unwavering commitment and dedication to our facility, and to thank all of you for allowing me to be part of the Legislative process. I close by appealing to you to use your voice and put us back in the budget, and, furthermore, to implement the management study, which was authorized by this body, and keep John J. Foley Suffolk County owned and operated, where it belongs. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Thank you. Pat Rollings, followed by Cate Poe.

MS. ROLLINGS:
Good afternoon. I've been here a few times before. I'm from John J. Foley. I've written every one of you, and I want to thank you again for listening to us.

I've been a Suffolk County taxpayer since 1981, and a homeowner since 2000. I've never collected welfare or unemployment. I joined the Suffolk County workforce in 1987. I was told, "Work as a civil servant. The County has good benefits and a good retirement system." So I did the right thing and I began working at the then Yaphank Infirmary. The old building was decrepit and the pay was a lot lower than my previous job. In fact, it took me eight years before I barely made $30,000 annually, but I did the right thing. I cared for the residents like they were my family. I've laughed with them and I've cried for them, and I worked hard.

My job as a CNA is physically demanding. I move residents around in their beds to change and position them. Some are very heavy, and most cannot offer any help. I deal with urine, feces, vomit and infectious diseases on a daily basis. Some of our residents can be verbally and physically abusive. I have been cursed at, spat on, smacked and punched. My back and my feet hurt me most all of the time. Now, after almost 21 years of dedicated service, 21 years of doing the right thing, my entire life is in jeopardy. I cannot retire. I now worry about the health insurance that I will surely need now and in the future, the health insurance that Mr. Levy has himself.

I currently make a little bit more than $22 an hour, and that's like $1 per year of service, and that includes the night differential, because I work from 11 p.m. to 7 p.m. I am a Grade 9; I am top step. This is as good as it gets for me.

Now I read in Newsday that the fundamental problem lies with the Facility's employees; our union contract is too expensive. Our contract is the same as any other County worker, the same contract as your Secretaries, your Aides, and your custodians. To single out a group of 300 employees as too expensive is very misleading. I am sure that the H. Lee Dennison Building is filled with County employees that sit behind a desk and earn as much or more as I do. I hope by this time we all know that the fundamental problem is the mismanagement. In 2007, almost one million dollars was spent on agency nurses alone. We probably have reached that amount already this year. We have more agency than ever, especially since the July buyout, yet we have graduate nurses still working as CNA's, nurses that the County encouraged to go to school, nurses that were promised 75% tuition reimbursement that they're still waiting for, but, instead, we get more agency at a greater cost. We have had agency nurses that have worked full-time with us for years. In fact, one agency nurse just welcomed their second child since they've been in our building.

Please, do not blame the John J. Foley employees as the problem. We have been working, consistently short-staffed, for sometime now, yet we still do the right thing. We deserve accolades, especially considering the recent events in the private sector and the stress from having to come here and fight for our jobs and worry about our futures.

I have given the County almost half of my life in service doing the right thing. We now need Mr. Levy to do the right thing for these employees and the residents that depend on him. Do the right thing. Keep John J. Foley Nursing Facility County owned and operated for all of those who need us now and in the future. I've spent most of my life doing the right thing, even when it wasn't easy. In these tough economic times, we are depending upon all of you to also, please, please, do the right thing. Keep John J. Foley County owned and operated. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:
Pat, can you come back? Pat. Pat. Pat, can you come back one second? I'm sorry, I may have missed what you said. How much are the agency nurses paid per hour?

MS. ROLLINGS:
I don't have the exact numbers on that, but it's far more than they give our nurses.

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

MS. ROLLINGS:
Far, far more. And the nurses -- the agency nurses don't make the exact amount, most of that money goes to the agency itself.

D.P.O. VILORIA-FISHER:
Right, okay. Thank you.

MS. ROLLINGS:
Thank you.

D.P.O. VILORIA-FISHER:
Cate Poe.

MS. POE:
Hi. I'm a staff person -- is this on -- for LION. I think people had some questions. I just wanted to say something, though. We wanted to come in kind of proactively. We're clear that last year and also this year, obviously, there was testimony that there's been piece after piece of the health system on the chopping block. And so, while we know the clinics are not currently slated, we wanted to come in with -- and have some discussions about the federally qualified health center option and see if we couldn't take some steps to inject some funding, maybe take some of the pressure off the health system. So you had some questions. I just wanted to --

D.P.O. VILORIA-FISHER:
Go ahead, DuWayne.

MS. POE:
Or whoever.

LEG. GREGORY:
Hi, Cate.

MS. POE:
Hey.

LEG. GREGORY:
Thank you for coming today.

MS. POE:
Sure.

LEG. GREGORY:
We had a previous conversation. I know you had some concerns about the funding that was cut out of the Maxine Postal Tri-Community Health Center out of the 2009 budget. It was $300,000 that was cut out of the budget, and we had some concerns -- you had some concerns about the slow privatization or closing of our health care services, beginning with the Foley Center, and maybe leading in the future to health clinics, and you had proposed an idea about seeking Federally recognized monies through the Federal Government. Can you explain that?

MS. POE:
Yeah, let me say something. And we had also -- you know, our LION's President, Charles Coverdale, Reverend Coverdale also, we're making this the top of our issue agenda for Riverhead, also for the Amityville area. What this refers to is something called Federally Qualified Health Centers. I wish I was walking in with a bag of money, but it's not quite that simple, but what it is is that centers that get this designation, and it's on a point scale, it's based on, you know, you look at infant mortality, you look at the number of seniors, you look at low-income residents, and if you had a certain point number, you get -- it's not a competitive grant, you get extra Medicaid/Medicare funding, and there's five or six other things having to do with prescriptions. I'm not a big expert on this.

What happens, though, a few years ago, we tracked this down in Stony Brook, and someone from the County actually tried to get this designation for Suffolk. The best they got was Gordon Heights, I think. And part of it is that the way they do these numbers just doesn't play out in the suburbs. You know, you need big sections of concentrated poverty. But what has been brought to our attention is if local -- local officials and a Governor of a state request an exemption -- exception to this, you can actually -- you know, you can actually get designation for suburbs. So what we're arguing is that ought to be -- that suburbs are being cut out of this, and that we want to work with officials at the County level to try to pursue this to get more funding into the system, that's what it means. And I've got an FAQ on this, I've got some of the stuff on this. We also have been in touch

with a consultant who actually has brought this into places like Houston and L.A., where they didn't even know they could qualify for this kind of money, you know.

P.O. LINDSAY:
I'll take over. Do you want to talk?

D.P.O. VILORIA-FISHER:
No, because DuWayne --

P.O. LINDSAY:
Okay.

MS. POE:
I'm sorry, I keep --

D.P.O. VILORIA-FISHER:
I thought he would be --

MS. POE:
I'm sort of looking at -- you asked first and he's --

P.O. LINDSAY:
Okay. Miss Poe, I have like three other Legislators that have some questions of you.

MS. POE:
Yeah.

P.O. LINDSAY:
Legislator Romaine.

MS. POE:
Yeah.

LEG. ROMAINE:
Yes. As you know, I am a supporter of LION. As you know, I'm a supporter of the health care system. And I look at the health care system and I just watch it crumbling in this County, from the sale of the Health Plan to some of the other initiatives of this Administration. I would be happy to cosponsor with Legislator Gregory a resolution directing this Administration to seek that funding.

And contrary to the County Executive's comments in Newsday on Sunday, we can't seek funding. Usually, you come to the Legislature to accept or apply for aid. We can start the step right now by directing and authorizing this Administration to do exactly as you have described, because the health care center in Riverhead, as you know, is overcrowded. I can only imagine what the conditions are in Legislator Gregory's District and in other Districts, Coram, for example, and the health centers there. And if we can get Federal Aid to relieve the County, that would be fine and dandy, because there is a strong, strong need for that. Thank you.

(Applause)

MS. POE:
Well, that sounds good.

P.O. LINDSAY:
Legislator Beedenbender. Did you want to -- I'm sorry, it was supposed to be a question.

MS. POE:

Yeah. Just we're not sure the -- we're not sure of the exact mechanisms, obviously, but we wanted support from this body, so that then we can meet with the Commissioner and with the County Executive to pursue this, because it's out there, you know. And we also think that -- we've talked to others who were willing to work with us to try to get to Governor Patterson, you know.

P.O. LINDSAY:
Has anybody contacted the County Executive or the Health Commissioner about this yet?

MS. POE:
Just we're in the process of trying to set up a meeting with them.

P.O. LINDSAY:
Okay.

MS. POE:
So we haven't gotten the appointment yet.

P.O. LINDSAY:
Okay. Legislator Beedenbender.

MS. POE:
But we'd like to go in there saying you support us, you know.

LEG. BEEDENBENDER:
Thank you. Hi, ma'am. I just have a question. Before I was here, I worked for the County Executive, and I can't remember the source, but I seem to remember this being discussed.

MS. POE:
Yeah.

LEG. BEEDENBENDER:
And, for some reason, I remember the reason being that there was some sort of difficulty for a municipality. Maybe I'm remembering it incorrectly, but if you're coming to us and saying something different, you know -- are you saying that municipalities absolutely can get this?

MS. POE:
No. What it is is it -- the funding formulas really are, you know, geared towards a city mindset --

LEG. BEEDENBENDER:
Right.

MS. POE:
-- and the way you track poverty there; right? So, yeah, we found out that there was efforts to try to figure it out, but it just never went very far. And I think there's a political step that could be taken which says the suburbs have poverty, the suburbs need to deal with these problems; right?

LEG. BEEDENBENDER:
So what you're saying is there's some sort of mechanism --

MS. POE:
Yeah.

LEG. BEEDENBENDER:
-- that we'd have to request from either the Governor or the State to -- I think you used the word "exemption" before.

MS. POE:
Yeah. What I'm talking about here, and I can forward these things, but it's called an Exceptional MUP Designation, and it says it's recommended by the Chief Executive Officer and local officials of the state where the requested population resides.

LEG. BEEDENBENDER:
So you think that could be our ability. So that would probably help qualify some, but not all of our health centers.

MS. POE:
Well, my guess, a lot of it's just documenting what the health needs are and how people are underserved in the suburbs.

LEG. BEEDENBENDER:
Okay.

MS. POE:
Okay?

LEG. BEEDENBENDER:
Okay.

MS. POE:
And that's just -- it looks different, right, it's not like one city.

LEG. BEEDENBENDER:
Is it specific to -- it's specific to the individual health center, not the health center network that we have?

MS. POE:
I actually -- I don't know how to answer that.

LEG. BEEDENBENDER:
Okay.

MS. POE:
I think that's got to be assessed.

LEG. BEEDENBENDER:
Okay.

MS. POE:
But I think the brighter the better, right?

LEG. BEEDENBENDER:
Well, yeah. Oh, absolutely. But the last thing I wanted to say -- and thank you for answering my questions, because I think this is -- it's a good issue to bring up. But I thank you for coming to us in these tough economic times with an idea of how to get more money from somebody else.

MS. POE:
Well, we thought that might go over well. I mean, you know, it's hard enough to come in here and talk about, you know, a horrible situation and you all trying to figure how not to cut, right? I mean, we've been listening to that. And, look, there's no guarantees, but we also figure, you know, there's a lot in flux in Washington. The move there has been to restrict who can get this money, but, you know, hey, I think you should go for it.

LEG. BEEDENBENDER:
Well, thank you very much for coming forward.

MS. POE:
All right.

LEG. BEEDENBENDER:
I think it's a good concept.

MS. POE:
So whatever steps --

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Hi, there.

MS. POE:
You guys want to come up? I'm sort of pitch-hitting up here.

LEG. MONTANO:
My understanding of this process -- is this on -- is that the Health Center would either have to go through a very, very exhaustive and lengthy application, or the other alternative is to be taken over by another agency, which already has this designation. So it's one thing, there's a big procedural step that I don't think has been addressed in terms of how to -- how to get this additional funding for the services that are required. And my understanding is that if we moved in that direction, particularly in reference to the Brentwood Family Health Center, that you might be moving away from the County -- you know, from the County system and privatizing it, and I don't know that there's any group on Long Island that has that designation. I think there's one in Hudson Valley. I think it's called the Hudson Valley Initiative.

MS. POE:
Yeah.

LEG. MONTANO:
But what you're essentially saying is that you want -- in order to access this higher level of reimbursement, you have to take the Health Center out of the County system. That's my understanding.

MS. POE:
I think you -- I'd be happy to share this.

LEG. MONTANO:
And I'm not so sure that it's coming across.

MS. POE:
I don't think that's what it's talking about. If you look, there's a whole piece of Connecticut and their whole network of health clinics. It's not, I mean --

LEG. MONTANO:
Well, I'd like to see your --

MS. POE:
Yep.

LEG. MONTANO:
-- you know, your answers and questions there, because my understanding of the process is somewhat different than the way it's coming across, and I think that's an element that has to be looked at in terms of the enhancement on the reimbursement rate. And it really -- from what I understand, and I had this conversation recently with one of the administrators, is that it moves away from the system that we have now and sort of privatize -- I saw Debbie shaking her head, and I'm not so sure that I'm inaccurate, but I would like to know. Just shake your head. I know you're not at the podium, but am I correct, Debbie, on that? Just shake your head. You're not allowed to --

MS. KELLY:
(Nodded Yes)

LEG. MONTANO:
Thank you. All right. We'll pursue this later, but be aware of that. I think it's --

MS. POE:
That that's a risk.

LEG. MONTANO:
-- a risky, or it's a sort of tangled road that -- or web that we're spinning here when you talk about enhanced reimbursement.

LEG. ALDEN:
That's what we tried with Bay Shore Health Center.

LEG. MONTANO:
Well, that's what they want to do. That's exactly what's going on.

LEG. ALDEN:
Bay Shore doesn't exist.

LEG. MONTANO:
No, I mean Brentwood, actually. Brentwood's moving to Bay Shore.

MS. POE:
And we're not -- obviously, not trying to position ourselves as big health experts. We've talked to a consultant. People are very concerned about this. We were trying to figure out a route that could give you some options.

LEG. MONTANO:
Right. No one's against -- as Legislator Beedenbender said, nobody is against seeking enhanced reimbursement for any services that we provide. I think, though, when you look at it as it's presented, it has to be presented in light of what's existing out there, and there are other issues that need to be addressed before you move in that -- that's all, that's the only point I'm making, Ms. Poe.

MS. POE:
I'll meet Debbie, so we can --

LEG. MONTANO:
Yeah, yeah, speak to Debbie, I think she knows.

MS. POE:
All right. Anyway, happy to forward this.

P.O. LINDSAY:
Thank you, Ms. Poe.

MS. POE:
And my understanding is, Legislator Browning, we also have some time on the Health Committee, so we can go into this more.

P.O. LINDSAY:
That would be wonderful. Thank you very much. Okay. That concludes our cards. Is there anyone else in the audience that would like to speak about the Operating Budget? Seeing none, I'll take a motion to close. We've had I think --
LEG. ROMAINE:
Motion to close.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion by Legislator Romaine, seconded by Legislator Eddington. All in favor? Opposed? Abstentions? I.R. 13 --

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Oh, I'm sorry.

MR. LAUBE:
No, 17. Oh, Kennedy's not here.

P.O. LINDSAY:
Oh, the ***Southwest Sewer District Assessment Roll.***

MR. LAUBE:
Sixteen. (Not Present: Legs. Kennedy and Cooper)

P.O. LINDSAY:
I don't have any cards on this subject. Is there anybody in the audience who would like to speak on this subject? Somebody getting up? No.

D.P.O. VILORIA-FISHER:
No, they're leaving.

P.O. LINDSAY:
They're leaving, okay. I guess I'll take a motion to close on the Assessment Roll.

LEG. EDDINGTON:
Motion.

P.O. LINDSAY:
Legislator Eddington, seconded by Legislator Beedenbender. I never remember closing the Assessment Roll, but --

LEG. ALDEN:
Can we close it, or is there another hearing on it?

P.O. LINDSAY:
We think that -- yeah.

MR. LAUBE:
No, this is your second.

MR. NOLAN:
Is there another one?

MR. LAUBE:
No, this is your second already.

LEG. ALDEN:
This is it? Oh, good.

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

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

P.O. LINDSAY:
Okay. ***I.R. 1358 - A Local Law to reduce the emissions of pollutants from the County's diesel-fueled motor vehicles.*** I don't have any cards on this subject. Is there anybody in the audience that would like to speak on this subject? Seeing none, Legislator Cooper, does anybody know what his preference is?

LEG. BEEDENBENDER:
Motion to table.

LEG. LOSQUADRO:
Recess.

LEG. BEEDENBENDER:
Recess, I mean.

D.P.O. VILORIA-FISHER:
He's been recessing it.

P.O. LINDSAY:
Oh, wait a minute, I've got some more questions.

D.P.O. VILORIA-FISHER:
We're not up to it yet.

P.O. LINDSAY:
All right. I'm going to skip over 1358. Legislator Cooper is just outside the room, does anybody know.

MR. PERILLIE:
I don't think so.

P.O. LINDSAY:
No?

D.P.O. VILORIA-FISHER:
I make a motion to recess it.

P.O. LINDSAY:
Okay. Legislator Viloria-Fisher made a motion to recess, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
I.R. 1499 - A Local Law --

MR. LAUBE:
Sixteen. Check that, sixteen. (Not Present: Legs. Gregory and Cooper)

P.O. LINDSAY:
-- to require that Probation Department employees use County vehicles while conducting County business. Do we have any cards on 1499?

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

P.O. LINDSAY:
We don't have any cards on 1499. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. LOSQUADRO:
Motion to recess.

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

MR. LAUBE:
Sixteen. (Not Present: Legs. Gregory and Cooper)

P.O. LINDSAY:
1749 - A Charter Law to cap County fee increases. Do we have any cards on this subject?

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

P.O. LINDSAY:
Is there anybody in the audience that would like to speak on 1749? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:
Motion to recess.

P.O. LINDSAY:
Motion to recess.

LEG. BEEDENBENDER:
Second.

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

MR. LAUBE:
Sixteen. (Not Present: Legs. Gregory and Cooper)
P.O. LINDSAY:
I.R. 1750 - A Local Law to increase and improve gasoline price notification to consumers.

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

P.O. LINDSAY:
We have no cards on this subject. Anybody in the audience like to speak on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:
Motion to recess.

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

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Sixteen. (Not Present: Legs. Gregory and Cooper)

P.O. LINDSAY:
I.R. 1769 - A Local Law to provide parking for "Clean Pass" vehicles at County facilities.

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

P.O. LINDSAY:
No cards on 1769. Anybody in the audience like to address us on 1769? Seeing none --

LEG. HORSLEY:
Motion to recess.

P.O. LINDSAY:
Motion to recess by Legislator Horsley. Do I have a second?

LEG. ALDEN:
Second.

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

MR. LAUBE:
Sixteen. (Not Present: Legs. Gregory and Cooper)

P.O. LINDSAY:
Okay. ***I.R. 1791 - A Local Law prohibiting the distribution of plastic carryout bags by retail***

stores. I have several cards on this. Robert Hempson.
MR. HEMPSON:
Good afternoon. Robert Hempson from Stop & Shop Supermarkets. Hello.

LEG. LOSQUADRO:
Just lift the microphone up a little, sir.

MR. HEMPSON:
Okay.

P.O. LINDSAY:
Great. Thank you.

MR. HEMPSON:
At Stop & Shop, we've been encouraging our customers to recycle the plastic grocery bags for many years. Wayne Horsley and I did a press conference going back last year on legislation that he introduced. All of our stores have recycling bins located in the vestibules, and we encourage our customers to bring back their used bags for recycling purposes.

Additionally, in May of this year, we, and to incent (sic) our customers to use reusable bags and recycle their plastic bags at Stop & Shop, we offer a nickel for each bag the customer brings back and reuses, whether it's reusable or recyclable. And to that end, 22 million of our customers have participated in that program, and we have given them 1.1 million dollars off their grocery orders. With that incentive and the efforts that we've been utilizing, we believe that the reduction in plastic bag usage to the tune, since May to currently, over 22 million bags. We're making a substantial effort to reduce the usage of the plastic bags and to encourage environmental advocism (sic) on our customers' parts.

So, to that end, at this point, we're willing to work with any and all concerned parties to encourage recycling, reuse of the reusable bags, and the continued use of the plastic bags in our stores.

P.O. LINDSAY:
Thank you.

MR. HEMPSON:
Any questions?

P.O. LINDSAY:
Thank you very much, Mr. Hempson.

MR. HEMPSON:
Thank you.

P.O. LINDSAY:
No questions. Thank you.

MR. HEMPSON:
Okay.

P.O. LINDSAY:
Rocco D'Antonio.
MR. D'ANTONIO:
Good afternoon. I'm Rocco D'Antonio with Penn Jersey Paper. We're a distributor of food packaging to the supermarket industry, including paper bags, plastic bags, and reusable bags. As a sales and distribution company, we have some concerns for banning supermarket packaging, primarily plastic bags. From a distribution point of view, the paper bags, which normally would be the second bag

people would use if plastic bags weren't available, will take up approximately ten times more space in our warehouse and ten times more space in our trucks. Essentially, it's ten times more tractor trailers on the road to deliver that packaging. It's a lot bulkier and a lot heavier. In addition, because of the limited storage space in the back of any given supermarket or retail store, we would have to make much -- more frequent deliveries to have product inventory in the back of the store. So, ultimately, you're talking about a lot more labor, warehousing, utilities, fuel and transportation to deliver the same quantity of products to the stores, so the environmental impact and the cost implications are very high.

Also, from a sales point of view, we've been trying for the past 20-some years showing our customers how to use less packaging or less costly package, so they can keep their food costs lower. Substituting paper bags for plastic bags right now could hold about a four-fold increase in packaging costs. And packaging costs are one of the single largest supplies on the supermarket, and all those costs are going to be borne by the customers in higher food prices. So, the substitution or elimination of plastic bags with the alternate, which is generally going to be the paper bag, is going to have a huge impact to the consumer in higher prices.

We also happen to be a large recycler of plastic bags. We generally handle the independent supermarkets who don't have the infrastructure to recycle on their own. We collect from over a hundred stores on a weekly basis. And, in addition to supplying them with the infrastructure, and the bins, and the training to recycle plastic grocery bags, we also collect the plastic stretch wrap and film generated from supermarket operations. And, more importantly, we encourage the consumers to deposit their plastic dry cleaning bags and their plastic newspaper bags in our recycling bins. By eliminating the plastic bags in Suffolk County, you're going to eliminate plastic recycling, and all the gains made in education and recycling of film goes back into the waste stream, and all the opportunities for your residents to recycle their dry cleaning bags and their other plastic films at their local supermarket or other retail outlets is going to go away. So you'll ultimately end up generating more trash today by banning plastic bags than by continuing to educate on the value of recycling plastic bags, and, more importantly, minimizing use.

Most retailers, in fact, almost every supermarket is out promoting reusable bags and selling them. And what we've seen over the past year is an increase in recycling rates, because people are becoming more accustomed to it. It becomes part of their routine when they go shopping. We're also seeing an increase purchase of reusable bags, but, more importantly, more people are going back to the stores and reusing those bags. In the beginning, there were very few, but, as people keep going back to the stores and see the signage and get educated by the store personnel, they reuse more and more bags. So we're seeing a trend in less packaging, not just plastic bags, but paper bags and all packaging in the supermarkets, and this is in direct correlation to plastic bag recycling. Again, by eliminating plastic bags from the food industries, specifically the supermarkets, you're going to circumvent all the gains and education for using less packaging overall, which I think is more important than trying to force somebody's change in behavior. It's happening on a day-to-day basis, from education at the supermarket level, and we think that by continuing to promote recycling and minimize use, you're going to get much more environmental benefits than from starting to ban products like plastic bags in Suffolk County. Thank you.

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

P.O. LINDSAY:
Thank you, Mr. D'Antonio. Steven Kronman.

MR. KRONMAN:
Good afternoon, and thank you for having me here. I'm a small wholesale distributor selling on the East End. Instead of selling to supermarkets, I sell to all the mom-and-pop stores on the East End, and this bill that's before you right now would have a devastating effect on them. Right now, they're barely making ends meet, especially as you look on the East End where the season is very short,

and just keeping open in the winter months is tough enough.

The cost of paper bags versus plastic bags to the East Ender will be tremendous. The storage areas, which they lack in their stores, and don't have the ability to get more storage area -- as a matter of fact, when they've asked for outside storage areas, they've been denied -- is a big problem.

And let me relate to you a story that one small deli owner told me the other day. With all the increases in their cost of doing business, he said, "Steve," he said, "six months ago I had to raise my breakfast special from 3.99 to 4.88," he says, "just to cover my increase in costs." He says, "My costs have gone up 20% since then. I can't raise my price again, because I won't be able to sell breakfast specials. My customers won't be buying, I'll be out of business." We can't afford to put the small retailer on the East End out of business, because that's where this County is growing with the small retailer. So I beg you, please, do not pass this law, it will have a devastating effect on our East End business.

P.O. LINDSAY:
Legislator Romaine, do you have a question?

LEG. ROMAINE:
No. I just want to say, I hear you, absolutely. Thank you.

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

LEG. ALDEN:
We have a different plan for the East End. We're going to buy up the property, because deer don't use bags. Only 18 million dollars, that's all.

D.P.O. VILORIA-FISHER:
Okay. Motion to recess.

P.O. LINDSAY:
Wait a minute. See if anybody -- is there anybody else in the audience that would want to speak on 1791? Seeing none, Legislator Viloria-Fisher makes a motion to recess, I'll second it. All in favor? Opposed? Abstention? Okay. Next up is --

MR. LAUBE:
Sixteen. (Vote Amended to 17, 1 not present - Leg. Cooper)

P.O. LINDSAY:
I.R. 1810 - A Local Law to amend probation fees. 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.

LEG. ALDEN:
Second.

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

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

P.O. LINDSAY:
I.R. 1815 - A Local Law to add visitability requirements to the Affordable Housing

Program. And I have one card, William Stoner.

LEG. STERN:
He's not here.

P.O. LINDSAY:
He's not here.

LEG. STERN:
He had to leave.

P.O. LINDSAY:
Had to leave, okay. Is there anyone else in the audience that would like to speak on 1815? Seeing none --

LEG. STERN:
Motion to recess.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
1816 - A Local Law to --

MR. LAUBE:
Fifteen. (Not Present: Legs. Romaine, Cooper and Fisher)

P.O. LINDSAY:
-- toughen anti-dumping prohibitions. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject. Seeing none, Legislator Stern?

LEG. STERN:
Motion to close.

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

MR. LAUBE:
Fifteen. (Not Present: Romaine, Fisher, Cooper)

P.O. LINDSAY:
1866 - A Local Law to establish uniform procedures for issuance of film permits. And I have two cards on this, Lenny Stucker, Mr. Stucker, and followed by David Cohen.

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

MR. STUCKER:
Good afternoon, Ladies and gentlemen. My name is Lenny Stucker, I'm Vice-Chair of the Suffolk County Film Commission. I am CEO of TWI, the company that produces, creates, owns TV shows, sells it here in the United States as well as internationally.

