

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWENTIETH DAY

DECEMBER 2, 2008

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

**MINUTES TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS**

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

P.O. LINDSAY:

Madam Clerk, would you call the roll?

(Roll Called by Ms. Ortiz, Chief Deputy Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

(Not Present)

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

(Not Present)

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

(Present)

P.O. LINDSAY:

Here.

LEG. SCHNEIDERMAN:

Renee, call me again.

LEG. BROWNING:

Renee.

(Continuation of Roll Call by Ms. Ortiz, Chief Deputy Clerk)

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. ROMAINE:

Yep.

MS. ORTIZ:

Fifteen. (Not Present at Roll Call: Legs. Losquadro, Alden and Stern)

P.O. LINDSAY:

I apologize that -- to calling the roll early and make everybody scurry. I know the coffee was late this morning and everybody needs their cup of coffee.

LEG. KENNEDY:

Guilty, guilty.

P.O. LINDSAY:

If everybody could rise for a salute to the flag, led by Legislator Kennedy.

(*Salutation*)

Could you remain standing? And I'm going to ask Legislator Kennedy to come and introduce our guest Clergy.

LEG. KENNEDY:

Thank you, Mr. Presiding Officer. And I'm pleased to have Father Brian McQuaide with us this morning from Christ the King Parish in Commack. This has a special place in my heart, because this is where my wife and I were married some 30 years ago. Christ the King is indicative of many parishes throughout our County where they're involved with community services, parish outreaches that are meeting the needs of more and more of our residents that are coming to them for a variety of services, and they really act as an anchor in the service delivery side, interacting with our County governmental functions. So I'm happy to have him here today and hope for some inspiration from Father McQuaide. Thank you, Father.

FATHER MCQUAIDE:

And let us pray. Almighty and eternal God, you have revealed your glory to all nations, God of power and might, wisdom and justice. Through your authority is rightly administered, laws are enacted, and judgment is decreed. Assist with your spirit of counsel and fortitude this Legislature,

that their administration may be conducted in righteousness and be eminently useful to your people over whom they preside. May they encourage due respect for virtue, execute laws with justice and mercy, seek to restrain crime, vice and immorality. Let the light of your divine wisdom direct the deliberations of this Legislature and shine forth in all the proceedings and laws framed for our rule in government. May they seek to preserve peace, promote happiness, and continue to bring us the blessings of liberty and equality. We pray for all the members of the Legislature, as they are entrusted to guard our political welfare. May they be enabled by your powerful protection to discharge their duties with honesty and ability. We likewise commend to your unbounded mercy the citizens of this County, that we may be blessed in the knowledge and sanctified in the observance of your holy law. May we be preserved in union and that peace which the world cannot give, and after enjoying the blessings of this life be admitted to those which are eternal. We pray to you who are our Lord and God forever and ever. Amen.

P.O. LINDSAY:

Thank you, Father. I would ask that everybody would remain standing for a moment of silence for Albert Ammerman, the founding President of Suffolk Community College, who passed away last week at the age of 94. And as we do every meeting, that we remember our young men and young women that are in far off lands risking their lives to protect our freedom.

(*Moment of Silence*)

Be seated. We only have one proclamation this morning. I'd ask for Legislator Montano to present a proclamation to the Brentwood Soccer Team for bringing home the New York State Class AA Championship. Legislator Montano? Oh, okay. They're not here as yet. We'll do that a little bit later.

I want to recognize again, the Connetquot School District is with us, again, the Fourth Grade Class.

(Applause)

The teacher, Kathleen Devine, has brought another group of students, and the Principal, Vince Fantauzzi. Welcome again, boys and girls. And Kathy and Vince, it's always a great experience to have our young people here to watch our local government at work.

Okay. We're going to go right into the public portion. First up is Maryann Slutsky, followed by Dr. Gregg Maney.

MS. SLUTSKY:

Good morning. My name is Maryann Slutsky.

P.O. LINDSAY:

Your mike isn't on.

MS. SLUTSKY:

Good morning. My name is Maryann Slutsky. I currently live in Eatons Neck, was born and raised on Long Island. I am the Campaign Director for Long Island Wins.

The murder of Marcello Lucero is becoming emblematic of the Suffolk County attitude towards immigrants, especially Latino immigrants, as we are now finding out Marcello's murder is not the first time Long Island immigrants have been the victim of a hate crime. Suffolk County's assertion that only one hate crime occurred in 2007 is completely false. On the day of Marcello's murder three other attacks on Latinos were committed. It's clear to everyone, except perhaps Steve Levy, that the moral climate in Suffolk increasingly tilts towards anger, intolerance and violence. We must all, each of us, ask ourselves how this happened. Hate does not occur in a vacuum, it is learned from others. Hate of this sort is fed by attitudes of political and community leaders and by political

and moral climates based in an intolerance of difference.

There is an undeniable link between the way politicians talk about immigrants and the way they are in turn treated in their communities. We, politicians, parents, teachers, business owners, and all Long Islanders, must lead by example in reaffirming the basic humanity of every member of our community. We can all agree that our Federal immigration system is broken. That's no excuse for politicians on the local level to cultivate a climate of hate. At a time when families across Long Island are feeling tremendous stress from a failing economy, politicians who offer irresponsible rhetoric and punitive policies that solve nothing are perpetrating political and governmental malpractice. There is nothing harmless about inflammatory demagoguery. There is a way out, however. Part of it comes from changing attitudes one person at a time.

It is clear here that each of us has the responsibility to be a good neighbor, but now, more than ever, our leaders need to lead. We need to work towards solutions to our immigration problems that work for everyone. We need a new focus on systems through which our new neighbors can learn to communicate more effectively in English, and help immigrants better understand local laws and customs as they work towards integrating themselves into the American way of life. And we need to make sure a climate exists where immigrants feel safe to report crimes to our police. These policies aren't just good for immigrants, they're good for everyone. They help immigrants, they strengthen our communities by increasing immigrants' contributions to them, and they will help make Suffolk County the kind of welcoming community that's most likely to survive in this difficult economy.

Long Island Wins asks Steve Levy and Suffolk County elected officials to stop using harsh and irresponsible rhetoric demonizing immigrants on Long Island, to stop introducing legislation that results in profiling immigrants, and to create a five-year plan to improve how we assimilate and integrate immigrants in Suffolk County. We are all responsible for the death of Marcello Lucero, and we are all responsible for making sure Suffolk County becomes the kind of place where this never happens again. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Maryann.

(Applause)

The next speaker is Gregg Maney. On deck is Steven Freeman.

LEG. GREGORY:

Good morning. As you may know by now, my name is Dr. Gregg Maney. I'm an Associate Professor of Sociology at Hofstra University. I'm also a member of the Immigration and Social Services Committee of the Irish-American Society of Nassau, Suffolk and Queens.

I've made statements to you in the past as you can consider pieces of legislation that would effectively deny immigrant workers of their basic human right to seek employment to provide for their needs and the needs of their families. In past statements, I have made it very clear that hate crimes against immigrant workers were widespread in Suffolk County. I spoke to you of my survey of day laborers in eight different municipalities on Long Island. I've stated that nearly a quarter of the respondents reported being physically assaulted while either looking for work or while on the job. I told you that several workers reported having trash, eggs, and bottles thrown at them by strangers passing by. I also told you that over 43% reported being targeted for negative comments based on their nationality.

I also made it very clear that County policies were having a significant impact on the levels of hate crimes, that fines, threats and harassment of day laborers by the police increase the number of hate crimes that the workers reported. I made it equally clear that official hiring sites reduced hate crimes and other forms of abuses against day laborers.

The ICE raids, the targeting of immigrants for housing evictions, the police harassment of day laborers, and the slew of legislation aimed at shutting down day labor markets all have sent out the message that immigrants are a population without value to Suffolk County, and without rights which other members of the community are bound to respect.

Criminalizing immigrants, along with the rhetoric used to sport these policies, creates an atmosphere of hatred against groups derided by authorities. If parents and politicians are telling youth that immigrants are criminals who threaten our safety, our jobs, and our very nation, should we be surprised that some youth respond by trying to rid their community of the quote-unquote criminals?

A prominent scholar of hate crimes, Jack Levin, writes in his book, *The Violence of Hate*, the role played by strong leadership at home, in the community, or at the national level, in fostering or reducing hate and prejudice can hardly be exaggerated. Responsible leadership requires prioritizing human rights and emphasizing the values of inclusion, equality and diversity. Immigration is an American experience, acceptance is an American value.

Before there is another hate crime, I call upon you to do the following four things: Refrain from introducing legislation that scapegoats immigrants for problems created by the powerful. Strengthen and enforce hate crimes -- hate crime laws protecting immigrants. Three, fund official hiring sites in communities with active day labor markets. And four, fund and publicize community projects that provide opportunities for those born in the U.S. to work with immigrants as equals in the pursuit of shared objectives.

I really hope that you are listening this time and send a strong message that Suffolk County stands for inclusion, equality, and acceptance, not exclusion, discrimination, and hatred. Thank you.

(Applause)

P.O. LINDSAY:

Steven Freeman, followed by the Reverend Charles McCarron.

MR. FREEMAN:

Thank you and good morning. My name is Steven Freeman. I am here as Associate Director of Civil Rights for the Anti-Defamation League, also serve as Director of Legal Affairs. I've also been a resident of Suffolk County for 17 years, and I'm pleased to live in the Presiding Officer's District. I have a statement, which I will read to you and then submit for the record.

The battle against hate is at the heart of the Anti-Defamation League's mission, and we stand with victimized immigrant communities to decry violence directed at them in recent months. Our condolences and heartfelt sympathies go to Marcello Lucero's family and friends as they struggle to come to terms with this tragedy. As our national conversation about immigration reform continues, we believe that there is a clear connection between the tenor of this political debate and the daily lives of immigrants in our communities, and Latinos in particular. ADL has documented and reported on a growing atmosphere of bigotry and violence against those perceived to be immigrants.

Across the nation extremists and hate mongers have exploited the immigration issue to advance their own agenda. The F.B.I. recently reported that hate crimes against Latinos increased in 2007 for the fourth consecutive year. ADL has also become increasingly concerned about the virulent rhetoric employed by a number of groups that have sought to portray themselves as mainstream advocates against illegal immigration. These groups attempt to distort the policy debate by fermenting fear and spreading unfounded propaganda through the use of several key tactics, such as portraying immigrants as criminals and disease carriers, and blaming immigrants for eroding American culture and quality of life. This type of demonization of immigrants has led to xenophobia and has created an environment in which hateful rhetoric targeting immigrants has become routine. We believe that four concrete measures can improve this situation.

First, we urge those who debate and discuss the issue of immigration reform to speak out against virulent anti-immigrant and anti-Latino rhetoric. It is crucial that civic leaders like yourselves and law enforcement officials use their bully pulpit to promote better intergroup relations.

Second we need to remember that America is a nation of immigrants. We must make progress as a country toward the passage of comprehensive immigration reform, to ensure an immigration system that is workable, with an appropriate balance of fairness, compassion, and national security awareness. As President John F. Kennedy wrote more than 40 years ago, "Immigration policy should be generous, it should be fair, it should be flexible. With such a policy, we can turn to the world and to our own past with clean hands and a clear conscience.

Third we must reject local or state laws that allow for discrimination and profiling based on national origin or race, and resist the temptation to task local police departments with the responsibility of enforcing immigration laws. As a leading advocate in the fight against hate crimes, the Anti-Defamation League believes it is critically important for local law enforcement officers to develop positive relations with immigrant communities in their jurisdictions.

P.O. LINDSAY:

Mr. Freeman, you're out of time. Could you wrap up, please?

MR. FREEMAN:

Sure. The Jewish community knows all too well the power of words to translate into hate. We also know all too well the cost of silence. We urge everyone here today to join us in speaking out and ensuring an effective response to violent bigotry. Thank you.

P.O. LINDSAY:

Thank you, Mr. Freeman.

(Applause)

The Reverend Charles McCarron, followed by Joel Diamond.

FATHER MC CARRON:

Good morning. I'm the Father Charles McCarron, formerly worked in Patchogue congregations, and served, while it was open, as State Chaplain at Kings Park Psychiatric Hospital. I'm currently the Executive Director of Episcopal Community Services of Long Island, which is the Diocesan agency of the Diocese of Long Island. And I also speak today on behalf of our Bishop, Orris Walker, and bring a word from our annual Legislative convention of the Diocese whose over 400 delegates convened in Melville on November 14th. These included delegates from our 44 Suffolk County congregations, some of which, like the Caroline Church in Setauket or Saint John's, Oakdale, have roots in the first settlements of this County in the 17th and 18th Century.

As part of our Episcopal Church's stance for justice and against discrimination on the basis of race, or creed, or sexual orientation, or ethnicity, the convention gathered the over 400 delegates, unanimously passed a resolution, which I'll see the Legislature gets a text of. That resolution deplored the present tragedy of Marcello Lucero's death. It called for an end to the inflammatory political rhetoric, which supports a climate of hate and xenophobia, and called for a recognition of the important contribution that immigrants make to the life of our communities. This resolution was passed unanimously by the 400 delegates of our congregations across Long Island, from Brooklyn to Montauk. Not just passed, it was passed with a standing ovation and applause.

So I encourage, on behalf of our Episcopal Diocese, that the Legislature do all in its power to end the atmosphere of hate, which encouraged -- unfortunately, it takes a village to raise a child, but it also takes a village to encourage that child to acts of violence. And we ask you to avoid inflammatory rhetoric and increase support of our immigrant population here in Suffolk County. Thank you. Applause.

(Applause)

P.O. LINDSAY:

Thank you, Reverend. Joel Diamond.

MR. DIAMOND:

I'm Joel Diamond. I've been living in Suffolk County since 1967. I have two suggestions I want to make to the Legislators to consider. One is if you're a County Legislator and you haven't seen yet the movie *Farmingville*, please rent it from Netflix or Blockbuster, or wherever, and please see that. I'm just wondering, how many Legislators have seen the movie *Farmingville*?

P.O. LINDSAY:

This isn't for questions.

MR. DIAMOND:

Oh.

P.O. LINDSAY:

Make your statement. It's three minutes, you can make a statement.

MR. DIAMOND:

You don't have to answer it.

P.O. LINDSAY:

Okay.

MR. DIAMOND:

I could just pose it rhetorically. It was a rhetorical question.

P.O. LINDSAY:

Okay.

MR. DIAMOND:

My other suggestion has to do with something called community healing teams. It's on the model of community mediation teams that we used to have years ago. I think you should set them up.

In the movie *Farmingville*, if you remember, the -- there was a very interesting woman who was an activist in the anti-immigrant movement and she had a very interesting position. I tried very hard to tune into her feelings and her words helped me. She said, "I don't know who they are, I don't know who these people are." She had fear of them, and I think because of language barriers, it was that much harder for her to get to know them. Actual neighbors on the other side of her fence, she couldn't really say hello, or "Let's get together for tea or something." She had language, and cultural, and fear barriers. And there could be actual teams of people who are bilingual or have interpreters and translators to help people. Say somebody wants to get to know their neighbor or they resolve a little -- an issue, they thought they had a fear that maybe they passed by a day laborer shape-up site and they thought somebody said something they didn't like. Maybe they can get together with the community mediation, community healing team on site, not in some County office.

I wonder if there's a Legislator -- I guess I can't pose a question. I could say I wonder if there is a Legislator that would can contact me and look into this, or maybe through the Long Island Immigrant Alliance and set something up like this. It would be a very brave, courageous, productive, proactive thing to do, and I think it would actually win a lot of our votes. Please consider that and the movie. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Diamond. What I'm going to do now is interrupt the public portion. Legislator Montano is going to present a proclamation to the Soccer Team.

LEG. MONTANO:

Good morning. Thank you, Mr. Presiding Officer, for giving me this opportunity, and I apologize for interrupting the public session, particularly on the important matter that the people are addressing. But I did want to take this opportunity to welcome, and they've just walked in the room, the Brentwood Soccer Team. I was here a couple of months ago welcoming the Brentwood Wrestling Team for being number one in the State of New York, and I have the proud privilege to represent Brentwood, who this year is number one in New York State in terms of soccer. They placed --

(Applause)

Thank you. That's well deserved. And one of the Aides was talking to me earlier and she says, "We've seen them play and they're a league unto themselves." They really are a talented group of individuals. They obtained first place at the AA Championship on November 16th, 2008 at the National Soccer Hall of Fame held in Oneonta, New York. This is the first time since 1989 that the Indians obtained a number one spot in the State Championships. The team was also chosen by ESPN as first place, their ESPN Fab 50 teams for the Fall 2008 season. That means that they're the nationally rated team in this country, and they've attained the number three spot on Newsday's Big Ten list, which features the best Long Island teams of Fall 2008.

I'm not going to read all their names, but I just want to read some of the names. Norvin Acosta, Javier Aguilar, Carlos Alvarenga, Walter Alvarez, Noe Argueta, Steve Carter, Paulo Castro, etcetera, etcetera. These kids represent the community that I represent in the Soccer Team in the High School, and they are to be complimented and acknowledged for their fine work, their hard dedication, and we want to acknowledge you here publicly. I also want to point out and thank the Athletic Director, Kevin O'Reilly, the Coaches, Mathias Jorge, Rich Castello; the Managers, Freddie Ramirez and Franklin Argueta. We want to thank you. We're going to go outside, take some photos.

And I'm going, you know -- just again, I'm very proud to represent them. I was -- attended Brentwood High School many, many years ago and they have a long tradition of being, you know, excellent athletes, and you'll move on to future careers because of your hard work and dedication. And the community thanks you very much for making us proud of you.

(Applause)

Kevin, would you step forward? And we have a proclamation for the Brentwood High School's Varsity Soccer Team, which I'm going to present to Kevin O'Reilly. And we have Certificates of Appreciation for all of the students that participated and worked so hard to achieve this great honor and represent Suffolk County.

MR. O'REILLY:

Thank you very much.

LEG. MONTANO:

You want to say a couple of words? Briefly.

MR. O'REILLY:

Thank you for honoring my Varsity Team. Coach Eden and the boys had an outstanding magical year. And not only were they number one in New York State, but right now, in two polls, they were the number one team in the Nation. So they're the National Champion, Brentwood Soccer Team.

(Applause)

LEG. MONTANO:

Thank you.

D.P.O. VILORIA-FISHER:

Congratulations. Thank you, Legislator Montano. Our next speaker is Michele Lynch. And after Ms. Lynch is David Schleicher, or Schleicher, I think.

MS. LYNCH:

Good morning. My name is Michele Lynch. I represent 1199 SEIU, Health Care Union. For the past 47 years I have been a resident of Suffolk County. I am here today speaking on behalf of 1199 SEIU, United Health Care Workers East, with over 250,000 members, and on Long Island we have over 20,000 members.