We, the Film Commissioner, under the guidance of Michelle Stark and the initiative of Steve Levy, have presented this bill, and what it really stands for is to ease the filming permit for Suffolk County, to make one way of doing it. Filming brings in a lot of money to Suffolk County. We just had HBO out in East Hampton, and just to give you one idea, they were looking to buy from a local vendor $10,000 worth of lumber. They employ local people, carpenters, electricians.

Now, the purpose of this, because of the levels of government, it's difficult in the -- has been difficult in the past to know who to go to for a permit if you wanted to film in a County park, a County building, County property. With this bill, there would be one permit, one way of doing it so that people internationally, people domestically who don't live here would know one place to go to find out what they need to do to get a film permit. And with this, we've already met with some of the local Town Supervisors to see if they would follow suit to have a little foresight in this, that they would be willing to oblige us to do that. That ultimately, they would have the final decision, but that we would then feed to them, off this, a requirement to shoot in a certain township. Can I answer any questions?

P.O. LINDSAY:
Yeah; do you need any extras? We have a few hams up here, you know?

MR. STUCKER:
As we say, give me your head shot and we'll look into it.

P.O. LINDSAY:
Anybody have any questions for Mr. Stucker? We appreciate you coming down and telling us.

MR. STUCKER:
Thank you.

LEG. ALDEN:
Just one question.

P.O. LINDSAY:
Yep, Legislator Alden.

LEG. ALDEN:
Are you going to be available to come to Economic Development? Because I see that's what this is assigned to, in case -- as we debate the bill.

MR. STUCKER:
Yes, I'm sure Michele Stark will be in contact with me. But it's a win/win, I mean, it just makes it easier, it brings in money and it really would work. It's something that's very needed because it's been very complicated in the past and we've really worked hard to try to simplify it. And that's really what it is, it's just to simplify the process.

P.O. LINDSAY:
Thank you very much.

MR. STUCKER:
You're welcome. Thank you for your time.

P.O. LINDSAY:
You could be a golfer, you know?

LEG. ALDEN:
Yeah, as an extra.

P.O. LINDSAY:
Yeah, that's it. Mr. Cohen.

MR. COHEN:
Yes, good afternoon. Thank you. Yes, my name is David Cohen, I am a proud resident of Suffolk County and a member of the Motion Picture Television & Film Commission, and I'm also the Vice-President for Academic Affairs and Provost at Five Towns College right here in Dix Hills, New York. And I'm here to speak in support of IR 1866, a Local Law to establish uniform procedures for the issuance of film permits.

Now, as the Academic Dean of the largest film program of any college here on Long Island, I know that this law is really essential. Mass communication and associated media are growth industries here on the Island and in New York and they employ -- and will employ increasingly larger numbers of our Suffolk County neighbors. And yet, the numerous and various different forms of municipalities in Suffolk County has and will continue to have, unless we change it, a negative impact on this important economic sector. More streamlined municipalities such as New York City are much more user-friendly because of their uniformed procedures and they actually attract economic activity that should be maintained right here in Suffolk County.

At Five Towns College, we have nearly 200 film and television students. And even though I'm on the commission and I urge our students to take their best shot right here in Suffolk County, more and more students tell me that it's difficult to do their student films, even here in Suffolk County, and they go to the city to do their films. So students tell me that it's just too difficult and I hear them. And while the 200 undergraduate students at Five Towns may not seem like a lot, these are the students who will one day be the television and film industry executives and their impression of how it is to do business in Suffolk County will stay with them throughout their professional careers. So I urge you to adopt IR 1866 and send a message to the students here in Suffolk County that Suffolk is film-friendly and that we want their economic business to stay right here, where it belongs, in Suffolk County. Thank you.

P.O. LINDSAY:
Thank you very much, Mr. Cohen. Does anybody have any questions of Mr. Cohen? Seeing none, I don't have any other cards on 1866. Is there anyone else in the audience that would like to speak on 1866? Seeing none, I'll make a motion to close.

LEG. ALDEN:
Second.

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

MS. ORTIZ:
Fifteen.

P.O. LINDSAY:
Public Hearing on IR 1867-08 - A local Law amending the Suffolk County Empire Zone Boundaries to include NBTY, Inc. (County Executive). And I have one card here, Harvey Kamil. Hello, Mr. Kamil. How are you?

MR. KAMIL:
Good afternoon. I am President of NBTY. I'm delighted to be here and thank you very much for giving me the time to talk about the project.

We are a local company. We employ over 2,000 people in multiple buildings here on Long Island. We purchased a vacant piece of property, a building that had been vacant and had already let go all its people. What we are doing right is distributing to you fresh, fresh -- we apologize for the prior --

fresh bars. We intend to make these nutrition bars here right on Long Island; it's something that you always like to know. We are taking jobs out from other parts of the country and bringing it here all to Long Island into Legislator Gregory's location. We'll be employing, we say no less than 50 people, we expect 160 people. We will be having a payroll of about $4.3 million when the project is completed. Again, it's making -- it's making these nutrition bars that can be found in all the mass market retailers and making it right here on Long Island.

Again, we are a company that is devoted to Long Island. We have consistently done these type of things in terms of buying companies, bringing them here on Long Island, employing Long Island people. And I've been here waiting and listening to all. You know, everyone talks about deficits and the amount of funding you need, NBTY is committed to supporting the jobs and making sure that Suffolk County is a wonderful place to live and work.

P.O. LINDSAY:
Thank you, Mr. Kamil. Does anybody have any questions? Legislator Gregory, you want to say something?

LEG. GREGORY:
I would just like to make a brief statement. I think this is a good project. We're bringing, I think, a total of 150 to 160 jobs to one of the highest unemployment areas in Suffolk County. So I commend this effort, I support it 100% and that's it.

LEG. HORSLEY:
Ditto.

LEG. GREGORY:
And I make a motion to close.

P.O. LINDSAY:
Okay, but before I accept that motion, I just want to make an observation. I've been here for eight years and Mr. Kamil found out something, he's a very smart man, is that this Legislature works for food.

(*Laughter From Audience*)

So by giving us this candy bar --

LEG. ALDEN:
This is a gratuity.

LEG. ROMAINE:
A nutrition bar, not candy.

P.O. LINDSAY:
Oh, okay.

LEG. ALDEN:
Less than $75 a box.
P.O. LINDSAY:
Thank you very much, Mr. Kamil.

MR. KAMIL:
Thank you very much.

P.O. LINDSAY:
And Legislator Gregory has made a motion to close, seconded by Legislator Stern. All in favor?

Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislator Viloria-Fisher & Cooper).

P.O. LINDSAY:
Public Hearing on IR 1868-08 Adopting Local Law No. 2008, A Local Law clarifying the use of forfeitures upon conviction of the misdemeanor crime of reckless driving (County Executive). I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. EDDINGTON:
Second.

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

MS. ORTIZ:
Sixteen (Not Present: Legislators Viloria-Fisher & Cooper).

P.O. LINDSAY:
Public Hearing on IR 1869-08 - Adopting Local Law No. 2008, A Local Law expanding tax exemptions granted to spouses and unremarried surviving spouses of veterans (County Executive). I don't have any cards on this subject. Anyone in the audience want to address us on this subject? Seeing none, Legislator Stern?

LEG. STERN:
Motion to close.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay.

MR. LAUBE:
Check that, fifteen (Not Present: Legislators Horsley, Viloria-Fisher & Cooper).

P.O. LINDSAY:
Public Hearing on IR 1886-08 - Adopting Local Law No 2008, A Local Law to enact a grading policy for food establishments (Losquadro), and I have several cards. First is Robert McCarroll followed by Jeff Egan. Hello, Mr. McCarroll. How are you?

MR. McCARROLL:
Good.

P.O. LINDSAY:
That's good.

MR. McCARROLL:
So far. And if you had the facility that I could serve them hot and fresh, I would have brought union

rings.

LEG. LOSQUADRO:
Oh, man.

LEG. BEEDENBENDER:
You have no idea what we'd give if you brought us onion rings.

MR. McCARROLL:
Good afternoon. Thank you for hearing my concerns on the proposal to enact a letter-grading policy for restaurants in Suffolk County. My name is Bob McCarroll, Jr., my family has owned and operated the Good Steer Restaurant in Lake Grove for 51 years.

I would like to start by saying that I think Suffolk County does an excellent job of educating and supporting the food industry as well as keeping us all-ever vigilant in our mission of serving the public a safe and wholesome product. Having seen so many changes in the restaurant business and the food business in general, I well know the increased need not only to keep the public informed, but to be sure that they are getting both a wholesome and well prepared meal.

My biggest problem with a letter-grading system for restaurants is that it would probably do a disservice to the dining public. I would guess -- and I could be wrong here, this isn't a scientific poll, but I would guess that the average diner has not read the Suffolk County Health Codes from cover to cover. If everyone had read the code, then the letter-grade would be a useful indicator of the establishment's sanitary condition. As most people are not aware of the many criteria and areas of detail involved in an inspection, they are really just left to draw their own conclusion as to what this letter on the door represents. People don't think of the many safety and non-food related codes that we have to comply with. They think of and rotten food and mouse turds when they think of a restaurant deemed anything but perfect in the eyes of the Health Department.

D.P.O. VILORIA-FISHER:
Just as I was going to bite into the candy.

MR. McCARROLL:
Sorry.

LEG. HORSLEY:
It's not expired.

MR. McCARROLL:
I think that the public has enough faith in their County government, specifically the Health Department, to assume that their favorite dining establishment is safe if it has been allowed to be licensed and stay open. Suffolk County also posts inspection status on its website. If a guest has a question about a specific restaurant, enough information to satisfy that question is readily available. We're also required to make our past inspection information available upon request at the restaurant. We keep ours in a big binder, we keep them all out there, we're proud of them.

Another concern is the double-edged sword that this creates. Even more would be riding on the result of an inspection than there is now. Analysis of the system showed that a lot of restaurants were scoring just above the cusp of the next higher grade. According to Stanford University Economist Philip Leslie who studied LA's grading system, almost no restaurants received an 88 or an 89. A lot of restaurants got a score of just 90 which was the lowest threshold to get a grade of A. Inspectors may feel pressure to give a restaurant or a restaurant manager a break.

To sum up the very complex system by which we inspect restaurants with a letter grade of which the public has, at best, a very general understanding of is really of very little use. More laws are costly to enact, enforce and comply with. And we also often try a new law then realize it needs

modification or does not work. It would be very unfortunate to take this one out for a spin and hurt someone's business only later to realize that it didn't work. This law has the potential to be very costly to individual restaurants during a time when just a little costly can be fiscally devastating.

Thank you again for listening to me. And I would welcome the opportunity to discuss this with anybody who wishes.

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

LEG. NOWICK:
Where's your sister?

MR. McCARROLL:
She's in Disney World. So, thanks.

P.O. LINDSAY:
Jeff Egan followed by Francine D'Orazo.

MR. EGAN:
Good afternoon.

P.O. LINDSAY:
Yes, go ahead, Jeff.

MR. EGAN:
It's been, I think, a full head of hair and three kids since I've last talked to this body about another restaurant issue. I'm unhappy to see that my Legislator Cooper isn't here, I was hoping that he would leave me a ticket for the debate tomorrow night.

D.P.O. VILORIA-FISHER:
Get in line.

MR. EGAN:
I don't think he left anything. My name is Jeff Egan, I own the Changing Times Pub in Farmingdale and the Changing Times Ale House in East Northport. I've owned them for about 30 years --

MS. MAHONEY:
Can you speak into the microphone, please?

MR. EGAN:
Added up, I've owned them for about 30 years respectively and I employ --

P.O. LINDSAY:
I just want to stop you. I went to your establishment when my hair was blond.

MR. EGAN:
There you go.

P.O. LINDSAY:
So you've had it a long time.

MR. EGAN:
I employ probably 40 to 50 Suffolk County residents, anywhere from college-age students to people who support their families and pay their mortgages by being employed at Changing Times. A few

years ago I got the fortune to start teaching at Farmingdale State College. I teach entrepreneurship in small business management. It gives me the opportunity to teach young people and to teach people of all ages about owning small business in Suffolk County and what it takes to succeed in small businesses in Suffolk County.

One of the first things I tell them is that at times, and I stress at times, owning and succeeding in a small business in Suffolk County is equal to a salmon swimming upstream to spawn; very few survive. Sometimes we don't survive not because we don't have a good product or a good service, we don't survive because there are outside elements that affect our business. I think this is one of those times that we have to look at an outside element affecting our business and getting involved in legislation that I think doesn't -- won't work.

You can't -- it's very difficult to take a subjective inspection, and that's what happens. When we get inspections from the Suffolk County Board of Health, they're subjective inspections, they're not true or false questions, they're not multiple choice questions, it's the essay part of the inspection that is that unknown variables. It's very difficult to take an inspection like that and to give someone an over- simplified letter grade and to put -- and to make us post it on our door.

Inspections are a learning process for us as restaurant owners, we don't know everything, and when the Inspector comes in we learn a lot. Last time I got an inspection, the guy -- the Inspector said, "Jeff, come over here. Look at your walk-in wall, it's wood." It was getting old and he said, "It's getting too pourus. This is where bacteria forms, this is where we can get food-borne illnesses." You know what I said to him? I said, "I agree with you." The following week I went and I changed the walls of that walk-in. It all worked. It was a learning experience for me, it wasn't a confrontational experience. What I'm nervous about is if in the back of my mind I'm thinking, "This Inspector might have in the back of my (sic) mind to put a C on my door, I'm no longer going to cooperate and say, "I agree with you, I have to fix this problem." I'm now going to be in the back of my mind defensive. This might hurt me, this might be something that used to be a good thing, used to be a learning experience and I'm not going to have the chance to fix it. They're going to put the grade on the door and I'm going to get hurt. So what it does, it just takes away that process and that -- the process that has worked in the past and it's adding something that I don't think we need.

I think between the Board of Health and between the restaurant owners here in Suffolk County, we run a good ship. We want to make sure that there's no problems with food-borne illnesses in Suffolk County and we're going to be there and we're going to work with the Board of Health. I just think that this is a little overzealous. We're trying to take what might be a good idea, but it's a very bad process and the process could really be detrimental to our business and to Suffolk County residents and the people who I employ. Any questions?

P.O. LINDSAY:
Any questions? Yes, Legislator --

LEG. LOSQUADRO:
I'll be happy to discuss this, just get to any more cards that you might have. I have no questions.

P.O. LINDSAY:
There's another card. I was just going to make an observation to Mr. Eagan, that at times our Health Department isn't the easiest department to work with either. And I honestly sympathize with you guys because --

MR. EGAN:
We want to --

P.O. LINDSAY:
I've had problems in my district, numerous problems with Health Department issues that we had to get directly involved in, so.

MR. EGAN:
I think a good operator wants to work with the Health Department and wants to make sure --

P.O. LINDSAY:
Oh, I think you have to.

MR. EGAN:
-- that everything is safe.

P.O. LINDSAY:
All I'm saying is they're not the easiest to work with at times.

LEG. ALDEN:
And still sweat out your inspections.

MR. EGAN:
I have no comment on that.

P.O. LINDSAY:
Okay.

LEG. D'AMARO:
Bill, right here?

P.O. LINDSAY:
Yes, Legislator D'Amaro.

LEG. D'AMARO:
Yes, thank you. So if you go ahead and get this inspection, which is somewhat subjective, and you get a grade as the legislation proposes and you go ahead -- even though you're not adversarial, you go ahead and make the change, but in the interim maybe a week has gone by where a hundred people have come through your door and saw the C or the D or the F on the wall, what efforts would you have to take then to change all that?

MR. EGAN:
I have a pass or fail --

LEG. D'AMARO:
I mean, once they come in and the word of mouth starts to spread, you know. So what do you do, you have to advertise; what would you need to do?

MR. EGAN:
I don't really understand the question, say it one more time.

LEG. D'AMARO:
I'm just curious, you know, as -- are you concerned at all about the implication?

MR. EGAN:
The implication would be obviously detrimental to my business, but what I'm saying is we have two weeks to fix these violations to begin with. It's a pass or fail.

LEG. D'AMARO:
Right.

MR. EGAN:

We've never got graded, "Okay, you partially fixed it, we'll give you a B." When the Health Department comes in and they say, "Jeff, you have these violations," and there are hundreds of violations. You can have literally hundreds of violations out there and we'll -- there'll be things that they'll tell me, "You should fix this, the fluorescent light should be fixed, it shouldn't be off." There's a cracked tile in the floor, I fix it. I don't have to be worried that I'm going to get a C stamped on my door and I'm going to lose business between me fixing the problem. It's a pass/fail, I fix everything; I don't fix it to the point of a B, I fix everything. So what I'm saying is the system works. They tell us what to do, we fix it within the two weeks, they come back, they reinspect. We don't have to have that fear that, boom, they're going to put something on the door. We have to fix it anyway.

LEG. D'AMARO:
So do you --

MR. EGAN:
And it could only -- go ahead

LEG. D'AMARO:
Do you feel that even without the grading system you would still be inclined to remedy any violations pointed out through a health inspection?

MR. EGAN:
For the last 22 years that I've been in business, every time I have a violation, and most are unknown violations, most are new. I've had a waitress station that's by the door, it was -- I never knew a waitress station couldn't be by the door. They came in, it's a little public safety problem, I fixed it. There's too many people walking past there, I moved the waitress station. It's a learning experience, it's something we do. If I don't fix it there's implications, but the implications are not, "Here's a C until you fix it"; I have to fix it, it's already in the code, it's already in the process.

LEG. D'AMARO:
Right. If you don't fix a violation you're subject to fine and penalty and all of those things anyway.

MR. EGAN:
Absolutely, absolutely. It has to be fixed.

LEG. D'AMARO:
So you have motivation to fix --

MR. EGAN:
Pass or fail. We can't say, "No, we're not going to fix it"; we have to fix it, they'll keep coming back.

LEG. D'AMARO:
Okay. Thank you.

MR. EGAN:
Thanks.
P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. I was going to withhold comments on this until cards were finished, but we've had a few questions.

I just want to point out that the grading system, this is not reinventing the wheel. California, Nevada to Missouri have letter-graded systems in place that were implemented successfully, they have not been injurious to business in those areas. That being said, I wanted to take what has been

learned in those areas and incorporate something here that is going to help commerce and not hurt it.

I've met with representatives from the Restaurant & Tavern Owners Association already and just for everyone's edification, I plan on recessing this today until such time as we come up with something with the industry that everyone is comfortable with. People need to understand what is happening here. You're right, there are many levels of violations; critical and non-critical. Well, the non-critical violations I don't see as being something that would add up to an establishment getting a grade that would drive away business. Because these are non-critical items, the establishment should have a chance to remedy them within a given time period, we come back, we inspect; of course, you're going to correct those. But the critical items, the areas where there are mouse -- there are, you know, rodent infestations, insect infestations, refrigeration equipment not functioning. These, unfortunately, are instances that do occur and --

P.O. LINDSAY:
We're debating the bill, Dan, you know?

LEG. LOSQUADRO:
I understand. I just wanted to explain, as far as the public hearing goes for those who may continue to speak on it, that we have to have a way for the public to know there's a difference between your establishment that does the right thing and a persistent violator who doesn't. So you should be --

MR. EGAN:
Do we have the website? I'm sorry. Is there a website in place?

LEG. LOSQUADRO:
Unfortunately, as we know around this body, and I know we were getting into debating the bill, the public is -- we've seen very little activity on that website, I've spoken to the Health Department about that. Unfortunately, that method for getting information out to the public has not been a success. So looking at a way that we can get information to the public in a very visible format to let them know that you are doing the right thing but perhaps someone else isn't I think is the direction this County should move in. But again, it has to be done in conjunction with the industry to do something that's going to work for everyone.

P.O. LINDSAY:
Okay. We've got --
MR. EGAN:
I'll just say one last thing and I'll let you go. I'm sorry. We're very proud of our industry on Long Island. I think our industry is very important to Suffolk County and we are willing to do whatever it takes to keep our reputation and keep the public informed. I just think this is a little bit more than the process needs. Thank you.

P.O. LINDSAY:
Okay. Thank you very much for showing up.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
Oh, it must be Francis; is it Francis?

MR. D'ORAZI:
I've been called many things, never Francine.

P.O. LINDSAY:
It's either I should put my glasses on or you should write clearer, you know?

MR. D'ORAZI:
I should learn how to print again, that's it. The nuns, though, used to slap my hand when I didn't print right and apparently they've got to start doing it again.

P.O. LINDSAY:
All right. Mr. D'Orazo (sic).

MR. D'ORAZI:
Thank you. Again, my name is Francis D'Orazi, I'm the President of the Long Island Chapter of the New York State Restaurant Association. We have approximately 500 members here on Long Island that operate approximately 900 facilities throughout Nassau and Suffolk Counties. I'm also the owner of a catering facility in Port Jefferson Station called The Meadow Club. Rather than read through my statement, you've heard from Mr. McCarroll and the other gentlemen most of our objections to this. I also own a facility, a catering facility in Queens. Back in the 80's, the Queens -- the New York City Health Department also had letter grading. And as many of you might remember, back in the 80's there was a big scandal in Queens, I should say in New York City, with the Health Department because of the letter grading where there were, for lack of a better term, fees left in the bathrooms for gentlemen expected to pick up so they wouldn't be graded with a C or a D. Now, when I was younger, obviously, we would never take part in something like that, I was brought up with -- in a family business like Mr. McCarroll and we're very proud of our facilities, The Meadow Club, Le Cordon Bleu, The Flodily we have in the city.

One of the things that this letter grade does to us is it puts us in a position with our clients and with the inspectors to look for ways around it. One of the other things you may want to think of in the letter grade, the public doesn't always look at this as a letter grade for the health quality of the facility, but they're looking at this letter grade as a quality of the food that you're serving. Now, if I get a B, to be very honest, most restaurants on Long Island will not get an A grade because it's almost impossible. There is always something in your facility that they will find and it has nothing to do with the hazardous materials that may be in your restaurant. It could have to do with, as we said before, a light bulb fixture that's not covered properly, a sink that should be 12 inches further away from a work area. There are so many different variables in a Health Department inspection that when you get this letter grading in, we could be a very clean restaurant and still fail. There are so many other things involved.

And by the way, we do welcome a dialogue with you. I would love, with my board, to sit down with you and go over all the different things. We would love to work with you on this. And again, rather than read all of this, I just want to thank you for the opportunity to sit here with you today.

P.O. LINDSAY:
Thank you very much for coming down. I know you're a busy man. All right, next is John Ryerson. Hi, John.

MR. RYERSON:
Hello, Bill. How are you?

P.O. LINDSAY:
I haven't seen you for a while. How you doing?

MR. RYERSON:
John Ryerson, Chairman, Board of the Directors, Suffolk County Restaurant Association, and also the owner of McGuires Comedy Club. Nice to see some of you again. I see Jon isn't here, but Bill -- Danny, I don't know you -- but Lynne and a few of the other people I've dealt with here before. I only became aware of this yesterday afternoon about three o'clock. I actually tried to get to your office, Bill, but didn't get there until you were gone. But my first thought was that maybe --

P.O. LINDSAY:
We were closed yesterday, John.

MR. RYERSON:
You were closed.

P.O. LINDSAY:
We were closed. It was --

MR. RYERSON:
Oh, it's a holiday, huh?

P.O. LINDSAY:
Yeah, Columbus Day.

MR. RYERSON:
Not for me. The first thing I thought was {Michelin Gidings}, they weren't doing their job with the stars and now we're going to get scarlet letters, but I'm sure that's not the case.

But to reiterate what some of the other guys said, we do have a grading system and it's called compliance. And there are no gradations of compliance, there is either compliance or there is not compliance.
And during inspection, issues of non-compliance are identified and they're rectified, and in some cases reinspection is required to verify compliance. It's not Lucy from Peanuts where you can still operate with a D. You get an A and that's the only grade there is, or if you prefer you get an A or not an A. There's a website for the public to track compliance. Any grading is misleading, for some of the reasons already mentioned, and it's very likely to be inaccurate.

In the interest of the industry, I welcome a debate also, but for the time being, until we have that debate, I would like to see this recessed or tabled or in some way put aside so that we can have input into it. Again, the economic activity generated by the hospitality industry in Suffolk County is seriously large and the only one right now that is still producing at current levels and past levels. So thank you very much for your time, Ladies and Gentlemen. Bill?

P.O. LINDSAY:
Thank you. Thank you very much for coming down and giving us your comments. All right?

I don't have any other cards on this subject. Anybody else in the audience want to address us on this subject? Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. As I said before, my intention is to recess this while we work on it. But I do just want to point out that in municipalities where this has been put in place, that a letter grade in the window has proven to be one of the most powerful incentives for restaurants to perform well on in inspections. And through a period of transition into the implementation of these programs, it has really lead to a high degree of self-monitoring by the industry. And I really see this as a positive for the establishments that are doing the right thing because the guy around the corner who is the persistent violator, who does not hold his facility up to the same standards as the individuals who are complying with all of the requirements, I think it's unfair that he gets to hang the same certificate out as the other individual. So I think this is something that is a positive for the industry and will lead to self-compliance on the part of those. So I'll make a motion to recess.

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

All right, that concludes our Public hearings for today. I'd like to set the --

MR. LAUBE:
Fourteen (Not Present: Legislators Cooper, Kennedy, Viloria-Fisher & Montano).

P.O. LINDSAY:
Set the date for the following Public Hearings, November 18, 2008, at 2:30 p.m. at the Rose Caracappa Auditorium in Hauppauge; IR 1892, a Charter Law to authorize the use of development rights for smart growth community development and job creation; IR 1894, a Local Law to reduce the use of fertilizers near surface waters in Suffolk County; IR 1895, a Charter Law to establish a Truth-and-Honesty Zone for clean campaign practices in Suffolk County by banning improper fund-raising; IR 1903, a Local Law to prohibit the sale of old vehicle tires, and that's it. So I'll make a motion to set that hearing date.

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

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

MR. LAUBE:
Fifteen (Not Present: Legislators Montano, D'Amaro & Cooper).

P.O. LINDSAY:
Okay. At this time, I'm going to call a very short recess, probably no more than ten minutes and then we'll come back. Okay?

(*Brief Recess Taken: 4:35 p.m. - 5:27 p.m.*)

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

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
(Not present).

LEG. LOSQUADRO:
(Not present).

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

LEG. BEEDENBENDER:
Tim?

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

P.O. LINDSAY:
Here.

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

P.O. LINDSAY:
Okay, we're up on the -- if you're on the paper agenda, page seven,.

Health & Human Services

The first page -- the first resolution is **1771-08 - Directing the Department of Public Works to issue Public Health Nursing Task Force RFP (Presiding Officer Lindsay).**

D.P.O. VILORIA-FISHER:
You make a motion to approve?

P.O. LINDSAY:
Yeah, I'll make a motion to approve.

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

P.O. LINDSAY:

Second by Legislator Viloria-Fisher.
LEG. ALDEN:
Can I have an explanation?