The murder of Marcello Lucero in Suffolk County is a tragedy. We mourn his loss and we share in the sorrow of his friends and family. This tragedy, however, did not take place in a vacuum. Over the past several years there have been words and actions by many that have poisoned our relations and fostered intolerance. The anti-immigration legislation introduced by some of our elected officials has demonized all Latinos, whether they are citizens, undocumented, or legal permanent residents. This has fostered a climate of bias, discrimination, and now the most horrible violence imaginable. We want to see an end to this atmosphere of intolerance. We want to set an example of civil discourse and mutual respect for everyone. We want to make sure that our young people learn that resolutions to problems begin with mutual respect.

The assimilation of immigrants has always presented a challenge to the fabric of our country. We recognize that the best solutions have always come from mutual respect and tempered dialogue. The Legislature should move forward to establish an atmosphere where we seek to find common goals and needs in constructive and respectful manners. To that end, the Suffolk County Legislature must commit to stop introducing any legislation relating to immigration status. By making such a commitment, we can move forward to develop solutions to our problems, free from the acrimony and ignorance that accompanies anti-immigration legislation.

There's an old saying, "Out of every evil comes some good." Out of the evil of Marcello's death, we must work towards our common good. A young man died as a result of hatred and bigotry. Now it's up to us to make sure he did not die in vain. The first step is to stop introducing any legislation relating to immigration status. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:

Thank you, Michele. David. David -- I hope I'm saying the name correctly. It looks like Schleicher. Okay. We'll skip David for now and go to Mary Donohue. After Mary is Patrick Young. You have three minutes, Mary.

MS. DONOHUE:

Thank you for allowing me to speak. My name is Mary Donohue. I'm a registered nurse for 35 years. I would just ask that -- Legislator Kennedy mentioned asking for inspiration. We can't pass any kind of legislation or do anything until we look inside our own hearts and speak to understanding what it is that makes another person do what they do and think what they think.

And I would just like to cite a study done by Jane Elliot many years ago to drive home the point of how the Holocaust happened. It was a brown-eyed/blue-eyed study. She took her students and all of those with blue eyes and separated those with -- from those with brown eyes. The ones with blue eyes became the recipients of all kinds of hatred. And before any time at all elapsed, the dark side of everybody came out and was dumping all kinds of hatred just because a person had blue eyes.

The next day she reversed the study and those with brown eyes became the recipients, and their behavior deteriorated so rapidly. So I think there's a strong lesson to be learned there for all of us. And those students came back many years later. They never forgot that lesson and they learned it to teach to their children as well. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:

Thank you, Mary. Our next speaker is Patrick Young, followed by Melissa Sostrin.

MR. YOUNG:

Patrick Young, Central American Refugee Center in Brentwood. The killing of Marcello Lucero on November 8th was simply the most brutal attack on immigrants in Patchogue that we know of by groups of marauding teenagers. It wasn't the only attack, even though many other such attacks were never properly recorded or reported to the police. For example, on Thanksgiving, Newsday published an account of a September 2007 attack on Luis Pina Tigre in Patchogue. He was riding his bike home one evening. Five young men attacked him while he was riding. They knocked him off his bike and beat him. Four neighbors saw the attack and summoned help. They reported the attack to a Patchogue Public Safety Officer. Luis Pina Tigre says he later spoke to police officers. The Suffolk Police Department has no record of the attack. Hospital records showed, according to Newsday, that on September 23rd, 2007, Tigre was treated for head and arm injuries. According to those contemporaneous hospital records, he told hospital staff that he was assaulted, "while on his bicycle, kicked and beaten." Tigre believes that two of Marcello Lucero's attackers, Jeff Conroy and Kevin Shea, were among his assailants.

In 2007, according to the County Executive, there was one hate crime against Latinos in Suffolk. The attack on Luis Pina Tigre was not one of them. A week after Marcello Lucero was murdered, District Attorney Spota made a shocking announcement. This is a quote from the New York Times. Mr. Spota said three defendants, Anthony Hartford, Kevin Shea and Jose Pacheco, all 17, went out driving five days before Mr. Lucero was killed with the intent, in their words, of "beaner hopping". They found a Hispanic man that day who Mr. Pacheco admitted to punching and knocking cold with the others. Mr. Spota said the victim has not yet stepped forward. One of the accused attackers later told the police, "I don't go out and do this very often, maybe once a week." This was going on once a week and the police appeared to be unaware of it. Attacks earlier in the day in Patchogue, on the day that Marcello Lucero was killed, make it clear why.

And this is a -- this is from Newsday. "Early in the morning of November 8th, the day Marcello Lucero was killed, Marlon Garcia was smoking on his front porch in Patchogue when he noticed a fight in a parking lot across the street. As he moved closer, he saw two white teens punching a Hispanic man and yelled for them to stop. When the assailants turned to look at Garcia, the victim fled and the attackers fired shots at Garcia from what sounded like a small caliber weapon. When the aggressors came within six feet of him shouting expletives, Garcia said he screamed to his brother-in-law, who was also on the porch, the pair of teens fled down Taylor Lane. Within seconds, he said, a red Blazer drove past and a passenger shot at him. Garcia ran to the porch, grabbed two glass bottles to defend himself and returned. The SUV accelerated down the street, doubled back and the occupants fired again. 'I covered my face and they hit me in the torso and the thigh, said Garcia'. The attack took place less than 24 hours before Marcello Lucero was killed. -- that was the end of the quote -- by what teenagers -- by what the police said was a gang assault by seven youths. Two of the youths have been identified as having been involved in the attack earlier in the day.

D.P.O. VILORIA-FISHER:

Patrick, if you could wrap it up, please.

MR. YOUNG:

Sure. There was another incident at a laundry that same morning in which a Latino man was -- had

racial epithets shouted at him and a lit lighter thrown at him. None of these incidents were being investigated at the time that Marcello Lucero was killed just 16 hours later. So what we have here is two incidents that we would never have known about had Marcello Lucero not been murdered.

It's extremely important that the Suffolk County Legislature fulfill its obligation to hold the Executive Department accountable for the neglect of hate crime investigations in Suffolk County. The Legislature needs to commence an investigation and not simply accept the notion that hate crimes against Latinos have declined 93% over the last five years during the Levy Administration. That does not represent a decline in hate crimes, it represents a misclassification of crimes by the police, a failure to take crimes against Latinos seriously, and the active discouragement by County Government of reports of hate crimes by Latino immigrants. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:

Thank you, Patrick. Melissa Sostrin, followed by Sandra Dunn.

MS. SOSTRIN:

My name is Melissa Sostrin. I'm representing the Latino Jewish Council of Long Island. I also live in the Presiding Officer's District.

The Latino Jewish Council works to advance human rights, focusing on advocating, on erasing stereotypes, developing close relationships, and fighting inequality and bigotry. I echo the words of our Co-Chair, Renee Ortiz, Chief Deputy Clerk of this Legislature, who has gone on record imploring the Legislature to take a stand against hate in words and deeds, to promote diversity and inclusion, and to work cooperatively with advocacy groups to make Suffolk a more welcoming and accepting community. Thank you.

(Applause)

P.O. LINDSAY:

Okay. Melissa, followed by Sandra Dunn.

MS. DUNN:

Thank you. Good morning. My name is Sandra Dunn. I come to you as a resident and voter in Hampton Bays, and as an employee of the Hagedorn Foundation. I'm the Immigration Program Officer there. The Hagedorn Foundation, for those of you who might not know, is a social justice foundation based in Port Washington, inside Nassau County, deep inside Nassau County, but, again, I'm a resident of Hampton Bays. And part of the Foundation's mission is to ease tensions in relation to immigration and responses to it on Long Island, in Nassau and Suffolk Counties.

We at the Foundation, along with so many others, and along with people you've heard here this morning, understand very well that the murder of Marcello Lucero did not occur in a vacuum. That's a phrase you'll hear over and over and it's a message that we hope will truly get heard over this morning. Because this brutality resulted in death, the community, both Suffolk County and beyond, has awakened to the reality that something has gone terribly wrong in this County. This isn't about a few Patchogue-Medford High School kids who were misbehaving. We need only look back to recent history in Suffolk to know that something has been wrong for sometime. The attempted murder in Farmingville in 2000; teenage boys in 2006 luring three Hispanic teenage boys into a backyard shed in East Hampton, tying them up, starting up a chain saw, wielding a machete while insulting them about their ethnicity and nationality. And other teenage boys who assaulted a white man -- a man while he -- Hispanic man while he was fishing in Rocky Point. The list goes on. And you can certainly think of other instances of violence -- violence directed at immigrants solely because they are immigrants.

We, along with so many others, also understand that immigrants, regardless of their legal status,

contribute tremendously to our economy, our culture, and even our way of life. While there are real and significant social tensions to be addressed on the local level, nobody denies that punitive legislation is not the way to do this. Suffolk County needs to recognize that immigrants, again, regardless of status, are here to stay, and that the solution lies in working towards integrating them into our culture through English classes, citizenship classes, and even welcoming centers, like those that have been established in other suburban areas in the country in order to bring them into mainstream American culture, while, at the same time, respecting and honoring the ways immigrants choose to preserve and celebrate their native culture. This, fundamentally, is what America is, but it is not what Suffolk County has shown itself to be.

As things stand now with the current County leadership and with this Legislature, with a couple of exceptions, the Hagedorn Foundation and many worth -- the many worthwhile organizations we fund, are unfortunately working against you, and were working against you to the tune of about a million dollars a year. A million dollars a year is approximately what we spend to fund the organizations that are working solely on easing tensions in relation to immigration --

P.O. LINDSAY:

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

MS. DUNN:

-- and the response to immigration on Long Island. Thank you. Community efforts are underway at their grassroots level in Patchogue and in other places in the County that are forward-thinking, and positive, and realistic, and working to unite our community.

The County leadership must stand ready to work with us at the Foundation. We are ready to work with you, but we need you to put an end to punitive unrealistic legislation that only results in deeper divisions and strife. We hope the County will consider in a realistic and hopeful way the future of all its residents.

P.O. LINDSAY:

Miss Dunn, you have to wrap up, you're way out of time.

MS. DUNNE:

Thank you. And I think that we will all agree that it will be quite an incredible day when this County receives attention, not for being divisive, but for being a model community of integration and unity. Thank you.

(Applause)

P.O. LINDSAY:

Dr. Valenzuela, followed by Lorraine Deller.

DR. VALENZUELA:

Hi. Good morning, distinguished Ladies and Gentlemen. Thank you for the opportunity to address you. I just want to make a couple of points.

We've been coming here, the Long Island Immigrant Alliance has been coming here for sometime repeating our call to the end of divisive legislation and the promotion of inclusive legislation. And I want to use that as the backdrop for what I'm going to ask, and that is that you jointly issue a proclamation, a resolution, asking the Federal Government to make immigration reform a priority issue. We need to get that off of your backs immediately.

(Applause)

Leave immigration to the Federal Government. We have other things that we need to deal with right here, as you see, and as you hear from the other speakers.

You know, it's nice to hear talk about the police receiving complaints about crime without asking for immigration status. It's pretty difficult for the person in our communities who's Latino to take that seriously, given the police collaboration with ICE raids. Those were terroristic tactics. You know, at the crack of dawn our Police Department and ICE, with military-style assault rifles, banging on people's doors and taking people away, that's terroristic. What we need here in Suffolk County is an Executive Order that the police will not ask anyone's immigration status for whatever.

(Applause)

That's something that's overdue, and that's something that we, the community, want to see our Police Department do, and you, as our elected officials, can promote that legislation. So those are two pieces of legislation that you're able to promote rather quickly, and clearly send a message that you're on board with making Suffolk County the shining example to the nation of what a community that's inclusive can be.

Again, let's get away from divisive legislation and with that pass a resolution that Suffolk County will introduce no more anti-immigration, anti-immigrant or anti-Latino legislation. Get that off the back, get it off your shoulders. Let's move forward together, uphold our nation's values. We have workable solutions, we can work with you. Sit with us, let's discuss this, let's have civil dialogue. Thank you.

(Applause)

P.O. LINDSAY:

You're welcome. Lorraine Deller, followed by Fred Langstaff.

MS. DELLER:

Thank you, Presiding Officer Lindsay. The Nassau-Suffolk School Boards Association had been notified via a Newsday reporter of a bill that would require the Commissioner of the Suffolk County Police Department to notify each School District Board, each District Superintendent and each School District Principal whenever there had been an arrest for the possession or sale of heroin within the school district or the arrest of a resident student for the sale or possession of heroin anywhere in the County. Following the alert from Newsday, communications with Legislator Horsley's Office indicated that this change to the Suffolk County Administrative Code was on the fast track, having been voted out of Committee on November 21st and up for final vote by the County Legislature today, December 2nd. It is unfortunate that at no time in the process leading to approval in Committee was input from Boards of Education solicited.

It is a responsibility of the Nassau-Suffolk School Boards Association to protect the local Governor's authority of independently elected Boards of Education. School districts are legal entities unto themselves. It is important to note that public education is a larger State interest and exempt from Home Rule provisions of the Constitution. The State couldn't provide education in any logical way if each individual County or Town had the ability to impose mandates on schools. Therefore, we have serious concerns that Suffolk County, in mandating that school districts be the sole repository of this sensitive information, imposes an administrative responsibility on schools and school boards that levies additional costs on taxpayers and exposes districts to legal liability.

In order to fulfill their mutual responsibility to safeguard our communities' youths, schools and local police precincts have worked together to strengthen cooperation and communication. In this long-term collaboration, school officials and law enforcement remain ever mindful of the legal challenges and court decisions that constantly redefine the boundaries and parameters of their individual authority. It is vital, therefore, that any effort to codify practice be thoroughly vetted in order to avoid unintended consequences.

This bill directs that school districts be provided, through an official process, vague information on an

arrest, but is silent on what schools are supposed to do with this information. If the reported act involves a student, they have privacy rights. If it involves an adult and the district chooses not to inform the community, or does not make a significant enough effort in hindsight, then my liability issues ensue. On the one hand, the bill ignores the transmission of sufficient details necessary for the school board to determine the relevancy of the reported incident and the potential need for further attention. On the other hand, it does not indicate --

P.O. LINDSAY:

Lorraine, could you wrap up?

MS. DELLER:

Yes.

P.O. LINDSAY:

You're out of time.

MS. DELLER:

On the other hand, it does not indicate how the transmission and receipt of more specific details and names would be carried out in compliance with FERPA, the Family Educational Rights and Privacy Act.

(Applause)

P.O. LINDSAY:

Fred Langstaff, followed by Myra Vaughn.

MR. LANGSTAFF:

Good morning. My name is Fred Langstaff. I am the Area Director for New York State School Boards, representing 69 school districts in Suffolk County.

The school districts could very well be held accountable or liable for what may -- what they may do or may not do with information that has been officially reported to them. Legal Counsel informs us that even school boards which have appropriate programs and react appropriately, according to such information, will be potentially subject to defend themselves in a multitude of lawsuits.

We are perplexed with the proposed immunization of the liability of any officials, employees or agencies of Suffolk County and its Police Department, but makes no effort to provide corresponding immunization of the liability of schools. In any case, counsel informs us that this issue is moot, because the County does not have the authority to grant "hold harmless" status for school districts.

Protecting young people from the menace of substance abuse, be it heroin, crack/cocaine, methamphetamines, marijuana or alcohol, should be a priority of any caring community. Mobilizing against such dangers require, first, an awareness as exists. Thus, schools, colleges, universities, PTAs, civic associations, service organizations, youth groups, churches, synagogues, and general public might all express the need for the same notification that Resolution 2049 possesses solely for school districts.

Our Association acknowledges the well-meant intention of this initiative and urgent need on the part of the Legislature to represent the acknowledgment of emerging heroin in our County. While we question the authority of the part of the County legislation in this area, we offer for consideration legislation, following amendment for Resolution 2049, which we believe meets the intent of the bill and enhances its effectiveness: "Be it resolved that Resolution 2049 be amended to call for the dissemination of information on heroin arrests to all interested parties via public quarterly report from the Commissioner of Police that maps out arrest for possession and sale of heroin within Suffolk County." Thank you for your time.

(Applause)

P.O. LINDSAY:

Thank you, Fred. Myra, followed by Charlotte Koons.

MS. VAUGHN:

Myra Vaughn, Nassau-Suffolk School Boards Association. This amendment would provide the ability to distinguish clusters of heroin activity that could impact schools and communities in contiguous areas, and addresses the limitations inherent in confining the notification to school district boundaries. In addition, this amendment addresses the aforementioned legal liability concerns, as well as saving the cost of establishing the additional strand of administration that Bill 2049's mandate would require in order to track the official notification from its receipt to ultimate action.

The Nassau-Suffolk School Boards Association, representing 58 Suffolk County Boards of Education, trusts that in the future it would be contacted when matters pertaining to local school governance issues arise. The Association has made itself available to assist in a myriad of collective -- in a myriad of collaborative initiatives with the County, and looks forward to continued cooperation on issues that benefit our mutual constituencies. We ask that you follow the lead of Nassau County to table 2049 for consideration of our alternative proposal. Thank you.

P.O. LINDSAY:

Charlotte Koons, followed by Kimberly Wilder.

MS. KOONS:

I'm Charlotte Koons and I'm very privileged to be here before you today. I've been a 50-year resident of Eatons Neck. And my diatribe today says "Which Values?"

All the trappings of "Happy Thanksgiving"
Can trap us into a well-taught denial
Of our Nation's beginnings.
Genocide of the indigenous peoples
That first welcomed us to their shores.
And, then, 400 years or more
Of slavery, unwilling immigrants for sure!
Yes, genocide and slavery are values
Also very deep in our bones.
Values of white privilege kept alive
In all too many of our homes.
So, take care, members of this august house.
Just which American values you espouse.
I ask you to remember that.
In the ultimate sense
We are all immigrants to this fair land.
So take care for which American values you choose to stand.

Thank you.

(Applause)

P.O. LINDSAY:

Kimberly Wilder, followed by Jim Navarre.

MR. NAVARRE:

Hello, and thank you for the public portion. It's good that people get to speak out.

My name's Kimberly Wilder. I was born and raised in Long Island and I currently live in North

Babylon. I wanted to read some of the words from an old song that some of you know that's copyright 1961 and its deportee about another tragedy that happens with people who are immigrants.

My father's own father, he waded that river,
They took all the money he made in his life;
My brothers and sisters, come working the fruit trees,
And they road the truck till they took down and died.

Some of us are illegal and some are not wanted,
Our work contracts out and we have to move on.

And the chorus, I changed one word.

Goodbye to Marcello, goodbye, Rosalita,
Adios mis amigos, Jesus y Maria;
You won't have your names when you ride the big airplane all they will call you
will be "deportees".

And that's a Pete Seeger, Woody Guthrie song. One reason I read it is because I went to one of the meetings for Marcello Lucero to honor him, and one of the Legislators here kept saying the word "illegal" and not understanding that it was making other people hot. I think that this word and this idea have been in our culture and poets have spoken about, and artists, that it's time that people understand that if you call someone illegal, it's an insult. It's also confusing and it doesn't make sense. Peace People always have signs, and immigrants, poor people, that say "No One Is Illegal". And it's very obvious that if you use that word, you're confusing people, especially young people, into thinking that someone has less rights.

I'm also speaking on behalf of the Green Party of Suffolk, and I'll use the time I have to read some of a press release that we gave out, and that is the Green Party of Suffolk offers its condolences to the family of Marcello Lucero and hopes for an awakening and healing on Long Island after the hate crime that led to his death.

The Green Party is a different kind of political party. The Green Party was created from and works together with larger movements for social justice, such as the environmental movement and the civil rights movement. In Suffolk County members of the Green Party have struggled with ways to address the murder of Marcello Lucero through their personal efforts, movement efforts, and electoral efforts. The Green Party sees the election process as a powerful way to address grievances with our government and to force change. Because of this, when local Greens were concerned with the direction of the County Executive during his last campaign, and concerned that he was cross endorsed by both major parties, the Green Party set out to offer an alternative on the ballot. The Green Party campaign for County Executive in 2007 focused on tolerance and respect for immigrants. Unfortunately, due to the collaboration between the major parties, the fact that the major parties in Albany write the ballot laws, and the fact that the major parties control the Board of Elections, our candidate was not allowed on the ballot. Still, the Green Party continued with a write-in campaign. The Green Party candidate for County Executive was able to speak to local groups about the need to create fair immigration policies and a need to stop discriminatory laws being imposed in the Suffolk County Legislature. And the Green Party is interested in people that do want to work as activists or with candidates and campaigns and personally to help create justice and nurture human rights.

And I also wanted to put in the record, which I realized, I don't know if pictures can go in the record, but --

P.O. LINDSAY:

You have to -- you have to wrap up, you're well out of time.

MS. WILDER:

Okay. An artist from West Virginia created a portrait of Marcello Lucero, and it was also, someone pointed out, in Mother Jones. So even in the face of this tragedy, there's been some healing and people will make things right.

(Applause)

P.O. LINDSAY:

Okay. Jim Navarre, followed by Martin -- it looks like Danenberg or Danenberl.

MR. NAVARRE:

Hello, woman Legislators and men Legislators. My name is Jim Navarre. I'm from Setauket, New York. I've been a resident for thirteen years of Long Island. I just wanted to speak about the long view and the larger picture of immigrant policy or immigrant fixation, and our nation has a so-called problem. We all are ancestors. Our forebears were immigrants to the Native American Indians who once husbanded this land in productive agrarian kind of situations, but we took it over and we implemented a larger cultural picture of European civilization, and the government led us through many evolutions in foreign policy.

A lot of the immigrant problems that are occurring across our 50 states are the result of the unrest and dis-settlement of natives in Nicaragua, El Salvador and Mexico through harsh and imperious trade policies of the World Bank and International Monetary Fund, etcetera, through tariff establishments or tariff tear-downs of native economies in the Latino hemisphere.

And so we also have a certain labor demand that a lot of Long Islanders don't care to do their yard work, their -- wash their cars, and whatever janitorial duties that their property requires, and so a lot of Mexicans and Central Americans do these things. So there seems to be a need, a prima facie established cause that they're here. And we tend to bring them in and allow them to stand on corners and everything, but they persevere through many discriminatory false leadership initiatives that say we can solve it by saying some of them should be vilified as undocumented. Well, whatever that means, undocumented, a person without papers, when he's working and there is -- there is a certain basis of our great so-called capitalist economy that valued human and manual labor, and they do -- they do a disproportionate share of it throughout Long Island and other countries in construction trades. And, as I said, janitorial stuff.

P.O. LINDSAY:

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

MR. NAVARRE:

Yes. And so, in summing up, I just would like to say that we need to extend a larger world view and see that Long Island is part of the so-called free trade world that our Federal Government helped establish with NAFTA and so forth, and indifference and intolerance towards these people who provide and supplement our own economy through their own consumption tendencies should be -- should be negated through more progressive and more thoughtful world view of legislation.

P.O. LINDSAY:

Jim, you're out of time. You've got to wrap up.

MR. NAVARRE:

So -- yeah.

P.O. LINDSAY:

Thank you. Thank you.

MR. NAVARRE:

So no trickle-down --

P.O. LINDSAY:

Thank you.

MR. NAVARRE:

-- economics.

P.O. LINDSAY:

You're done.

(Applause)

Martin, followed by Abraham Valentin.

MR. DANENBERG:

Good morning. My name is Martin Danenberg. I've retired from two teaching positions, one as a teacher in New York City, and the other from the Consulate of El Salvador in Brentwood, where I was teaching GED. Barack Obama is getting information about GED in Washington D.C. from the National Legislative Director of the NAACP, from the National Latino Agenda, led by {Juan Blackman Moreno Vespira}, and one of the things that I've advised these people is the GED is a federally mandated test that means that any undocumented immigrant can take the GED. They're just given an I.D. number, other than the one that is normally given, and this tells us that these people have rights. Now, what I would like all of you, the gentlemen and women sitting in front of me, I really think that you have to inform people in your district of all the rights that undocumented immigrants have, and I think that you'll see your community start to change their point of view and say, "Listen, we're going to drop this whole mess related to illegal immigrants, we're going to move forward, and we're going to build a stronger America with everybody here."

George Washington put out the word when he was President that he didn't want anyone to harm the Jews, and there's a document in the Touro Synagogue in Rhode Island that states this. In 1939, two-thirds of Americans were against bringing Jews to the United States at the time of the Holocaust. And, at that moment, Latinos reached out all over Latin America, the Dominican Republic took in Jews into Sosua. Okay? This is the nature of what happens in the United States. It has to stop. It didn't stop then. It's not -- it's not ending now, but you have a responsibility to inform all the people in your district what the rights of undocumented immigrants are. And I guess that's about it. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Martin. Abraham, followed by Nancy Dwyer.

MR. VALENTIN:

Good morning. My name is Abraham Valentin. I'm Division Director for the National Association of Social Workers, Suffolk Division. I'm also a licensed Clinical Social Worker. I've been a resident of Suffolk County for 46 years, and for the last 15 years, I've been a resident in the Legislative District of Legislator Losquadro. I'm also a Puerto Rican American.

The New York State Chapter of the National Association of Social Workers is deeply saddened by the senseless slaying of an Ecuadorian immigrant, Marcello Lucero. A Suffolk County resident for the last 16 years, Lucero was brutally attacked in a Patchogue train station by a group of teenagers in what had been described by several media sources as a large marauding spree in which the teenagers tormented over immigrants while armed with knives and BB guns, the prosecutor said.

NESW of New York State called for the swift enactment of Federal immigration and refugee policies

that will protect human rights, promote equity and social justice, and discourage racial discrimination or profiling. NESW New York State calls upon Suffolk County leaders to promote polices, focus on reaffirming contributions of immigrants to our communities, understanding and acceptance of diversity within the community, and cultivating a healthy dialogue among all members of the community. We must work collectively to change the current cultural climate in order to prevent future acts of racially biased violence. Thank you for listening, and, hopefully, you'll respectfully implement these recommendations.

P.O. LINDSAY:

Thank you, Abraham.

(Applause)

Nancy Dwyer, followed by -- it looks like E. Kahl. Go ahead, Nancy.

MS. DWYER:

Good morning. My name is Nancy Dwyer. I speak as a member of Pax Christi Long Island, which is part of the National Catholic Peace Movement. We're very concerned by the killing of Marcello Lucero, saddened by the tragic loss of Marcello, and distressed that the killers were so young. Children are not born with prejudices. Prejudices develop by observing and imitating families, communities, and authorities.

This tragedy was a dreadful, but predicable, result of widespread attitudes and policies. We say this not to cast blame, but to recognize that if we don't look at the causes, we can't find the solutions. Together, we have to turn to a path of change, and hope, and vision that has so recently been renewed in our country. We can bring forth our better natures. We know we are a better people than this killing suggests. So let us together commit our minds and our hearts and our energies to find the path to assimilate immigrant workers and their families into our communities, and let us keep Marcello Lucero -- his very name, Lucero, means bright shining star. Keep him as a starting point, a guiding star for us all on this path, a path that begins as we welcome immigrants to a land they can also call home. Thank you. Applause.

(Applause)

P.O. LINDSAY:

Okay.

MS. KAHL:

Good morning, everyone. And I'm here today to represent the Suffolk County Coalition for Legal Immigration, the American citizens and legal immigrants who live within my community. I'm very happy to hear all sides of the argument. I know many of these people on both sides of the aisle and I must tell you that we may not agree with some of their ideas, we may not agree with some of their considerations and demands, and, quite frankly, we're a little surprised that some of the ideas they're suggesting to our representatives are bad ones, okay, bad ones in the sense you are our representatives. I look at all of you. I ask that you treat all of us as citizens and the people who are supposed to be here working who have come in here. And I'm going to use the work "undocumented", because there is a separation, I'm sorry to have to say. We do have within our community undocumented. We treat them warmly, we treat them affectionately. We know that it's not up to us to institute laws and to take rights away from them.

I want the children to listen to this. They have parents, parents have jobs. We're in a downward spiral. Many of these parents are out of work. Many of these parents are being pushed out for the cheap labor because of other people coming in here, and I'm not casting aspersions on anyone. It's a no-win situation for the young people with children, it is a no-win situation for the senior citizens, and for you, Ladies and Gentlemen, we expect for you to do nothing more than follow the rule of law. Guide and protect all the people in our community, and to refer to it as a hate crime for this

poor man that died so senselessly I cried the whole day. Let me tell you, there shall be no more sacrifices on our beat, because we accept all. We will not be painted as being white elitists or unaccepting in our community. I will not stand for it. I will not have people talk to our people disrespectfully, nor talk to your people disrespectfully. But do not come in here and demand of my leaders to break the law and to suit the law to your private agenda when it doesn't -- it isn't shared for all. We must have our rules followed. If we did, we wouldn't have all this consternation.

And I wish to wish you all a Merry Christmas. I wish you well. And when you sit down to change the laws, make the laws, look at all sides of the issue. We have people coming in here talking about their backgrounds. We all have backgrounds, we all bring baggage to the table, but there's one thing that we all agree on. We can communicate with each other, we can communicate our hurts, our values, our desires. But I will tell you this much. I asked a young Hispanic who was serving me in a restaurant, who is so cordial to me, I love him, and he said to me, "Why do you do what you do?" I said, "Because I want rights for you and me and everybody else. I want respect in my community." But let me tell you something, I asked him, "Why didn't you come in here legally?" He said, "Because it's too hard to do." "Does that give a person a right to walk in?" I told him, "No. We have laws here. Our children follow the rules, we follow the rules."

P.O. LINDSAY:

Elaine, you're out of time.

MS. KAHL:

Thank you.

P.O. LINDSAY:

Thank you.

(Applause)

Paul Hart, followed by Doreen Ciappa. Paul Hart? Okay. I don't see Paul. I'll put him aside. And we have Doreen and Victor Ciappa. Do you want to come up together? Mr. and Mrs. Ciappa, how are you?

MRS. CIAPPA:

Hi. I'm here to speak on behalf of Natalie's Law, named after my daughter, a heroin addict who died this past June.

When Natalie was a toddler, like all mothers, I was terrified that she'd run into the street and get run over, but the sound of a motor warned of an oncoming car. I'd grab Natalie's hand and tell her to keep away from the street. Then school started and we received notices that warned to be on the lookout for lice and strep throat, pink eye, and we received notices that warned to be on -- and my husband and I kept a vigilant eye out for symptoms. Then, if a pedophile moved into a district, again, the schools kept us notified and we were able to warn Natalie about the danger that lurked in our neighborhood.

Two months before my daughter's first overdose, I found a tablet in her room, and discovered that it was Saboxone, a drug used to help heroin addicts. After research, I also discovered that some teens use it to get high. Unaware that heroin had returned with a vengeance, and that there had been arrests in our area, I never considered that my daughter may have been taking the pill to battle a heroin addiction that started less than a year earlier. We never knew that nearly a year before I found that pill a teen had been arrested in a Massapequa school with 23 bags of heroin. Because we didn't know about this or other heroin events in our area, we never had the chance to warn our daughter or be on the lookout for signs of heroin abuse.

She was a stellar pupil and athlete, an accomplished singer who sang the National Anthem at school sports events. She loved her brothers and mothered them. She had the kind of smile that made

everyone around her smile. Friends, many of whom are here, knew that they could turn to her at any time of the day or night for help and guidance, but she was not perfect. Like so many teens, she drank, then tried various drugs, and always sure that she would be -- she would never become an addict. Then one night someone offered her brown cocaine. Would she have tried it if she had known that it was heroin, that heroin was in our area? I don't know, but I do know that if I had known, I would have warned her and tried to scare the hell out of her. Sure, we warned her that drugs were addictive, but we did not know that there was a new drug on the block, a more addictive form of heroin. Would she have tried it if she had known an addiction she might never break free of would arise from one snort? I don't know, but I do know that she and all teens deserve the right to know if heroin has breached their community. She deserved to know that heroin dealers were targeting her and her friends, that they laced joints with heroin.

The morning she died, I kissed her cold cheek again and again, hoping that somehow the magic mommy kisses that soothed those minor injuries of her youth would soothe her in her darkest hour. Every day, every minute I miss Natalie. I feel her absence with every breath I take. I miss her smile. Her friends miss her laughter and compassion, a beautiful girl who had the world in the palm of her hands now has no future. So many beautiful kids are either lying in cold graves or fighting a war they may not survive, and right now someone's child is planning on attending a party this weekend, a party where a dealer might take their hand and lead them into a never-ending nightmare.

We need alarms pealing when heroin enters our school districts. Our kids need those alarms. For Natalie and all the teens struggling to survive a phase of their lives that is riddled with oncoming cars. I beg you to pass Natalie's Law. How sad that our school officials had no problem with lice, strep or pedophile notification, yet they fight notifying parents that heroin, a killer, has come into their town. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mrs. Ciappa. Mr. Ciappa.

MR. CIAPPA:

Thank you for hearing us this morning. All I need to say is last year I got a notice about head lice. Head lice never killed anyone. We got a notice about mono, there's medication for that. We got notices, two separate notices about pedophiles in the area and that's a great thing. I wish I had gotten a notice that there were heroin incidences in Plainedge, of which there was at least three, because it would have given me the heads up that I really needed. We need you guys to work on this. You're going to save parents the nightmare we're living through and save children's lives. You've got to pass this, people. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Ciappa. BrieAnne Ficarra, followed by Caitlin Meuser.

MS. FICARRA:

Hi. My name is BrieAnne Ficarra and I lost my best friend, Natalie, over this past June. I just want this law to be passed, because I don't want many other people to lose their best friends due to heroin, because it's a horrible thing. Thanks.

*(Applause)*note/note applause note/note.

P.O. LINDSAY:

Caitlin Meuser, followed by Rick Meuser.

MS. MEUSER:

Good morning. My name is Caitlin Meuser and I am a senior at Walt Whitman High School, and I'm speaking on behalf of Natalie's Law.

There is an increase in heroin use among young adults in Suffolk County and it is time to put a stop to this drug abuse. No teenager deserves to be robbed of life experiences and opportunities because he or she made a mistake using heroin. This is a mistake that can easily be prevented. It is our responsibility as a community to work together to provide a safe environment in our school districts. Elected officials, school administrators, educators and law enforcement officers must collaborate in order to prevent the growing use of heroin in Suffolk County.

Natalie's Law suggests that when there is an arrest or possession of heroin within a school district, the Police Department, District School Board and Superintendent must be notified. The law also states that there will be no criminal liability held accountable towards a school district. It simply forces school officials to do their job, to look into the eyes of their students, and can be assured that they are providing a safe learning environment for these students. As a high school student myself, I would want to know.

It is not only a school district's job to educate their students, but also to protect them. I may not be an educator myself, but as President of my high school, I work very closely with students every single day, encouraging them to make the right choices and to put themselves in a position for a successful future. Natalie's Law will be a step in the right direction. Implementing this law will create greater communication between school districts and Police Officers regarding the use of heroin. Even if Natalie's Law can save one life, two lives, or three lives, it has done its job. Thank you.

(Applause)

P.O. LINDSAY:

Rick Meuser, followed by Kevin Rooney.

MR. MEUSER:

Good morning. My name is Rick Meuser. That was my daughter, Caitlin, speaking for me. I'm a resident of South Huntington, originally from Commack. I am an attorney, something that I don't always like to admit. I'm also a musician and a friend of the Ciappa Family and I'm here in support of Natalie's Law. Vic Ciappa is a longtime friend of mine. He's actually also a musician and was the drummer in the band that I used to play in with him many years ago.

We all know that we have a problem in Suffolk County with heroin; Natalie is an example of that. Very, very sad tragedy. I see the pain in Vic and Doreen's eyes. We feel the pain as close family friends.

We had a benefit show this past Saturday night out in Rocky Point to support this cause, and a woman that used to come see our band years ago came up to me with tears in her eyes and informed me that her son had just recently passed away from a heroin overdose, a resident of Melville, which I wasn't aware of. We've also had deaths in Northport. Former heavyweight boxer George Chuvalo recently spoke in our County about the problem. He also has had family and friends that have died as a result of heroin.

The main point that I'd like to make today is I'm here as -- I'm not here in a legal capacity, I'm here as a family friend, but, most importantly, I'm here as a father and a protector of my children. We're not the only protectors of children. Obviously, the Police Force is, Police Departments, Suffolk County Police, Nassau County Police, and our educators are protectors of our children. When they choose to be teachers or school administrators, they're also taking on a responsibility of watching out for our kids' best interests. We entrust them with protecting our children when we send our kids off to school. We're now asking them to help further protect our children.

This resolution is a first step towards battling this terrible scourge that has encroached upon our County, so I call upon the Legislature to seriously consider passing this law. The burden that will be placed on the school district is minimal compared to the benefit that will result from having this notification procedure in place. If it saves just one life, then it has served its purpose. From a public policy standpoint, I put forth to you that the benefit greatly outweighs any burden that would be placed on anybody, if we do, in fact, pass this resolution. I encourage everyone in this room to not let our heads remain in the sand.

P.O. LINDSAY:

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

MR. MEUSER:

I will. What I put forth to you is when you hear that voice inside your head, and I put this forth to all parents in this room, all parents, that when you here that voice that "It can never be my kid," don't believe that voice. And let's not allow Natalie's passing to be in vain. I encourage the Legislature to please pass Natalie's Law. Thank you for your time.

(Applause)

P.O. LINDSAY:

Thank you, Mr. Meuser. Kevin Rooney, followed by Steve Gittelman.

MR. ROONEY:

Good morning, Presiding Officer, Members of the Legislature. For the record, my name is Kevin Rooney. I'm the Chief Executive Officer of the Oil Heat Institute of Long Island. I wish to speak this morning on Resolution Number 2032-2008, establishing a home heating cost information program for Suffolk County consumers. This resolution would require the Office of Consumer Affairs to compile a survey every two weeks to determine "the purchase price of home heating oil offered for sale by all home heating oil delivery companies in Suffolk County," and to post this information on the Consumer Affairs website.