P.O. LINDSAY:
Explanation.

LEG. MONTANO:
I'm sorry, what are we on?

D.P.O. VILORIA-FISHER:
Page seven, 1771.

P.O. LINDSAY:
Legislator Viloria-Fisher, would you like to explain it to Legislator Alden?

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

P.O. LINDSAY:
Because you are the most familiar with this.

D.P.O. VILORIA-FISHER:
Actually, we -- this Legislature passed, two-and-a-half years ago, a resolution -- actually, three years ago we put together the Public Health Nursing Task Force, and the charge of that task force was to put together the criteria for an RFP for a consultant to do an analysis of Public Health Nursing and, you know, cost benefit. That group met for a year but did a report, published the report and charged our Budget Review Office which, by the way, we did, by a second resolution which was voted on and passed by a majority of this Legislature. Budget Review worked for a number of months on the RFP, completed it. And when did you finish that, Gail; what is the date of completion of that RFP?

MS. VIZZINI:
We sent it over to the County Attorney's Office somewhere around October of '07.

D.P.O. VILORIA-FISHER:
So since October of '07 until now, the Executive's Office has refused to publish that RFP. There was an excuse that Connie Corso from the Executive's Office didn't know about the task force, we have a paper trail informing the County Executive's Office of that task force, inviting him to put somebody on the task force. The task force met, as Barbara LoMoriello was the representative for the Presiding Officer, you know, they performed their due diligence. We have an RFP that was prepared by BRO and there has been an unwillingness to publish that RFP.

LEG. ALDEN:
Okay. And then just very briefly, what is the request we're making?

D.P.O. VILORIA-FISHER:
For a consultant to do -- go ahead, Gail.

LEG. ALDEN:
A consultant to do an analysis of --

MS. VIZZINI:
It's a cost benefit analysis, really, of the division.

LEG. ALDEN:

And that's what we're looking for. Okay.

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

LEG. ALDEN:
Thanks.

LEG. MONTANO:
Well, I have a question.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
What did the -- I'm trying to get the original proposal on the computer, I can't get it. What did the resolution say about the RFP, the one that came out in 2006 that we passed? Was it mandating the RFP being published or was it silent on that issue? In other words, what I'm trying to find out is whether or not you're maintaining that the County Exec's Office or the County Attorney's Office is in compliance with or not in compliance with the resolution that we passed.

D.P.O. VILORIA-FISHER:
I believe, Gail, that there was -- well, George, can you answer that question? Because I can't recall if that was one of the RESOLVES --

LEG. MONTANO:
Yeah, I would like one of the attorneys to answer it.

D.P.O. VILORIA-FISHER:
Because my assumption is that when you have an RFP that it's to be published, otherwise who can answer it?

LEG. MONTANO:
That would be the normal assumption. But I don't know what the legislation said because I can't get it on my system. George, do you know the answer to the question?

MR. NOLAN:
Yeah, I'm going to have to -- let me bring up those old resolutions. And I didn't catch the entire question. What was the question regarding --

LEG. MONTANO:
Well, what I'm trying -- just so I'm clear. This resolution requires the publishing, or I guess the submission of the RFP; am I correct, Legislator Fisher?

MR. NOLAN:
It's --

LEG. MONTANO:
My question is what does the prior resolution say? The one that we passed that established the task force; what does that say relative to the RFP? Where are you going, George?

MR. NOLAN:
I have to go get the resolutions.

D.P.O. VILORIA-FISHER:
Well, he's going back three years.

LEG. MONTANO:
Oh. Well, it's 2006 I thought.

D.P.O. VILORIA-FISHER:
Yeah, it was 2006. And then there was a subsequent resolution in 2007.

LEG. MONTANO:
All right.

P.O. LINDSAY:
Could I make a suggestion? While Counsel is getting the original resolution, why don't we --

LEG. MONTANO:
I think Gail has it.

P.O. LINDSAY:
Do you have it, Gail? Oh, okay.

MS. VIZZINI:
Yeah, Resolution 176-2006 authorizes --

LEG. MONTANO:
Was that the latest resolution or was there one subsequent?
Because Legislator Fisher, Viloria-Fisher is talking about 2007; am I correct?

D.P.O. VILORIA-FISHER:
Well, let's see what Gail has to say about 2006, because that was the first enabling resolution.

LEG. MONTANO:
Okay, that was the first.

MS. VIZZINI:
There are actually three resolutions pertaining to this RFP. The first one, which I believe you're asking about, was 176-2006; it established the task force whose charge was to come up with the criteria for the RFP and it authorized the Department of Health to issue the RFP. There was no cooperation from the Health Department, and since there was no progress, you passed another resolution which was Resolution 548-2007 which you adopted unanimously; it amended the first version and substituted Budget Review for Health Services. So Budget Review did prepare the RFP. We then sent it to the County Attorney's Office to assure that it complied with all the usual requirements, we got it back from them by the end of '07 and we sent it to Public Works, because that's where Purchasing is --

LEG. MONTANO:
Okay.

MS. VIZZINI:
-- in January of 2008.

LEG. MONTANO:
So can I conclude from that that you're saying that they're not in compliance? Well, I'll ask George; is he back?

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

LEG. MONTANO:
All right, I'll ask you. Why don't I ask the County Attorney? Can we have a -- are you following this? What I'm trying to just ask, if I may.

P.O. LINDSAY:
Mr. Brown, can you answer this question?

MR. BROWN:
I could to a degree. My understanding, and it's strictly my understanding, is that as far as the task force was concerned was that the County Executive's Office did not serve on the task force. But irrespective of that, irrespective of what you say, Legislator, I also understand that a member of the County Executive's Office did not serve on the Evaluation Committee of the RFP.

LEG. MONTANO:
Right, but that to me would be irrelevant who served on it. The question I'm --

MR. BROWN:
Actually, the code requires that a member of the County Executive's Office serve on every RFP Evaluation Committee.

LEG. MONTANO:
So then you're saying that --

MR. BROWN:
So it could very well be that there --

LEG. MONTANO:
If I may. Then what you're saying is that because there was no representative for the County Executive on this task force that the whole process was invalid; is that the argument you're raising?.

MR. BROWN:
Well, the resolution did, in fact, require that a member of the County Executive serve on the task force, so it's a logical conclusion, yes.

D.P.O. VILORIA-FISHER:
Although we had made every effort and we have the trail to show that we reached out to the County Executive's Office. Our Clerk reached out to the County Executive's Office and no person from the County Exec's Office was assigned to be on that task force.

LEG. MONTANO:
Well, that's the question. Was --

MR. BROWN:
Yeah, that's a question for the County Executive's Office. I can't address that question.

LEG. MONTANO:
Dennis, before you leave, I just want to be clear. You're saying that -- what I'm asking is did the resolution provide for someone from the County Exec's Office to be on that --

MR. BROWN:
Yes, yes.

LEG. MONTANO:
So -- and you're saying that because nobody was there, it makes it invalid; is that your argument?

MR. BROWN:
Yes.

LEG. MONTANO:
Well, I'm sorry, but I'm not buying that.

MR. BROWN:
And beyond that, beyond that, the code requires, the code requires that somebody from the County Executive's Office serve on every RFP Evaluation Committee.

LEG. MONTANO:
Right. But you chose unilaterally not to serve, are you saying that that invalidates the resolution?

MR. BROWN:
Well, I can't say that that was the case.

LEG. MONTANO:
Well, what is the case? That's what I'm asking; what's the case?

MR. BROWN:
That question would have to be addressed to the County Executive's Office. Whether or not there was an invitation or not, I do not know the answer to that question.

LEG. MONTANO:
I'd like to hear from our counsel, if I may. I just want to get an answer to the question, I'm not trying to be confrontational, I just want to know what's going on.

MR. NOLAN:
Well, there's a lot --

LEG. MONTANO:
Thanks, George.

MR. NOLAN:
There's a lot of history. First of all, while Chapter 708 does indicate that a representative of the County Executive should be on the Evaluation Committee, that was enacted by a resolution. This is a separate resolution that says the Evaluation Committee will have a different makeup, so that's what controls.

In terms of what this resolution does is we have an RFP that's been prepared and it just asks DPW to let it go out to the public, that's what it does.

LEG. MONTANO:
What happens if they don't do it?

MR. NOLAN:
Well, I mean, this is the --

D.P.O. VILORIA-FISHER:
Well, they're clearly not in compliance.

LEG. MONTANO:
Well, that's what I'm saying.

MR. NOLAN:
I mean, I assume that they will --

LEG. MONTANO:
If they're not in compliance already, then why -- if they're not in compliance and we passed a resolution that tells them to be in compliance and they're still not in compliance, what are we doing?

LEG. ROMAINE:
Rolling over.

MR. NOLAN:
Well, I think if we direct them to do it by a resolution, I'd like to think that they will -- they will follow that.

P.O. LINDSAY:
Legislator Romaine, did you want to weigh in on this?

LEG. ROMAINE:
I do want to weigh in. I want to weigh in while we're focused in on the very narrow issue of this specific RFP, I want to take it more globally and look at RFP's in a larger context. As members of this body know, I have an RFP piece of legislation saying anything over $50,000, any RFP that would be issued, should require the approval of this Legislature.

I have to say that I have grave concern about RFP's and I have grave concerns as to how they're being conducted. I have grave concerns that the membership of the RFP Committee was changed by Executive Order without the approval of this Legislature who sits on RFP Committees.

P.O. LINDSAY:
You mean the waiver group.

LEG. ROMAINE:
Right.

P.O. LINDSAY:
The ones that can waive it.

LEG. ROMAINE:
Right, I have grave concerns about that. I have grave concerns about the standards that are used on RFP committees. I have grave concerns about a whole host of things. How, for example, did we get an RFP? I won't use the nursing home because I don't want to talk about that, but what I will use is Yaphank. That's a multi-million dollar affordable housing initiative that the Executive issued an RFP for members to apply for to build housing, commercial developments, industrial developments and that land hasn't been declared surplus by this Legislature. Where did that authority come from? Where did the authority -- where did the expenditures of County time and personnel come from for the RFP?

I believe the issue of RFP should be examined by our Comptroller, to be examined to see what rules currently exist in law for RFP's. Who is authorized to issue RFP's? At what level does the Legislature have to be involved? And can someone just as an Executive issue RFP's that commit this County to hundreds of thousands of dollars of expenditures without Legislative approval? This is a problem. And I only cite Yaphank as one example, I can cite multiple others, I don't want to take up your time.

But clearly, I want to raise the red flags about how RFP's are being conducted. I watched RFP's for a Workman's Comp situation where the committee recommended one way and the vendor that was selected was someone other recommended by the committee that was rated highly by the

committee. I have question about RFP's and how they're conducted in this County because I clearly think this Legislature should weigh in as strongly as it possibly can and establish ground rules for RFP's in this. We are dealing with this repeatedly. We discover after the fact about RFP's, not before the fact. And many times the RFP's, by and of themselves, are policy initiatives that circumvent this Legislature and undo the checks and balances that are so crucial to County government.

So I would recommend, Mr. Presiding Officer, that you may want to select a select committee to examine the issue of RFP's and what the laws of Suffolk should and the role of the Legislature. Thank you.

D.P.O. VILORIA-FISHER:
May I just answer a little bit of that? Relative to this RFP, Legislator Romaine, the reason I amended the resolution to make --

LEG. ROMAINE:
I support this.

D.P.O. VILORIA-FISHER:
-- to bring it to Budget Review Office was because the Health Department was doing -- was refusing to handle it at all.

LEG. ROMAINE:
Oh, I know.

D.P.O. VILORIA-FISHER:
And so I brought it back to our Legislature and BRO worked a number of months on this to have a very solid set of criteria and a good RFP, they worked very hard on this, and it has been ignored for a year and a half.

LEG. ROMAINE:
We don't have coequal branches of government here.

LEG. MONTANO:
May I have the floor again?

P.O. LINDSAY:
Legislator Montano, did you wish to be recognized?

LEG. MONTANO:
Yeah, I just want to point out, I'm reading the resolution and the last WHEREAS clause says, "WHEREAS, the Department of Public Works is willfully ignoring a policy adopted by this Legislature," and then it says, Now, RESOLVED that they shall be directed to issue it within ten days." My question is that if they're already woefully ignoring it, it means to me that they're not in compliance with something that we already adopted. And if we're giving them ten days to do it, the question I have is let's say we passed this resolution and ten days expire, what happens next? Because the resolution is silent with respect to what have -- there already -- it seems to me, according to the WHEREAS clause, you're already in violation. We're telling you to do it in ten days and if you don't do it in ten days, what is going to happen, are we going to pass another resolution in ten days saying to do it again? It has no teeth is what I'm saying.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. If I could, can I ask Mr. Brown to step to the podium again, please?

MR. BROWN:
Sure.

LEG. KENNEDY:
Thank you. Mr. Brown, I know we have IR 1771 before us, but 1771 comes out of the fact that Adopted Res 176-06 apparently was never acted on, and I think I just heard you say the rational was that there was no representative from the County Executive's Office?

MR. BROWN:
I believe that's correct, yes.

LEG. KENNEDY:
Okay. Well, I had a chance to go on-line here and look at it and I see that there's a representative named by the County Executive, or a representative to be chosen by the County Exec.

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

LEG. KENNEDY:
And when I scroll down further, I see that this resolution was returned effective pursuant to the Charter, unsigned by the County Exec.

MR. ZWIRN:
Well --

LEG. KENNEDY:
Ben, hold on, I didn't finish with Mr. Brown.

MR. ZWIRN:
But I can answer some of those questions.

LEG. KENNEDY:
Well, maybe after Mr. Brown does then maybe you can speak to it, how's that? When a resolution -- actually, part of it has to go to the Clerk's Office, too. Tim, what happens when we act on resolutions, how do they go across the street?

MR. LAUBE:
Well, after we conduct -- after you guys pass them, we certify them and we put them -- all the other ones, we send them over to the County Executive where he has the choice of either signing them and returning them to us, not signing them and letting them become pocket-approved, or outright vetoing them.

LEG. KENNEDY:
Okay. So is it safe to assume -- and Mr. Brown, I'm guess I'm going to ask you this; is it safe to assume that the County Executive knew this resolution passed? In other words, did he have notice?

MR. BROWN:
Well, I would take it from your question that you're suggesting that there's an implicit invitation by the passage of this resolution to the County Executive.

LEG. KENNEDY:
No, not implicit, very explicit. In other words, it was duly and properly presented, I've just heard from the Clerk. So the fact that the Exec elected not to participate is not incumbent on this body to go ahead and compel. We went through the process.

MR. BROWN:
I don't think that you can draw the conclusion from the passage of a resolution that that automatically extends an invitation to any particular person or body to be part of the task force. You could make the same argument that there's constructive knowledge to everybody who's named to be part of the task force. Once this task force has been approved, that doesn't necessarily automatically turn into membership of the task force.

LEG. KENNEDY:
No, see, I disagree --

MR. BROWN:
I just disagree with your conclusion.

LEG. KENNEDY:
And I disagree with that because the Executive is part of the signatory process.

MR. ZWIRN:
Yeah, but how do you --

LEG. KENNEDY:
And in other words, he made a choice not to sign, but nevertheless he had notice.

MR. ZWIRN:
If I can respond to that. That's just --

LEG. MONTANO:
Well, he doesn't have to sign, it passed.

LEG. KENNEDY:
I'll yield.

D.P.O. VILORIA-FISHER:
Ben, actually he just yielded to me. Gail, can you please go through the paper trail where my office informed the County Executive's Office of the existence of this task force and his ability to name somebody as his representative.

MS. VIZZINI:
Sure, no problem. After the passage of the legislation, the sponsor, in April of '06, sent letters to all the individuals who were designated, the eleven individuals who were designees. And in that correspondence it specifically said, "You have a designee to the task force, let me know, notify me, particularly Ginny Suhr of my office, who that person is so we can get the ball rolling."

D.P.O. VILORIA-FISHER:
Okay, that was April, right after the enactment of this legislation.

MS. VIZZINI:
Yes, it was April 25th '06. And specifically, in terms of the County Executive's appointee, May went by, there was already a meeting, the first meeting of the task force met at the end of May with the individuals who had complied with the letter, had responded directly to Ginny Suhr, they had signed their affidavits for membership. June 6th -- June 1st of '06, the County Executive appoints the Assistant Budget Director as the designee. Then June 7th of '06, the Clerk sends the Assistant Budget Director, who happened to be Connie Corso at the time, the, you know, notification of signing the Oath of Office, meanwhile, the task force has their second meeting the day after, June 8th. Connie sends back her memorandum to the Clerk of the Legislature on June 22nd.

So the time line demonstrates that there was an appointed member to the task force from the County Executive's office. Apparently, according to the conversations and the correspondence, there was some miscommunication, but the meetings that were held, and there were two more meetings, were held with a duly constituted quorum, according to the Legislature. The final report was completed and issued in August with the criteria that would be implemented into the RFP.

D.P.O. VILORIA-FISHER:
And the schedules of all of the meetings were available at my office and at the Presiding Officer's Office, his representative being Barbara LoMoriello, my office e-mailing members of the task force, of the scheduled meetings.

MS. VIZZINI:
The minutes also reference the concern that some of the duly constituted representatives were not present and Barbara was going to follow-up. She indicated to me that she followed up with Mr. Zwirn in terms of the absence of the representative from the County Executive's Office.

D.P.O. VILORIA-FISHER:
We did all our due diligence.

LEG. KENNEDY:
Sounds like it

P.O. LINDSAY:
Okay, Mr. Zwirn.

MR. ZWIRN:
Thank you, Mr. Presiding Officer. In answer to Legislator Montano's indication, if we had deliberately not sent a representative to these meetings, I think that would be the issue that you're talking about, because then we could circumvent and subvert the entire process.

LEG. MONTANO:
Exactly.

MR. ZWIRN:
That's not what happened here. That's not what happened here.

LEG. MONTANO:
Can I say something, Ben? If -- you know, and I don't want to belabor the point. You know, you just said it wasn't deliberate, and that's fine. But if -- from when I learned it, if we pass a resolution and it goes to the County Executive and he doesn't sign it, it becomes a pocket veto but it's still law. So you can't claim that you didn't know that you had to send a representative and I'm not sure --

MR. ZWIRN:
We didn't know when the meetings were, where to send a representative.

LEG. MONTANO:
All right, I'm not going to go there. My question to you, then, is very simply, if we pass this resolution, are you going to -- is it going to be complied within ten days?

MR. ZWIRN:
What we have asked, and with the -- with the help of the Legislature, you guys, the Presiding Officer, table this one cycle to give us an opportunity for Ms. Corso to read what minutes there were, and there are not a lot of -- I ask you to look at this report. I mean, one of the things that she was --

LEG. MONTANO:
Okay, I understand that. But my question is -- I just want to keep you on focus here. If we pass this resolution, and I don't know whether it's going to pass or not pass, are you going to comply with it in ten days as it's called for, or are you going not to comply with it for other reasons? If you know.

MR. ZWIRN:
I don't know. I don't know the answer to that. But I do know that the County Executive just asked if the comments and suggestions that were made by Ms. Corso, the Budget Director, could be made part of the task force and some of the recommendations, may be part of the RFP, then there would be no problem. Then we felt that we would have an opportunity --

LEG. MONTANO:
The RFP is already done; am I correct on that?

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

LEG. MONTANO:
So we could attach it. I don't know if that's procedurally the proper way to go, it certainly could be made part of the record. But what I'm trying to get at is I'm just -- you know, maybe we can cut this short, but the bottom line is that apparently there's non-compliance or miscompliance, whatever. But if we pass this resolution, you know, I don't want to be back here in ten days figuring out what we do next.
So you can't answer whether or not it's going to be complied with.

MR. ZWIRN:
No.

P.O. LINDSAY:
Okay, I'm going to weigh in. A bill was passed, it was sent over to the Executive, which I would assume anything that we pass, Ben, he has knowledge of because we send him the bill. The paper trail indicated that Ms. Corso took an Oath of Office to serve on it. And then Mr. Brown says the RFP wasn't issued because the County Executive's Office didn't participate in it. What the hell are we doing?

D.P.O. VILORIA-FISHER:
Playing games.

MR. ZWIRN:
Mr. Presiding Officer, we have to know when the meetings are so we can participate. But if the information is kept -- is not passed -- usually you get an invitation. I've served on task forces and I get notified when there is a meeting. Now, just because I swear to participate doesn't mean I know when the Chairman is going to call a meeting of the task force.

P.O. LINDSAY:
There was no list sent to the task force of when they were meeting or anything?

D.P.O. VILORIA-FISHER:
The person did not come to the meeting -- Barbara LoMoriello reached out to her with the dates of the meetings, from your office.

P.O. LINDSAY:
Is that true, Barbara? You don't remember.

MS. LoMORIELLO:

No, I do remember. The chair of the meeting had asked me, she was very concerned that there wasn't anybody from the County Executive's Office and I reached out to Ben who then indicated that he would notify the person to attend the meeting.

MR. ZWIRN:
Well, when I see Ben I'm going to talk to him, but I don't -- with all due respect, talking about myself in the third person, I don't recall. I mean, I may be -- I'm not saying you didn't, I just --

P.O. LINDSAY:
I think the question that begs to be answered a dozen different ways, and I'm glad the County Attorney is in the audience, if this body which is -- shares government powers in this County, passes legislation and the Executive willingly doesn't participate in the process and then says, "I don't have to do this because there was no participation"; I mean, isn't this a back door to ignore the legislation that's passed by this duly elected body?

MR. ZWIRN:
I don't think that was the case here. In all good faith, I don't believe that was the case. That was not the intent.

D.P.O. VILORIA-FISHER:
But that was the result. But that was the result.
MR. ZWIRN:
We ask that Ms. Corso's comments be made part of the task force's recommendations.

D.P.O. VILORIA-FISHER:
You asked this last month.

MR. ZWIRN:
That's correct.

D.P.O. VILORIA-FISHER:
Actually, two months ago, whenever that was laid on the table. We just received her comments today.

MR. ZWIRN:
Right.

D.P.O. VILORIA-FISHER:
The comments that we received really basically rewrite the RFP. This is a little late in the game and I don't believe that this Legislature should accept a rewriting of an RFP that was put together according to the resolution that was voted on by this body, a coequal branch of government. To have somebody come in and her cover letter say that, "In the sparse few minutes that she had to review this"; the sparce few minutes? A month ago you said you were going to give it --

MR. ZWIRN:
No, no, the sparce -- it was the sparse minutes that she reviewed.

D.P.O. VILORIA-FISHER:
Oh, sparse minutes, excuse me. Well, sparse and few would have been redundant, you're right. But I don't consider six weeks to be sparse minutes. Okay? In any case, the RFP has been prepared by our Budget Review Office which is very capable and very professional, it doesn't need to be rewritten by Connie Corso on her own and asked to be -- take the place of our duly constructed -- according to our law, according to our legislation, to rewrite our RFP; we can't allow that as a Legislature.

MR. ZWIRN:

If I might just -- I understand my role in all of this and it's very small. But if you have the opportunity to read the letter and her recommendation, we would appreciate it, because I think they make a lot of sense.

And it goes to the fact that the person conducting the RFP, in the one that was done with the task force it says a nurse would be, a professional nurse would be the one who would do it, and they were doing a cost benefit analysis of Public Health Nursing. Well, as opposed to a public health financial consultant doing the actual RFP. So I think we were trying to get --

D.P.O. VILORIA-FISHER:
Like HMM?

MR. ZWIRN:
We were trying to get something that was very balanced and fair and I think her comments are well taken.

D.P.O. VILORIA-FISHER:
Too bad she wasn't at the meetings.

MR. ZWIRN:
Well, that's the point, she didn't know when the meetings were.

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

LEG. MONTANO:
Can we vote? Can we vote?

D.P.O. VILORIA-FISHER:
Go find Ben.

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

MR. LAUBE:
Seventeen (Not Present: Legislator present).

P.O. LINDSAY:
I'm glad we're moving right along, Cameron.

LEG. ALDEN:
I knew it.

P.O. LINDSAY:
1813-08 - Directing the Department of Social Services to seek condemnation notification agreements (Beedenbender).

LEG. BEEDENBENDER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Beedenbender. Is there a second?

LEG. BROWNING:
Second.

LEG. EDDINGTON:
Second.

LEG. MONTANO:
Explanation.

P.O. LINDSAY:
Second by Legislator Browning.

LEG. LOSQUADRO:
Just an explanation.
LEG. BEEDENBENDER:
I'd be happy. Some of you may remember, probably about three or four months ago there was a house in Lake Grove, that it was condemned. You know, the Police went in and they found it was deplorable conditions and they had to take the kids out things like that. When that happened, I had a conversation with Social Services and I wanted to do something to try to prevent that, but there was a bunch of road blocks. But what they did suggest is that they don't always get notified by towns and villages when they condemn a house that somebody might need Social Services or there might be children that need services. So what they did say is that it would be helpful if they had some sort of policy where the towns and villages informed them, if they condemned the house and there was somebody -- because if your house gets condemned, it's reasonable to think you might be homeless or there might be kids that are in need but we can't mandate them. So basically, what this does, and the Commissioner has agreed, once we pass this the Department of Social Services will seek out those IMA's with the different towns and villages. So they will get notified whenever a house is condemned and there are residents inside.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Condemnation because of violations with health --

LEG. BEEDENBENDER:
For any number of reasons that a town may condemn a house and remove the occupants.

LEG. ALDEN:
Okay.

LEG. BEEDENBENDER:
And we can't mandate it so this is why we have to ask them to seek the agreements with them.

LEG. ALDEN:
There's only a couple of ways that a town can condemn a piece of property and that's through eminent domain --

LEG. BEEDENBENDER:
Uh-huh.

LEG. ALDEN:
-- a taking, and otherwise they're using our Health Department.

LEG. BEEDENBENDER:
Right.

LEG. LOSQUADRO:

No, Fire Marshal.

LEG. BEEDENBENDER:
But their Fire Marshal and building codes and things of that nature.

LEG. ALDEN:
Right.

LEG. MONTANO:
I have a question.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah, isn't the condemnation already public information?

LEG. BEEDENBENDER:
It's public information, but you're talking about the expedience of the situation. A town -- if they condemn a house, they might put public notice up but the Department of Social Services isn't going to get it when the town goes there that day for people that need services.

LEG. MONTANO:
So what this does is this -- the way it reads, it says that you're going to develop agreements, but we can't mandate that a village or a town agree to do something. What we're basically saying in this resolution is that we would like Social Services to go through the process of communicating to the towns our desire to be notified when there's property that's condemned.

LEG. BEEDENBENDER:
Yeah. Well, my original -- yes. My original intent was to mandate it to make sure that nobody slipped through the cracks, but we don't have the power to do that.

LEG. MONTANO:
You can't mandate it.

LEG. BEEDENBENDER:
We can't, so this is the best that we can do.

LEG. MONTANO:
Right. But the way it's written says, "Directed, empowered to develop protocols," but what we're really doing -- because we can't mandate that. But what we're really doing is asking them to cooperate with us and let us know when there's a condemnation in a formal process. Because as far as I understand, a condemnation is itself a government, a court process.