Speaking strictly to the language and requirements of this resolution, we have two fundamental concerns. First, the bi-weekly survey has to include all heating oil companies currently doing business in the County, which, by any estimation, is in excess of 270 companies. Within this group there are two major categories, COD and full service companies. In the COD group, there are some six possible price variables based on the gallons delivered, and whether payment is made by cash or credit card. In the full-service group of companies, there are at least 18 possible price variables, depending on the terms of the product and service agreements. You can buy posted price on an automatic or will-call purpose, or 30-day credit terms, all with equipment maintenance and service costs included, or excluded if paid separately. You can buy on a fixed or cap price basis, on an annual or heating season basis, again, with or without a maintenance agreement. You can pay as you go or pay on a budget plan balanced billing. There are numerous discounts off of retail price provided for prompt payment, large volume tanks, senior citizens, group purchasing programs, HEAP or Project Warmth eligible customers, and so on and so forth.

In order for a price survey to be useful to consumers and statistically valid, accurate and nondiscriminatory to any of the vendors surveyed, it would have to include all of the 270 companies, and as many of the two dozen price variables which they offer to consumers. In all, that amounts to some sixty-five hundred company and price variables, which would have to be surveyed, tabulated and posted on the Consumer Affairs website. To say that this has the potential to be a logistical nightmare may well be the understatement of the year. To assume that Consumer Affairs has both the time and manpower to conduct such a comprehensive survey every two weeks requires nothing less than the willing suspension of disbelief, because we all know that they don't.

P.O. LINDSAY:

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

MR. ROONEY:

Surveys taken every two weeks are as valid, Ladies and Gentlemen, as all of these price catalogs that came out and had prices that were valid only the day after Thanksgiving. They are simply a snapshot in time. They do not provide timely, accurate information to consumers. They may, in fact, be harmful to the very consumers you are trying to help. I would suggest that there are better ways of helping consumers make educated decisions, a price survey such as this is certainly not one of them, and, therefore, I urge you to vote no on Resolution 2032. Thank you.

P.O. LINDSAY:

Steve Gittelman, followed by Anthony Marinello. Before you start, Mr. Gittelman, I'm going to make a motion to extend the public portion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Dan Losquadro. All in favor? Opposed? Abstentions? Okay, Mr. Gittelman.

MS. ORTIZ:

Sixteen.

MR. GITTELMAN:

My grandmother came to this country in 1902 at the age of four years old and she lived in the basement of an apartment building for five years, shoveling coal into a burner. She was, I guess, eight or nine, just about the age of these Fourth Graders. In 1907, it couldn't have gotten worse, could it? That's all she did. It was an -- that's all she did. They gave her food, they kept her in the basement, and then the market collapsed, the stock market collapsed. What's this got to do with the Vanderbilt Museum, which many of you know I am President of? The truth is, is that when the stock market collapsed, it wasn't only my grandmother who was -- who suffered, it was also the Vanderbilts. It almost sounds incredulous that there is a history, two histories that parallel.

My grandmother never recovered from what she survived during the Depression and from what she had to survive as an immigrant, but Willie K. Vanderbilt never survived what happened to him in 1907, when there was a bank crash and a subsequent bailout. And William K. Vanderbilt, II, the man who owned Eagle's Nest, simply had no money, and in order to pay his bills, he stole his wife's jewelry and sold it, and then stole her land and sold that as well. Soon she found out about that and divorced -- and left him. She wouldn't divorce him, but she left him. William K. Vanderbilt, the fellow who built the Motor Parkway was an embarrassment to the family. Yes, my grandmother has history as an immigrant. My friend, William K. Vanderbilt, has history as a man who had to recover from a bitter stock market crash, a bailout that was orchestrated by big business. And how did Willie come out of it? Well, he never did. Willie remained somewhat depressed, but he did manage to live a life.

So it's not just about the Great Duck, or Mr. Lindbergh, or Mr. Roosevelt in Oyster Bay, we have a history made of people who came here as immigrants, made of people who started out as Vanderbilts, and who recovered and suffered through these hard times. I urge you to save the history of this great County for the children, for the 115,000 people that visit the museum, and for the children in the room who some day will remember the meeting they just attended. Thank you so much for the leadership you've provided.

P.O. LINDSAY:

Thank you, Mr. Gittelman.

(Applause)

P.O. LINDSAY:

Anthony Marinello, followed by Alexander Gutierrez.

MR. MARINELLO:

Good morning, everybody. My name is Anthony Marinello. I'm currently a college student at Suffolk. I went to Sachem North High School, I graduated in '06. I'm here in support of Natalie's Law. I have more than enough experience to speak in favor of that. I myself am a recovering heroin addict.

During high school, you know, like it's bad, like it was really bad. The problem is just completely denied and we haven't had any kind of -- been any kind of information on drugs, or addiction, or anything since the DARE Program in 6th grade, which has been scrapped because it doesn't work. Addiction is kind of turning a corner, like there's more information about it now as being a medical disease, and that's something that through high school I knew nothing about. And I watched my friends and myself, you know, we started off messing around with pills and then one thing led to another, just as it's happening all over Long Island, and without -- with little to no knowledge from teachers, parents, or anything. It's really hard to detect. And I think with the bill, if -- when an arrest is made, if it's made -- if it's made aware to the school, then there's -- you know, there's a chance that they could provide counseling or get to it early enough, because I speak from experience, heroin addiction is a progressive disease and it progresses really quickly. And, I mean, if it would have been caught, what I was doing back in 10th, 11th, 12th grade, perhaps it wouldn't have carried on so long and I would have been in recovery a long time ago. But if something isn't done, you know, more people are just going to pass away to this disease and more lives are going to be ruined.

I've had a friend murdered, if you remember, Thomas Herzberg. He was in the newspaper of October of '06. He was murdered driving his car, that was over a botched Oxycontin deal. I've had several friends overdose. Two of them died, one of them is still alive, thank God, in the last year-and-a-half. It's serious, you know, something needs to be done. And that's all I have for you. Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Anthony, for your comments. Alexander, followed by Milan Bhatt.

MR. GUTIERREZ:

Good morning. My name is Alexander Gutierrez. I am an educator at Central Islip High School for the past 36 years. I'm also the Chairman of the Suffolk County Hispanic Advisory Board, so it's not easy being me.

The Suffolk County Hispanic Advisory Board, okay, followed -- following two meetings earlier this week has begun to lay out plans and programs that will seek to promote greater appreciation and acceptance in the minority community and cultures in Suffolk, and help build a greater bridge of trust between the Hispanic populations and the Police Department. We are still very much in the process of formulating all the steps, but there are several productive avenues that we can explore in the areas of police relations, education, awareness, and outreach.

Our board members, along with representatives from the local Police Precinct will begin a series of meetings in the Hispanic community groups, all right, to strongly reinforce and promote the Police Department's standing policy of not questioning a victim's immigration status. The Department has already developed a flier and materials that promote this policy, and the Board will work with the Department to enhance methods that enable Police Officers to learn and understand basic Spanish phrases, which may be needed in assisting the public and taking complaints.

In the area of educating students, the Board will review several specific educational presentations, motivational speakers, lesson plans, and other programs that can be made available to the school districts and community groups. The group will also look to establish a Student Congress of Suffolk County, with representatives from each high school gathering for a day where they can help develop methods for addressing acceptance of cultural diversity in their own school.

Now is the time for our community to begin the healing process. We, the members of the Hispanic Advisory Board, are asking the community and community leaders to step up and become proactive in this process. We are appealing to the public to both aid and support us in our endeavors. There is no simple magic solution. Changing attitudes is something that can take years, but the only way to start the process is by laying out the first basic step. Thank you for hearing me.

(Applause)

P.O. LINDSAY:

Thank you, Alexander. Milan, followed by Andrea Callan.

MR. BHATT:

Good morning, and thank you for your attention. My name is Milan Bhatt. I'm here representing the New York Immigration Coalition. We are an umbrella advocacy and policy group representing immigrants and refugees throughout New York State.

I'm appearing before you today to urge the Legislature to reject harmful rhetoric and harmful policies targeting immigrants, and to instead demonstrate leadership by fostering a more inclusive environment in Suffolk County that promotes tolerance and community. Marcello Lucero's tragic and horrifying murder was not a random isolated incident without any context, it arose out of a climate of hostility towards immigrants that has festered in this County for many years, spurred in large part by irresponsible political rhetoric and divisive legislation.

In recent days we have learned of yet additional attacks on Latinos in the community, making it clear that Suffolk County has a crisis on its hands that it must confront head on. This is not the first time that the scapegoating of immigrants has created an environment conducive to violence against immigrant communities, but, indeed, it does need to be the last. There are immediate steps that we are proposing this body and other local government officials take in order to bring immigrants out of the shadows and to ensure that they're well integrated into the social and economic fiber of Suffolk County. Most essentially, this body must commit to put a halt to all anti-immigrant legislation, which does not address Suffolk's real challenges, but only leads to intolerance and division.

In addition, it must also send a positive public message that the scapegoating of immigrants is wholly incompatible with leading a diverse community that has struggled in the past with violence against its newer residents. Further, it must take affirmative steps to strengthen relations between immigrants and the police, including establishing community liaisons and holding a hearing to investigate the suspicious trend of a reduction in reported hate crimes in recent years, which has led advocates to believe many such crimes are going unreported or are simply being miscategorized.

Finally, it can support positive longer term solutions that benefit all Community residents, such as funding for critical immigrant services such as daylaborer job centers that protect workers, all workers, not just immigrants, allowing them to also learn English, and, at the same time, easing traffic congestion.

We need immigrants in our community if we want to keep our economy running. Instead of catalyzing a climate of fear and suspicion, this body can create a community that works together to solve its problems and build a brighter future. Thank you so much for your attention.

(Applause)

P.O. LINDSAY:

Thank you, Milan. Andrea, followed by Omar Henriquez.

MS. CALLAN:

Good morning, and thanks for allowing me the opportunity to speak. My name is Andrea Callan. I'm a resident of Suffolk County, and I'm also the Director of the New York Civil Liberties Union here in Suffolk County. On behalf of the NYCLU's 5,000 members in Suffolk County, I'm here yet again today to tell you that we are -- we really are tired of the war being waged against immigrants in Suffolk County. We need to change the dialogue, we need to change the rhetoric.

A culture exists in Suffolk where an immigrant's life is deemed to be worth less than a citizen's, and so much less that our impressionable young children created a heinous sport called "beaner jumping", a sport which made Marcello Lucero a victim, and God knows how many others as well that are still coming forward today.

The American ideals of equality, and fairness, and social tolerance have strengthened our community and our country, politically, and economically, and culturally from the Colonial days until the present. However, in Suffolk County today, these core values have waned and they're replaced with nothing but discrimination, bigotry, xenophobia, and outright intolerance of our immigrant brothers and sisters.

Discrimination and intolerance have been the impetus behind too many County policies seeking to cast our immigrant neighbors in the shadows, is in the wake of these unfair and oftentimes unconstitutional policies that hate is bred among the masses.

So I call on you today and the 5,000 members of the NYCLU here in Suffolk call upon you today to take action in fostering a new conversation of inclusiveness, one which celebrates our diverse community. And as I asked in a letter to County Executive Steve Levy last week, I'll ask you all here again today. At a minimum, the NYCLU asks for you all to organize community forums in each of the ten Towns throughout Suffolk County, focusing on hate crimes, the promotion of diversity and social acceptance in our communities, and pressure Steve Levy to host these forums himself in person.

Second, we would like to see in-school training implemented on issues of diversity and respect for all. And I'm glad to hear that Mr. Gutierrez had just made comments about programs like that in our schools. And I commend him for raising that, and I hope that the County follows through and our districts follow through on that.

Third, create a liaison between the Latino community and the Suffolk County Police Department, and ensure that this liaison is accountable to Latino victims of abuse and discrimination, and so that our Latino residents feel that they are able to come forward and report hate crimes without being victimized themselves, continually victimized.

Fourth, it would be great to see an ad campaign being conducted throughout Suffolk County where diversity is promoted, and the cultural and economic contributions of our immigrant community is actually espoused as truth instead of really hear nothing but, you know, the fact that immigrants are a drain on your tax dollars; this is just not true. And many of you may have seen the recent study that was conducted by Professor Dr. Mariano Torras from Adelphi University showing the economic contributions of immigrants in this community.

P.O. LINDSAY:

Andrea, could -- you're out of time. Could you wrap up?

MS. CALLAN:

Sure, sure. Finally, and this has been reiterated numerous times today, stop introducing and debating unfair anti-immigrant legislation. This is an area for the Federal Government. The only thing that the State -- the County Legislature is empowered to do --

(Applause)

-- is pass laws that are not preempted by Federal Law. And that's all -- that's all. Thank you for your time.

P.O. LINDSAY:

You're out of time. Omar, followed by Regina Corby Graham.

MR. HENRIQUEZ:

Good morning. My name is Omar Henriquez. I presently serve as Immigration Chair for the Labor Council for Latin American Advancement of the AFL-CIO, I'm also the Vice-Chair of Nassau County, but I want to be identified today as what I am, an immigrant, a naturalized immigrant.

This is not the first time that I face you, Legislators, and the conditions that bring me here are not honorable. But oftentimes it takes a terrible tragedy to make people realize how wrong things are. But also, many times, one single event such as the one witnessed by all of us here today where children of immigrants, Americans all made everyone in Long Island proud by becoming number one in the nation with soccer out of Brentwood. Isn't it ironic that Suffolk County can at the same time produce kids that foster hate and intolerance and kids that make us proud? As a Salvadoran American, I am very proud that most of those kids are Salvadoran Americans, and are going in the right track to being good Americans. But I'm here today to talk about moving forward.

(Applause)

As Legislators, you have the opportunity to make things right when it comes to the issue of immigration. But first, those who previously proposed and supported anti-immigrant ordinance and legislation must take responsibility and admit that we're on the wrong track. I don't expect an apology, rarely a politician does that, but you can commit, you can make a commitment not to ever introduce immigration-related legislation in this chamber. You can commit to work with all of us to make the Federal Government do what it's supposed to do and enact a humane immigration reform.

(Applause)

Suffolk County is again in the eye of the world and it has the opportunity to transform itself. The fact that because of this tragedy the world is watching, the whole world is watching now, should encourage us, all of us, to show, first to ourselves, what can we become and envision -- I envision a Suffolk County that will demonstrate to the world the meaning of being a nation of immigrants. I envision Suffolk County demonstrating to the world the meaning of E Pluribus Unum. Thank you.

(Applause)

P.O. LINDSAY:

Okay. Regina, followed by Jane Lane.

MS. GRAHAM:

Good morning. I'm Regina Corby Graham. I'm a 40-year resident of Suffolk County, retired Suffolk County Probation Officer, and a proud member of the Working Families Party. I would like to read a brief statement from my Party.

The Suffolk County Working Families Party extends its most sincere condolences to the family and friends of Marcello Lucero. This tragic hate crime was a hard act, a stain on our great country. We need change in Suffolk. While the need for comprehensive immigration reform at the Federal level is clear, politicians in Suffolk need to do better. Our elected officials have faced difficult policy and moral challenges on the issue of immigration for the past several years, yet, too often the results have been feeble-minded policy initiatives that have failed to improve conditions, but have

succeeded in gaining political points for politicians and ratcheting up the levels of animosity and discord in our communities. This needs to change.

The way we communicate and solve problems needs to change. Our elected officials are responsible for the nature of public discourse on immigration in Suffolk County. We need to change the direction we've been taking and bring our communities together. Our elected officials need to elevate our communities. Together we can find common ground, and together we need to work to ensure that Suffolk County starts finding solutions and stops producing violence. Thank you.

(Applause)

P.O. LINDSAY:

Thank you. Thank you, Regina. Jane, followed by Cheryl Keshner.

MS. LANE:

Good morning. My name is Jane Lane, I live in Smithtown. We at the Empire Justice Center are deeply saddened by the death of Marcello Lucero. We deplore the actions of these teenagers and of anyone who would attack another human being based upon his or her national origin, skin color, religion, sexual orientation or disability. Suffolk County is not the only place where such atrocities have occurred. However, this is where you, as our elected officials, can make a difference.

As the economy worsens, more and more people will be looking for a scapegoat. Those immigrants who are newcomers to our communities, who may be perceived as taking away jobs from others, will be easy targets for people's frustration and anger. It is up to you, the Legislature, to take the lead by seeking proactive solutions, rather than waiting until another tragedy occurs. Let's leave immigration reform to the Federal Government and use our Legislature to work towards solutions which unite, rather than divide, our communities. Let's stop wasting time within this body focusing on measures that marginalize immigrant workers instead of helping them to be included and protected. Marcello's death as an opportunity -- is an opportunity to increase dialogue, to decrease bigotry, and to move forward. We support the solutions proposed by Long Island Wins, the ACLU, the Long Island Immigrant Alliance, and ask that you give them your immediate attention. Thank you.

(Applause)

P.O. LINDSAY:

Cheryl, followed by Michael Seilback.

MS. KESHNER:

Good morning. My name is Cheryl Keshner, and today I'm speaking to you as a resident of Suffolk County and as a mother of two teenagers.

Whether or not we consider our County to be racist, we cannot deny that it is deeply segregated, both racially and economically. The divisions between our communities often lead to ignorance and intolerance to assumptions being made about those we know little about and with whom we have virtually no contact.

I'd like to share with you an experience which I had several years ago in my community in Lindenhurst. I was walking down Wellwood Avenue and I saw a local grocer, who happened to be Hindu, who was being taunted by two white young men. They were hurling racial epithets at her and holding a pipe and she was holding a stick. And I took my five-year-old daughter and ducked into a phone booth and called 911, afraid that they were going to smash the glass when we were standing there. Fortunately, in this incident, no one ended up getting hurt. But, let's face it, racial tension and anti-immigrant hostility constantly seethe below the surface in so many neighborhoods on Long Island. Marcello's murder could have occurred in any one of our communities.

I am deeply disturbed by the anti-immigrant rhetoric which I have heard coming from our County

Executive and many of the policies which have been introduced by this Legislative body. I am asking you, our elected officials, to set a positive example for my children and for all of our children. Take a stand against hatred and bigotry. Use your time and efforts wisely to explore ways to unite our communities, rather than further dividing them with legislation which scapegoats hardworking immigrants. Invest in educating our neighbors, both children and adults, so they can learn to appreciate rather than fear and hate one another.

And I'd just like to close out with a quote. This is by Pastor Martin Neimoller. Some of you may be familiar with it.

"In Germany, they came first for the communists, and I didn't speak up because I wasn't a communist. Then they came for the Jews, and I didn't speak because I wasn't a Jew. Then they came for the trade unionists, and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics, and I didn't speak up because I was a Protestant. Then they came for me, and by that time no one was left to speak up." Thank you.