LEG. BEEDENBENDER:
Yes.

LEG. MONTANO:
So it really is already public.

LEG. BEEDENBENDER:
Yes, that's correct.

LEG. MONTANO:
Okay.
LEG. BEEDENBENDER:

But there are situations where, you know, the Police respond and, you know, you have a house -- we've all heard the horror stories that are terrible and the town comes in and then they'll condemn it. And you're right, they'll remove the people right away. But yes, you're correct, we cannot mandate it.

LEG. MONTANO:
Okay. All right, I just wanted to be clear.

LEG. ALDEN:
DSS would just keep paying the --

LEG. BROWNING:
No, they don't.

LEG. BEEDENBENDER:
No, this wouldn't be just for DSS rentals, this would be for any house. Because the situation that occurred that really spurred this, Legislator Alden, it wasn't a DSS client, it was somebody who was living in their house with kids in just deplorable conditions, and it was so bad that when they came in --

LEG. ALDEN:
Does this require DSS, upon receipt of this information, to suspend payments?

LEG. MONTANO:
No, it doesn't say that.

LEG. BEEDENBENDER:
Well, no, because my intent was not -- it wasn't dealing with DSS. It was just dealing with -- really, Legislator Alden, the intent was I wanted to make sure people that were in homes, especially children because it's not their fault if their parents let the house go wayward, make sure that they didn't just end up somewhere, that Social Services was notified and we could take care of them. Because if the house is in that condition, then it may be appropriate that the kids should be removed from the parents or anything else. I just didn't want people falling through the cracks.

LEG. ALDEN:
I don't have it in front of me, but it says to take all appropriate action, so that would be -- whether it be Adult Protective Services or Child Protective Services?

LEG. BEEDENBENDER:
Yep.

LEG. MONTANO:
No, no, no. If I may, Legislator Beedenbender. I have the bill in front of me. What it says is that the Commissioner shall reach out to the towns and the villages and that they will report back to us in 120 days as to how effective they have been in getting these interagency or intergovernmental unit agreements, that's all it says; am I correct?

LEG. BEEDENBENDER:
That's correct.

LEG. MONTANO:
Okay.

LEG. BEEDENBENDER:
I'm just saying, presumably once DSS gets that information, they're required to do things with it.

LEG. MONTANO:
And they have to report back to us in 120 days, that's what the resolution calls for.

LEG. BEEDENBENDER:
That's correct.

LEG. MONTANO:
Okay.

LEG. ALDEN:
Don't stop because that's -- you know, you make an assumption and all that does is.

LEG. BEEDENBENDER:
Yes.

LEG. ALDEN:
You made the assumption.

LEG. BEEDENBENDER:
You and me, right.

LEG. ALDEN:
Okay.

LEG. MONTANO:
And if they don't comply, we're going to pass a resolution that they shall comply in ten days after that, okay?

P.O. LINDSAY:
Okay. Do we have any other questions on the --

LEG. BEEDENBENDER:
Well, that's not what I said.

LEG. MONTANO:
No, that's not directed at you.

LEG. BEEDENBENDER:
I know, I know.

P.O. LINDSAY:
All right. Resolution 1813, any other comments? Do we have -- we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

1862-08 - Amending the adopted 2008 Capital Budget & Program and appropriating funds in connection with water quality model - Phase IV (CPO 8237) (County Executive). Do I have a motion?

LEG. LOSQUADRO:
Motion for the purposes of an explanation.

P.O. LINDSAY:
I have a motion. Do I have a second?

LEG. MONTANO:
I'll second it for purposes of an explanation.

P.O. LINDSAY:
Second by Legislator Montano. I'll recognize Legislator Losquadro; you want an explanation.

LEG. LOSQUADRO:
Yes, please.

MR. NOLAN:
I'll give you the bare-bones. This takes $100,000 from the Peconic Estuary Capital Program and transfers it to the Capital Program which I think is developing a Comprehensive Water Resources Management Plan. So it's putting $100,000 towards that purchase, but that's all I've got.

LEG. MONTANO:
And where did it come from again?

MR. NOLAN:
The Peconic Bay Estuary Program.

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

LEG. ALDEN:
Abstain.

LEG. BARRAGA:
Opposed.

D.P.O. VILORIA-FISHER:
Tim, I'm over here.

MR. LAUBE:
Fifteen (Opposed: Legislator Barraga - Abstention: Legislator Alden - Not Present: Legislator Cooper).

LEG. ALDEN:
You got me as an abstention?

MR. LAUBE:
Abstained.

LEG. ALDEN:
And Vivian is --

MR. LAUBE:
No and abstention, and she's just here.

D.P.O. VILORIA-FISHER:
I'm just here.

LEG. ALDEN:
Oh.

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying Bond; roll call, 1862A.

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

LEG. LOSQUADRO:
Yes.

LEG. MONTANO:
Yeah.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. EDDINGTON:
Yes.
LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen (Opposed: Legislators Barraga & Alden - Not Present: Legislator Cooper).

P.O. LINDSAY:
Okay, **1883-08 - Amending the 2008 Adopted Operating Budget to transfer funding from current appropriations to the Long Island home d/b/a South Oaks for the development of a County-wide Prevention Resource Center (County Executive).** Do I have a motion?

LEG. EDDINGTON:
Motion to approve.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Motion by Legislator Eddington, seconded by Legislator Beedenbender.

LEG. ALDEN:
Quick explanation.

P.O. LINDSAY:
On the question?

LEG. KENNEDY:
On the motion?

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

LEG. KENNEDY:
Can we get an explanation on this one, Mr. Chair? Anybody.

MR. NOLAN:
I'll start it off. It's basically moving $350,000 from the Department of Health Services, Contracted Services, to Long Island Home South Oaks. Half of that money, $175,000, represents State grant monies and half is County monies.

LEG. MONTANO:
It's a good program.

LEG. KENNEDY:
Well, okay, but what is the ultimate goal? What will this entity do, do we know?

LEG. MONTANO:
If I may?

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah, South Oaks is well-known -- is it not, Legislator Eddington -- for drug and alcohol prevention?

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
They're in-patient residents. They're a residency program.

LEG. EDDINGTON:
Yeah, they do prevention --

LEG. ALDEN:
Nassau County?

LEG. MONTANO:
No, they're actually in -- I think they're in Suffolk County.

P.O. LINDSAY:
Suffolk, right on the line.

LEG. MONTANO:
Yeah, they're on the line. I know some people that have gone through the program and it's actually a very good program, from what I remember.

LEG. KENNEDY:
I'm familiar with the facility. And as a matter of fact, if that's ultimately where it goes to, I guess, then certainly we need to do that. I had heard at one time there was an effort to try and set up some adolescent residences at South Oaks and I was curious if this was part of that or not.

LEG. MONTANO:
I don't know if this, but they do have an adolescent program.

P.O. LINDSAY:
If I could just chime in.

LEG. KENNEDY:
Sure.

P.O. LINDSAY:
I know there is a tremendous shortage --

LEG. MONTANO:
Yes.

P.O. LINDSAY:
-- of in-house treatment facilities in the County.

LEG. KENNEDY:
Absolutely.

P.O. LINDSAY:
I just attended a meeting at Sachem East a couple of weeks ago about teenage addiction is running rampant in our schools, and it's -- and they're addicted to heroin, most of them.

LEG. KENNEDY:
Heroin, meth, amphetamine, a whole host of things. No, you're right, Mr. Chair. Certainly, if that's what the funds are going for, it's well-spent.

P.O. LINDSAY:
And the biggest complaint there was there's no place to treat them.

LEG. KENNEDY:
Okay.

LEG. MONTANO:
It's like a Phoenix House.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
And this just might be naive, but this is for the 2008 Operating Budget, we're going to spend this money on services that are going to be provided from the time this is signed into law until the end of the year?

P.O. LINDSAY:
I guess so, if that's what it says.

LEG. ALDEN:
Who --

P.O. LINDSAY:
Wait a minute. Ms. Vizzini might be able to explain.

MS. VIZZINI:
I'm just looking at the backup to the resolution. You're correct, it is for chemical dependency prevention, gambling prevention and treatment services. It's a reallocation of State resources with $175,000 local match which is already in the '08 Operating Budget. It's very likely that the contract would be written in such a way that as long as they did the expenditures for the Fiscal Year and up to the end of this year, that we would process it with '08 monies.

LEG. ALDEN:
I have another question then along those lines. We don't have a real good track record as far as getting contracts and agreements out and then as far as processing payment vouchers. So I'm not sure what we're doing here. We haven't paid people that supplied other services to the County and they're still six months to 12 months behind in other payments. I'm very skeptical about being able to perform under this -- under this resolution in this timeframe. And did we get any assurances that this was going to be fast-tracked or any other treatment?

MS. VIZZINI:
I could defer to the Budget Office. As you know, the State Fiscal Year is different, so it is possible that the State aid portion, if it's not expended, could be reallocated to '09, because the State is in the '08/'09 year.

LEG. ALDEN:
But do you think we have an agreement with these people already?

MS. VIZZINI:
I don't know a lot --

LEG. ALDEN:
Because if we don't, you know, if our track record is any indication, it will be a couple of years before we actually have even an agreement.

MS. VIZZINI:
Yeah; I confess I don't know a lot about this particular resolution.

LEG. ALDEN:
Maybe the County Attorney's Office knows; is there a contract proposed and being looked at on this?

MR. BROWN:
No, we don't know.

LEG. ALDEN:
No?

MR. BROWN:
We do not know. I mean, we can try and find out for you and get back to you, but we do not know now.

LEG. ALDEN:
If there's not, is there any way we can comply and actually get into contract and spend this this year for these services?

MR. BROWN:
Yeah, we would have to look into it further. I can't answer you right now.

LEG. BEEDENBENDER:
Any guess?

MR. BROWN:
I don't know. I don't know.

P.O. LINDSAY:
You want to skip over it?

LEG. MONTANO:
No.

LEG. EDDINGTON:
We've got nothing to lose, right?

LEG. MONTANO:
If I may?

MR. NOLAN:
Let's pass it.

D.P.O. VILORIA-FISHER:
Yeah, let's pass it.

P.O. LINDSAY:
Legislator Montano.

LEG. ALDEN:
We do have something to lose, you have a hundred and --

LEG. D'AMARO:
Bill, I had a question on that.

LEG. MONTANO:
No, we don't because if they don't -- if it's not allocated, if they don't get the contract in on time it

goes back to fund balance, doesn't it?

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

LEG. MONTANO:
So what is the big deal?

LEG. ALDEN:
Well, what did we take this out of to get it into this program? You know, what other services did we cut and who did we not pay to end up with this $175,000?

LEG. MONTANO:
It didn't say in the resolution.

P.O. LINDSAY:
It means the offset is probably the Legislature.

(*Laughter From Audience*)

LEG. MONTANO:
No, it's not.

LEG. ALDEN:
Yeah, that's a -- I mean, that's okay.

LEG. ROMAINE:
It's Legislative staff and salaries.

LEG. ALDEN:
No, this is an amendment of the '08 budget, so it wasn't in the -- oh, Lou knows.

P.O. LINDSAY:
I'm sorry, Lou.

LEG. D'AMARO:
No, I had a question.

P.O. LINDSAY:
Oh. We can't answer the last question.

LEG. D'AMARO:
Well, let me try another one.

P.O. LINDSAY:
Go ahead.

LEG. D'AMARO:
The funds that we're allocating by amending the '08 Operating Budget, is that included in fund balance in the '09 proposed budget? And do we have to make that up in the '09 process?

MS. VIZZINI:
I'm going to have to defer to the Budget Office. I'm looking at the backup --

P.O. LINDSAY:
The same answer to the last question, we don't know.

MS. VIZZINI:
Well, I'm looking at the backup and it's a State grant from OASIS. It's $175,000 in State aid matched with 175,000 of local monies. So the resolution that's not specific in terms of what agency we're taking the money from to provide the appropriations, it's only specific in terms of what agency we're giving it to. So I'm sure -- I know
Mr. Kovesdy is in the back.

MR. NOLAN:
No, it's already in the budget.

LEG. ALDEN:
So this is from the County Executive and a trust me?

MR. NOLAN:
The Operating Budget.
LEG. MONTANO:
No, this is a division of Community Mental Health Services.

D.P.O. VILORIA-FISHER:
This is in the budget.

LEG. ALDEN:
Oh.

MR. NOLAN:
Yeah, it's money that's in the budget being transferred.

LEG. ALDEN:
From one place to another, from Legislature to --

D.P.O. VILORIA-FISHER:
Transferred from what?

MR. NOLAN:
The contracted services line of the Health Services Department.

D.P.O. VILORIA-FISHER:
Oh, so it doesn't have to say specifically?

MR. NOLAN:
No, it came from that line.

P.O. LINDSAY:
Okay. I'm going to ask someone from the County Executive's Office to try and find out some answers to this; I don't know where they went. We'll skip over this and maybe someone will come back in the room from the Executive's Office to see if they can track down this, there's some serious questions about it.

Labor, Workforce & Affordable Housing

I'm going to skip to **1811,** so we're going to have to go back to 1883, **to establish a health plan for volunteer fire fighters and ambulance workers (Browning).**

LEG. BROWNING:
Motion to approve.

P.O. LINDSAY:
Motion to approve. Do I have a second? Second by Legislator Beedenbender. Legislator Browning, how does this actually work?

LEG. BROWNING:
Okay. Well, basically what happened, I had some small business owners in my district that approached me. I know the State -- can you not hear me?

LEG. ALDEN:
No.

LEG. BROWNING:
I don't know if it's working.

P.O. LINDSAY:
There you go.

LEG. BROWNING:
There was State legislation passed which would allow EMS workers to come into the municipal health plans. So this is basically direct -- asking our Director to look into the EMHP plan, meeting with the committee to see if it's feasible for our Emergency Service volunteers to come in to the Health Plan or to even, you know, modify and provide them with maybe a less expensive plan. I don't know how much more you want to know. Does that pretty much explain it? They will come back to us in 120 days, I believe.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

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

LEG. D'AMARO:
Yeah; Tim, me, too, please?

LEG. SCHNEIDERMAN:
I think I already am, but just in case, Tim.

LEG. ROMAINE:
You are, Jay.

LEG. ALDEN:
You're named twice as a cosponsor.

LEG. NOWICK:
All of us.

P.O. LINDSAY:
1840-08 - 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 (County Executive). Do I have a motion? Does someone from Brookhaven want to make a motion on this?

LEG. BROWNING:
I did.

LEG. LOSQUADRO:
Kate made the motion, I'll second it.

P.O. LINDSAY:
Okay. Motion by Legislator Browning, seconded by Legislator Losquadro.
All in favor? Opposed? Abstentions?
LEG. ALDEN:
Abstain.

MR. LAUBE:
Sixteen (Abstention: Legislator Alden - Not Present: Legislator Cooper).

LEG. ALDEN:
They're reimbursing us a dollar for it, right?

P.O. LINDSAY:
We want the dollar and a half?

LEG. ALDEN:
No, we've been paying taxes on this for years, to Brookhaven.

Parks & Recreation

P.O. LINDSAY:
1730-08 - Appointing Elizabeth Kahn Kaplan as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 15)(Presiding Officer Lindsay). I'll make a motion. Ms. Nowick, you want to second?

LEG. NOWICK:
Second the motion

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

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1817-08 - Reappointing member to the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Gilbert A. Cardillo)(Presiding Officer Lindsay). I'll make a motion.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

1833-08 - Approving a license agreement for Hazel Belsen to reside at Prosser Pines County Park, Middle Island (County Executive).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. LOSQUADRO:
Second.

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

LEG. MONTANO:
Did I second it?

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:
Who seconded? Who seconded?

LEG. LOSQUADRO:
I did.

LEG. MONTANO:
I don't even know where you're at.

P.O. LINDSAY:
Oh, second Losquadro. Okay?

LEG. MONTANO:
Yeah, but it's all right.

Public Safety

P.O. LINDSAY:
IR 1841-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the purchase and replacement of heavy duty and specialty equipment for the Department of Fire, Rescue and Emergency Services (CP 3421)(County Executive).

LEG. EDDINGTON:
Motion to approve.

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

LEG. HORSLEY:
Second.

LEG. BROWNING:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislator Barraga - Not Present: Legislator Cooper).
P.O. LINDSAY:
Okay. Same motion, same second; roll call on the bond, 1841A.

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

LEG. EDDINGTON:
Yes.

LEG. HORSLEY:
Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen (Opposed: Legislators Barraga & Alden - Not Present: Legislator Cooper).

P.O. LINDSAY:
1887-08 - To establish a policy for continued Police Officer presence in the Police Athletic League Programs (Presiding Officer Lindsay). I'll make a motion. Do I have a second?

LEG. STERN:
Second.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second by Legislator Browning. What this does is it establishes a policy of using light-duty Police Officers in PAL instead of civilianizing them, which the County Executive has already adopted after the resolution was filed. But I think I still would like to pass the resolution to make it into law.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Okay. Any questions? All right, all in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

Public Works & Transportation

P.O. LINDSAY:
1701-08 - Amending the 2008 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for the engineering phase of improvements to Suffolk County Sewer District No. 22 - Hauppauge Municipal (CP 8171) (County Executive).

LEG. KENNEDY:
I'll make the motion, Mr. Chair; motion to approve.

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

LEG. NOWICK:
Second.

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Second by Legislator Losquadro. All favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1882-08 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 2 - Talmadge Woods with the owner of North County Plaza (BR-0920) (County Executive).

LEG. LOSQUADRO:
Motion.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Motion by Legislator Losquadro. Second by Legislator Beedenbender.

LEG. ALDEN:
On the motion?

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

LEG. ALDEN:
The connection fee is 15 or 30?

COMMISSIONER ANDERSON:
Fifteen.

LEG. ALDEN:
This is one that had --

COMMISSIONER ANDERSON:
This is one that was grand-fathered in prior to the legislation?

LEG. ALDEN:
Okay. Thanks, Gil.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

Ways & Means

P.O. LINDSAY:
1688-08 - Adopting Local Law No. 2008, a Local Law to strengthen competitive procurement procedures and maximize savings for taxpayers (Eddington).

LEG. EDDINGTON:
Motion to approve.

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

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Who seconds? Legislator D'Amaro. On the question?

LEG. ALDEN:
Just a --

P.O. LINDSAY:
Explanation?

LEG. ALDEN:
Just a brief explanation.

MR. NOLAN:
This would amend the County's Local Preference Law as to consultants. It would redefine what a local -- what the qualifications are to qualify as a local vendor. It would mean a business maintaining a place of business and a staffed operational office in Nassau or Suffolk County from which a majority of the employees performing the contracted services are assigned. It eliminates the requirement that the entity maintain its principal place of business in Suffolk or Nassau and the requirement that the President or CEO of a corporation operate from the local office.

Additionally, and this is important, right now if a local vendor for a consulting contract is qualified, the County has to award the contract to them no matter what the price differential might be in the responses. This law would change that so that the County could give the contract to a non-local consultant if the price differential was more than 10% between the local vendor and the lower response.

LEG. ALDEN:
Okay. And there's not a dollar amount, right? I didn't have a chance to look at that.

MR. NOLAN:
Originally it did, but it was amended so now it is 10% differential.

LEG. ALDEN:
Okay. Under this change, the outcome of the Suffolk Community College awarding of the consulting contract would be the same, different or --

MR. NOLAN:
Well, I don't remember exactly what the differential was. But if the non-local vendor was 10% below what the local vendor had put in their response to a Request For Proposals, the County would have the option to award the contract to a non-local consultant in that situation. I under -- I think there may have been a substantial price difference, at least according to the Community College, but I don't know if it was 10% or not.

LEG. ALDEN:
Budget Review, do you happen to remember off-hand?

MS. VIZZINI:
The question again?

LEG. ALDEN:

The difference between the two vendors, when Suffolk awarded the contract to an out-of-County vendor?

P.O. LINDSAY:
I don't think we ever had access to the actual bids.

LEG. ALDEN:
To the number? Oh, okay. All right. Thanks.

P.O. LINDSAY:
That was done by the college themselves. We had a portrayal, but it was a big amount of money, I think it was between the first and the last bidder and there were seven bidders. I don't know what the difference was between the first and the second.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:
1806-08 - Adopting Local Law No. 2008, a Charter Law to restrict hold-over period for certain appointed department heads (Cooper).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy.

LEG. MONTANO:
On the question?

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

LEG. MONTANO:
Yeah, I have the resolution in front of me. Can I have an explanation as to what this actually does? No?

LEG. LOSQUADRO:
It doesn't do anything.
LEG. MONTANO:
It doesn't do -- well. What does it do?

LEG. ALDEN:
It sends a message, a strong message.

LEG. MONTANO:
Mr. Cooper is not here. Counsel, would you tell me what this does?

MR. NOLAN:
I don't think enough depending -- you know, judging by the question.

D.P.O. VILORIA-FISHER:
Oh, you agree with me.

MR. NOLAN:
No, no. What it says is it applies to four department heads --

LEG. MONTANO:
I know what it says, I see it here.

MR. NOLAN:
-- who are appointed to a fixed term of office and require Legislative approval. And what the law says is that if a person who's appointed to one of these positions reaches the end of their term and then is not reappointed by a Legislative resolution within six months of the expiration of their term, the County Executive should come forth with a new nominee and a new resolution to appoint somebody else. So it would limit the amount of time that these four people could serve in a hold-over capacity without being approved again by the Legislature.

LEG. MONTANO:
All right. It says here, "The County Executive shall immediately nominate and appoint a successor and seek to introduce"; what does that mean, seek to introduce?

MR. NOLAN:
Well, the County Executive, he's not a member of this body and cannot directly introduce a resolution. He would have to bring the resolution as he normally does to the County -- to the Presiding Officer to ask him to lay it on the table for him.

LEG. MONTANO:
All right.

MR. NOLAN:
That's what that means.

LEG. MONTANO:
Okay. And what happens if the -- after six months, with the holdover commission, does that person remain in office or not?

MR. NOLAN:
The holdover remains in until a successor is qualified under Public Officer's Law, the State Law.

LEG. MONTANO:
All right.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
I reviewed the extensive testimony that took place in committee discussing this and --

LEG. MONTANO:
Are you being facetious or not?

LEG. LOSQUADRO:
No, I did, it was rather voluminous.

LEG. MONTANO:
No, I'm just asking.

LEG. LOSQUADRO:
I actually took a look at it because it really didn't seem like it accomplished anything. And after going around in a complete circle, coming back to its original point, if the County Executive doesn't appoint someone the person stays on anyway.

LEG. MONTANO:
Right.

LEG. LOSQUADRO:
So it really accomplishes absolutely nothing and I would be opposing it because of that.

LEG. D'AMARO:
Could I say something?

P.O. LINDSAY:
I'm sorry, Legislator D'Amaro.

LEG. D'AMARO:
Yeah. Right now the County Executive would not have to put forward a name. This law says the County Executive must do so within 180 days, and I think that what it does do at a minimum, at least gives -- it does two things. One, it would compel the County Executive to explain why a name has not been put forth. Two, if it's a legal obligation to put forth a name in 180 days, the County Executive would have the good faith obligation to execute that directive, if it was part of the County Charter or County Law. So I think you're forcing at least a search, to some extent. And the third point was that if the County Executive does not put someone forward, or maybe I already made this point, at least we would have the right to either ask the question as to why or compel compliance. So it gives rise at a minimum to at least something that we can enforce against the other branch of government.

LEG. NOWICK:
Bill?

P.O. LINDSAY:
Okay. Legislator Romaine and then Nowick.

LEG. ROMAINE:
I appreciate Legislator D'Amaro's description and reason for supporting this bill, and it's something that I certainly may take under advisement and consider voting for it based on that. But clearly what is needed by the Legislature is an amendment to the Charter that terminates any Commissioner that is not reappointed by this Legislature after six months. Most of these positions are five-year term positions. When they expire, the County Executive has another full 180 days, another six months to get his -- that appointee either reappointed or to present another name.

This bill is a step in the right direction, but certainly does nothing. We've watched other bills tonight from two years ago ignored, blatantly, and BS excuses given as to why they were ignored; "Oh, I didn't know when the meetings were being held". Give me a break. What nonsense. We need a Charter Amendment. We need a Charter Amendment to clearly say a term appointment is a term appointment and when the term is up, you've got six months to either get that person reappointed, and if that doesn't happen then name someone else.

P.O. LINDSAY:
Legislator Nowick and then D'Amaro.

LEG. ROMAINE:
And by the way, I just would add one last thing. Should that fail, the Charter Amendment should then give the majority of the Legislature the right to fill that term for five years, then you'll see action. Then you'll see checks and balances, then you'll see an Executive that will respond and not ignore this Legislature and rule with one branch of government. Thank you.

Applause

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I just wanted to say, I was in the committee when we discussed this and the reason why I did not vote in favor of it is because the question I asked in committee was at the end of 180 days, if the County Executive does not appoint somebody or come up with a new nominee, what happens then? The answer was --

LEG. LOSQUADRO:
Nothing.

LEG. NOWICK:
-- the holdover just continues to serve. So why do we both -- this is why I'm -- it's not that I'm against the idea, but this does not have any teeth.

P.O. LINDSAY:
Thank you, Legislator Nowick. Legislator D'Amaro.
LEG. D'AMARO:
I had a question for Counsel. If we passed a Charter Amendment that would terminate the position for, let's say -- just to pick something out of thin air -- Social Services Commissioner, mandating that after six months the employment is terminated; can we do that given the corresponding State Law provisions that provide for a holdover until filled?

MR. NOLAN:
Yeah, I think it's a real problem to enact that type of law because there's a State law that talks about holdover status of people who are appointed. Additionally, you've got to be careful with the Social Services Commissioner because there are requirements in the State laws to what the qualifications are for that office and you've got to -- you know, you terminate somebody and you don't have a Commissioner, it may not be so easy to find and qualify a successor. But I think it's more the State law problem that I would look at.

And also, obviously if you start saying at that point that person's terminated and we're going to appoint who the Commissioner is going to be, then you're heading into referendum territory because obviously then there's a curtailment or a transfer of authority from the County Executive.

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

LEG. D'AMARO:
But, even putting aside the referendum aspect, the fact is, if we passed a law that said after six months, that employment is terminated, State Law would supersede that and say, "No, it's not."

MR. NOLAN:
I do agree with that, yeah.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
I have a question for Counsel as well. George, didn't we speak at one point about this resolution and also talk about a section that we have regarding our ability when it comes to Commissioners that we have right now; was it in the Administrative Code?

MR. NOLAN:
We did speak. There is something in the Charter, I believe, that does state that the County Legislature has the power to remove officers. I forget where that is in the Charter, but we do -- that is in the Charter.

LEG. KENNEDY:
So, if that's in the Charter already, how would we actually effectuate that, how would we do that?
MR. NOLAN:
Well, I think the only way we effectuate anything is by a resolution. But, as I'm sitting here, you know, thinking about it and considering these questions, I don't know how -- you know, we've got to square with the Public Officers Law. But the way you would remove somebody is with a resolution, and it is in the Charter.