(Applause)

P.O. LINDSAY:

Thank you, Cheryl. Michael Seilback, followed by Karen Rivara.

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

MR. SEILBACK:

Good morning. My name is Michael Seilback, Vice-President, Public Policy and Communications for the American Lung Association of New York. I'm here to speak in favor of Introductory Resolution 2029 which would direct the County Attorney to take action against the Poospatuck Indian Reservation Smoke Shops.

The American Lung Association of New York supports this bill because curbing tobacco tax evasion helps our goal of decreasing smoking rates. The simple fact is that higher cigarette prices discourage smoking, for youths, for adults, for everyone. Continued tax evasion on the reservations and in other areas will lead to less success in helping smokers quit their deadly addiction. If all the smokers in New York State who are evading taxes by buying cigarettes that originate on Native American Reservations we're forced to pay the full price, including the tax, as many as 150,000 would quit and thousands of kids would never begin.

In 2007, the American Lung Association's State of Tobacco Control Report Card gave New York State only a C for their tax on cigarettes.

However, due to the tax increase which took effect in June, New York will likely receive an A when our report comes out next month.

New York State is now the National Public Health Leader in tobacco cessation, yet here in Suffolk County people are still buying deadly tobacco products and not paying the tobacco tax. Just last month, we, along with the American Cancer Society and the American Heart Association, introduced an on-line Tobacco Tax Ticker which estimates the amount of revenue that New York State loses since the increased tax went into effect in June. Last night, that ticker eclipsed \$300 million in lost revenue to the State since June alone. It's worth noting that municipalities such as Suffolk County are also obviously being fiscally damaged by this avoidance.

Legislators, the clock is ticking, and hopefully time is running out for untaxed tobacco sales at Indian reservations in Suffolk County.

IR 2029, along with comprehensive tobacco control programs, will help lead Suffolk County to a future with less children and adults addicted to this deadly habit. Thank you.

P.O. LINDSAY:

Thank you, Michael. Karen followed by Gretchen Oldrin-Mones.

MS. RIVARA:

Good morning. My name is Karen Rivara, I represent the East End Marine Farmers Association and I'm here to speak in support of Introductory Resolution 2083 as passed by the EPA Committee regarding an Aquaculture Leasing Program in the Peconic Estuary.

Shellfish farming aquaculture is sustainable production of oysters, hard clams and bay scallops. The environmental benefits are well documented for all types of shellfish aquaculture when best management practices are used. In recognition of this, the State and County have moved forward in the development of a leasing program in the Peconic Estuary. The statement of findings in the FGEIS in the first step in this process. It has resulted in a recommendation that existing aquaculture operations remain and continue under the program. It also recommends 300 additional acres of leased, under water land over five years.

This is a very small growth opportunity for our industry, but it does represent progress. It will put us on a level playing field with the farming industry and neighboring states, and it will also provide environmental and economic benefits to the Peconic Region. Please pass this resolution.

And I also have to put my farmer hat on and just speak in support of the people who come to this country to work, they're a great help to us. Thank you.

Applause

P.O. LINDSAY:

Thank you, Karen. Gretchen followed by Carol Ghiorso-Hart.

MS. OLDRIN-MONES:

Good morning. I'm Gretchen Oldrin-Mones, I'm a Trustee at the Suffolk County Vanderbilt Museum and Planetarium. I appreciate having this opportunity to thank you for all that you're doing to support the Vanderbilt and to provide the funding to keep the doors open. In a world full of sadness and loss and conflict, the Vanderbilt remains a bright spot associated with education which is always a good vehicle for change.

There are many great things about the Vanderbilt. One of the greatest things is that there's something there for everyone. It serves the entire community by providing cultural, scientific and artistic resources. And it is especially exciting for school groups, such as these 4th graders who are so attentive and so good looking. A visit to the Vanderbilt can open your eyes, it can spark your imagination, it can touch your heart. This time of the year, gift-giving is a very happy tradition with a lot of people, and I feel that providing the funding to keep the Vanderbilt open is a wonderful gift from you, the Legislators, to all the people of Suffolk County. So thank you for this gift and thank you for your continued support.

P.O. LINDSAY:

Thank you, Gretchen. Carol followed by David Belyea (sic).

MS. GHIORSI-HART:

Yes, I also wanted to take the opportunity to thank Legislator Vilorio-Fisher, Legislator Lindsay, Legislator Cooper and many of the rest of you who have taken leadership rolls to save the Vanderbilt Museum.

Our mission is primarily focused on education and the stewardship of our history, and over 200 schools from Suffolk County have come to us in the last year to learn not only about our history, but science and world cultures. For example, from Brentwood, a school district that we are celebrating today, students came from Loretta Park Elementary School, Brentwood South Middle School,

Hemlock park Elementary School, North Elementary School, Northeast Elementary School, Frank Cannon Southeast Elementary School and Brentwood North Middle School.

Today we've listened to many stories, again, of pain and suffering, and I don't envy any of you, your responsibilities. But I also want to point out that even in times of stress and trouble, that our institutions of education, places of learning, of discovery, of happiness, of creativity and of joy become even more important.

Thank you.

P.O. LINDSAY:

Thank you, Carol. David followed by Tim Mooney.

MR. RELYEA:

Good morning. My name is Dave Relyea, I'm co-owner of Frank M. Flower & Sons Shellfish Aquaculture Operation in Oyster Bay. I'm not a Suffolk County resident, but I've been following the Suffolk County Program for aquaculture in the Peconic since the legislation passed a few years back. And I've been watching the Aquaculture Committee who Jay Schneiderman is a member of, and I've watched it progress and I -- my company provides a lot of seed for the people who want to do aquaculture in Suffolk County.

My company has been successful in Oyster Bay. I've been doing aquaculture, shellfish aquaculture for over 40 years and it can work in Suffolk County. This is an opportunity for people who are working on the water that can no longer find work in fishing and clamming and things like that, to be able to stay on the water and produce in a more agriculturally oriented fashion. And I have to say that if it's done right, it will work in Suffolk, and I know that most of the activity will take place in Legislator Romaine's area and Legislator Schneiderman's area.

So I will continue to follow what's going on with the Legislature and my advice -- my advice is available to you as Legislators or any of the committees that need that advice. I have a DVD of our success in Oyster Bay which I will leave with the Clerk for any of the members to look at. The next step is to accept the environmental impact statement that's been done and already accepted by your environmental and agricultural committees, and I urge you to accept that so that the program can go on. Thank you very much.

P.O. LINDSAY:

Tim, followed by Paul J Forthmuller.

MR. MOONEY:

Good morning. My name is Tim Mooney, I'm President of Fire Island Ferries and I'm here to talk about Resolution 1505. It's back up on the table, we got it out of committee last Tuesday and it's up in front of you folks today for a vote and I'm hoping at this point in time we can move this forward and vote yes on this this afternoon.

And also, any of these 4th graders, when you're ready for a job, when you're 16 you can come down to Fire Island Ferries. So this is a little recruiting ad as well, so. But we look forward to your vote on this this afternoon so we can move forward. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker, Nadia Maria-Molina followed by Gil Bernardino.

MR. FORTHMULLER:

Good morning. My name is Paul J. Forthmueller, a member of Suffolk County Coalition for Legal Immigration/No Amnesty, a life-long resident of Suffolk County.

The unfortunate killing of a Hispanic man in Patchogue has created a situation for some to accuse this County, its leader and citizens with derogatory and divisive comments and labels. I am still trying to ascertain whether the deceased was indeed a legal immigrant; this is necessary, as those who aid and abet would also be culpable. The idea that those who may bear the blame are trying to attribute it to those who respect the rule of law and speak out against the illegal alien invasion is both outrageous and atrocious. These groups are given ear and a seat at the table while opposing groups many times are not, but rather given lip service. Let us not forget the nearly 50,000 citizens killed by illegal aliens in recent years. Where are the vigils and public outcry for them? This, while two Border Patrol Officers are still in prison while our President has just pardoned another illegal drug dealer. What a confused and confounded country these people have turned my country into. I thank God for its creation, but am fearful of its outcome as his hand is removed from it. Thank you.

D.P.O. VILORIA-FISHER:

Nadia Maria-Molina with Simeon Yamez.

MR. YAMEZ:

(Spoke in Spanish).

D.P.O. VILORIA-FISHER:

Okay, what he said is, "My name is Simeon Yamez and I represent an immigrant community in Hempstead and I represent all immigrant communities."

MS. MOLINA:

I can translate.

D.P.O. VILORIA-FISHER:

Oh, I'm sorry, Nadia.

MS. MOLINA:

I'm sorry, I just didn't have a chance to interrupt and translate. Yes, he said, "My name is Simeon Yamez," he's here on behalf of The Workplace Project which is in Hempstead and in Farmingville and represents all nationalities.

MR. YAMEZ:

(Spoke in Spanish).

MS. MOLINA:

"We as immigrants have come to this country in order to work, that's all we're doing. And when we come to this country, we would ask that you, as politicians and as political leaders, respect us. We ask that you realize that we're here just in order to work. We're here for our families and we would like to be able to live free of discrimination. And that sometimes when we work, we're not even paid for the work that we do."

MR. YAMEZ:

(Spoke in Spanish).

MS. MOLINA:

"I ask that all of you, as politicians who were elected to a high office, that you realize that as immigrants, we're all immigrants regardless of our race, of our color. We all have the same -- we all come from somewhere else and we need to look at each other with love and understanding rather than not."

MR. YAMEZ:

(Spoke in Spanish).

MS. MOLINA:

"So I'm asking you, as politicians, for you to understand that we as immigrants are here. We need to be united, we don't need to be divided, especially those who have been attacking immigrants, to look at this with love, that's what I have to say."

I want to add one word which is that people in Suffolk County are hunting, attacking and killing Latinos for sport. This is in each one of your districts, this is what's happening. And our question to you is what is going to happen here in Suffolk County, what are you going to do about it? Thank you.

MR. YAMEZ:

Thank you.

D.P.O. VILORIA-FISHER:

Gracias, thank you.

Applause

D.P.O. VILORIA-FISHER:

Mr. Bernardino.

MR. BERNARDINO:

Good morning, buenos dias. My name is Gil Bernardino, founder of Circudo De law Hispanidad, it's a non-profit service established in Long Beach and Hempstead almost three years ago.

I came this morning in the name of social justice with many Hispanic and not Hispanics who are asking and working to end hate in Suffolk County. I also am here in support to the different proposals said with you this morning. I want to also inform you that the County Executive, Mr. Steve Levy, has been speaking in different forums regarding the racist death of Marcello Lucero, including Channel 12. However, to this date, despite the valuable information, he has not seen the need to meet with the Hispanic Community of Suffolk County nor the Hispanic Leaders of Suffolk County. This is a complete insult to Marcello, Marcello's family and to all the residents of Suffolk County or good will. It's absolutely lack of leadership, it's an insult, it's sinful.

Mr. Levy's speech on Channel 12 offered only sentimental statements, but not specific strategies on programs to reduce the hate of people of this County. It is time for the County Legislature, all of you, to approve legislation on those proposals that this morning were brought to you by different people.

I want to add by the following statement, and this is, I think, very important. We cannot wait, I don't think you can wait, for Mr. Levy's proposals nor leadership, as in the past he asked you to move into action only if it will help him to win the next election and I hope he won't.

Applause

P.O. LINDSAY:

Lucius Ware?

UNKNOWN AUDIENCE MEMBER:

Not here.

P.O. LINDSAY:

Not here, okay. Michael O'Neil?

MR. O'NEIL:

Good morning or afternoon, Legislators. I, too, would like to wish you a Merry Christmas and remind that the Christmas season upon us is a story about immigration and a story about illegal

immigrants, as is the story of our nation. It's very important that this body understand its progressive role in our nation.

In 1980, this body initiated the Hate Crime Investigative Unit in the Police Department, far ahead of many localities, far ahead of New York State's Anti-Hate Crime Laws. But in the last few years, it has -- the importance of hate crimes seems to have been lost on this body. It is utterly ridiculous, as we know, that there's one reported hate crime, and our Police Commissioner defended it last week saying that is accurate reporting and he has all the faith in his department. That's not the problem. It is a problem of your leadership.

I just read a headline on the Internet, the Police Chief of Leads put out a call for more accurate reporting of hate crime because in Leads, a city of 500,000 people with a diverse population, there are only 75 hate crimes reported a month and all the scholarly work done through extensive interviews indicate there are 375 hate crimes committed in Leads. Something is drastically wrong with our system of hate crime reporting, and that is not just in the Suffolk County but across the nation. I don't have the time to go into all the details, but I urge this body to convene a hearing on ways to improve hate crime reporting. It is a large subject and you need to hear from many experts in the area.

In Suffolk County, five towns don't even have the right to bring in the -- I'm sorry, they have the right, but they have not brought in the Hate Crimes Investigative Units for no reason that I can find, and I've asked many people, but tradition. The five eastern towns will bring in the Hate Investigative Unit only when it is requested by the Supervisor or the Town Chief of Police. I can tell you many, many incidences, from nooses in Southampton to the one mentioned of the Neo-Nazi teen chasing a Latino kid with a running chain saw to a five-foot-two Latino --

P.O. LINDSAY:

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

MR. O'NEIL:

Okay, I will. A five-foot-two Latino that was beat up in Montauk. These were not considered hate crimes by our local Police who are very good men because they don't know the law, they need the Hate Crime Investigative Units to come in and I urge you to do whatever is necessary to see that that is done. Thank you.

Applause

P.O. LINDSAY:

Minerva Perez followed by Lillian Clayman.

MS. PEREZ:

Hello. My name is Minerva Perez, I'm a resident of Suffolk County and the Executive Director of HOLA of Eastern Long Island. Thank you for this opportunity to speak.

The last time I addressed this Legislature, I brought an eleven-year old with me to help illustrate the dangers of fear-based legislation and the trickle down effect that would be felt within our school system. I didn't bring that eleven-year old with me today because I'm ashamed. I'm not going to stand up here and point fingers. The only thing easier than throwing blame around is shirking it and I refuse to play into that pointless cycle. I am ashamed by what isn't occurring to ensure in every way possible that this bias murder doesn't happen again.

There are no guarantees, but our inaction guarantees more of the same. Fact; a man was murdered because he appeared to be a Latino. Fact; the teen-agers charged with this crime were known to engage in targeted violent assaults on Latinos. Fact; since the murder of Marcelo Lucero, there has been no clear mandate from this body or from the County Executive to suggest there is anything happening but politics as usual. We all know that a five point action plan is nothing but hot air if you don't attach funding to it. We all know that until someone is made accountable for a result, then

nothing will occur. We all know this and yet we satisfy ourselves with talk of healing and unity; who is being healed, who is being unified? I can tell you one thing, it certainly isn't the Latino community in Suffolk County.

I propose a committee be formed immediately to create a true plan of action to address the ongoing bias crimes and threats occurring in our County. This committee should include the various organizations that have proven their dedication to the cultivation of a safe and bias-free Suffolk County. A 24-hour bilingual hotline should be created and then advertised on all media outlets; this alone is a likely deterrent. I called the 852-6323 Hate Crimes Unit number last night at 11 pm and I asked if this line was bilingual and I was told no. If there is a bilingual number to call, I couldn't find it after 30 minutes searching on the Internet, in Spanish and in English.

In addition to the hotline, there need to be assurances made through every outlet possible that it is safe to call the line. There should be examples of what constitutes a hate crime or a dangerous threat. This is not common knowledge. These reports must be documented in a way that still allows for some degree of anonymity. Every resident, every resident of Suffolk County should be able to recite this hotline by heart. What does a group do when it's repeatedly attacked and there is no comprehensive system set up to protect it? It protects itself. Is this the path that we want to be on? I hope not.

"Hopefully Marcello Lucero's death will not be in vein. Perhaps it can be the spark for all of us"; these are the words of our County Executive. Let's turn these words into action, shall we? Thank you.

P.O. LINDSAY:

Lillian Clayman.

MS. CLAYMAN:

Good morning. And thank you for this opportunity. My name is Lillian {Dugovich} Clayman, I work for 1199 SCIU. The debate over immigration is long and its rancorous, it has a long and rancorous history in our country. And if we had a time machine, we could hear the same language that we've heard over the past couple of months, the past few years. We could hear that same language in the arguments over immigration in the late 19th and early 20th centuries. We always had an open door policy in this country until the late 19th and early 20th Century, until the lawmakers at that time decided that there were too many Chinese, too many Jews, too many Italians and too many American Europeans dirtying up and muddying up our shores. The fear that led to the passage of those laws are the same kinds of laws that we hear coming from this body. The same fear I heard from some of the speakers this morning.

I just want to tell you, on a personal note, that the immigrants that you see in your communities don't all look alike, some of them look like me. I come from an immigrant family, I learned how to speak English by going to school and watching television. My parents were victims of the Holocaust, my brother and sister were born in refugee camps. I have cousins who came here illegally they could not get into this country because they were from Eastern Europe and because they participated in Solidarnost fighting for their own freedom, they did not fit into the number of people that were allowed into this country. So people come here for all sorts of reasons.

I have other cousins who came here because there simply wasn't enough food to eat in their home country. And I know what it's like as a child to be told that I needed to get back on a boat and go back where I came from and to be called a DP, sometimes known as a "displaced person", otherwise known as a "dumb Pollock".

So I just want to remind all of you that when you introduce your legislation, when you say your words, that it hurts and that it hurts all kinds of people, not just people that you think of as stereotypically immigrants, but all sorts of people. I think as elected officials you all have a responsibility and you know that, and your responsibility is to introduce laws that are in keeping with

your -- with your election as County Legislators. There's a phrase that we use in the office in order to make things operate efficiently, "Stay in your lane." And by staying in your lane, by looking at what can bring us together as a community, as a County, and not interfering in Federal legislation, can we progress forward, can we move forward and make this a great nation for all of us. Thank you.

Applause

P.O. LINDSAY:

Thank you, Lillian. Okay. These were previous speakers that were called that didn't answer the call. David {Schlischer}; is David in the audience? No, don't see David. Paul Hart? No, I don't see anybody responding to Paul Hart. And Lucius Ware? No Lucius Ware, okay.

That -- it completes the cards that I have. Is there anyone else in the audience that would like to address the Legislature under the public portion? Is there anyone else who would like to address the Legislature under the public portion? Seeing none, I'll accept a motion to close the public portion.

LEG. ALDEN:

Motion to close.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Horsley & Losquadro).

P.O. LINDSAY:

Legislator Kennedy, is your appointment still here?

LEG. KENNEDY:

He might have left, Mr. Chair, I'll take a walk in the back.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

He had a doctor's appointment.

P.O. LINDSAY:

Okay. We're going to go into the agenda. First, the **Consent Calendar**.

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Page four. We have a motion to approve --

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

-- by Legislator Viloria-Fisher. Seconded by Legislator -- was it Legislator Romaine who seconded it?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fifteen (Not Present: Legislators Montano, Kennedy and Horsley).