P.O. LINDSAY:
Okay? Does that answer your question, Legislator Kennedy?

LEG. KENNEDY:
I guess.

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

LEG. LOSQUADRO:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
Who are the opposed? Cameron.

LEG. MONTANO:
I'm abstaining. Abstain.

LEG. LOSQUADRO:
This is the hold -- this 1806, correct?

LEG. MONTANO:
Yeah, this the holdover. I abstained.

LEG. LOSQUADRO:
Yeah. I'm opposed.

P.O. LINDSAY:
We've got two oppositions, one abstention.

MR. LAUBE:
Fourteen. (Not Present: Leg. Cooper)

P.O. LINDSAY:
1824 - Sale of County-owned real estate pursuant to Local Law 13-1976 Jason E. Coyne and Adrienne C. Coyne.

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro. Do I have a second?

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

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

P.O. LINDSAY:
1828 - Sale of County-owned real estate pursuant to Local Law 13-(1976) Gerri A. Toman.

LEG. D'AMARO:
Motion.

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

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

P.O. LINDSAY:
1839 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert E. Ryan.

LEG. D'AMARO:
Motion.

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

LEG. STERN:
Second.

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

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

P.O. LINDSAY:
1843 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph J. Donlon and Simone M. Donlon F/K/A Simone M. Biegel, as joint tenants with rights of survivorship.

LEG. D'AMARO:
Motion.

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

LEG. STERN:
Second.

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

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

P.O. LINDSAY:
1870 - Requesting Legislative approval of a contract award with Suffolk Federal Credit Union for the installation, administration and servicing of Automatic Teller Machines on County property. I'll make a motion.

LEG. D'AMARO:
Second.

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

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

P.O. LINDSAY:
Okay. We've got to go back on the one resolution that we skipped over, 1883. I saw Mr. Zwirn back in the room. Are you back in the room, Mr. Zwirn?

MR. ZWIRN:
Yes, sir.

P.O. LINDSAY:
We skipped over ***1883, which is amending the 2008 Adopted Operating Budget to transfer funding from current appropriations to the Long Island Home d/b/a South Oaks for the development of a County-wide Prevention Resource Center.*** The question was would you know where the offset comes from for this?

MR. ZWIRN:
I've asked the Budget Office to send somebody over. I don't know offhand.

P.O. LINDSAY:
I saw Ms. Corso. Didn't she walk in the room?

MR. ZWIRN:
Yes.

MS. CORSO:
I'll try to work with Gail now on it.

P.O. LINDSAY:

Oh. Oh, okay. I didn't see you there, I'm sorry.

LEG. LOSQUADRO:
That wasn't a knock on your stature, Connie.

P.O. LINDSAY:
So, you want to remain until -- we're skipping over that until you come up with the answers? Who had the questions on this?

LEG. ALDEN:
I had a couple.

LEG. D'AMARO:
I had one.

P.O. LINDSAY:
Legislator Alden.

LEG. D'AMARO:
I did, too.

LEG. ALDEN:
And Lou did, too. But also --

P.O. LINDSAY:
And Legislator D'Amaro.

LEG. KENNEDY:
And I did.

P.O. LINDSAY:
And Legislator Kennedy.

LEG. ALDEN:
Also --

P.O. LINDSAY:
Go ahead, Legislator Alden.

LEG. ALDEN:
Does this contract cover from the time it's executed -- well, not executed, but approved and signed by the County Executive to the end of the year? And if it does, I think the question also wasn't answered whether we have an agreement in place already, because the usual time frames are not -- they're not really looking in an optimistic manner to get this done before the end of the year.

MR. ZWIRN:
I understand what you're saying, Legislator Alden, but I believe the contract is ready to go, and there's also matching funds from the State with respect to this as well that we don't want to lose. It's a -- I think it's $175,000 coming from the County, and $175,000 coming from the State.

LEG. ALDEN:
But this is for service provided from the time this is signed into law until the end of the year?

MR. ZWIRN:
I believe so, yes. I believe that's the case, but we're going to get the information for you.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Legislator D'Amaro, did you have questions for Mr. Zwirn?

LEG. D'AMARO:
Yeah, I had a very simple question, whether or not the funds that we're appropriating today by amending the Operating Budget were included in fund balance, and if we'd have to make them up in '09. In other words, did the proposed budget submitted for '09 include this amount in fund balance?

LEG. ALDEN:
175,000.

LEG. D'AMARO:
Correct.

LEG. ALDEN:
Our side.

LEG. D'AMARO:
Yes.

MR. ZWIRN:
No, did not.

LEG. D'AMARO:
No?

MR. ZWIRN:
No.

LEG. D'AMARO:
No?

MR. ZWIRN:
We would not have used them if that were the case.

LEG. D'AMARO:
Okay.

LEG. ALDEN:
Why wouldn't we have used it?

MR. ZWIRN:
We would not have figured that into the '09 budget if we were going to put a resolution forward to spend the money. If the money is not spent, it will go to the fund balance, that portion, but it was not -- it would not have been figured into the fund balance if we were going to submit a resolution to appropriate the funds.

LEG. D'AMARO:
Although, if we don't appropriate the funds, then we can increase our fund balance by 175,000.

MR. ZWIRN:
That's correct.

LEG. ALDEN:
When did we -- when did we find out about this grant, this State Aid?

MR. ZWIRN:
I don't know. I'll have to get -- I have to get that information for you. If you want to table this, I guess, one cycle, but I'll see if we can get the information. Just it's hard to find somebody at the Budget Office at this time.

LEG. KENNEDY:
Legislator Montano.

LEG. MONTANO:
Yeah, if I may just follow up. And I think Legislator D'Amaro's question, correct me if I'm wrong, is asking whether or not we have a similar appropriation in the 2009 recommended budget. I'm assuming that we do not. This is a one-shot?

MR. ZWIRN:
I'd have to take -- I'd have to defer.

LEG. MONTANO:
Gail, do you know if it's --

MS. VIZZINI:
I'm looking that up for you.

P.O. LINDSAY:
I think what Legislator D'Amaro was -- that we're not spending the same money twice. Did you use this in fund balance and then reappropriate it to match the grant?

LEG. MONTANO:
Oh, okay. In other words -- all right, I got you. Then I stand corrected.

P.O. LINDSAY:
And the answer was no.

LEG. MONTANO:
Okay. But is it --

P.O. LINDSAY:
The only thing, rather than table it, I would rather pass it, too, because the lateness in the year, and we cannot spend enough money on drug prevention. We just can't -- we don't have enough money that we could adequately address this problem, and to throw away $350,000 is just insane.

LEG. ALDEN:
I would agree with you, except maybe it's going -- well, being taken from a line where we owe somebody for some of the service that they already provided.

LEG. MONTANO:
No, because --
P.O. LINDSAY:
You have an answer. We have an answer. Go ahead.

LEG. MONTANO:
You've got an answer. Go ahead.

P.O. LINDSAY:

What's the answer?

MS. CORSO:
The answer is when we said -- is this on?

LEG. ALDEN:
That's not on.

LEG. MONTANO:
No, it's not on, but we can hear you.

LEG. ALDEN:
No.

LEG. LOSQUADRO:
No, it's got to be on.

LEG. ALDEN:
The record's got to be preserved.

MS. CORSO:
Hello. The answer is that we reduced the estimate for that line item to $200,000 to account for the $175,000 that was coming in in additional State Aid, so the estimate was already taken down. Nothing is not being done because of that, and it just gives us a chance to maximize the State Aid.

P.O. LINDSAY:
Okay. So does that lead me to believe that we've been spending down this line all year long?

MS. CORSO:
The line had -- and I believe this went in Omni 2008, if I'm not mistaken, for an initiative --

MS. VIZZINI:
Was it that one?

MS. CORSO:
Yeah. For an initiative that you would think that the State is actually going to help us with, so we won't need the money. It had to do with the supportive housing. So we will not -- we will no longer need the supportive housing money, so we took down the estimate for that savings and only left in the estimate that had the State match of aid from OASIS.

LEG. ALDEN:
I'm a little confused. Took down the State housing portion of --

MS. CORSO:
No. We had -- the Legislature, in the omnibus, put in money for supportive housing, this -- like supportive housing for Mental Hygiene, and what happened was we worked with the State during the year, the County Executive, and we are going to be doing that initiative and the State is going to be paying for it. They are not going to require a County match, because the County, I think -- I think we're going to be putting up houses, so they'll be able to use our houses in lieu of the $350,000. So it's an actual savings and a win-win for everybody.

LEG. ALDEN:
So, then this 175,000 gets transferred from that housing program?

MS. CORSO:
Actually, the total appropriation on that line was 563,000, so we reduced it down to 200,000, which

includes the 175,000 of monies that we got that have 100% State match.

LEG. ALDEN:
Okay. So we still have to put 25,000 into that program?

MS. CORSO:
No, no, no, no. There'll be 25,000 left in that appropriation. I would have to actually get back to the Health Department to find out what that was for. There'll still be $25,000 left in that appropriation.

LEG. ALDEN:
And what happens to that? That wouldn't have gone to fund balance, because you had it spent already.

MS. CORSO:
I would have to -- I would have to ask the Health Department.

LEG. ALDEN:
All right.

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

MS. ORTIZ:
Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:
Okay. That concludes the agenda. We have three Procedural Motions that I'd like to do. The stand-alones should be in your packet.

28 - Approving partial settlement of the MTBE litigation for Getty Petroleum Marketing, Incorporated, Irving Oil Corporation, and Giant Industries, Incorporated. It looks like we picked up another $40,000.

LEG. ALDEN:
Motion to approve.

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

MS. ORTIZ:
Seventeen. (Not Present: Leg. Cooper)

P.O. LINDSAY:
29 - Procedural Resolution authorizing funding for the community support initiatives Phase IX. I think that's the end of them. I'll make a motion.

LEG. ALDEN:
Second.

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

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

P.O. LINDSAY:
And 30 - Authorizing funding in connection with the enforcement of a LIPA settlement agreement against LIPA overcharge of Suffolk ratepayers. This was the subject of the Executive Session before. It's approving the additional money for experts.

LEG. ALDEN:
Motion to approve.

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

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Seconded by Legislator Horsley.

LEG. D'AMARO:
Recuse.

P.O. LINDSAY:
One recusal.

MR. LAUBE:
Sixteen. (Not Present: Leg. Cooper)

P.O. LINDSAY:
Sixteen, okay. If we go to CN's, red folder, looks like ***1814*** is the first one. ***Amending the 2008 Operating Budget to fund Middle Income Home Energy Assistance Program, MIHEAP, to protect residents of Suffolk County against the cold winter.***

LEG. HORSLEY:
Motion to approve.
LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Horsley, seconded by Legislator Beedenbender.

LEG. ALDEN:
For the record, on the motion.

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

LEG. ALDEN:
How much is the total of this assistance now?

LEG. HORSLEY:
Five hundred thousand.

LEG. ALDEN:
And this came from --

LEG. HORSLEY:

It came from Parks, as well as Social Services. That was outlined in the budget memo saying that those monies were not expended.

LEG. ALDEN:
Now, is this -- is this bonded?

LEG. HORSLEY:
I could go on further, too, if you'd like to know that the monies, if my recollection was -- one is for the stay vacations for Parks, we put additional monies in for, and it wasn't expended. The second issue was the administrative line on DSS, and that's where the two -- that's where the combined dollars came up to $500,000. It was actually more than that, but that's what we took.

LEG. ALDEN:
DSS would have been cash. I missed the first part of it for Parks. That's not bonded money, right? No.

LEG. HORSLEY:
No, cash.

LEG. ALDEN:
It's bonded? Oh, it's cash.

MS. VIZZINI:
This is cash in the Operating Budget.

LEG. ALDEN:
This is all cash. Okay. Thank you.

P.O. LINDSAY:
Any other questions?

LEG. HORSLEY:
This is good.

P.O. LINDSAY:
Okay. I'm not going to -- all in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Not Present: Leg. Cooper)

LEG. SCHNEIDERMAN:
Tim, cosponsor.

LEG. GREGORY:
Tim cosponsor.

LEG. HORSLEY:
Thank you, Mr. Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Horsley.

LEG. HORSLEY:

Thank you, Mr. Stanton.

LEG. BEEDENBENDER:
See, we're reaching across the horseshoe, same party.

P.O. LINDSAY:
1873 - Declaring November 2008 Homeless Awareness Month in Suffolk County.

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator --

LEG. STERN:
Second.

P.O. LINDSAY:
Gregory, seconded by D'Amaro? Is that --

LEG. D'AMARO:
That's fine.

P.O. LINDSAY:
Or was it the other way around? I'm sorry, I missed who made the motion? Did you --

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions? Yes.

LEG. ROMAINE:
Yes. I just want to --

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
I want to ask the Clerk to do two things. One, list me as a cosponsor; two, withdraw the resolution I have laid on the table to name November Homeless Awareness Month. Thank you.

P.O. LINDSAY:
Did you want to say something, Ben?

MR. ZWIRN:
No.

P.O. LINDSAY:
No. ***1953 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the rehabilitation of various bridges and embankments.*** I'll make the motion. Do I have a second?

LEG. STERN:
On the motion.

P.O. LINDSAY:
Let me get a second first. Second by Legislator Eddington. On the motion, Legislator Stern.

LEG. STERN:
Yeah. I just wanted our Commissioner of DPW to comment on the offset.

COMMISSIONER ANDERSON:
The offset involved is funds that were set aside originally for the improvements to the intersection of Commack Road and the LIE. As part of the permitting agreement for the Tanger Outlets. They are making those -- the first phase of those improvements for us. They're widening, adding some lanes in the vicinity of the bridge and on the service roads.

LEG. MONTANO:
In other words, you're paying for it.

COMMISSIONER ANDERSON:
Well, Tanger is paying for it, we don't need the money, so -- I mean, we need it for this.

LEG. STERN:
So, Commissioner, the monies taken as the offsets here can be taken as the offset because they're not needed for this project, because the developer of Tanger is paying for the entire project on their own.

COMMISSIONER ANDERSON:
Correct.

LEG. STERN:
Thank you.

P.O. LINDSAY:
Okay. We have Legislator Kennedy, Romaine, and then Alden.

LEG. KENNEDY:
Commissioner, I -- just picking up on that Commack -- over here. Just picking up on Legislator Stern's questions, the line is being reduced by about $500,000, so we have Tanger bringing forward about $500,000 worth of improvements? We have a dollar-for-dollar --

COMMISSIONER ANDERSON:
Correct.

LEG. KENNEDY:
-- contribution by the contractor --

COMMISSIONER ANDERSON:
Correct.

LEG. KENNEDY?
-- to supplant these funds?

COMMISSIONER ANDERSON:
The work that we were going to do with that 500,000 is being done by the contractor now.

D.P.O. VILORIA-FISHER:
Sounds like a good plan to me.

LEG. KENNEDY:
Yeah, fine. Okay. It's on the record, fine.

P.O. LINDSAY:
Okay. Legislator Romaine.

LEG. ROMAINE:
Yes. Commissioner, could you give me the ratings on these bridges, please?

COMMISSIONER ANDERSON:
Each of these bridges received a red flag from the State, which means there was an issue that was serious enough that had to be addressed right away. In the case of these bridges, there were deficiencies in the structural steel. And even though we supported them and they're safe right now, they have to be replaced as quickly as possible.

The bridges are actually -- there are four bridges, there are not three bridges. They're -- two of them in the Town of Southold, North Bayview Avenue over Goose Creek, and Grand Avenue Bridge over Long Creek. And then on Woodside Avenue, there are two bridges. Woodside Avenue, Waverly Avenue, within Islip, and Woodside Avenue at Buckley Road within the Town of Brookhaven.

LEG. ROMAINE:
If I could finish my questioning of the Commissioner. So what you're saying is that these bridges are safe now, but they may not be safe tomorrow? I'm trying to get an idea of the situation.

COMMISSIONER ANDERSON:
What we do is we temporarily support them using timbers, you know, structural steel, not -- it's not a permanent installation. And what we need to go in there is actually physically replace the steel that's been damaged or deteriorated to the point they're needing to be replaced, and that should be done as quickly as possible. It's --

LEG. ROMAINE:
And when did you make this determination that this was dangerous, or when did the State red-flag these or --

COMMISSIONER ANDERSON:
They came in at different times. There were two red flags, the ones for Waverly Avenue, which were attached, and they came in, one in August and the other one --

LEG. ROMAINE:
August of this year?

COMMISSIONER ANDERSON:
Yes.

LEG. ROMAINE:
Okay.

COMMISSIONER ANDERSON:
And what we did was we immediately went out and we basically supported them at that point, and then came up with a plan to replace them.

LEG. ROMAINE:
The reason I'm asking, fortunately, one of the committees that I have had some tenure on, because I usually get bounced around from different committees each year, one of the committees that I have some tenure on is Public Works, and last summer, our Chairman, our then Chairman was Legislator Schneiderman. As you recall, at that time, there was a huge bridge collapse in

Minneapolis. Legislator Schneiderman raised a number of questions. One of the questions he kept on asking is about the safety of all the bridges in Suffolk County. And I have the transcript of that meeting here, sir, and, at that time, you assured him that they were safe. And then the Chief Engineer, Mr. Hillman, came and let me read you some of the things Mr. Hillman said.

"I'd just like to clarify that there are no bridges in Suffolk County that have structural defects, deficiencies, that would lead us to believe we have any type of catastrophe that transpired in Minnesota. We believe structurally that every single" -- it should be "one" -- of the 72 bridges is capable of carrying the loads that they were designed for." And there's about five or six pages, and I can go on and read your quotes and Legislator Schneiderman's quotes as he questions you about each of -- the safety of the bridges when this Committee, Public Works, asked repeatedly in about 20 different ways, if you remember that Committee meeting, about the safety of the bridges. Now, approximately 13 months, 14 months later, we're being told that we have bridges that are structurally unsound that have been red-flagged by the State. And at the time we asked about this and the State ratings for that, and we were assured that all the bridges met the State ratings and were safe to travel.

COMMISSIONER ANDERSON:
Correct.

LEG. ROMAINE:
Now, I mean, I guess some type of major deterioration happened, is what I'm trying to --

COMMISSIONER ANDERSON:
Right.

LEG. ROMAINE:
-- understand in the last 12, 13, 14 months.

COMMISSIONER ANDERSON:
The bridges at the time were safe. We've been -- we've received notice from the State there are issues that have to be resolved immediately. There are no bridges that are not safe. These -- there are issues, structural issues, that require that these beams, or, you know, whatever structural steel it is, has to be replaced as quickly as possible, so they don't get into a condition. You can't compare any bridge, you know, situation like this to what happened in Mineola (sic). That was a mass failure.

LEG. LOSQUADRO:
Minnesota.

LEG. ROMAINE:
Right.

LEG. BROWNING:
Minnesota.

COMMISSIONER ANDERSON:
And, you know, yes, at the time, when I made the statement, when Bill made the statement, all the information we had from the State, who does the annual reviews of all the bridges, was that our bridges were in great -- you know, great or good condition.

LEG. ROMAINE:
Well, Commissioner, I'm going to err on the side of caution and vote for this resolution, but the problem for me, as a Legislator, is to try to get accurate information so that this body can anticipate things like -- I mean, more honest testimony I would think from the Chief Engineer, Mr. Hillman, would have been, "The bridges are safe now, but in the next few months or the next year or two, they may have some structural issues, and if they do, we'll come back to you," but that wasn't the

answer. We were assured in the strongest possible language that there were no problems structurally with any of the seventy-two bridges in Suffolk County. Now, we have to rely on your testimony and Mr. Hillman's testimony to establish expenditures, to set a budget, to deal with things like this. I would just simply say, in the future, it would be better if there were some possibilities or problems that they maybe raised at that time, so that we could at least anticipate them.

COMMISSIONER ANDERSON:
If I may --

LEG. ROMAINE:
To do this by a CN raises a lot -- I mean, what makes this bridge unsafe this month, where, when you got the report in August, you just didn't lay a resolution on the table so it could go through committee so we could resolve this?

COMMISSIONER ANDERSON:
We didn't know -- we didn't know how to resolve it at that time. We looked at it -- the information that we received from the State was that, effectively, if you looked at the I-beams, for example, they visually looked fine. As soon as they started to probe them, the steel under the paint was so rusted that they actually had to open it up. Mr. Hillman was going by the information that we received, and we always follow up the State reports that we receive. We do another inspection.

LEG. ROMAINE:
You can understand, as I reviewed the minutes of last year, I'm saying --

COMMISSIONER ANDERSON:
I understand your frustration, but, at that time, the information we had, and from our inspectors and from our inspections, everything pointed to the facts that we stated at that time.

LEG. ROMAINE:
And, unfortunately, how to resolve them, anyone in government knows that all issues of government are issues of money, and that's why you're here today.

COMMISSIONER ANDERSON:
Correct.

LEG. ROMAINE:
Thank you, sir.

P.O. LINDSAY:
Legislator Alden, and then Losquadro.

LEG. ALDEN:
Hi, Commissioner. I just wanted to pick up something that Legislator Stern had mentioned before. Five hundred thousand dollars is now going to come from the developer of --

COMMISSIONER ANDERSON:
No. The developer is actually doing the physical repairs, construction of that intersection right now.

LEG. ALDEN:
And we were going to do that originally?

COMMISSIONER ANDERSON:
Yes, that was part of our Program, our Capital Program for that road.

LEG. ALDEN:
Number one, a couple of things come to mind real fast. Why were we doing a repair so that a for-profit could go in there and make a ton of money in a development? And then number two, when they came to you, what did they do, did they just come to you and say that, "Oh, by the way, we feel sorry for the taxpayers in Suffolk County, and we've got an extra $500,000 laying around, so we'll take care of this for you"?

COMMISSIONER ANDERSON:
No. This -- to answer your question, this particular spot was part of an overall ongoing County road for improvements that we were going to do when the --

LEG. ALDEN:
Oh, it had nothing to do with Tanger, then.

COMMISSIONER ANDERSON:
No. But when Tanger came in for road-opening permits and sewer permits, we negotiated improvements as an impact fee to their development, and what we worked out -- one of the things we worked out was to do this intersection for us.

LEG. ALDEN:
When did we work this out, just recently?

COMMISSIONER ANDERSON:
I couldn't give you -- within the last year.

LEG. ALDEN:
Okay, because they're -- yeah, they're building that project, right?

COMMISSIONER ANDERSON:
Correct.

LEG. ALDEN:
And they had to go to the Towns to get their building permit --

COMMISSIONER ANDERSON:
Correct.

LEG. ALDEN:
-- and show how they were going to do some kind of improvement to the flow.

COMMISSIONER ANDERSON:
Correct. But, again, you have -- the reason this is coming so late in the day, if you will, and it's actually going on now, is we had to get State permits and all that coordination. You know, it was -- there were multiple improvements that they're doing along that corridor.

LEG. ALDEN:
Oh, well -- my point is this was going to be their responsibility one way or the other. They didn't just come to us and just say, "Here's an extra $500,000 worth of work."

COMMISSIONER ANDERSON:
Well, we were planning on doing that work as part of an ongoing capital --

LEG. ALDEN:
And charging them as a --

COMMISSIONER ANDERSON:
No, we were not -- until they came in and they showed us their plans, what their site was going to be, and we made an assessment of how that was going to impact our roads, then we started negotiating with them and saying, "Okay. Look, you want the road-opening permit, you know, we need some things done.

LEG. ALDEN:
Okay. So -- all right.

COMMISSIONER ANDERSON:
And this is one of the areas we decided that would be good for them to do first.

LEG. ALDEN:
The chronology then is we were going to have to do these before Tanger.

COMMISSIONER ANDERSON:
Yes.

LEG. ALDEN:
Then Tanger came to us with their plans and we realized it might be a little change, or it might be more extensive than we thought, and then we started negotiating with them as part of the normal process --

COMMISSIONER ANDERSON:
Correct.

LEG. ALDEN:
For them to do it or pay us to do it.

COMMISSIONER ANDERSON:
Correct.

LEG. ALDEN:
Okay. It wasn't, you know, that --

COMMISSIONER ANDERSON:
No.

LEG. ALDEN:
-- Christmas came early for Suffolk County.

COMMISSIONER ANDERSON:
No.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
The inspections that Department of Public Works undertakes, do they differ from the inspections that the State undertakes of our bridges?

COMMISSIONER ANDERSON:
It's -- we don't have the capability of, you know, the machinery to get up and into it and climb up into the areas. They came in with a high-low and --

LEG. LOSQUADRO:
We don't have a bucket truck, or a scissor lift, or a snorkel lift, or anything like that?

COMMISSIONER ANDERSON:
No, not like that. We go and we visually verify what they state. If they come in and they say, "Okay, this area looks like it's corroding", we would go and we'd verify that. What they actually went in with a bucket truck or with other some -- some other means of raising up. They went and they started probing some of the areas, and that's when they found the problems that they found.

LEG. LOSQUADRO:
Seeing our apparatus, I mean, I know we have the capability to lift men up in the air with some of our equipment.

COMMISSIONER ANDERSON:
Correct. But once we get notification of something like this, I mean, they come to us and they say everything's good, we don't go and just, you know, verify that. If there's a problem, we verify there's a problem.

LEG. LOSQUADRO:
So the information that was given to us back last year --

COMMISSIONER ANDERSON:
Yes.

LEG. LOSQUADRO:
-- was a result strictly of visual inspections.

COMMISSIONER ANDERSON:
From what we understand, yes.

LEG. LOSQUADRO:
I think the information that we were given was misleading, then, because, I mean, we were asking -- you know, there was a very serious accident. We were asking about the structural integrity --

COMMISSIONER ANDERSON:
Correct.

LEG. LOSQUADRO:
-- of the bridges here in Suffolk County, and the information that was given to us was clearly just based on a cursory visual inspection and not on a more detailed inspection. I understand, in this case, it may have been a little more difficult to ascertain being that the surface, according to you, did not show any signs of the deterioration underneath the paint; is that the situation here?

COMMISSIONER ANDERSON:
Correct.

LEG. LOSQUADRO:
So are we planning to undertake a more detailed inspection of other bridges that may similarly look good on the surface, yet yield --

COMMISSIONER ANDERSON:
Both we and the State are doing that currently, yes.

LEG. LOSQUADRO:

So, do we -- are there other bridges that are of similar age to these bridges throughout the County that have not received any sort of structural updates or repairs for a similar time period that we might anticipate were going to have similar --

COMMISSIONER ANDERSON:
We're looking at the --

LEG. LOSQUADRO:
-- substantively similar problems in other parts of the County.

COMMISSIONER ANDERSON:
We are looking at --

LEG. LOSQUADRO:
Excuse me a sec, guys.

COMMISSIONER ANDERSON:
We are looking at all the bridges that the County is responsible for. We're looking at possible connections to other bridges that may warrant that type of inspection, there may be something in there.

LEG. LOSQUADRO:
But do we see --

COMMISSIONER ANDERSON:
There's nothing --

LEG. LOSQUADRO:
Do we see other bridges of similar age, with similar maintenance history, that you think might be problematic, being that this one, under a -- these bridges, under a visual inspection, didn't show anything?

COMMISSIONER ANDERSON:
No. To this point, no, none that we've checked. We're looking at -- like I said, we're going through all the bridges in the County and, you know, again not necessarily --

LEG. LOSQUADRO:
I understand you're going through them. All right. You can just tell me you don't have this information in front of you, but what I asked was are there -- are there bridges of similar age and similar maintenance history that we feel that in the future we may run into similar problems when we start looking into them more closely?

COMMISSIONER ANDERSON:
I don't have that information in front of me that I could verify that.

LEG. LOSQUADRO:
Okay. Well, I would appreciate a report to the Public Works Committee regarding your progress on these inspections.

COMMISSIONER ANDERSON:
Sure.

LEG. LOSQUADRO:
Thank you.

P.O. LINDSAY:
If I might -- there's two more speakers on this, but if I might just weigh in on something. It seems to me, I mean, we're doing repairs on two bridges on Nicolls Road right now, right?

COMMISSIONER ANDERSON:
Yes.

P.O. LINDSAY:
It seems to me that we're doing a lot of bridge work. I mean, that's just in my area.

COMMISSIONER ANDERSON:
And again, I'm not trying to make light of this. These are, you know, serious issues and we need to deal with them right away. You know, they weren't a part of the Capital Program, because they -- we felt that the inspections reported they were fine.

P.O. LINDSAY:
No.

COMMISSIONER ANDERSON:
We're going back and we're double-checking.

P.O. LINDSAY:
If the bridge has a problem with it, I don't want it to become part of the Capital Program. Repair it before somebody gets killed, you know.

COMMISSIONER ANDERSON:
Right, agreed.

P.O. LINDSAY:
Legislator Schneiderman, and then Eddington.

LEG. SCHNEIDERMAN:
I guess this is for BRO. I just want to clarify what it is we're doing. This $600,000, has this already been bonded, or we'd be bonding it now? It's a -- we're shifting it from one project in the Capital Budget to another, but have we already done the bonding for the other project?

MS. VIZZINI:
No, you're authorizing future bonding for the $600,000. You're amending the Capital Program, taking it from Peter to give to Paul.

COMMISSIONER ANDERSON:
And doing the actual authorization of bonding.

MS. VIZZINI:
Yes, you are.

LEG. SCHNEIDERMAN:
So should not this -- should this not be subject to permissive referendum, because I didn't see any language in it. Isn't all bonding like this subject to permissive referendum or no?

MS. VIZZINI:
I'd have to punt to George or the County Attorney.

P.O. LINDSAY:
Both of them are busy. You can take money from Peter to pay Paul to repair Mark.

LEG. SCHNEIDERMAN:
Well, right, we haven't bonded yet. Once you've bonded, you can't switch from one project to another, because, theoretically, the public wouldn't be aware, then, of what the bond --

D.P.O. VILORIA-FISHER:
The next resolution is the bonding resolution.

LEG. SCHNEIDERMAN:
What was that?

D.P.O. VILORIA-FISHER:
There's a bonding resolution attached.

LEG. SCHNEIDERMAN:
All right. Well, let me take a look at that, and maybe I can answer my own question.
P.O. LINDSAY:
Yeah, we've got to vote on the bond after we approve this, so it hasn't been bonded yet.

LEG. SCHNEIDERMAN:
It hasn't been bonded. All right. Maybe the permissive language is in the bond.

P.O. LINDSAY:
Okay. Legislator Eddington.

LEG. EDDINGTON:
Yeah. Gil, I don't want to micromanage or anything, but I learned a long time ago that if you do what you've always done, you get what you've always got. And I just kind of heard you say that we'll continue how we do our inspections, which are visual, and that concerns me, because the definition of "insanity" is when you do the same thing over and over again and expect a different outcome. I really would like to have somebody with an ice pick going around and doing some physical -- do you know what time?

COMMISSIONER ANDERSON:
And we are doing that. I mean, I can certainly at the next Public Works Committee give you a report on where we are with everything.

LEG. EDDINGTON:
I just wanted to be reassured, that's all.

COMMISSIONER ANDERSON:
Yeah.

LEG. EDDINGTON:
Okay.

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

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:

Fifteen. (Not Present: Leg. Cooper)

P.O. LINDSAY:
On the accompanying bond resolution, 1953A, same motion, same second. Roll call.

LEG. EDDINGTON:
List me as a cosponsor.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. EDDINGTON:
Here -- yes.

LEG. COOPER:
(Not Present)

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

MR. LAUBE:
Fifteen. (Not Present: Leg. Cooper)
P.O. LINDSAY:
Okay. You got it?

MR. LAUBE:
(Nodded yes)

MS. ORTIZ:
He said it.

MR. LAUBE:
Yeah, I said it.

P.O. LINDSAY:
Did you read it?

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Oh, I couldn't hear.

MR. LAUBE:
Yes, sir.

P.O. LINDSAY:
1954 - A resolution amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share of reconstruction of County Road 16, Portion/Horseblock Road, Town of Brookhaven.

LEG. BEEDENBENDER:
Motion to approve.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. Question by Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:

I'm just curious about a term that I saw here. What's a State Marchiselli Fund or --

COMMISSIONER ANDERSON:
The State will actually fund part of the County's share. That's the Marchiselli --

D.P.O. VILORIA-FISHER:
It's a very small amount, 7%.

COMMISSIONER ANDERSON:
It could go up to be -- it could actually could go up to be 15% of the overall funding, so it could bring our share down to, you know, 5%, so --

D.P.O. VILORIA-FISHER:
Okay. All right. Thank you.

P.O. LINDSAY:
Legislator Beedenbender, then Alden.

LEG. BEEDENBENDER:
I just wanted real quick to thank DPW for what is some yeoman's work on this. For those of you that aren't familiar, the Federal Government changed their procedure in recording -- in regards to this money and it basically cut off like nine months of DPW's anticipated timeline. And they managed to get it done anyway. They submitted it to the State. They have the construction approval, construction -- what --

COMMISSIONER ANDERSON:
Yes, we have construction authorization.

LEG. BEEDENBENDER:
Construction authorization.

COMMISSIONER ANDERSON:
Yes.

LEG. BEEDENBENDER:
And this is a project that has been, for many reasons, you know, on hold for a long time waiting for the money to become available, and then there's been exhaustive work on behalf of DPW with the civic organization. I mean, it even got to the point where I sat in the meeting and we were picking out the colors of the lines, and the crosswalks, and the poles, and the light bulbs, and it was unreal. But we have gotten to this point and construction is supposed to start in the spring --

COMMISSIONER ANDERSON:
Yes.

LEG. BEEDENBENDER:
-- I believe.

COMMISSIONER ANDERSON:
Yep.

LEG. BEEDENBENDER:
So, for something that was absolutely out of your control and not your fault, and for a project of this magnitude, to lose that much time and be able to actually get it done, I think it was a great job and you should -- you and your Department should be commended for that.

COMMISSIONER ANDERSON:

Thank you.

P.O. LINDSAY:
They should be commended for dealing with your crazy residents over there about this whole thing. I mean, there was some people -- the input there was unbelievable.

LEG. BEEDENBENDER:
I do not believe I would describe my constituents in such a fashion, but --

P.O. LINDSAY:
I wouldn't either, but --

LEG. BEEDENBENDER:
But I will say -- I will say that the meeting where -- I did not anticipate picking out the color of light bulbs, and crosswalks, and poles and benches, and any number of things. But we have reached the moment where we can do something, and I think, you know, it was a good job.

P.O. LINDSAY:
Legislator Alden, you want to know what color the tree is?

LEG. ALDEN:
Well, that would be -- I would be interested in that, but I'm going to guess, at some point in time, it's greenish. But, anyway, Budget Review, how much is the -- is this Capital Project?

MS. VIZZINI:
You adopted 24 million dollars in the Capital Program, plus this resolution accepts an additional 2 million in Marchiselli money, State Aid. So it's 3.1 million in County money, 20.4 million in Federal Aid, and 2 million in State Marchiselli money.

LEG. ALDEN:
Now, that 3 million -- I know we try to have a level debt type of process, or I guess that's an end result in level debt. Does this add onto the debt, or is this staying within that level debt?

MS. VIZZINI:
Well you did adopt the Capital Program, including the 24 million, so it increases your authorized unissued debt, if that's what you're asking.

LEG. ALDEN:
But sometimes we have -- like our policy is to try to offset that with debt that we're retiring, right? No? As debt -- we try not to let the debt build up too much, we try to have some retire, and then we add other projects as we retire debt, right? That's a level debt program or policy.

MS. VIZZINI:
Actually, level debt, the technical term pertains more to the interest and the payments.

LEG. ALDEN:
Debt service.

MS. VIZZINI:
Yes.

LEG. ALDEN:
Okay.

MS. VIZZINI:
Yes.

LEG. ALDEN:
So, whichever way, are we level debt or are we increasing?

MS. VIZZINI:
Well, we are adding to the debt. We, more than likely, are going to be bonding this through a level debt policy, and those things that eventually are paid off will reduce that.

LEG. ALDEN:
But, right Now, when we actually appropriate this, we are actually kicking that up, then.

MS. VIZZINI:
You'll be adding to the authorized unissued.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Just to Budget Review, between Marchiselli and Federal, we're talking about 87, 88% reimbursement, the County is left with about 12%?

MS. VIZZINI:
Roughly.

LEG. BARRAGA:
Marchiselli locked in, is that a definite?

MS. VIZZINI:
I'd defer to the Commissioner if we've gotten the appropriate correspondence.

COMMISSIONER ANDERSON:
I couldn't tell you.

LEG. BARRAGA:
You couldn't tell me.

COMMISSIONER ANDERSON:
I could certainly find out. I don't know if it's been locked in or yet -- not.

LEG. BARRAGA:
All right. Thank you.
P.O. LINDSAY:
Any other questions? The only thing that I ask of my colleagues is there's about 20 million dollars worth of aid that, if we don't move forward on this, and the other thing is if we reject this, I think Mr. Hillman will commit suicide --

LEG. BEEDENBENDER:
Please, I'm begging.

P.O. LINDSAY:
-- because he's worked on this for years, I mean, years.

LEG. BEEDENBENDER:

I'm begging.

P.O. LINDSAY:
Okay.

LEG. ALDEN:
No.

LEG. BEEDENBENDER:
I know, I understand, Legislator Alden.

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

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

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

P.O. LINDSAY:
Same motion, same second on the accompanying bonding resolution. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. KENNEDY:
Yes.

LEG. COOPER:
(Not Present)

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.
LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Pass. Yes, yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

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

P.O. LINDSAY:
Okay. ***1955 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction of County Road 80, Montauk Highway, Shirley/Mastic, Town of Brookhaven.***

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.
P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
How much is our share?

P.O. LINDSAY:
On the motion. You want the microphone, Legislator --

LEG. BROWNING:
It's 80/20, 80% Federal.

LEG. ALDEN:
And how much -- to Budget Review, how much is the County share of this?

P.O. LINDSAY:
Three million two hundred and four thousand.

LEG. ALDEN:
Thank you.

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

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

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

P.O. LINDSAY:
1955A, the accompanying bonding resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
(Not Present)

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.
LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
(Not Present)

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fourteen. (Not Present: Leg. Cooper and D.P.O. Viloria-Fisher)

P.O. LINDSAY:
Okay. ***I.R. 1960 - Accepting and appropriating 100% Federal grant funds from the United States Department of Justice, National Institute of Justice, to the Department of Health Services for a Forensic DNA Backlog Reduction Program, Fiscal Year 2008.*** It's for $280,905. I'll make a motion.

LEG. LOSQUADRO:
Second.

LEG. D'AMARO:
Second.

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

MR. LAUBE:
Seventeen -- no, 16. (Not Present: Leg. Cooper and D.P.O. Viloria-Fisher)

P.O. LINDSAY:
Okay. Here we go. ***1966 - Authorizing Public Hearings relative to proposals and plans set forth in the report prepared by Horan, Martello, Morrone, P.C., dated May, 2008 on the management and operations of the John J. Foley Skilled Nursing Facility.***

LEG. LOSQUADRO:
Motion to commit.

LEG. BROWNING:
Motion to table.

P.O. LINDSAY:
What was that?

LEG. LOSQUADRO:
To commit.

LEG. BROWNING:
I made a motion to table.

P.O. LINDSAY:
Motion to table?

LEG. LOSQUADRO:
Yeah, to commit.

P.O. LINDSAY:
Or to commit?

LEG. BROWNING:
Oh, you want me to commit? Which way are we going? Okay.

LEG. LOSQUADRO:
To commit.

LEG. BROWNING:
Motion to commit. You made the motion?

P.O. LINDSAY:
Okay. So you're withdrawing your motion --

LEG. BROWNING:
I'll withdraw my motion to table.

P.O. LINDSAY:
-- to table, and you're making a motion to commit to Committee. And you'll second that, Legislator Beedenbender?

LEG. BEEDENBENDER:
No.

P.O. LINDSAY:
Oh.

LEG. BROWNING:
I will.

LEG. ALDEN:
I'll second it.

P.O. LINDSAY:
Second, Legislator Browning. On the question, Legislator Romaine.

LEG. ROMAINE:
Yes. As people know around this horseshoe, last year I was married. My wife is a 32-year member, employee of the John J. Foley Nursing Home. She is employed as a Housekeeper. My sister-in-law is employed as a Therapy Aide. None of them are in an administrative or policy-making decision. Nevertheless, at this time, I'm going to recuse myself from the discussion or the vote to prevent any appearance of undue influence or conflict. Thank you.

P.O. LINDSAY:
Anybody else?

LEG. D'AMARO:
Right here.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Yes, thank you. I had a question, if -- maybe to Counsel. If this resolution were to pass today, authorizing what I understand to be public hearings and setting them by a certain date, would that affect the requirement that the -- any potential sale of the Nursing Home come back to this body for approval?

MR. NOLAN:
No. You know, if your -- if the intent of this resolution is to start a process that resulted in a sale or a leasing of the facility, pursuant to A9-6 of the Administrative Code, there would have to be a resolution to approve that particular transaction.

I just reviewed the resolution, and I'm going beyond your question, Legislator D'Amaro, just to say that under A9-6, there has to be a proposal or plan, and that's what triggers all the review procedures in that section of law. I believe there was attached to this resolution part of the HMM study making some findings. I don't know that it's a proposal or plan sufficient to trigger the public hearing process. This resolution, as is drafted now, calls on the County Executive to do hearings and for us to do hearings by November 15th, but also says later in the resolution, when we get a response to an RFP that has a specific plan or proposal, that we should do hearings again. So, I don't know, I'm just having a little problem reconciling this with the requirements of the Administrative Code when there are privatization proposals on the table.

LEG. D'AMARO:
Well, in other words the -- excuse me. This resolution, you're right, in the Fifth Resolved Clause, requires that there be two additional Legislative public hearings for further consideration of, I guess, the responses to any RFP.

MR. NOLAN:
Right.

LEG. D'AMARO:
So are you saying that in order to issue the RFP, hearings are not required?

MR. NOLAN:
Yeah. I think it's a -- the RFP issue is really a separate issue, because A9-6 talks about a proposal or plan and then sets forth seven or eight things that have to happen when there is a plan or proposal presented to the Legislature or the County Executive. I just think there's probably disagreement whether or not what's attached to this resolution, the HMM Executive Summary or findings, really represents a proposal or a plan that the Legislature can hold public hearings on, because there is really no -- I read through it. I don't see a proposal or a plan, a privatization plan or a leasing plan, or anything specific. I see kind of general language, but not a specific proposal or plan that would be -- that I believe could really be the subject of a meaningful public hearing.

LEG. D'AMARO:
Right. But if the HMM report is not sufficient to meet the proposal or plan requirement, can an RFP still issue without the hearings?

MR. NOLAN:
Yes.

LEG. D'AMARO:
Yes.

MR. NOLAN:
I believe it can, yes.

LEG. D'AMARO:
So, if this resolution were passed, it would not -- it would be -- it would be a -- it would mandate a process where it will be more of information gathering before the RFP was issued, not required, however.

MR. NOLAN:
Well, I think it would -- it's telling you to hold public hearings, but you're going to have to have public hearings later anyway --

LEG. D'AMARO:
Right.

MR. NOLAN:
-- at least the way I read the law. And the County Executive would be required to have public hearings later as well, and there would be other requirements. When there is actually a proposal, let's say an RFP issues and there's a plan or proposal that is brought to the Legislature, all of the requirements of A9-6 would kick in at that point, in my opinion, including the hearings, the various analyses, and ultimately a resolution of this Legislature approving that plan or proposal.

LEG. D'AMARO:
My only point was that if we're going to issue an RFP, it would be probably better to have the public hearings just to get more input into the contents and the focus of the RFP, but you're saying it's not essential to the issuance of the RFP.

MR. NOLAN:
Not the way I read A9-6, no.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
This is a question for Counsel. What's the implication of us holding hearings in light of the fact that the County Executive's budget came over to us that closed the Foley Nursing Home? Would that fact that we're going to hold hearings, would that legitimize that plan, because that's an actual plan for disposal of an asset.

MR. NOLAN:
Well, I actually think that what's being contemplated in this resolution is quite different from what's being contemplated or -- quite different from what's being contemplated in the budget, which is closing the facility altogether. You know, we're going to have to deal with what's in the budget, regardless of what we do with this resolution, because they've abolished the positions in the budget and are moving ahead with closing. So that's something that's going to have to be reconciled by this Legislature, how to reconcile that with this.

LEG. ALDEN:
Is that budget, including that plan, in your mind, is that a legal budget without the hearings?

MR. NOLAN:
Well, I --

LEG. ALDEN:
Because it does include as part of the plan the closing of the Foley.

MR. NOLAN:
Well, I'm going to just see -- you're just asking about the budget proposal, what's in the budget, eliminating the positions and closing Foley outright.

LEG. ALDEN:
Right.

MR. NOLAN:
I do believe that, and I gave an opinion to a couple of Legislators, and I think it's public knowledge now, that the way I read A9-6 is that the proposal to close Foley outright would also be subject to the requirements of A9-6; should not have been included in the budget without the public hearings, without the various other review requirements that are set forth in that section of law.

LEG. ALDEN:
So public hearings, similar to what is called for in this 1966?

LEG. MONTANO:
A9-6.

MR. NOLAN:
Yeah, exactly.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. I'm trying to look at this from as practical a point of view as possible.

Earlier in the year, the County Executive had insinuated that the Legislature was understating the costs associated with this facility, and, recently, BRO put out a report that seems to indicate that the County Executive may be overstating the costs. And I think that's why many months ago we, I believe, unanimously overrode the veto to approve the management RFP. And I am encouraged to hear that the County Executive is committed, and, you know, the responses will come back early November, and the County Executive is committed to getting that team in place and giving them every ability possible to look at the ways that we may reduce the costs associated and reduce the loss associated with the Nursing Home. Now, when you go along with that, the County Executive has consistently said that there are people out there that are interested in taking this facility over. Some Legislators have been skeptical about that. If we were to approve this and this RFP goes out, we would find the answer and we would not be committed in any way, shape or form to follow the result, but we would have the answer. So, because they are answered, that's what I am interested in.

From the first meeting I had with the people from Foley, and many of you are still here, I don't see anybody that was in my office, and if I'm missing you, I apologize, I said that closing the Facility is not something that I wanted to support for the patients and the employees, and that hasn't changed one bit, and for the same reasons -- you know, for the same reasons as before, the patients and the staff. And because this still remains my preference, to make sure that the patients are taken care of

and the employees are taken care of, I want to get as much information as possible. And lots of things have changed recently with the economy and I'm extremely worried about our budget for next year and how it relates to 2010. And just not to go on for very long, but for a couple of points.

I think we're not going to make the sales tax that's proposed in the proposed budget, so if we miss it by 1%, there's 11 million dollars. I think New York State's going to cut the money we expected for '08, and then they're going to take a big slash into 2009, and that's probably going to cost us anywhere between 10 and 20 million dollars. If property tax delinquencies continue, that adds to the problem, including the maintenance of the Nursing Facility, so that adds to the problem again. And anything else that we might want to add just exacerbates that problem.

So the way I'm looking at it is I need to have every answer possible, because what I'm concerned about is that sometime in 2009, the DPW worker who mows the grass, I might not be able to keep his job, or the Parks worker that works in the booth, we might not be able to keep their job, because we might not have any money, and there might not be anywhere else to go. So the reason that I think we should put out this RFP to get the information, to get the information, is because I want to know if there's somebody that will tell me, "We will keep all those patients and we will agree to do that." I don't know if that exists. I want to know if there's somebody that will say, "We will keep every employee and we will work with the County to work out a way to make sure that they are kept whole and they're not hurt." I don't know if that can happen. But the reason I think that's so important is because, if that's possible, then I know I can keep your job, I can do something about yours. But next year I don't know what we're going to do, I have no idea, and there are a lot of smart people that work for Suffolk County that don't know either. And we're going -- and whether or not anybody wants to admit it or realize it, next year we are going to have a hole no matter what we do with this budget coming in November. So I think this gives us information that we don't have now.

And I would discourage my colleagues to commit it to committee, because in no way, shape or form does this force anybody to vote for anything they don't want to. All it will do is give you information in front of you of who would be available. And it is possible, and my preference, what I said the first day when I met with the workers at Foley and the people at Foley that I had spoken to, is to find a way to make sure that your job is protected and the patients are protected without having to be moved and having the dramatic effect of it happen to them. And if somebody is willing to do that, I think it would be a dereliction of our duty not to get it in front of us. So I would urge you not to commit this to committee. Let's pass this today. It does not put anybody on the hook for anything, except allow us to have more information in front of us to prepare for a situation that I think many of us have not contemplated to the full extent of what's going to happen.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
Yeah. I actually may have some questions later, but I just wanted to go back to what Counsel said. Just so I'm clear, you said that in order to trigger the events or the public hearings, that we needed to have a plan or proposal before us, and that this RFP doesn't meet that definition; that reiterates what you said?

MR. NOLAN:
What I'm saying is the attachment, which is a part of the HMM report, it's three or four pages, or five pages of the report which has some summary of its findings, is not a -- at least the way I read it, I don't see a proposal or a plan. And if we don't have a specific proposal or plan, we shouldn't and we really can't go ahead with public hearings, because we're supposed to have a proposal or plan --

LEG. MONTANO:
Right. So, in other words, we're putting the cart before the horse, because we don't have the plan,

we don't have the proposal that would trigger the public hearing under this section of the Charter, is that --

MR. NOLAN:
That's my interpretation.

LEG. MONTANO:
Okay. Now, the other part of this Whereas Clause that I'm reading from says that that is required, if, in fact, the County is going to provide services other than through the Department of Health. But if it's going to close the facility, that's -- the way I'm looking at it from just here, and I didn't look at the section, "other than" doesn't seem to apply, because if he's closing it, we're not providing the services, so we don't need the public hearings. I mean, that's the way I'm reading it. I see the County Attorney nodding her head.

MR. NOLAN:
Yeah. Well, I think --

LEG. MONTANO:
That's going to be your position, that --

MS. MALAFI:
Yes, I have -- as soon as there's a break, I was going to ask to be heard to address the --

LEG. MONTANO:
I'm sure they're going to get to you, so --

MS. MALAFI:
Okay.

LEG. MONTANO:
I just wanted to be -- I have some questions, but I'm going to hold that, and I may have a statement, but I'm going to hold that. You answered what I was looking for.

P.O. LINDSAY:
Well --

LEG. MONTANO:
I may go back on later, but I don't -- you don't need to put me back on.

P.O. LINDSAY:
I'm going to take -- I'm on the list. I'm taking my turn.

LEG. MONTANO:
Oh, okay.

P.O. LINDSAY:
All right? And I just want to address Legislator Beedenbender's concerns about his plea to issue this RFP. The irony of what you're saying is attached to this is this HMM report that justifies the whole thing. We didn't issue an RFP for HMM. We don't need -- the Executive doesn't need an RFP to put the place up for sale, period. What this will do, and I disagree with the County Attorney, it will allow him to close this if we have the public hearings.

LEG. ALDEN:
Before the end of the year.

LEG. BROWNING:
That's right.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Thank you. My chief concern with reference to this whole issue are the 600 employees and residents of Foley. I want to make sure we get this right. We discussed a lot of things in this Legislature, and if I had to rate them between one, and ten being the highest, most of our stuff is like, in my own judgment, three, four and five, this is a ten. This is a ten. We cannot screw this up. And I really don't like my options right now. Excuse me.

P.O. LINDSAY:
Hold it down.

LEG. BARRAGA:
I really don't like the options that I have in front of me right now. We have the County Executive's budget. And going along with what Mr. Beedenbender has said, I could expand on that, but I won't. We know the economic realities facing the County, the State and the nation. This is a very tight budget that the County Executive has given us. I had my doubts in terms of whether or not he's even gone far enough in terms of the cuts based on what might happen in the next several months, but Foley is not in there. If we were to vote on his budget alone, Foley is history. I'm not crazy about that option, not that I won't do it if I'm forced to do it.

The other is you put Foley back in, and you go for another five or six million dollars, and you'll have to show legitimately where you're willing to cut within the budget or where you're willing to legitimately raise revenues. And I've seen cuts before. They sound good, but it's a lot of wheeling and dealing and moving monies and not really cuts. And if it's not real, you don't have a true revenue source or true cuts, this County Executive will veto it and it will come back here, and he'll need six votes to override, he'll need five. I will sustain his veto. And do you want to risk that? Are you saying he cannot pick up another five? I don't think it's a risk you want to take, nor I. I need the RFP.

We've had several meetings today. My impression was that some people in my caucus had some serious concerns about these public hearings being held before November 15th. If I understood our Attorney, those meetings would be held and then we'd be able to have a couple of public hearings afterwards. But, bottom line, at the end of the process, we, the 18 of us, control whether or not Foley is sold or leased, or what happens to it. We control that by way of that vote.

I don't care about the personalities. Sometimes, you know, I'm with a group and, you know, there are people who like people and don't like people. The County Executive or his people, they're not relevant here, what's relevant is the issue, only the issue. And, right now, this RFP, we can table it, or we can do something else with it, or we can approve it, but we've got to move on this. This is an area that we have to test in terms of what is the private sector interest in Foley? I've had two meetings on this so far. We heard from one nursing home proprietor, he had an interest. He had an interest, as long as he could adhere to the 1199 contract in terms of salary and benefits. It was suggested by me that maybe we ought to take a look at ways of supplementation, so that if somebody is making 40,000 right now, under the existing County contract, and someone buys the facility, and 1199 for the same job is paying 35,000, for a period of three years, we give 5,000 a year as a supplement. They would still get their pensions and benefits based on the contract, and if a new contract existed between the proprietor and 1199, whatever the raise is, those people would automatically get the raise as well. But, right now, I don't have any idea. My first two choices stink. I want this RFP to be done as quickly as possible so that we can get some input. Maybe there's no interest out there. I doubt that, but let's take a look at what comes back and then schedule hearings predicated on what we receive, and then eventually make a final determination here as to

what is the best course of action.