And if you're working off the paper agenda, I believe it's page seven, *Resolutions Tabled to December 2nd, 2008:*

IR 1023-08 - Directing the Suffolk County Sewer Agency and the Department of Public Works to finalize the creation of Sewer District No. 4 - Smithtown Galleria (Kennedy).

LEG. KENNEDY:

I'll make a motion to table, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy to table the resolution. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. On the question, Legislator -- you want to talk?

LEG. KENNEDY:

No, Mr. Chair. The other matter we spoke about, he's still here.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions of tabling 1023?

MS. ORTIZ:

Sixteen (Not Present: Legislators Montano & Horsley).

P.O. LINDSAY:

With that, I'll recognize Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Mr. Chair, with the body's indulgence, I'm going to request that we vote to take IR 1992 out of order, that is an appointment resolution for an appointment to the Suffolk County Vocational, Education and Extension Board. The appointee, Mr. Ronald Barz, is here with us at this point now. He has another commitment this afternoon, Mr. Chair.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

So with the body's indulgence, he's here, if members choose to speak to him.

P.O. LINDSAY:

Okay. It's the first resolution on page ten. We have a motion to take 1992 out of order. Do I have a second?

LEG. BARRAGA:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Montano & Horsley).

P.O. LINDSAY:

Okay, *IR 1992-08* is before us, ***Appointing a member of the Suffolk County Vocational, Education & Extension Board (Ronald Barz) (Kennedy).***

Do I have a motion?

LEG. KENNEDY:

Yes, I'll make a motion to approve, Mr. Chair.

P.O. LINDSAY:

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

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. Mr. Barz, are you in the audience?

If you could come forward, we'd appreciate it.

I thank you, Mr. Barz, for being so patient. We had a long public agenda this morning, and thank you for hanging in with us. Is there anyone that has any specific questions of Mr. Barz? Mr. Barz, I'd hate to have your time in vein waiting around; would you like to say anything to us? First of all, we appreciate you so willingly volunteering your time for this board and for all you do for our community.

MR. BARZ:

I have nothing really to say. I am just very thankful for the board's consideration and for the board's last time consideration for me when I came to the public service hearing -- Public Safety hearing, I'm sorry, and for Legislator Kennedy bringing this up, because I do have an appointment this afternoon that I have to get to.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

Mr. Chair, with more than 30 years in fire service and training, far above and beyond what we see from our volunteer community, I think Mr. Barz is an outstanding appointment and I'm pleased to have the privilege to recommend him.

P.O. LINDSAY:

Thank you very much, Legislator Kennedy.

LEG. MONTANO:

Do you have a second?

P.O. LINDSAY:

Yes, it's seconded. All right. Thank you, Mr. Barz, for your patience.

MR. BARZ:

Thank you very much, Mr. Presiding officer.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen -- oh, seventeen (Not Present: Legislator Horsley).

P.O. LINDSAY:

Okay, we're going back to -- I'll get my directions again, I think it's page eight. Okay, page eight, Introductory Resolutions:

D.P.O. VILORIA-FISHER:

(Inaudible).

P.O. LINDSAY:

Oh, I'm sorry. You want to take -- Legislator Viloría-Fisher wants to be recognized.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. As you know, there were several members of the student group who were here who spoke in favor of supporting the Vanderbilt Museum last time they visited us, and out of respect for them and their concern, I would like to ask that we take IR 2094 out of order and consider it.

LEG. COOPER:

I second that motion.

LEG. MONTANO:

What page?

P.O. LINDSAY:

Bottom of page nine. I have a motion to take 2094 out of order by Legislator Viloría-Fisher and a second by Legislator Cooper. Anybody want to speak on taking it out of order? No? Okay, all in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Horsley).

P.O. LINDSAY:

All right, 2094 is before us. ***2094-08 - To Amend the User Fee Schedule for Suffolk County Parks (Viloría-Fisher).***

D.P.O. VILORIA-FISHER:

I'd like to make a motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher.

LEG. COOPER:

I'll second that.

P.O. LINDSAY:

Seconded by Legislator Cooper. On the motion.

D.P.O. VILORIA-FISHER:

Mr. Chair?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I would just like to say that this was discharged by petition because of the importance of having this passed in a timely manner so that we can establish the revenue source that would support the previous resolution that supports the Vanderbilt Museum.

There was an overwhelming vote of support to keep the Vanderbilt Museum open and for the County to support it on -- in that effort. However, we need this particular piece of legislation to pass in order to provide the financial resources. So I urge my colleagues to support this legislation today rather than seek any way of tabling it, because it would really delay the ability to fund what we have so strenuously supported.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I just had a question in terms of procedurally. What -- it was discharged; what happened in committee, or was it voted on in committee?

LEG. ALDEN:

Put me on the list, I can tell you what happened.

D.P.O. VILORIA-FISHER:

It was tabled.

LEG. MONTANO:

Well, anyone.

D.P.O. VILORIA-FISHER:

It was tabled in committee.

LEG. ALDEN:

Would you yield?

LEG. MONTANO:

All right, it was tabled. Yes, I'll yield. There's no indication on the sheet what happened in committee, that's why I asked.

LEG. ALDEN:

In committee it was tabled --

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

And in addition to us tabling it, or before we tabled it, the Commissioner came up and spoke very highly against this piece of legislation and advised us not to pass it and to look for some other mechanism to fund the Vanderbilt.

P.O. LINDSAY:

Anybody else want to speak?

LEG. ALDEN:

You got me on the list?

P.O. LINDSAY:

I recognized you. You want to say more?

LEG. ALDEN:

Oh, I'm sorry.

LEG. MONTANO:

No, he took my time.

P.O. LINDSAY:

Okay. You want to talk? Go ahead.

LEG. MONTANO:

No, what was the vote in committee, do you know? I'm just trying to get the history -- I just want to know the history of what happened in committee.

D.P.O. VILORIA-FISHER:

Legislator Montano, usually you have the committee vote when we have the bill before us, when it's been passed out of committee. It was tabled in committee and so we circulated a discharge petition.

LEG. MONTANO:

All right, it was -- okay, thank you.

P.O. LINDSAY:

Legislator Alden, did you want to speak as well?

LEG. ALDEN:

Yeah. I think in committee we started exploring this mechanism and a couple of other ways to keep the Vanderbilt going, and a couple of points just that I'd like to make on this way to keep the Vanderbilt going.

When I asked the question as far as where the fees were raised, it seems like a very select, very tight area of users in all of Suffolk County are going to be held to support this Vanderbilt Museum, which some could make an argument there was mismanagement on the part of the Vanderbilt Museum, on the part of the Trustees and also on our part. And sometimes it's fun to be right and other times it's not fun to be right, and this is one time that I'm right and it's not fun. For the past ten years I've been saying the way we're managing that trust fund and the way we're sucking the money out of it is going to lead to a disaster, and unfortunately I end up being right on that.

Now, I also made a suggestion, this is going back at least two years ago, I made a suggestion that if we want to do this in an honest way and an open way, then let's put it in the budget, let's debate it and then let's assign a priority to it. Do we want to decrease money for veterans, do we want to decrease money for after-school programs, do we want to decrease money for some other government function and put a million dollars or a little over a million dollars in the budget? That's the fair and honest way to do it. Or we could have discussed going to New York State and add an eighth or three-eighths of a percent sales tax increase that would go directly to the support of this museum. We didn't do any of those things. So now we're down to laying this on the backs of the very few users of the parks system.

And another thing that I'm just going to point out, if we were the only game in town then you might be able to adjust your prices any way you want, unfortunately we're not the only game in town. And in the past, we lost revenue on the golf course and on some of our other parks because we raised the fees. And this is a prime example of where if we raise these fees and the people vote with their feet, now we're stuck doubly because we've counted on for our regular budget the money coming in as budgeted and now we're counting on more money coming in to add something else to the budget. And this is a left-handed add to the budget, it's not a straight-up add to the budget, and I think we run the very real risk of a bad business decision. Because sometimes when you raise the fees, you don't have the additional revenue, you have less revenue than you anticipated.

So some of the financial analysis on this, while it might be true and it might pan out to be true, could be the opposite. And we're going into a hard time, hard financial time. And what do people sometimes do? They cut their discretionary spending and some of the discretionary spending might be going and buying a green card or going and playing golf or going and getting a permit to go on to the beach, and some of those things were raised by over 33%. That's a heck of a large increase for us to go and lay on people just because we're having a financial time and we want to cover up something that we didn't do properly and that's fund the museum in the first place.

And Legislator D'Amaro has this 100% correct. If they took out a loan against the revenue stream of their endowment or the trust fund, and it would probably be something under \$5 million, they could get away with the next two years until they bring the projector back on line which, by the way, we've defunded, we funded, we defunded; so that's gone back and forth. That's a major revenue stream, though, for the Vanderbilt. Legislator D'Amaro, as I said, has this correct. Borrow the money and see if the Vanderbilt lives up to what they've been supposed to do for the past eleven years that I've been a Legislator, and that's come up with a plan to make themselves self-sufficient. If the plan doesn't make them self-sufficient, then let's have the debate on where they fit in our budget. Whether we want to bring them up as number one priority or we want to bring them in the middle or we want to bring them in the bottom, at least it's an honest and open debate that every Legislator can prioritize the importance of having the Vanderbilt open and where those funds are going to come from. Because right now there's a small base of people that we're going to lay this funding on, that base could evaporate and we could be stuck with holes in our budget because we're basing it on something that might never materialize. It's bad government, it's bad business and it's very unfair.

P.O. LINDSAY:

Legislator Viloría-Fisher and then Beedenbender.

D.P.O. VILORIA-FISHER:

Why don't you let Beedenbender go first.

P.O. LINDSAY:

Okay. Legislator Beedenbender?

LEG. BEEDENBENDER:

Well, at the risk of establishing a dangerous precedent, I agree with everything Legislator Alden said. I voted against this the first couple of times it came before us and I'm going to vote against it again today.

I just -- I think we've kind of classified this, and there's been some discussions in the committees and earlier before about the type of people that play golf and whether or not they can afford it or the type of people the use parks and whether or not they can afford it, and I won't repeat the description of the people. But I think that we've focused on whether or not these fees are equal to other fees, and that's not really the point. The point is that we have a fantastic park system and fantastic facilities for people to use and we've been able to do that at a lower price. And what we've

decided to do, apparently, is raise that price to pay for something that is not part -- if we were going to raise the park fees so we could keep the golf course better or install more electrical hook-ups for trailers and campgrounds, maybe that would make sense, but we're raising park fees for the Vanderbilt Museum.

And I've said very clearly in the past that I understand that there's a problem there and I'm not indifferent to the historical importance of the place, but I think -- you know, I think it's very telling that at the last meeting we heard from some of the Trustees and some people that work there and some advocates that we should be excited about the fact that in 60 years we just started getting like a thousand dollar donation to the museum. And I'm not trying to be flip but, you know, the museum has been around for a long time, and is there some historical value? Absolutely. But I refuse to believe -- and I know we keep hearing this is going to be a one-shot, but what happens when the problems do not resolve themselves? Does everybody around here really believe the stock market is going to recover in time to get this endowment to the point that they can invest it and throw off the 1.2 million they need? Does anybody believe that in this economic climate they'll be able to garner enough money to offset that? I don't.

So if we're going to vote and approve this and probably override a forthcoming veto, we should do it with our eyes open and realize that this isn't a one-shot. We'll vote for it and it might be only a one-shot this time, but we'll be here right again next year with another reason why this is important. And you know what? If we're going to raise this -- and I hate to go on, Mr. Chair. But if we're going to raise these fees to pay for things that this County government needs, we should pay for things that the people need. You know, nobody is going to be -- end up cold at night and without food if the Vanderbilt Museum closes. In the Working Group I sat there and we debated over a thousand dollars, \$500, fifteen hundred dollars for organizations that could use fifty times that amount of money, and we're going to raise the park fees for a museum. It's just wrong. Don't vote for it.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
Look, we have to decide -- the bottom line is do we want to keep the Vanderbilt open or do we not? I think that it's a Suffolk County institution, it's a Suffolk County Park. I think that we have an obligation, certainly moral obligation, to continue to operate the museum in a manner that will allow it to remain open for the thousands, tens of thousands of students that frequent the museum on an annual basis, the thousands of other residents that go to this museum on an annual basis.

This -- there were some other ideas that were put forward to come up with other funding sources for this shortfall such as taking out a loan using the endowment as collateral. And I thought it was worth pursuing, but we investigated it, and Counsel can confirm this, it's just -- it's not permissible. Actually, George, before I continue, maybe you can just comment on that.

MR. NOLAN:
Well, there were a couple of proposals that were brought to me by different Legislators, the basic idea being that the -- there would be a loan of 800,000 or a million dollars that the museum would try to take using the endowment as essentially the collateral for the loan.

You know, first of all, I just want to reiterate, you know, we own the endowment, the County of Suffolk owns the endowment; the museum does not own it or the museum trustees do not own it. We can't go into the principle, we can't go into the principle of the endowment that Vanderbilt gave for the upkeep of the museum. We're only permitted, at this point, under the terms of the will, to use the income from that principle to operate the museum. So the idea of using the endowment as collateral is impermissible and I believe the County Attorney concurs in that opinion.

Also, it would have to be the County of Suffolk that would take the loan, I believe, because it's our museum and we have to operate it.

I spoke to Bond Counsel about the idea of us, you know, basically obtaining a line of credit to operate the museum, he told me it was impermissible. There's only certain ways the County of Suffolk can contract indebtedness, so from that viewpoint, also that particular idea is not going to work. So that's the discussions I had with Legislator Cooper, D'Amato and Stern.

P.O. LINDSAY:

Okay.

LEG. COOPER:

If I can just continue. If we did not find some way to provide this \$800,000 in funding for the Vanderbilt, it's going to shut down. If it shuts down, first of all, it's going to cost hundreds of thousands of dollars, there's some question as to the exact amount, but perhaps upwards of \$800,000 or more to mothball the museum. If that's done, most likely they'll lose their accreditation, which is not a good thing.

And the Vanderbilt now, they're really being very proactive. Legislator Alden and Legislator Vilorio-Fisher and I were at the last Vanderbilt Board Meeting -- I was there for about three hours, three and a half hours -- and the Vanderbilt Board totally gets it. They understand this crisis and they're taking -- they're in the process of taking concrete steps to increase revenues. They've formed Friends of the Vanderbilt Museum, they had their first organizational meeting, they're having another meeting later this month. They already have about a half dozen events planned, fund-raising events and other events. They're actively seeking corporate sponsorships, they're setting up naming opportunities at the Vanderbilt. They'll be offering new programs, they're raising ticket prices, they're going to be offering food services at the museum which they've never done before, rightly or wrongly, but they'll be doing that now.

I've made it very clear to the board that this is indeed a one-shot. It's an emergency because of the steep decline in the stock market, that's what precipitated this. We need to find a way to keep this museum going through 2009. I've made it very clear to them that I will not be advocating for money in 2010. They have to find a way to make up that shortfall. I think that they'll be able to do; it's a challenge, but I think they'll be able to rise to that challenge. But we have to give them a helping hand, because if not, the machine -- the museum is going to close.

As far as what can happen in the future, let's say this raises a million dollars, \$1.2 million in increased revenues. Those funds can be used and it will be up to the Legislature how we want to allocate the funding, but those funds can be used in 2010 and 2011 to improve our golf courses if we want to, or we could pour them into our County parks and hire additional Parks personnel, or we could use it to help fund health clinics if we decide that that's the priority. But we'll have an extra million dollars, an extra \$1.2 million in 2010, which is going to be a very, very difficult budget year for us. So I think we can use the additional revenues in the out years. We critically need these revenues for 2009, because if not the Vanderbilt machine -- museum will shut down, it will shut down. And I think we'll be doing a tremendous disservice to the tens of thousands of Suffolk residents that visit the Vanderbilt. And there's also a chance, there's also a chance that if that is allowed to take place, the heirs of the Vanderbilt Estate will be able to step in and claim this property as their own, and that's after Suffolk County has poured tens of millions of dollars over the years, over the decades, into this institution. And the thought of the heirs of the Vanderbilt Estate coming in and taking this from us I think is -- I think it's unthinkable.

So I implore you to vote for this increase in fees. If you look at the chart that was just handed out, you can see that even with the increase, the golf fees are quite reasonable, in many cases they're still lower than fees at other golf courses. The biggest increase is going to be for non-Suffolk residents, it's not even going to be Suffolk residents that will be impacted, it's primarily non-Suffolk residents. So I think that this is reasonable, we have not raised fees in many, many years. Even at the increased level, they will still be quite reasonable and I see no other alternative at this point. We need to act and we need to act now.

P.O. LINDSAY:

Okay. Legislator Alden, you wanted to ask Legislator Cooper something about this testimony?

LEG. ALDEN:

Well, actually Budget Review. And seeing all the alternatives, I'll just make a little statement. Unfortunately, for the past ten years no one has seen any other alternatives, and now we've gotten ourselves into this position, and that's why I included us, that's why I included everybody in the mismanagement. But maybe I don't understand the resolution; what does the resolution call for?

MS. VIZZINI:

The fiscal impact sort of summarizes what the --

LEG. ALDEN:

Okay, I can actually -- I can break this down a little bit easier. This year we heard testimony at the last -- actually at the last Parks Committee meeting, and we also heard testimony at the Trustee's meeting. They've got a major problem this year with paying payroll, paying all the fees and things like that, because now they can't take any money out of the endowment. Does this vote today, does this piece of legislation, does that provide money so that they can run from now until the end of the year? Because they're going to need, my guess was a do couple of hundred thousand dollars at the least.

MS. VIZZINI:

Well, you recall when we amended the 2009 Operating Budget, we passed a standalone budget amendment to provide revenue intended to be a one year bridge of operational expenses for the Vanderbilt Museum. As Legislator Cooper indicated, you know, the stock market is one of the huge triggers in terms of -- basically we went ahead and --

LEG. ALDEN:

Yeah, that was for '09, right?

MS. VIZZINI:

Yeah.

LEG. ALDEN:

That resolution had to do with '09's budget. And if we made the assumption that they were pulling about 110, 120,000 per month out of the trust account, then that's what we're anticipating they're going to need for '09.

MS. VIZZINI:

What this resolution does, in a certain sense you could say it is the meat behind that standalone amendment for 2009.

LEG. ALDEN:

Okay, so for '09.

MS. VIZZINI:

It's anticipated to -- and I'll address '08 in a second. It's anticipated to provide at least \$850,000 in additional revenue by the modest but across-the-board increases in park fees, you know, covering --

LEG. ALDEN:

Thirty-three percent increase is a modest increase?

MS. VIZZINI:

It's \$3, Cameron, for golf, it's --

LEG. ALDEN:

Well, how about a permit to drive on the beach, it went from \$75 to \$100, that's a 33% increase.

MS. VIZZINI:

Percentages have an interesting way of skewing the information.

LEG. ALDEN:

Well, \$25 is a lot, too.

MS. VIZZINI:

It is, but --

LEG. ALDEN:

Let's face it.

D.P.O. VILORIA-FISHER:

Per year.

LEG. ALDEN:

And let's also look at the green fee, or the green card which we've had trouble actually getting people to accept, now they're starting to accept it. So cut it down from three years to two years and we increased the price twenty-five bucks.

MS. VIZZINI:

That's correct.

LEG. ALDEN:

That's a 30, 40% increase as far as I'm -- and maybe I'm not that good in math.

MS. VIZZINI:

No, we didn't increase the price, but we did cut it down from three to two.

LEG. ALDEN:

Okay, so what kind of an increase is that?

MS. VIZZINI:

So it's 20 bucks but it's a year less.

LEG. ALDEN:

But what kind of a price increase is that? If you were paying \$20 for something that cost you -- for three years, now you're paying \$20 for something for two years, that -- maybe I've got the math wrong, but that's at least 33%.

MS. VIZZINI:

Right. The challenge here was to generate revenue in a workable fashion.

LEG. ALDEN:

Do the Parks Commissioner -- did he work with you on this back and forth on this?

MS. VIZZINI:

He did not.

LEG. ALDEN:

No, he came and testified that this is the wrong thing to do at the wrong time. I'm sorry to interrupt you. What is the plan, then, as far as for this year, the two, \$300,000 shortfall? And then I have another question about income for next year.

MR. REINHEIMER:

Okay. For 2008, there should be sufficient funds in the endowment to cover what they need. We've been in contact with the museum, they're looking at their cash flow needs. There was no distribution in November. To make payroll and pay the bills they need to pay in December, they'll need probably approximately \$120,000, that will bring the endowment almost down to the corpus.

LEG. ALDEN:

The market just went down 600 points yesterday and the outlook actually for bonds and the other type of securities that we have in there is not all that right either.

MR. REINHEIMER:

That's correct; the endowment as of yesterday, the end of yesterday was 8.4 million.

LEG. ALDEN:

Okay. So our plan is, again, what we've been doing for ten years, we're going to pull it down to whatever the bottom limit is. Didn't Einstein -- Einstein had a comment on that, right? When you continue to do something the same way and you expect a different resolution?

LEG. MONTANO:

Jack said it.

LEG. ALDEN:

Yeah, and Jack said that, too, Jack quoted that last time. But anyway, okay. Now, that's our plan.

LEG. MONTANO:

You're quoting Einstein?

LEG. ALDEN:

No, I'm quoting Jack Eddington who quoted Einstein; I feel more comfortable that way. Okay, so that's our plan for this year, which doesn't really sound real good to me, but anyway, that's our plan. Now, just pointing out something; people don't play a real lot of golf in December, January, February, March. April it starts to see a little pick-up. What are we doing on the revenue there?

MR. REINHEIMER:

Well, the way the Operating Budget is constructed, you know, revenues are not distributed as they come in to meet other needs and expenses. We have cash flow, the same as taxes, they don't all come in in January so we, you know, may have to borrow among funds, it depends on cash flow. But the budget as its --

LEG. ALDEN:

Oh, so this plan could potentially allow us to borrow a little bit more money.

MS. VIZZINI:

No, no, no.

MR. REINHEIMER:

No, no, borrowing from within funds.

LEG. ALDEN:

Or force us to borrow money.

MR. REINHEIMER:

It depends on cash flow. But you're not tying a particular --

LEG. ALDEN:

You're darn right it does.

MR. REINHEIMER:

-- expense to a particular revenue as the total budget is constructed. The way the budget is constructed, that there's a transfer of \$800,000 to the Vanderbilt Museum and the budget as constructed anticipates increases in Parks fees.

LEG. ALDEN:

Okay. I'll paint another scenario; what happens if, you know, April is when it really kicks off, April, May and June, how about if we get a rainy April, May and June like we did -- oh, I think it was three years ago where the parks fee plummeted, we had less than half of what we expected as far as rounds of golf and revenue from the golf courses, from the parks. What happens if something like that happens, what's the contingency plan?

MR. REINHEIMER:

Well, the way the budget's constructed, it's conservative, it could be as much as \$1.1 million from these increases in park fees; conservatively, we feel \$850,000 is a reasonable number.

LEG. ALDEN:

Is this a tight budget that we put together for '09, or is it just pretty much loose and we don't have to worry about it? Because -- no, I hope it's loose and we don't have to worry about it, because then I have a couple of little things I'd like to propose, like the groups that were defunded out in my Legislative district.

MS. VIZZINI:

We've never represented the '09 Operating Budget as anything more than a very, very tight budget.

LEG. ALDEN:

Okay. So our contingency plan, if revenues don't come in as projected, is what?

MS. VIZZINI:

Well, similar to any of our contingency plans when we anticipate --

LEG. ALDEN:

Well -- and I'll interrupt you, Gail. You know what I'm worried about --

MS. VIZZINI:

-- budget shortfalls, there will be a reduction in expenditures.

LEG. ALDEN:

I'm worried about if we're going in this direction that we've got some shortfalls next year, golf fees will be raised even more, we'll balance the budget on just a couple of golfers. We'll be down to one or two golfers, unfortunately one of them will be me and I'll be paying the shortfall on the budget. It will cost me a million dollars to go in for a green fee, and I'm only being half facetious there.

Have we changed the fee schedule? Because in the past couple of years, we've established all kinds of categories for people to play golf and nothing or very, very much reduced fees; have we changed that?

MS. VIZZINI:

Those people for whom fees are waived remain waived, those people who get in free remain free, and those people who were discounted remain discounted. There's still the senior discounts, all those were kept in tact.

LEG. ALDEN:

It's not a great idea on a diminishing amount of people to look for that kind of support, and this is huge. You're talking about probably a million dollars, and that's going to be a shortfall next year and we're going to look at other programs. When that money doesn't come in, we're going to be looking at programs like, oh, feeding the poor, after school programs that keep kids off of gangs, maybe we'll even cut some more of our health centers, like the Bay Shore Health Center -- oh, yeah, that got cut and will never open. So anyway, we can't cut that anymore, I guess, unless there was something in the budget for it.

We are going down a really slippery slope when we decide to hang the whole project of funding a Vanderbilt on one small segment of our population. Let's be honest about it, let's pass a surcharge; anybody that lives in Suffolk County, let's surcharge them, whatever it is, fifty cents or a buck and we'll give it to the Vanderbilt. Let's be open and honest with it.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, I want to express that I think you had it right, Presiding Officer, when you said our choices are between doing certain things that are not good and things that are even worse, and this is one of those opportunities.

LEG. ALDEN:

It's even worse.

LEG. ROMAINE:

My colleague, Legislator Cameron Alden, Legislator D'Amaro in his previous comments in the press, certainly represented a lot of truth about these fees. But the choice that we have is a difficult one. The Vanderbilt has been with us for 61 years as an institution for Suffolk County government. My concern is that it will cost us almost as much to mothball it as it would to fund it. My concern is that the Vanderbilt Family, because of the reverts clause, may have a legal claim if we formally close the Vanderbilt to reclaim that property. Now, over the years we've spent in excess of \$20 million in capital programs over 61 years making improvements to that property, that would be lost and the Vanderbilt Family could potentially make the claim on that property under a reverts clause.

I agree, these fees are a back-door tax, there's just no way about it. But they're coming in terms of fees that are imposed in the parks. My disappointment with this resolution is there is no sunset clause. These fees do not expire on December 31st. My concern also, and maybe I should ask Budget Review or the author, these fees that we're imposing, how much are we supposed to transfer to Vanderbilt and what do we do with the excess?

D.P.O. VILORIA-FISHER:

The fees go into the General Fund, Legislator Romaine.

LEG. ROMAINE:

Right.

D.P.O. VILORIA-FISHER:

As you know, any monies coming into Suffolk County go into the General Fund.

LEG. ROMAINE:

Uh-huh.

D.P.O. VILORIA-FISHER:

The amount that we're providing --

LEG. ROMAINE:

The Vanderbilt.

D.P.O. VILORIA-FISHER:

-- to keep the Vanderbilt open is -- Lance, correct me if I'm wrong -- eight hundred thousand -- 825,000 or 800?

MR. REINHEIMER:

Eight hundred.

D.P.O. VILORIA-FISHER:

Eight hundred, even 800. I just wanted to make sure I had that number right.

LEG. ROMAINE:

Well, I thank you for that.

D.P.O. VILORIA-FISHER:

And so that goes into our General Fund. And there were some issues, and I had discussed this with you and with the Presiding Officer regarding -- you know that the Vanderbilt legislation -- I'm just answering your question, I know it's your time.

LEG. ROMAINE:

No, no, please.

D.P.O. VILORIA-FISHER:

But the Vanderbilt resolution, our money going to the Vanderbilt Museum, had and has a sunset clause in that it's much more complex in the park fee structure to do a one-year fee structure, because some of the fees are two-year fees; for example, the green key is a two-year fee. I just bought a green key yesterday and I paid \$9 because I'm a senior citizen, and that's for two years and the -- that's a two-year fee. So it becomes very complex to have that kind of -- to have this sunset after one year, and it would be a reoccurring revenue that would be used for anything in the General Fund.

LEG. ROMAINE:

Well, I understand how difficult this is. I do want to give the Vanderbilt an opportunity to succeed, probably support this resolution. But I will probably do -- submit another resolution, at some point in 2009, to sunset all of these fees at some point and to take all the excess revenue collected from these fees above and beyond 800,000 and return it to the taxpayer, and I can make this commitment publicly. I support the Vanderbilt today, I will not support another penny next year. This is a one-time opportunity to get this museum up and running as part of something that is part of the Suffolk County Park System. It would be a shame to lose it because of a downturn, but this is not a bottomless pit. And I do want to see any excess revenue collected for the General Fund returned to the taxpayer and these fees sunsetted beginning on January 1st, 2010. Thank you.

P.O. LINDSAY:

It's 12:30 now, and with everybody's permission, I'd like to continue the debate, we're in the middle of this bill, and finish this bill, if that's all right with everybody, all right?

LEG. NOWICK:

Second that motion.

P.O. LINDSAY:

I'm not even going to make a motion, a ruling of the Chair, unless somebody has a different opinion.

LEG. ALDEN:

Just do it.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

I just really had a couple of questions. Legislator Fisher, I understand you're going to explain this chart that we were given? I think maybe I'd rather hold my questions until after you explain, but just in previous conversation, my -- I'm looking at the bill, the increases don't appear to be monetarily, you know, large increases; percentage is a different issue. But my understanding from our prior conversation was that the -- and I don't play golf, so my understanding is that are public and private facilities. We have the town facilities, we have some County facilities and then we have the purely private. My understanding was that the County fees were very much lower than the private fees and that's what -- that was the justification for the increase. I'm looking at this chart here and I'm trying to discern which are private, which are public and --

D.P.O. VILORIA-FISHER:

May I just answer that quickly?

LEG. MONTANO:

Yeah, that's basically -- I'll yield because I'd like to understand the chart.

D.P.O. VILORIA-FISHER:

Just very quickly.

LEG. MONTANO:

There's no legend here, so.

D.P.O. VILORIA-FISHER:

Private begins at the right side of the graph which is the --

LEG. MONTANO:

Cherry Creek.

D.P.O. VILORIA-FISHER:

It tends to be the higher end, from Calverton Links on to the right; Calverton Links, Spring Lake Golf Club, Rock Hill Golf & Country Club, Great Rock Golf Club, Cherry Creek Golf Club. If you'll notice, Montauk Downs is high, but that's a State golf course, okay. The other ones are municipal golf courses, they're town golf courses. Okay, Mill Pond is Brookhaven Town. Okay?

LEG. MONTANO:

So we have more private than we -- I mean, more public than we do private.

D.P.O. VILORIA-FISHER:

Oh, there are lots more private, we just couldn't list all of the private. We put just some of the ones that are not as expensive as others.

LEG. MONTANO:

All right. So then the question I have, generally speaking, maybe to Legislator Cooper, was that we're talking about a one-shot \$800,000 appropriation for the Vanderbilt next year in lieu of having to spend \$800,000 to mothball it. Is there a concrete -- and he may have said this, but I missed it in terms of the conversations that were going on here. Is there a concrete plan for the Vanderbilt to ween off the County funding next year? Because if we put the 800,000 in this year and they're not able to raise additional funds next year, it seems me that we've put ourselves back in the same position, that we're going to have to throw good money after -- you know, good money after bad

money. Because we're still going to have to mothball it if, in fact, they don't come up with \$800,000, and I'm just trying to figure out what the game plan is overall. And you may have addressed that, but I didn't hear it all.

LEG. COOPER:

Yes. Absolutely, they're already beginning to work on identifying new revenue sources. And there's a whole list, there are about eight or ten proposals that they're moving forward on. Number one, they're aggressively speaking corporate naming opportunities. There's one foundation in particular that I had directed them to that is very interested in providing funding provided that they could be -- they wanted to make sure that the Vanderbilt had educational programs, which of course they do. So we should know by February whether we'll be able to get hopefully a very sizeable grant from this foundation for 2009. But they're going to be having a whole slew of corporate naming opportunities that will generate certainly tens of thousands, if not hopefully more than that in funding, perhaps starting as early as 2009. They're going to be raising ticket prices. I think the price to get in to the Planetarium, I think it's \$7; I mean, it's ridiculously low, it hasn't been raised in many, many years. So they'll be raising ticket prices to reasonable levels, that will generate additional funding.

LEG. MONTANO:

Has that -- have these proposals been reduced to something tangible like a written proposal with a projection of how the money is going to be raised, or are these ideas that they're throwing on the table that sound nice? You know, corporate sponsorship today is a tight -- it's a tight market, I mean. So what I'm asking is, is there a concrete, written proposal that the Vanderbilt has come forward with that we could look at to see whether or not, in our opinion, it's realistic, it's moderately realistic, it's wishful thinking; do you know?

LEG. COOPER:

Right. No, I don't think it's been put to writing as yet. We just had the last Trustee meeting, it was only about two or three weeks ago. They just had the first organization meeting of the Friends of the Vanderbilt Museum a few weeks ago, they're about to have their second meeting now. So they have a number of proposals that they're considering moving forth, forward with. Another one that I said should generate substantial revenues are offering food services for the first time at the Vanderbilt. Right now, and I know this, I was there with my family over the summer, we wanted to grab a bite to eat, a tour bus had unloaded, the tourists also wanted to know where they can get something to eat and we were all directed to a restaurant about a mile down the road; that's not good. So they're going to be providing -- they'll have vending machines which they don't have right now, they're going to be having food services at a cafe or a cafeteria, the increased ticket prices, new programming, etcetera, etcetera.

Another resolution that we'll be voting on later today, and hopefully approve, will create a Vanderbilt Museum Oversight Board; Representatives of the Legislature and the County Executive, Budget Review and the Budget Office. And the recommendations that come from the Friends of the Vanderbilt, that come from the Trustees, we'll be looking over their shoulder making sure that they're moving in the right direction.

I just want to reiterate again, I am only looking for this as a stopgap measure. I have only made a commitment to the Vanderbilt to try to come up with this funding for 2009.

LEG. MONTANO:

I understand that.

LEG. COOPER:

2010, they have to be self-sufficient, they have to raise this money on their own.

But I just want to say, to answer Legislator Alden's question, what if there is a shortfall and there's a fall-off in the golf fees and it doesn't generate the one million or 1.2 million that's anticipated? First

of all, we're not looking for all that money, we're only looking for 800,000 of, let's say, the one million or 1.2. I don't think we're going to need all the 800,000, that's the maximum. If these other funding revenue streams come through, the increased ticket prices, the new programming, the food services, etcetera, some of the corporate grants or sponsorships, that comes right off the top; so instead of being 800,000, it may be only 700,000 or 600,000 or 500,000, I just don't know at this point.

LEG. MONTANO:

Okay. What -- is there a game plan? So we don't have a prospectus in terms of how they're going to raise money from different avenues.

D.P.O. VILORIA-FISHER:

Yes, we do. I'll answer that one.

LEG. MONTANO:

All right, Legislator Fisher will answer that. What is the game plan, if any, if for some reason the Vanderbilt isn't able to generate the kinds of revenue that you're projecting at this point next year? I mean, what I'm concerned about is do we find ourselves in the same debate next year and in the same position of saying it's going to cost us, how much, \$800,000 to close the place? So at that point, we're back to square one and we've already laid out \$800,000 which, from what I understand, we're not able to recoup legally through the funds that are part of the endowment?

LEG. COOPER:

I think I'll let the sponsor answer a softball question like that one.

D.P.O. VILORIA-FISHER:

Right. Thanks.

LEG. COOPER:

Sure. Any time, Vivian.

LEG. MONTANO:

That's a softball question?

D.P.O. VILORIA-FISHER:

No. Well, you know what? I don't want to have -- when it's my turn to speak, I'll try to address all the questions.

LEG. MONTANO:

Yeah, I'm really not looking to make a speech, I'm trying to get, you know, some clearer understanding of the ramifications of our passage of this bill financially going into next year. And if Legislator Fisher is willing to explain this a little better and answer those questions, I'll simply yield for now.

D.P.O. VILORIA-FISHER:

Oh -- Mr. Chair?

P.O. LINDSAY:

Go ahead, Legislator Viloría-Fisher, you answer the question, if you could.

D.P.O. VILORIA-FISHER:

There are a couple of different questions that you have raised --

LEG. MONTANO:

Yes.

D.P.O. VILORIA-FISHER:

-- that are very important questions, and one is that I have seen the outline of a plan in writing, it was distributed at the last meeting. And in that there is -- was it distributed to everybody or just some of us? I thought it was distributed. Well, I have something, and I believe the Presiding Officer as well, wherein the Vanderbilt speaks to some of the issues that you've just heard presented by Legislator Cooper which is catering, the development of the Friends which have already met, the training of Trustees on -- by a group that trains foundation members on how to raise money, I believe they've even spoken about naming rights. Of course, the Goto is going to be on-line in 2010, if I have that right. And so there is a plan. I can't give you all of the elements off the top of my head, but I'd be happy to forward that to you so they have a written plan. What happens next year? I have asked, and I haven't received an answer yet from Counsel, regarding the status of Normandy Manor, where we put a lot of money into that. Is that parkland? Would we have to have alienation of parkland to sell that piece of property? Because that would be something -- we're spending capital monies on that and that could be something that could bring money into the County and that could be used to maintain the Vanderbilt Museum.

But we are going to -- and I agree with Legislator Alden regarding the issue of how the endowment has been managed, we have to look at that more judiciously in the future, and I have to give him credit, he has warned us about that in the past. But when we face this next year, we will not be using our operating funds to operate the Vanderbilt Museum; that's something that we're guaranteeing.

P.O. LINDSAY:

Does that answer your question, Legislator Montano?