If this thing is bogged down, well, we have public hearings, or if we should do this, this, this, that's minutia. All you're going to wind up is putting 600 people out in the cold looking at the window. And you know something, none of us here are at risk come January, March, April. Unless I get hit by a 16-wheeler, I'm still sitting here. The others may well be out if we don't get our act together and move kind of quickly on this. No more of the, you know, the nuances. You've got a major issue here, a major problem, and it's one time we have to step up and move ahead. Don't be worried about if you're going to get screwed over by somebody's who's not even in the room. That's not the issue here, it's people who are involved. These are human beings. And I've seen this before. I've seen people procrastinate, and then, in the end, when they have to let people go, and the whole thing shuts down, you've got people in the room, I saw it with the entire Legislature always blaming the guy who isn't in the room, which is normal. You always want to blame somebody else before you're willing to take responsibility for your own actions. Don't let that happen with reference to Foley. We need the RFP. We need to get this thing moved and moved quickly.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. I am most conflicted with this proposal as I look at it, because, as Legislator Barraga so often tries to bring us to some of the touchstone here, which is the patients and the employees, and what the cumulative effect of this war that we have waged for the better part of nine months has had on -- what we heard today in very eloquent testimony is a majority workforce of women, single parents, minorities, and sick patients. And it almost gets me to the point where I say, "I must truly have missed the forest for the trees to have looked at it for this long." I also know that I am what I am, and I'm one of the Legislators that asked our Legislative Counsel for an opinion as to the legitimacy of the budget, and he counseled me that it is illegal in the fashion that it was sent to us.

We're a body of laws, we're a county of laws, we're a nation of laws. There is a process that's articulated, as I look at it on my screen, that tells us what we have to do. This does not comport with that. This does not lay out what it is that we would have put before us to make some decision. And as I came back from Hofstra Law School last night, after having researched where one goes with PERB decisions and looked at exclusivity, I'm even more convinced that what we're charging into under the guise of fiscal constraint and fiscal Armegeddon is imprudent and illegal.

I won't vote for this because of the concerns that I've had, but I'll also do what my responsibility is as a Legislator and maybe put forward an alternative that nobody's spoken about. Maybe John J. needs to come out from under Health. Maybe it needs to stand as a separate entity that's no longer tortured by this nine or ten or eleven-month war of which we have victims who continue to come here and plead with us to work it out. And maybe what we need to do as a body is to do what I heard on NPR last night, for all those municipal employees out in California who are looking at Armegeddon. Maybe we need to chop at the top. Maybe we need to look at some proposal that comes back that doesn't focus on 240 low level career civil servants who are being put in jeopardy and faced with Armegeddon. Maybe we need to go into the guts of other parts of County government and start pruning and start cutting, and start going ahead and saying, "We won't do business anymore," because I agree, I will not go back to the taxpayer for one red cent, and I will not look at putting this County government in jeopardy, but I will not vote for this.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Yeah, thank you. Before I make a few comments, I do have a couple of questions for the County Attorney so I can get some of the procedure down, because we've been going back and forth about

the order of public hearings and the issuing of RFP's, and there may be -- and I've heard what our Counsel has to say, but maybe you can help me.

Regarding Foley, specifically, I mean, do we need any public hearings to put Foley into our budget and fund Foley in the first place?

P.O. LINDSAY:
Is that a question of the County Attorney or our Counsel?

LEG. STERN:
Yeah, to the County Attorney.

MS. MALAFI:
To have it in the budget? No. To maintain status quo, you mean?

LEG. STERN:
In any way. We don't have to hold public hearings specifically regarding the Foley Facility when we fund the Foley Facility?

MS. MALAFI:
No, you do not.

LEG. STERN:
Okay. Does the County Executive need these public hearings in order to issue the RFP?

MS. MALAFI:
In my legal opinion, yes. Would you like me to explain?

LEG. STERN:
I would like you to explain.

MS. MALAFI:
Okay. The A9-6 applies to any proposal of any kind submitted by the County Executive to privatize the facility. So, to answer one thing that's been floating about, to close the Facility is not the same as privatizing. So to put it in the budget to close it did not require public hearings. If the Legislature, back when A9-6 was drafted, intended it to apply to closure, it could have said it in the Legislative Intent or anywhere within A9-6. Closure is not in A9-6. A9-6 specifically says, "Privatization of the facility, where the work done at the facility will no longer be done at the facility by County employees." So, if, for example, you're going to lease it to a hospital to run the Foley Center, then that would be subject to A9-6 public hearings. If you look in A9-6, the public -- the intent, the Legislative Intent, anywhere in this section does not mention anything about closing the Foley Center. So I do not believe that legally public hearings are needed for the County Executive to put in his budget the closure of Foley.

With respect to the issuance of an RFP by the County Executive for the potential privatization of any portion of Foley, it is my legal opinion that you do need the public hearings, because the way A9-6 is drafted, it says, "Any proposal by the County Executive submitted to the Legislature." And as we -- you discussed earlier on another resolution the County Executive has to file with the Legislature when he issues an RFP. I believe that that would be sufficient to trigger the requirements of the Public Hearing.

In addition, we know, from reading the newspaper, that the person who drafted A9-6 does not agree that no public hearings are needed to issue an RFP, and we know that that person is counseling the Union in this matter. And we know that, in all probability, there will be a challenge to an eventual privatization of any portion of the Foley Center by an outside party. And then everything, doing the RFP will have been a waste of time, coming before the Legislature to have public hearings on the

specific plan or proposal, which would be the result of the RFP, would be a waste of time. So, not to waste everyone's time and to avoid a potential challenge by the person that we know does not agree, that you don't need public hearings before you issue the RFP. That is why we've counseled the County Executive and why he's issued this resolution to ask for the public hearings now. And it specifically says in the Fifth Resolved Clause that we come back for more public hearings when the specific proposal, meaning the -- when the specific response to the RFP is going to be put forward by the County Executive that he wishes to complete.

So that is why I do not agree, respectfully, with the legal opinion, that you need public hearings before you put a closure in the budget, and why I do not agree that you do not need the public hearings before the RFP is issued.

P.O. LINDSAY:
Could I -- could you just suffer an interruption --

MS. MALAFI:
And also --

P.O. LINDSAY:
-- because I've been asked something. Is that opinion in writing?

MS. MALAFI:
Yes.

P.O. LINDSAY:
Could we have it, please?

MS. MALAFI:
Somebody can make a -- it's an opinion that was --

P.O. LINDSAY:
It doesn't have to be today.

MS. MALAFI:
It's -- I have it right here. It was issued to the County Executive.
And, also, the I.R. that was proposed specifically references the entire HHM (sic) report, although it's not attached. And in the HHM (sic) report, on Page 33 and at Page 1, it references partial or complete privatization of the center, and Attachment Number 11 to the HHM (sic) report, which can be put on file with the Clerk's Office. Also, Page 25, Page 23, and the Introductory Page 4 completely lists the options, just of the general potential privatization options with respect to Foley, and that is what this is based on. This is not -- this request for public hearing by the County Executive is not on a very specific proposal. Right now, the proposal is just that some or all of the functions of Foley should be let out for privatization and that the HHM (sic) report is sufficient for that function alone.

P.O. LINDSAY:
Are you done, Legislator Stern? Go ahead.

LEG. STERN:
No, I'm not. So you're citing that that language rises to the level to satisfying the standard of a plan or proposal for purposes of the RFP?

MS. MALAFI:
I believe so. And I think that if the County Executive filed an RFP without coming before this Legislature and asking for the public hearings, that we'd have probably more people upset that he filed an RFP with respect to Foley than there are about the concerns that I've heard here tonight.

LEG. STERN:
All right. And I had shared Legislator Alden's concern, and he had asked the question before. By allowing public hearings to go forward regarding the RFP, does that allow or not allow the County Executive to close the facility?

MS. MALAFI:
I'm sorry. Could you say that again?

LEG. STERN:
Does merely holding the public hearings regarding the RFP give the County Executive or not give the County Executive the authority to close Foley?

MS. MALAFI:
No, he already -- he has the authority to put in his budget to close Foley, he does not need the public hearings. Holding these public hearings will in no way affect his ability to put that in the budget.

LEG. STERN:
Okay.

MS. MALAFI:
Privatization means privatizing. There is a -- now my memo is out to be copied, but there is a Court of Appeals case, New York City versus Giuliani, I don't have the cite, it's in my memo, that talks about privatization of a hospital is when you're going to subcontract the work out. So there is an -- although it doesn't say, "But if you close it," it doesn't go so far as to say, "If you close the Hospital, that's not privatization." I believe you can read that Court of Appeals case from 1999 to support the position that privatization means just that, taking a portion of the facility and letting someone else run it, not closing it.

The word "privatization", if you look in the dictionary, I found a Yale Law Journal -- I think it was Yale. It was either Yale or Harvard Law Journal article about privatization, and that's what -- that's how they described the privatization function. It's taking a government function and giving the government function to an outside entity, and closing the Foley Center is not giving the functions of Foley to an outside agency.

LEG. STERN:
Thank you. Just a couple of comments, Mr. Presiding Officer. I agree with Legislator Barraga. I mean, this resolution isn't about closure, or sale, or lease of the Facility, it's about a quest for information, information that we need, and I believe that we need now. I want to know about the possibility of having residents placed. I want to know about employee contracts and 1199, and what we can or should be considering when it comes to our own hard-working County employees. I want to know about the possibility of placing those residents that require a particular level of care.

You know, we can go around the horseshoe for hours and hours this evening, but, ultimately, it's all speculative, because we don't have the information to make an informed decision. I want to know what it means to the Foley Facility, or any other facility, to be able to provide the care for returning, you know, soldiers that have sustained injuries and traumatic brain injury, and what the element of TriCare that Debbie Alloncius and AME was so successful in obtaining and did such a great job on, but I want to know what that means going forward.
Again, right now, it is all speculative. I want to know what some of the elements of the Presiding Officer's proposal are going to mean to this process going forward.

You know, ultimately, it's about the need for information. I'd like to see us pursue the RFP to get the information that we need at the same time that we pursue the RFP for the management

company, and this way have all of the information before us when we make this important decision. But, for me, this is not a debate about closure, or leasing, or the sale of the Facility, this is about getting the information that we need sooner, rather than later, to make an informed decision.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Christine, is it your opinion that the County Executive, unilaterally acting as the Chief Executive Officer or Chief Financial Officer of Suffolk County, could close that Facility right now on his own?

MS. MALAFI:
Do you mean notwithstanding the budget proposal that's in?

LEG. ALDEN:
Forget about the budget proposal, but the question just stands as it is.

MS. MALAFI:
I'd have to research, but I would say yes, he probably could.
LEG. ALDEN:
Okay. I would disagree with you on --

MS. MALAFI:
I said I have to research.

LEG. ALDEN:
I know, I know. Okay.

MS. MALAFI:
You know, you're hitting me. You know, that never was contemplated by the County Executive. He never asked me, "Can I close this without them?"

LEG. MONTANO:
Who?

MS. MALAFI:
Meaning the Legislature. That was never asked by the County Executive, so I did not -- he went -- he's going by the rules. We issued an opinion as to what he could and could not do.

LEG. ALDEN:
Well, there's a disagreement on the rules as far as even that proposal to close it, to be able to put that in his budget and send that over to us without certain public hearings. So there's definitely a disagreement on that type of rule and those regulations.

And just as an observation, I'm a little bit discouraged that somebody that's not in the room continually blames me and other Legislators for a financial crisis and a train wreck that it seems like we're going down the path to, and, at the same time, sent over over 110 million dollars worth of resolutions for new spending. And in the same period of time, over four years, now going back over a different period of time, over the last four years, our debt service has gone up over 30 million dollars. And debt service actually comes right out of our Operating Budget. At the same time, a maximization of the amount of money that came out of our sales tax went to supplement a Police District. So either we have an emergency situation where to me a logical thing would have been a moratorium on buying anything, property, because we've been buying things, not just out of the Quarter Cent, we've been buying things out of other projects or other -- what would you call it, categories, where we actually go out and bond it, and we bonded for all kinds of purchases this year. We've bonded for all kinds of construction projects to the tune of, as I just mentioned, over 100

million dollars; those are adds. So, if you have an emergency situation, you take emergency actions, and you take them early and you don't wait. And everything seems to be, okay, right to the end, now you're going to go over the cliff if you don't do this tomorrow. So this resolution, I find it insulting. If I don't agree to having hearings within the next, what, two weeks, then I'm going to be the cause of a financial catastrophe. Now, that financial catastrophe maybe could have avoided -- been avoided.

And I'll point to another thing. There was a former Commissioner of Health that asked for a report to see how you can close the gap between the operating revenues and the operating expenses of Foley, and to date, I don't think anything has been done with that report. None of its findings were even used, none of its findings were executed, and they weren't even brought to our attention, that this is a proposal, maybe we're going to do business a little bit differently at Foley to try to close an operating gap. So I find it insulting that, at the last second, if you don't do this, then you're going to be -- you're the fault of a train wreck that is approximately five years in the making.

MS. MALAFI:
Respectfully --

LEG. ALDEN:
And it's not -- and it's not you --

MS. MALAFI:
No, I know.

LEG. ALDEN:
-- because I'm really not talking to you.

MS. MALAFI:
No, I know. But, respectfully --

LEG. ALDEN:
You're there for a legal --

MS. MALAFI:
-- the County Executive tried to get these public hearings well before his budget was submitted, so it's -- he asked you for this -- he asked the Legislature for this before. And I don't know what report you're talking about. And it's really policy, and that's up to you -- that's up to the Legislature to make the policy decisions, along with the County Executive's Office.

LEG. ALDEN:
Why --

P.O. LINDSAY:
Just to suffer an interruption. It's a shame that he didn't push forward the resolution that this Legislature passed, that he vetoed and we overturned, to put a management team in there that knows what the hell they're doing, instead of the malfeasance that went on there for years, so don't blame us.

(Applause)

MS. MALAFI:
I'm not blaming anyone --

LEG. ALDEN:

And in a calmer --

MS. MALAFI:
-- by any stretch.

LEG. ALDEN:
In a calm sense --

MS. MALAFI:
That's not what I intended to do.

LEG. ALDEN:
-- those were the points that I was making, and very, very succinctly made by the Presiding Officer. So I do resent that, where the person that's not in the room continually blames us and points a finger that our either inaction or our action, and especially in light of the fact that nothing was done with Foley, and that report's at least three, possibly four years old, that basically outlined a whole bunch of plans that could have closed that gap, and we're continually bombarded with spending resolutions. Either you have an emergency or you don't have an emergency, it's fairly simple.

MR. ZWIRN:
If I might at some point, Mr. Presiding Officer, respond, because some of the questions --

P.O. LINDSAY:
Go ahead.

MR. ZWIRN:
There have been studies done with Foley -- first of all, I take some exception, Legislator Alden. I mean, you know, we talk about --

P.O. LINDSAY:
I've been sitting here very calm, but you guys are starting to annoy me now. Go ahead.

MR. ZWIRN:
Well, I am sorry, but we were taking an awful lot of, you know, shots here and I don't think all of them were quite fair.

LEG. ALDEN:
Ben, watch where you go.

MR. ZWIRN:
Well, I'm going with the --

LEG. ALDEN:
If I think you're going where I think you're going, watch it.

MR. ZWIRN:
Well, you're talking about capital projects today, we're talking about golf barns not too long ago. The County Executive vetoed that, but that was important.

LEG. ALDEN:
Excuse me. Excuse me.

MR. ZWIRN:
Well, wait a second.

LEG. ALDEN:

Don't pull that crap. That is not going to be tolerated.

MR. ZWIRN:
Oh, stop.

LEG. ALDEN:
That's a lie.

P.O. LINDSAY:
All right, come on.

LEG. ALDEN:
You point to one piece of legislation --

P.O. LINDSAY:
Come on, come on. Come on, stop.

LEG. ALDEN:
-- that appropriated any money for a cart barn.

MR. ZWIRN:
The golf barn. What could be --

LEG. ALDEN:
Where is the appropriation for a cart barn? Don't lie. Don't lie.

MR. ZWIRN:
Golf cart barn. But with respect to this --

LEG. ALDEN:
That's unacceptable.

P.O. LINDSAY:
All right.

LEG. ALDEN:
That's unacceptable.

MR. ZWIRN:
Every study that has been done --

P.O. LINDSAY:
All right. Calm down.

LEG. ALDEN:
You're out of order.

P.O. LINDSAY:
Calm down.

MR. ZWIRN:
I'll be banished again, like you banished me last time.
P.O. LINDSAY:
Come on.

LEG. ALDEN:

Banish you? You --

MR. ZWIRN:
If I might.

P.O. LINDSAY:
Address your thoughts. Stop.

MR. ZWIRN:
Thank you, Mr. Presiding Officer. There had been a number of studies done on the Foley situation going back for years.

P.O. LINDSAY:
Yes, there have.

MR. ZWIRN:
Right.

P.O. LINDSAY:
But they haven't been acted on. None of the management changes were made.

MR. ZWIRN:
We had -- part of the problem is -- and the biggest problem, if you look at all the reports, it comes down to the same thing every time.

LEG. ALDEN:
The Legislature's at fault, I got it.

P.O. LINDSAY:
All right. Calm down, Cameron. He has the floor. Go ahead.

MR. ZWIRN:
I didn't interrupt you, Legislator Alden.

P.O. LINDSAY:
Go ahead. Just go ahead, say what you've got to say.

LEG. ALDEN:
No. You just insulted me, that's all.

P.O. LINDSAY:
Stop, stop, stop. Legislator Alden, stop. Let him say what he has to say.

MR. ZWIRN:
It's the -- the Collective Bargaining Agreement has always been the stumbling block with respect to Foley, because it is a 24/7 operation. And the Civil Service contract -- the Director of the Nursing Home was a civil servant, not easily removed, because they were there because they were a civil servant and they had protection of Civil Service, it wasn't an appointment.
Your RFP is being issued this week or next week, it's almost done. We did act on it as quickly as we can. We asked you to make changes, we did. We've worked with you as much as we could to get this done. We've also implemented --

P.O. LINDSAY:
But, Ben, it was first introduced in May. We passed it, you guys vetoed it. You didn't issue it until August.

MR. ZWIRN:
Correct.

P.O. LINDSAY:
We don't have it back yet. We haven't even looked at it yet, and already it's being -- the idea is being pushed aside, it's not even been given a chance.

MR. ZWIRN:
Well, the County Exec, he had conversations with you where he said that he would --

P.O. LINDSAY:
Yeah, I know. And, you know, I thought we had a plan to move forward on a dual track. And, in all due respect, I think I was back-doored, I really do, because the plan changed overnight.

MR. ZWIRN:
Well, with all due respect, he feels similar as may be. But be that as it may, we would like to get this thing to go -- brought forth again. We are facing some of the most difficult times coming forward. We know the State's going to come back.

Legislator Beedenbender made some very good points; Legislator Barraga. What do we do when we have to start laying people off, when we have possible alternatives that we haven't even explored yet? The taxpayers are owed that much. It's gathering information. We'll be back here again. But I think, if we can't get the opportunity, and we're trying to do this very properly and very carefully by having the public hearings first, if we can't get that, then we have very few options remaining.

The County Executive is the Chief Budget Officer. He put forth what he thought was a budget that would be fair to the taxpayers of this County, especially in these economic times. The ball goes into your court and you can make decisions based on whatever information you decide to do. You can raise taxes. Hopefully, you'll use real revenues if you want to restore the Nursing Home. But I know that's where he wants to reserve the right to examine where those revenues are going to be, if the Nursing Home is restored, and to make sure they're not speculative revenues, like they did in Nassau County when they did red light camera revenues, and they did surcharge revenues on tickets, and County Executive Suozzi never saw those revenues come in and had to raise taxes 30 million dollars this year, again, adding speculative revenues on top of it. We have not done that in this particular case. We're just afraid that if we miss this opportunity, a few weeks from now, a few months from now, when the Legislature in Albany comes back, this is going to look like a small lift. Thank you.

P.O. LINDSAY:
That sounds very familiar to the Tobacco Securitization deal that had to be approved while this Legislature was on vacation.

MR. ZWIRN:
We lost -- we lost money as a result of the delay.

P.O. LINDSAY:
Yeah, because we couldn't meet your time schedule in the middle of July, when I had probably a third of this Legislature out of state and out of the country, and as a result of it, it's our fault again that you made a bad deal and lost more money on it.

MR. ZWIRN:
If we had closed the deal earlier we would have save the --

P.O. LINDSAY:
Absolutely. Why didn't you do it earlier?

MR. ZWIRN:
Well, we did it --

P.O. LINDSAY:
Why did it take from May until the middle of July? So don't point this finger here.

MR. ZWIRN:
I'm just stating a fact. We did have --

P.O. LINDSAY:
We had four special meetings in the month of July to accommodate you guys, and now we screwed it up because we couldn't meet on July 17th, we met on July 31st to do it.

MR. ZWIRN:
We were lucky we closed it when we did.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Well, I've been sitting here for about ten hours and I really was saying to myself, "I'm not going to jump into this." It's been like two years that we've been talking about this, and I have to admit, I'm in auditory overload. And I'm really appalled at the blame game that I hear, whether it's in the paper or here. Look, I know money is bad. I don't think anybody has been able to say it better than Legislator Barraga. He made it very clear, we're in desperate times. He was saying this six months ago, so it's not new.

John J. Foley happened to ask me to run. I represent him and his family. I know how he feels about health care. But I also have gotten to know the County Executive. And I really believe, and, of course, people say, "Jack, you're naive," but I'm going to be the way I am and maybe I'll change some people, but I believe he wants to do what's best for all the citizens of Suffolk County. I believe that in my heart. I don't agree all the time with his methods, but I believe that he is really looking out for all of us. But the privatization or the outside agency taking over, I mean, I live in Medford, we have an outside agency in Medford, Medford Health Care, and they did exactly what my greatest fear is, that you take the people that are getting exceptional care in Foley and they're put in Ward 8 in the corner, and when they hear noise in the area, they go to see them.

I worked in Creedmore State Hospital in the '70's and I see the lack of care in agencies; I'm concerned. And then we've been trying to negotiate, and, of course, my definition, I would say, I need to look at that dictionary, because my definition of "negotiation" doesn't seem to be the same, often, with other people. We had, I thought, decided on a new management team to try to work this out, and, as Legislator Lindsay said, nothing really happened. And I thought that was a pretty good plan.

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

LEG. EDDINGTON:
And to me, when you're doing problem-solving there's gives and there's gets; I give something, I get something, you give something you get something. I don't see that in this whole negotiation process, it's like who can get everything that they want; that to me is not negotiating in good spirit. And I, for one, am just going to say that in negotiation, sometimes there is non-negotiables and for me, John J. Foley is a non-negotiable.

Applause

P.O. LINDSAY:
Okay. Legislator Gregory.

LEG. GREGORY:
Thank you. Maybe this a question more so for Counsel, or maybe someone mentioned it but I missed it. We have -- from what I see, we have a proposal from -- or actually an RFP that was put in by the Chair to manage the operations there; am I correct?

P.O. LINDSAY:
I sponsored it, it was passed by this Legislature.

LEG. GREGORY:
You sponsored legislation which was sent out for RFP in August.

MR. NOLAN:
Right, I don't know that an RFP has been issued yet. We passed a resolution directing the issuance of an RFP to identify a management consultant, a company to improve the operation of the Foley facility. But my understanding is that RFP has not been issued so we don't have that person yet.

LEG. GREGORY:
But it's more than just the consultant, it's managing the operations.

MR. NOLAN:
Right, it's a consultant to provide management services.

LEG. GREGORY:
Right, exactly to my point. Now, in that RFP there was no requirement to hold a public hearing; why is that? If you're going to --

MR. NOLAN:
Because you're not --

LEG. GREGORY:
Because in essence, you're going to privatize the management of the operations.

MR. NOLAN:
You're hiring a consultant at the very, very top, but you're continuing to have a couple of hundred County employees deliver the core service, the skilled nursing service. So it's not a privatization of delivering the health service.

LEG. GREGORY:
Okay. Now, the County Executive, what he's seeking to do is to just have all management privatized or do the sale of it, which is --

MR. NOLAN:
Well, the bill is actually -- you know, there's a couple of different things out there. He's proposed in the budget basically to close the doors. Now we have this resolution which looks like it's trying to move more towards what would be -- you know, some would call privatization, a sale or a lease to a private entity and let them come in and get rid of the County employees and have other people, non-County employees deliver the service. And that to me is -- you know, that obviously triggers the oversight.

LEG. GREGORY:
Right. Now, from what I understand from prior discussion is that there's no requirement to have the public hearing prior to the RFP. Now some of my colleagues have mentioned that, you know, this is

just a quest for information, I'm kind of at a loss to find out what information are we seeking through an RFP process that is necessitated by a public hearing. Because any information or -- that's submitted, an RFP, as you will, see will not be made public in an RFP similar to when we went through the sale of the health plan; they came here and they said, "Well, we can't do it, it's confidential, we can't explain it." So I'm not understanding the correlation of why we need to have a public hearing when, you know -- I see you want to do the RFP and I see you want to have public hearings, but I'm not understanding the connection.

MR. NOLAN:
Well, there's a difference of opinion, Legislator Gregory. I don't believe you need the public hearings to issue the RFP.

LEG. GREGORY:
Oh, I agree.

MR. NOLAN:
The County Attorney has indicated she believes otherwise. It's just -- we have a difference of opinion.

LEG. GREGORY:
But a case in point, when we did the health plan, you put out the RFP, after you had the proposals then you did the public hearing.

P.O. LINDSAY:
There was no public hearing.

LEG. GREGORY:
I mean, from my memory.

P.O. LINDSAY:
There was no public hearing.

LEG. GREGORY:
I thought there was; from my recollection I thought there was.

P.O. LINDSAY:
No public hearing.

MS. MALAFI:
Not only that, but the sale of the health plan was not medical services being provided. The health plan didn't provide medical services, it just paid for services, so A9-6 did not apply to the sale of the health plan.

LEG. GREGORY:
Okay, my memory fails me.

MR. NOLAN:
But we did approve the deal afterwards. There was an RFP issued, they got a vendor and it came here for approval.

LEG. GREGORY:
Right, right.

MR. NOLAN:
But there were no formal public hearings on that proposal.

MS. MALAFI:
Correct.

LEG. GREGORY:
So please explain to me, I'm not understanding what the necessity is to have the public hearing along with the RFP.

MS. MALAFI:
Before the RFP is issued.

LEG. GREGORY:
Well, before the RFP.

MS. MALAFI:
Okay. It's my -- George and I differ, we agree to disagree on this topic; A9-6 says before any proposal is submitted by the County Executive to the Legislature that you need these four public hearings.

LEG. GREGORY:
Is that before or before a decision -- before a proposal is submitted or before a decision is made?

MS. MALAFI:
A9-6 simply says proposal, and the County Executive has to submit notification that the RFP is being issued to the Legislature. And I feel legally that because the A9-6 does not specify final plan or proposal, it just says "any proposal" -- that's how broad it's worded, "any proposal" -- that somebody can come and attack any privatization or sale of Foley without the public hearing being done -- public hearings being done before the issuance of the RFP.

LEG. GREGORY:
That doesn't make sense to me. You're asking the public to come in and comment on a plan that they haven't seen yet.

MS. MALAFI:
No, it's just a general plan to privatize all or some of the facility.

LEG. GREGORY:
But even still --

MS. MALAFI:
And we know that the person advising -- people outside this Legislative body and outside the County Executive's Office is advising people that A9-6, he's saying he drafted it and you need public hearings before the RFP is issued. So we know that in all likelihood there would be a challenge if there are no public hearings, and we don't want to waste everybody's time by issuing an RFP, getting proposals, coming back to this Legislature to discuss responses to the RFP and then have someone challenge something that's done by this Legislature afterwards.

LEG. GREGORY:
Okay. So in your opinion, let's let the process flow, okay. So you're going to need public hearings prior to submitting the RFP.

MS. MALAFI:
Yes.

LEG. GREGORY:
You issued the RFP, you get them back, then you need public hearings again before you make a

decisions?

MS. MALAFI:
You need a public hearing based upon the proposal that will be -- the specific proposal that will be submitted by the County Executive to this body for approval, yes.
LEG. GREGORY:
Okay. Now you say that this process is to seek information; what information are we looking to seek other than we have an interest?

MS. MALAFI:
You mean for privatization?

LEG. GREGORY:
Right.

MS. MALAFI:
Well, the RFP as drafted will -- in all likelihood, I'm assuming -- contain request for proposals to operate all of Foley, some of Foley. We're going to get more information from the bodies who are willing to operate it as a nursing home as to value, as to extent, as to what needs to be done in order for them to run it at a profit, because no one is going to bid on it without being able to run it for a profit, obviously.

LEG. GREGORY:
But couldn't you do that now with a Request For Information, an RFI?

MS. MALAFI:
Oh, an RFEI? I would still say no because that would be a proposal being issued by the County Executive. Now, if this Legislative body is telling me that they do not agree that the County Executive needs to have these public hearings done, he will gladly issue an RFP without the public hearings and then come back to you when he has a specific proposal.

LEG. GREGORY:
No, what I'm saying is you can seek -- you could put an RFI out seeking information as far as interest and whatever value we think we may have or asset that we may have, you have that information, then from there we can make a policy decision or budgetary decision on where we want to proceed from that point.

MS. MALAFI:
I understand what you're saying. I think that under A9-6 it would be seen as a way around A9-6 and the public hearings and that it could be challenged. But if this Legislative body is telling me that they do not agree that public hearings are required, the County Executive will be more than happy to issue a Request For Expressions of Interest.

LEG. GREGORY:
Okay. That's all.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
DuWayne asked some of the same questions. I mean, we had a Yaphank Development RFEI, you know --

MS. MALAFI:
Right, but that wasn't subject to A9-6.
LEG. BROWNING:

Well, okay. But at the same time, you know, 2004 there was recommendations, there was studies done, nothing's been implemented. And I just feel that we need to --

MS. MALAFI:
Well, I will say --

LEG. BROWNING:
We need to slow down. We need to slow down, that's the way I feel.

MS. MALAFI:
Well, I will say there was one error made. People were saying that the management RFP did not go out; it did go out, it was advertised on September 11th, the technical questions were due September 25th, they were received. There's a bidder conference on Thursday already scheduled and all the proposals are due on the management RFP on the 14th of November. So that is proceeding, it has gone forward.

LEG. BROWNING:
But at the same time, I just feel we need to slow down. We're looking for a private management to look at it. We don't -- we don't have all the numbers, we don't have all the information we need to make the decision of selling it or closing it. And one of the reasons why I can't support this is because I'm not hearing a commitment from the County Executive that he is not willing to pull back closing the facility and I want that commitment from him; I want it in writing that he will not close the John J. Foley facility.

MS. MALAFI:
And that is policy.

LEG. BROWNING:
You know, we all share the same concerns about our budget, we all share those concerns. None of us want to raise taxes, but again I see that, you know, here we are having tough times and right now we're saying, "Okay, let's just throw the poor people and the infirmed people under the bus because they're the ones who can't defend themselves and that would be the easiest bunch to get rid of so we can save some money.

So, you know, I echo Jack. You know, he is so right, we can't -- I'm not going to support closing John J. Foley. I think we need that management team, we need to get them in there, we need some time.
And to do -- to approve this CN tonight, I can't do that, I just can't do that.

MS. MALAFI:
Respectfully, this proposal to get the RFP's out gives you more options. And although by the time this is all done and said the budget will already be passed and whatever happens happens, at least then you get a jump start to have more options for yourself. And it's all policy and you can talk to the County Executive about that, but this will just give you options.

LEG. BROWNING:
But we have one option right now; we have an option to use management, to change the management and let the management do their job. We don't even know what the results are going to be yet. And I think here's our first option; let's try this and then we'll go to the next step if it truly isn't working, but I really do believe there's an opportunity. We have Tri-Care. You know, every time there's talk about closing John J. Foley, people are wanting to move out and nobody wants to move in. You know, what have we done to encourage people to come there? There is -- you know, we don't have nurse managers who go out to hospitals and try to bring people to the John J. Foley, none of that is being done. You know, other nursing homes are doing it, that's why

they're able to get there. You know, the HMM Report didn't even talk about, you know, moth-balling some of the beds to get to that 95%.

MS. MALAFI:
I understand what you're saying, but it's my understanding that the value of the facility is in its capacity, how many people are there.
So the County Executive -- it's in everybody's best interest to keep it full as possible in order to maximize everything.

LEG. BROWNING:
Yes and every time we talk about -- and every time he talks about closing it we lose the opportunity to fill beds and we lose $1.5 million of bed-hold money because of that.

MS. MALAFI:
And that's policy considerations for this body and the County Executive and this RFP to get proposals to privatize some or all of the Foley Center, it just gives you more options. Just because you have public hearings to issue the RFP does not mean that eventually it's going to close, you still -- this body has the final say. It just gives you more options, that's all.

LEG. BROWNING:
And, you know, I can agree to saying, "Yes, I'm willing to agree to an RFP," but I want the guarantee, first of all, from the County Executive that he will not support closing it, that closing it is off the table, putting a management team, doing everything that we want. You know, come to some kind of an agreement with us and then I would consider saying, "Okay". I'm not saying I'm going to agree with it, that whatever comes in that I'm going say, "Yes, I support it," but I would be willing. Right now I'm not comfortable with what's going on, the back and forth. So as it stands, let it go back -- let it go to committee and let us decide there.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
I've got to let you know, Ben, what a tactical error it was not to commit for the year. It wouldn't have made any difference anyway, you weren't going to close it within a year's time anyway, but that's not my point.

Now that I recognize that we've got three players at the table, we've got the County Attorney's opinion, we've got our Counsel's opinion and we've got Lord Voldermort's opinion, that --

LEG. ALDEN:
Who's opinion?

LEG. GREGORY:
The equalizer's opinion.

LEG. HORSLEY:
On different -- on how this process should move forward. I think we at least got to settle within ourselves on -- now, you've got the one issue, do we need to have public -- do we need to have hearings prior to having a decision made. But I'm more concerned of how do we resolve the issue that our Counsel brings up, that it was improper to not put monies in for the Foley in the budget; I mean, how do we resolve that and how do we get to the next step? Because we're not going to -- once we get to this step, this whole thing is going to fall apart because you're going to have to resolve both of them. You guys have got to talk.

MS. MALAFI:

Right. Well, that -- we're going to have to agree to disagree because --

LEG. HORSLEY:
Well, that doesn't work, though.

MS. MALAFI:
-- the Operating Budget does not privatize any portion of Foley. It is my opinion that the County Executive's budget, as submitted with the closure of Foley, completely complies with A9-6 and he did not need to hold public hearings before he submitted his budget. So that is going to have to be the subject of further debate in this body or litigation.

LEG. HORSLEY:
I knew that if you followed the obvious, the bouncing ball --

MS. MALAFI:
I don't --

LEG. HORSLEY:
I knew that was going to come out and I'm glad you said it.

MS. MALAFI:
I don't appreciate -- I don't -- I do appreciate that, you know, it's to compete -- this body and the Executive's Office run this County and if you are going to disagree over this and it's going to be the subject of litigation, it's going to be -- outside counsel is going to have to be retained for both sides in order to do this and it's just --

LEG. HORSLEY:
Yeah, and there goes a year right there.

MS. MALAFI:
I think A9-6 is very clear. The title of it is "Privatization Initiatives". In the entire context, if you read every word of A9-6 it all talks about privatization, somebody else running Foley; closing Foley is not someone else running Foley. To me it is very clear that the County Executive's budget as submitted complies with the law and is not contrary to A9-6.

LEG. HORSLEY:
Okay, so on both these issues we've got to clear this up very quickly, otherwise this is -- this is going to be going into the future. George?

MR. NOLAN:
Yeah, I was just going to say that the County Attorney's opinion, legal opinion has been circulated, I think I better circulate mine. To a large degree, if you read my opinion, it was based, to some degree anyway, on the minutes taken at the time. The sponsors of the resolution at that time were Legislator Postal and Bredes and really trying to determine the intent of the Legislators at that time I think is pretty clear from their comments.

I would just say one other thing. It just seems absurd to me to reach a conclusion that we set up all these procedures and oversight if we're going to privatize, sell or lease the facility, but if we just close it outright there would be no oversight. I just don't think that's what the Legislature intended back in '97 when they passed that bill, but I'll circulate my legal memo and you can --

LEG. HORSLEY:
Maybe we'll vote amongst all the lawyers in this group.

MR. NOLAN:

You can compare and try to figure it out.

LEG. HORSLEY:
Okay. Thank you.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. As I recall, when we had the discussions we had a working group between some members of the Legislature and the County Exec -- the Executive Branch. As I recall those discussions earlier this year, it was very clearly discussed that public hearings would have to be held in advance of closing the facility; I recall those conversations vividly, but that's neither here nor there.

We have a disagreement here. I think it is at least very clear to me that having a public hearing in advance of getting this RFP back is just going to muddy the waters, it's going to invite speculation by members of the public, by unions, by those retained by unions and is just going to create havoc, and perhaps that's the intent, by certain members retained by the union. But what I don't understand here, and I was an advocate of this when we first met -- members of the Legislature and the County Executive's office -- I said it would be poor business practice on our part if we did not issue an RFP and seek answers from someone. Information is gold here. Without information, I said, we could get the best proposal in the world, we could get all garbage, but if we didn't put it out there we'd never know.

And now with the eleventh hour, as usual, we're saying, "Well, we have to do this right now." Why wasn't it done when we first had these discussions and we talked about the financial crisis we were facing? And now it's before us and there's all sorts of riders on it. You know, we hear about this stuff on the Federal level and I'm not happy that something, yet again, has come before us that we're told if we don't vote on it right now there's more dire consequences when there are portions of it that obviously we have very clear, legal disagreements on. Issue the RFP. Just as this other RFP was issued, as the Presiding Officer pointed out, without input from this body; issue the RFP. Get it out there, let's get proposals back, let's hold the public hearings on those proposals, find out what is best for this facility, what is best for this County, what is best for the employees, what is best for the residents of the facility. The more time we waste going around and around in circles on this, the worse our financial position becomes.

I find this whole position preposterous, it was all precipitated. And Mr. Zwirn, we had this discussion, I completely disagree that the facility should have been taken out of the budget in the first instance without consultation by this body. Because it puts us in a position then where if we don't find something that the Executive finds viable, then the burden is on us, and that is an untenable situation for us. And if this RFP is not issued immediately, I think the fault lies on the Executive Branch. In fact, I think it should have been issued long ago. The fact that we still don't have this management consultant in place I think is reprehensible and I think we are just throwing the money out the window, that we could have addressed this concern a long time ago. We had those meetings for a purpose and I just feel like much of it was ignored or went unheeded.

MR. ZWIRN:
If I might, Mr. Presiding Officer. If you go back to IR 1301, privatization was contemplated in the original budget plan and it was taken out because we couldn't get it passed at that time. The County Executive has tried to move forward with these hearings for quite some time and has not had the support. And he's of the opinion, different from you, that he thinks we have to have these done, the hearings done before we can go ahead with the RFP, that's a sticking point that we seem to have here. But to say that we didn't work on this early is simply not the case.

LEG. LOSQUADRO:

We didn't do anything.

MR. ZWIRN:
Well, we did, we put forth a bill, the same bill that we have here today months ago. And we did work with the -- I know you may not have liked the time frame, but we did --

LEG. LOSQUADRO:
I'm sorry, Mr. Presiding Officer, I know it's getting late, but as was pointed out, this RFP could have been issued without those hearings.

MR. ZWIRN:
Well, we disagree.

LEG. MONTANO:
All right, so we disagree.

LEG. LOSQUADRO:
Well, I think that's clear that we disagree on that. But in the County Attorney's own words, if this body advises her that that is their will, they'll go ahead and issue the RFP; those were her words about five minutes ago. So I think the consensus is amongst -- what you're hearing by members of this body is we agree with our Counsel.

LEG. D'AMARO:
And then we'll be in a lawsuit.

LEG. LOSQUADRO:
So go ahead and issue the RFP.

MR. ZWIRN:
Well, could you -- I don't know what the procedures is for this, but can you -- maybe if you polled the Legislature, maybe that would make it a little bit easier if we got it on the record.

LEG. D'AMARO:
And then we'll need a half of million for legal fees after that.

P.O. LINDSAY:
The interesting thing about it is the way I read the resolution before us, we're going to authorize six public hearings, four now and two when we have a purchaser. Reading the Charter, I don't see anywheres in there about six hearings, it says four.

MS. MALAFI:
Four and four.

P.O. LINDSAY:
No. And then you have two more when you have -- when you've selected someone.

MS. MALAFI:
Because we don't need a resolution from this body directing the County Executive to set his two public hearings, he'll do that also, so it's four.

MR. NOLAN:
So it's eight.

MS. MALAFI:
Yeah, eight -- It's four and four, eight altogether. We just don't have to put it in the resolution directing the County Executive to schedule his two hearings after the proposals are in and one is

being proposed by him.

P.O. LINDSAY:
I'm not an attorney, but nowheres in that does it say eight, it says four.

MS. MALAFI:
No, it says four before and then it says two after, two of the Legislative --

P.O. LINDSAY:
No, your resolution does, in the Charter it doesn't say anything about that.

MS. MALAFI:
About what, four hearings?

P.O. LINDSAY:
About eight hearings.

MS. MALAFI:
No, it doesn't, it says between -- on each proposal or plan you need four hearings. It's two and two; two from you and two from the County Executive.

LEG. ALDEN:
But we don't have a proposal.

P.O. LINDSAY:
I'm just -- I'll leave it to the lawyers, though. Legislator Stern?

LEG. STERN:
No.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Christine, you said before that it's in the best interest of all of us to keep the Foley full and to attract new patients or --

MS. MALAFI:
The value of the Foley Center is raised -- I forget, there's a specific word for it, but the more people that are residents there the more the place is worth, yes.

LEG. ALDEN:
Maybe it's just me, then. When a letter goes out to the residents telling them that we're going to close the facility at the end of the year, that's a retention policy?

MS. MALAFI:
No, it did not say the end of the year.

LEG. ALDEN:
Because that didn't --
MS. MALAFI:
And the County Executive had to follow the guidelines of the State Health Department and some Civil Service things when he put it in --

LEG. ALDEN:
It did say we were going to close -- we're going to close the facility.

MS. MALAFI:
Right, but it didn't say by the end of this year.

LEG. ALDEN:
But is that part of --

P.O. LINDSAY:
Yeah.

LEG. ALDEN:
Maybe I'm missing it.

P.O. LINDSAY:
Yeah.

LEG. ALDEN:
Maybe that's part of a retention for patients and the attract --

MS. MALAFI:
He has to follow New York --

LEG. ALDEN:
Let's attract new people and we'll tell them we're going to close it, but now we're attracting new business and we're going to retain the old business.

Applause

MS. MALAFI:
The New York State Department of Health requires certain notifications to go out which were triggered by the County Executive's Budget, he had no -- he had to follow the procedures of the New York State Department of Health and that's what he was doing in sending out the letters, he had no choice.

P.O. LINDSAY:
He was so meticulous in doing that, they sent the notice to the patients and to the help before we saw the budget.

MS. MALAFI:
I believe it was the same day.

P.O. LINDSAY:
We didn't get the budget here til after five o'clock, the patients had it that afternoon.

MS. ALLONCIUS:
That's right.

P.O. LINDSAY:
And just to put it on the line; in my opinion, I think that's the most despicable thing you guys have done over there. To put that burden on some poor, old person laying in a bed that has nothing else to think about, to put that worry on them is awful, it's just awful.

MR. ZWIRN:
Well, we followed the law.

P.O. LINDSAY:

God, I wish you'd follow the law about getting us the budget before five.

LEG. HORSLEY:
All right, enough.

LEG. ALDEN:
No, my point was that's a funny retention policy.

P.O. LINDSAY:
All right, believe it or not, I don't have anybody else on the list. Anybody else want to talk? You're all talked out. Did you want to say something?

LEG. D'AMARO:
No, I just want to know what motions are pending, please.

P.O. LINDSAY:
There's a motion to commit to committee.

MR. LAUBE:
Correct.

P.O. LINDSAY:
Is there anything else? You want to make a motion to approve, no?

LEG. D'AMARO:
Yeah, no, I'm fine. I was just curious what motions were actually pending, that's all.

P.O. LINDSAY:
Okay.

MR. LAUBE:
I just wanted to check who the motion and the second was because there's some confusion whether it was Legislator --

P.O. LINDSAY:
Go ahead. Who do you have?

MR. LAUBE:
I have Legislator Browning as the motion but I don't have a second.

LEG. BROWNING:
Dan.

LEG. ROMAINE:
Second.

LEG. LOSQUADRO:
The last one I made the motion, but whatever.

LEG. BROWNING:
He made the motion, I seconded it..

MR. LAUBE:
Thank you.

P.O. LINDSAY:

Okay.

LEG. ALDEN:
What's the motion?

P.O. LINDSAY:
To commit. You want a roll call? Okay, roll call.

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

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Pass.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
No.

LEG. SCHNEIDERMAN:
Yes.

MR. LAUBE:

Romaine?

P.O. LINDSAY:
He can't vote, he recused himself.

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

D.P.O. VILORIA-FISHER:
(Not present).

P.O. LINDSAY:
Yes.

MR. LAUBE:
Ten.

LEG. ALDEN:
Yes.

MR. LAUBE:
Eleven.

P.O. LINDSAY:
Okay, **1969-08 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Colonial Youth & Family Services, Inc., Lazy Cow, Inc., doing business d/b/a Kiddy Care Early Learning Center, the Community Programs Center of Long Island, Inc. - Port Jefferson and Rainbow Chimes, Inc., Day Care Providers under contract with the Department of Social Services.** Do I have a motion?

LEG. BROWNING:
I would like to make a motion, but on the motion. Do you want to wait for a second?

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Okay, we have a motion by Legislator Browning, we have a second by Legislator Eddington. On the motion, Legislator Browning.

LEG. BROWNING:
Yeah, I was told that there was a CN, Colonial Youth. They have had a problem with getting the hardship monies. I know that according to this CN they're only getting 2,700. They are requesting -- they've been denied $57,000 because of the hardship. I think they were unfairly treated, I think that they need -- we need another CN to give them the money that they're entitled to.

They have workers who are paid Living Wage Law -- living wage under that Living Wage Law. Because a couple of employees who have been there for a couple of years were given 25 cents over the 10.50, they're now are being denied that hardship money. They have a number of employees, you know, I just think it's unfair the way they've been treated. They're in the red for the past three years and I am asking for a CN for the difference.

P.O. LINDSAY:
Tonight?

LEG. BROWNING:
Not tonight, but I would like it for our next General Meeting.

P.O. LINDSAY:
Well -- okay. Do you want to respond to that, Mr. Zwirn?

MR. ZWIRN:
This information comes from the Department of Labor after they've gone through their reports. I'll have to check with them to see if they qualify and then we'll take it from there. But these are the ones that qualified now, so we want to get them this money as fast as we can.

P.O. LINDSAY:
Did you hear that?

LEG. BROWNING:
No, I'm sorry. Sorry, repeat that.

MR. ZWIRN:
I said these were the ones that qualified through the Department of Labor and we'll go through with the other organization that you mentioned and see if that can be resolved for the next meeting.

LEG. BROWNING:
I did speak with the Department of Labor on this, but the problem is I asked for what their policies and procedures are for awarding the hardship money and I asked, you know, give me the black and white, where is it in writing what the policy and procedures are; I never received any, there doesn't seem to be any.

MR. ZWIRN:
I'll double check on that. I know the -- I think they looked at the organization that you are mentioning and I think there was a question, they got some raises that put them over the limit; I think that's what the dispute is about, so.

LEG. BROWNING:
Twenty-five cents for I think two or three employees, and so now they get screwed because of two or three people and I don't think that was fair. So I believe I did talk to George about introducing a resolution, but I think that they did -- they deserve a CN.

P.O. LINDSAY:
Okay. Anybody else on this issue? Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Viloria-Fisher & Cooper).

P.O. LINDSAY:
1972-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with replacement of the Goto Projector at the Vanderbilt Museum and Planetarium (CP 7452).

MR. ZWIRN:
We did this for Legislator Cooper and Legislator Viloria-Fisher and they're not here. So if you want to commit this with the County Exec's proposal, that would be fine.

P.O. LINDSAY:

Do I have a motion on the CN?

LEG. D'AMARO:
Motion.

LEG. ALDEN:
No, no, no, we paid for the Goto 15 times already. Oh, no, we allocated the money and then we spent it elsewhere.

LEG. LOSQUADRO:
This is additional?

LEG. SCHNEIDERMAN:
This is an overhead projector.

LEG. BEEDENBENDER:
Motion to commit.

MR. NOLAN:
Just my understanding of this is that the $100,000 for Goto was one of the sunsetted Capital Projects that we passed earlier today, so this is reauthorizing that another $100,000 for Goto and it's got an offset.

P.O. LINDSAY:
Do you want to comment on this, Ms. Vizzini? Is that correct or is that -- Lance, is that correct?

MR. REINHEIMER:
That's correct. These are planning funds that were never appropriated. The original appropriating resolution was in the year 2000. We've already appropriated $2.9 million for the equipment and there's no planning money. They're going forward and they should be -- they plan to get the equipment this coming year in 2009 and so they need these planning funds. And its very tight as it, is budget.

LEG. BEEDENBENDER:
Motion to commit.

P.O. LINDSAY:
We have a motion to commit. Is there a --

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second to commit. Is there any other motions?

MR. LAUBE:
Who was the motion?

P.O. LINDSAY:
Motion by Legislator Beedenbender to commit, a second by Legislator Browning. Did you want to make a different motion, Legislator Stern?

LEG. STERN:
I'll make a motion to approve. I mean, we've spent time on this, we've gone around and around. It's a policy decision made by this Legislature probably a couple of times that this is something that we're committed to, the money is here. Let's get the money for something that we've all committed

to.

LEG. ALDEN:
You just want the old projector.

P.O. LINDSAY:
All right, so we have a motion to approve. Is there a second?

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro to approve. We have two motions and seconds, one to commit and one to approve, and the commit motion goes first; please call the roll.

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

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. COOPER:
(Not present).

LEG. D'AMARO:
No.
LEG. STERN:
No.

LEG. GREGORY:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
This is for the Goto?

LEG. HORSLEY:
Goto.

LEG. NOWICK:
No, no, no, not to put it back in committee.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
No.

LEG. SCHNEIDERMAN:
No to committee.

LEG. MONTANO:
Change mine to a no.

LEG. ROMAINE:
(Not present).

D.P.O. VILORIA-FISHER:
(Not present).

P.O. LINDSAY:
No.

MR. LAUBE:
Three.

P.O. LINDSAY:
Okay. All right, motion to approve.

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

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
(Not present).

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No go.

LEG. ALDEN:
This is a leap of faith that it's going to be open; yes.

LEG. MONTANO:
Pass.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
(Not present).

D.P.O. VILORIA-FISHER:
(Not present).

P.O. LINDSAY:
Yes.

LEG. MONTANO:
No.

LEG. ALDEN:
It failed, right?

MR. LAUBE:
Eleven.

MR. NOLAN:
Here's the Bond.

P.O. LINDSAY:
Okay.

MR. NOLAN:
We've got a Bond; we have to do the Bond.

P.O. LINDSAY:
The Bond takes twelve, right?

MR. NOLAN:
Yeah, but that was not the Bond. That was just to approve, we've got to do the Bond.

LEG. LOSQUADRO:
It's a CN, it goes to committee.

P.O. LINDSAY:

So the motion passed and then we have 1972A, the accompanying --

LEG. LOSQUADRO:
No.

LEG. BEEDENBENDER:
It's a CN, Mr. Chairman. It got eleven.

P.O. LINDSAY:
Oh, right, right. Failed, needed 12. Okay, so it makes 1972A moot, it goes to committee.

Late Starters: Motion to waive the rules and lay on the table the following Late Starters: 1949 to Parks, 1950 to Public Works; 1951 to Public Works and set the public hearing for November 18th at 2:30 in Hauppauge; 1952 to Ways & Means; 1956 to Parks; 1957 to Ways & Means; 1958 to Labor, Workforce & Affordable Housing; 1959 to Ways & Means; 1961 to Public Works; 1962 to Ways & Means; 1963 to Public Safety; 1964 to Consumer Protection and set the public hearing for November 18th at 2:30 in Hauppauge; 1965 Consumer Protection; set public hearing for November 18th, 2:30 in Hauppauge; and 1967 to Public Works; 1970 to Ways & Means and set the public hearing for November 18th, 2:30 --

MR. NOLAN:
You skipped one.

P.O. LINDSAY:
I skipped one? In Hauppauge. I skipped one, 1968 to Public Works; 1971 to Health & Human Services. And I think that's it, right.

MR. NOLAN:
You need 1970 and we're setting a public hearing.

P.O. LINDSAY:
I thought we did 1970. We did 1970.

MR. NOLAN:
Did you say it?

P.O. LINDSAY:
Yeah.

MR. NOLAN:
Did we say that? Just say it again.

P.O. LINDSAY:
I'm sure I did, but nine -- they say I might have missed 1970, Ways & Means, set the public hearing for November 18th at 2:30. And if I said it twice, that means I was stuttering, all right? I need a motion.

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Second?

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Viloria-Fisher & Cooper).

P.O. LINDSAY:
Okay. I'll accept a motion to adjourn.

LEG. LOSQUADRO:
So moved, Mr. Chairman.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Motion to adjourn by Legislator Losquadro, second by Beedenbender.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Viloria-Fisher & Cooper).

P.O. LINDSAY:
We stand adjourned.

(*The meeting was adjourned at 8:38 PM*)

{ } - Denotes Spelled Phonetically