LEG. MONTANO:

Not fully, but I'll yield, it's getting late.

P.O. LINDSAY:

Legislator Stern?

LEG. STERN:

Thank you. I have a question for Budget Review. The number fluctuates every time we have the conversation about what the cost would be in order to close. But assuming, just for this question, that it costs roughly \$800,000 to close, where would that \$800,000 come from?

MR. REINHEIMER:

The Vanderbilt Museum wouldn't have \$800,000 to support the closing. That's a good question and I guess that's a legal question. I don't know whose responsibility it would be to pay those bills incurred by the museum, whether those would be costs that are legally Suffolk County's costs or the museum's costs. It's more of a legal question.

LEG. STERN:

If you assume for a moment that the \$800,000 to close, we couldn't use endowment funds to do that; let's assume that for a moment.

MR. REINHEIMER:

Right.

LEG. STERN:

Then we would be responsible from our General Fund to come up with \$800,000 for the cost of closing; isn't that correct?

MR. REINHEIMER:

Correct. As far as the endowment goes, we can't spend below eight point three, \$8.2 million.

There's \$8.4 million in there now, the estimated income from the interest is about 250 to \$300,000 for 2009.

LEG. STERN:

So assuming that Suffolk County would be responsible for the roughly \$800,000 for the cost of closing it, it would have to come from our General Fund in an already very tight budget where I think we all agree that we've done a job in preserving all of our priorities for the coming year. Isn't it true that we'd have to now go back and reexamine those priorities because we'd have to reduce those priorities by about \$800,000 for the cost of closing the Vanderbilt?

MR. REINHEIMER:

Well, in a budget as large as the General Fund of \$2 billion, some expenses come in higher than anticipated, some lower. Revenues come in higher and lower, at the end of the year you have a surplus or a deficit. There would -- you know, that would impact the ending fund balance, 800,000.

LEG. STERN:

We would have to be hopeful that there would be more wiggle room. But going into this year, we're all under the assumption that there wouldn't be that type of ability to move within our General Fund. We'd be responsible for those costs and we'd have to make some extremely difficult decisions at that point about what we may not be able to fund that we've all committed to fund going forward in the next year. Thank you.

P.O. LINDSAY:

Okay, Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. I'd like to pick on what Legislator Stern is speaking to. We keep throwing around a number, 800,000 to close or mothball the Vanderbilt Museum. And I think it's important, just for the record, to clarify whether or not that's an accurate figure and I'd like to ask Budget Review Office, I know you've been -- you were busy when we first asked working on our Operating Budget, but I wanted to ask whether you've had an opportunity to reexamine that figure and if it's accurate.

MR. REINHEIMER:

We haven't received anything from the Vanderbilt concrete as to what those expenses are. One of the biggest questions --

LEG. D'AMARO:

So we don't know today what the cost of closing the Vanderbilt down is.

MR. REINHEIMER:

We haven't done an independent analysis of their numbers; no, we haven't. We have looked at their energy costs and started to quantify their costs for energy because that's kind of a wild card, they didn't have the expertise in that. Joe Schroeder went over there three times and we can, you know, look at those numbers. But as far as the whole plan, what they need for unemployment, what they would need for security, what they would need to secure and maintain the facility while it's closed, we haven't done an independent analysis on that, we haven't received their detail on that.

Just from attending the Vanderbilt's Trustee meetings and listening to their laundry list of what's included in that \$800,000, some of those numbers seem pretty reasonable. So I don't think we're too far off, whether it's 800,000, 900,000 or 600, that's probably a good range.

LEG. D'AMARO:

All right. Well, I'm going to ask my colleagues today if we could table this resolution. We all want the Vanderbilt to survive through very difficult economic times. I agree that it's a valuable institution, it educates, it preserves a part of Long Island's history, and that's why I voted to include it in our 2009 Operating Budget. However, when you fund that budget line item through increasing

park fees, that's something I can't support because that's putting the financial problems of the Vanderbilt on the backs of those who can least afford to pay.

You know, just like the Federal Government cannot go out and bail out every single company that needs money, neither can we. And there's a very good chance, and this point has already been made here today, that the Vanderbilt will be back again next year seeking public funds, despite the best efforts of the board -- of its board and its managers to try and fundraise throughout the year.

So I think what we should do today is table this bill. It's only a one-year commitment in our budget and perhaps the funding can come from another budget line that will not be spent in 2009 or from a loan agreement -- from a loan secured by the endowment's revenue stream, not by the endowment itself; that's something that we need to explore. And that's a lot less painful, in my opinion, than raising these fees, again, where people are struggling, mortgage foreclosures are at a record high, property tax defaults are also at a record high and it's becoming more and more difficult for people in Suffolk County to make ends meet. Increasing park fees at this time is going to add to that problem and it's not going to be just a slight increase. I mean, think about it, people will be forced to pay these increases every time they use these County facilities. If I use a County golf course ten times a year, bring the family to a County beach ten times a year and use the green key pass, these slight increases can amount to hundreds of dollars on Suffolk County residents; that's not fair. And a fee increase is not only not fair, it's also not good policy. These increases, as our Commissioner of Parks told us at the Park's Committee, may very likely decrease the use of our parks, marinas and golf courses and be counterproductive. You're going to have less revenue based upon fewer visits by Suffolk County residents.

This bill is not really about the Vanderbilt. The Vanderbilt's been funded in our 2009 Operating Budget. This bill is really about raising fees. So if we table this bill today, we keep our parks affordable, we find another funding source for the Vanderbilt, that would be a win for the Vanderbilt as well as for our residents. And I'm going to offer that motion, Mr. Chairman, to table.

P.O. LINDSAY:

I have a motion to table. Is there a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

Okay. On the motion, I have a long list, and I'm going to -- I've been on the list and I've been patient, so I'm going to use my time now.

I'm going to support this resolution, probably for a little bit different reasons than some of my colleagues. We had a great deal of talk earlier in our sessions this year about the deficit of our nursing home and how it runs a deficit every year and we have to -- they have to be more cost efficient and more productive as far as -- and there's a talk about selling the nursing home. Well, you could make the same case about our Park System. Our Park System, we haven't raised the fees in seven years. And I was a proponent of increasing the park fees long before this crisis came up with the Vanderbilt. And that's why I'm going to support this bill, because you just can't continue to subsidize the people that use the Park System, it has to be a little bit fairer.

Even with these park fees, if somebody did an analysis of our parks, our parks cost us a lot of

money, they're a big part of Suffolk County. I'm not saying that they should pay for themselves, but I think after seven years of fertilizer going up and fuel going up and insurance going up, that we have a right to modest increases to recoup some of that money.

As far as the Vanderbilt is concerned, I went along with the funding for next year. It's a very short, short list -- least that the Vanderbilt is on. If anyone over at the Vanderbilt thinks that it's going to be business as usual, they're wrong, they're wrong. And if we don't see progress early, early in '09 as far as turning this around financially, I'm going to explore every avenue that I can find to dispose of that.

And unfortunately, this is something that we should have addressed in the budget process, but this crisis came up after the budget crisis and we're scrambling now to buy a little time. I think it makes no sense at all to spend money mothballing this. And no matter what anybody says, it's our responsibility, it's a County facility. If we didn't spend the money to secure that facility and let the pipes freeze and the building be destroyed and the artifacts stolen, we would be criticized roundly and justly by every citizen in Suffolk County.

So as much as this is not very appetizing to many of us, I don't think we have a choice. And for that reason, I will be supporting it. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I go back to some of what Legislator Alden spoke about as far as equity and who, in fact, is going to bear the burden of this effort that we're trying to put forward now in order to provide some assistance to the Vanderbilt.

I also absolutely concur with what he has said, about the fact that he has spoken consistently about issues there and unfortunately they seem to have fallen on deaf ears; I am as guilty as that as many others. But there are some new board members who have come on just within the last couple of months. I sponsored one of those board members, Noel Gish, who I know has been involved for decades here with the Smithtown Historical Society, with the Suffolk County Historical Society, and so I do feel a certain responsibility to try to facilitate those appointees who have come on. I've looked and I see that it's about a 15 member board and I believe there are three or four new board members that have gone on; I don't know if that's enough to shake up what clearly needs to be shaken up in a big way. And I agree with the Presiding Officer, business-as-usual obviously has to go out the window. Maybe that means that these board members are now going to go ahead and put forward a new President, or however it is they act. I know I have to look at that.

I also look at their website and I see that for the school tours, which I'm very much in support of, it costs \$4.50 for a one-hour show. So maybe as far as equity goes, the fees that are coming forward from the Vanderbilt itself have to reflect what's current and what's a need and perhaps have not been changed recently. I'm going to be eager to see that, as I said six week ago when we first started this, with what the new plan is not in March, not in February, I guess I wish I would have seen this already, what the new fee schedule is that the board might have been bringing forward.

D.P.O. VILORIA-FISHER:

They have talked about raising the fees, John.

LEG. KENNEDY:

Well, and again, I will share with you, Legislator Viloría-Fisher, I guess I'm guilty because I don't go to a board meeting. I will go to board meetings now because apparently I guess I need to have that level to understand justifying my vote in support of this 800,000. But like everybody else sitting around the horseshoe here, I will lose my resolve to support quickly, probably some time into February, if there isn't radical change as far as what I look at and see now and what I might see in 45 to 60 days from now. So I'll support it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I hope that people didn't misinterpret my comments here today. I believe that the Vanderbilt should stay open, but now I'm going to reduce it to a financial argument. How many people actually go to the Vanderbilt per year? No, no, there's --

D.P.O. VILORIA-FISHER:

Carol, correct me if I'm wrong, but I believe that there were 60,000 students who went there? Was it 60 or 30, I'm trying to --

MS. GHIORSI-HART:

Sixty thousand students, about 110,000 people.

LEG. ALDEN:

You can't do that, you have to use the microphone.

D.P.O. VILORIA-FISHER:

You have to come to the mike, Carol.

MS. GHIORSI-HART:

Last year we had about 60,000 students, about 110,000 total admissions.

LEG. ALDEN:

Well, now, using the logic that's come forward with this resolution, if you had over 100,000 people go to the museum, that's only about a six or \$7 increase per person and that would balance the budget. We wouldn't have to go into raising fees for our golf, yet that proposition didn't come forward. And I dare to say that the reason why it didn't come forward was because the argument would have been made that if we raise fees that much, no one is going to go to the Vanderbilt. And you know what? You're probably right.

So instead what we're doing is we're going to fund this out of the General Fund and the offset is revenue that's going to come in, and that revenue won't come in until March, April, May, June, so six months from now we'll find out whether we made a huge mistake or whether we didn't make a mistake. So we're going to predicate trying to keep the Vanderbilt open on revenue that probably won't come in. So instead of looking for a true offset, an honest offset, we've gone with something that's so speculative that we're putting everything in danger once again.

But looking back over my eleven years here, that's the way we've done with the Vanderbilt in each of those eleven years. We've really taken financial risks that is almost unimaginable, and that's what we're doing right now. Because contrary to some of the thinking, you might think that, "Oh, okay, I'll vote for this, now it's off my plate"; no, it's not off your plate. Because if the revenue doesn't come in, that's the General Fund that is going to make the transfer of eight or \$900,000, whatever it is, going to transfer that money right over to the Vanderbilt and then we're all going to be sitting here next year, "Oh, what program do you want to cut? Well, how about you, what program do you want to cut?" Because now we're obligated to make that \$900,000 transfer.

The money is not going to come in for another six months. Lou D'Amaro's solution -- not solution, but one of his suggestions, perfectly all right, let's look for another offset, we have plenty of time to look for an offset. There's no money that's going to come in from these fee raises or fee increases until May, June or July of next year; that gives us at least four or five months to sit around and actually come to something that's well thought out, because this offset is financial disaster if it doesn't come in.

And if anybody thinks that we're done with this recession -- because now it is a recession, officially labeled as a recession, and recessions going on usually for more than one or two days -- so if

anybody thinks that recession ended already before they labeled it, you're mistaken. We're going to have financial trouble. That could spell financial trouble for our golf courses and our park system next year without a fee increase. So we might be in trouble on our increases. Let's look for a true, honest, fair offset, we have plenty of time to do that.

P.O. LINDSAY:

Okay. I apologize, I missed Legislator Eddington on the list. But what I'm going to say is I'm going only going to give this about ten minutes more, otherwise we're not going to be back for the Public Hearings, all right? So --

LEG. ALDEN:

The kids are gone, so we don't really have to --

P.O. LINDSAY:

Well, I'd hate to break it. We're in the middle of the debate, I'd like to see if we can finish it, but I'm only going to give it ten more minutes. Legislator Eddington.

LEG. EDDINGTON:

I thought maybe because I talk so much you skipped over me. I just wanted to --

P.O. LINDSAY:

I apologized, Legislator Eddington, for skipping over you.
I apologized.

LEG. EDDINGTON:

I gotcha. No, I hear you.

P.O. LINDSAY:

That happens sometimes, you know?

LEG. EDDINGTON:

That's my crazy humor.

P.O. LINDSAY:

I have a list here. Sometimes there's a lot of speakers, I miss somebody. Forgive me.

LEG. EDDINGTON:

It's my humor.

P.O. LINDSAY:

I didn't get it.

LEG. EDDINGTON:

You didn't get it, okay. Neither does my wife either, so.

LEG. COOPER:

It's extremely dry.

LEG. EDDINGTON:

I just wanted to say that when Legislator Beedenbender had spoken and said that he would support something like this if the fees were going to the parks, and I said that makes sense to me. And when Legislator Alden said, "Well, if we have 110,000 visitors, then why don't we raise the fees because those are the people that are using the parks?" And I've made the statement that very few people in my school district that are on austerity will be visiting the Vanderbilt this year and I have to represent them. But what I would like to know is if this does pass, when does it go into effect?

MS. VIZZINI:

January 1st.

LEG. EDDINGTON:

January 1st. Then when I heard Legislator Viloría-Fisher mention that she got her green card yesterday, a green key yesterday, it made me think that maybe we should ask -- maybe we should ask the --

LEG. MONTANO:

(Inaudible).

LEG. EDDINGTON:

Yeah. Well, I was wondering -- oh, green card, I'm sorry. Green key, green card, too much. I'm really blowing it today, huh? That's why I don't talk that much, usually. But I'm wondering if maybe we should be able to advertise to the rest of the Suffolk County residents that, "You better get your cards now." I mean, I think they should have the same opportunity.

D.P.O. VILORIA-FISHER:

Well, actually, whatever you're implying, I happened to be in Sayville yesterday at a meeting in the Parks Department.

LEG. EDDINGTON:

What I'm saying is that we should let -- if we are going to do it, let people know that they are going up as quick as possible so that the people in our community can go buy the cards. You may actually sell more cards this way.

D.P.O. VILORIA-FISHER:

Insider information, I was able to save a buck.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

We've got a long list. Legislator Barraga.

LEG. BARRAGA:

I'll be brief. It was my impression the main reason we are here with reference to this problem with Vanderbilt is because of the erosion of the endowment, the erosion of the corpus, all right?

D.P.O. VILORIA-FISHER:

Yes.

LEG. BARRAGA:

Now, if that did not erode, we would not even be discussing this particular topic because it would be generating enough revenues to keep the museum going. The fact is it has, but the solution does not deal with the problem. The problem here is how do you increase the endowment? What we're really doing here is divorcing ourselves of any responsibility to increase that endowment. Because the County -- as you know, Lance -- was forced to sell out at the low; stocks, bonds, there was only limited cash. So everything is in a stable fund generating maybe three or 4% interest which will bring in around 300,000 a year which will be taken by the museum, in addition to the fee structure here, to keep it all going from an operating expense perspective.

So what we're saying here is the corpus, the endowment will always be at eight million two hundred thousand, there's no methodology to increase it unless someone in the future makes the decision to go back into the market, to go back into bonds. And after taking the hit that we've had recently right across the board, including Vanderbilt, I doubt very much that that's going to happen in the

next three to five years.

So what we have in place here is the hope that everything is generated from an operating expense view, from fees and everything else, that they will not have to come back, because the endowment now is useless to us, other than generating that 300,000 in interest which will be taken right off; am I right or wrong on this?

MR. REINHEIMER:

You're absolutely correct and said it probably the best that anyone has. The corpus of the fund is at 8.2 million, leaves no room for investments, you can't go back into the stock market because you can't take that risk, you're getting about three and a half percent. Taking that income out to use for operating costs is going to keep it at 8.2 million. We have run the fund down to a point where it is almost impossible to grow and take many, many years to get it to a point where it will be able to grow at all. So you said it the best that anyone could.

LEG. BARRAGA:

It has to be something put in place, either by the Trustees or the Legislature or someone, where you take a look at that entire entity and say, you know, how can we do something that generates a huge influx of cash to increase the endowment?

What has not been discussed -- I mean, I know there's been discussions in the past about a restaurant and a boat thing and everything else and some of the problems associated with it. That Vanderbilt Museum sits on 43 acres of lands; can you sell five acres? Can you sell ten acres? Don't tell me, "No, you can't do it," you can do anything you want to do. But you don't -- there were people here, for example, a month ago, a month ago who said, "You know, we used to be part of the Vanderbilt Estate." There's a community right next door to the estate. Do you need all 43 acres? Sometimes there are things you have to do, you don't want to do it but the reality is five or six or ten acres may generate millions of dollars. Someone mentioned some sort of a -- Normandy; what is the name of that?

D.P.O. VILORIA-FISHER:

Normandy Manor.

LEG. BARRAGA:

Normandy Manor; can you sell that off? Only with that kind of action do you generate enough ample cash to add it to the endowment.

P.O. LINDSAY:

Okay. Legislator Montano. Oh, Cooper, I'm sorry; Cooper and then Montano.

LEG. COOPER:

I just wanted to address a couple of points. I think it was Legislator Kennedy who spoke about the need to shake up the Vanderbilt Board of Trustees, and we're actually in the process of doing that. One problem is that the Legislature really tied the hands of the board, to a large extent, because we had such stringent qualifications in place, requirements to serve on the board, you were restricted to having a background in education, or I think it was the cultural arts. But we passed a resolution that I sponsored, I think it was last year, that expanded the qualifications to include a background in fund-raising and philanthropy. So pretty much all of the new board members that are coming on have expertise in fund-raising, so I think that that's going to be greatly helpful in generating additional revenues.

I just wanted to take a minute to educate you on the fee structure that's in place now so you get a sense of how ridiculously low these prices are that they've been charging at the Vanderbilt. First of all, to get on the site, to have full access to the property, the museum and the entire 40 acre site, \$7, \$7; you could spend a day at the Vanderbilt Museum for seven bucks. For the Planetarium, \$3 for the planetarium show. As Legislator Viloría-Fisher mentioned, come January, 2010, we're going to have the new projector in place, we're going to have a state-of-the-art planetarium, unlike

anything seen on the eastern seaboard; probably superior to what they have at the Hayden Planetarium. So next year, if we raise ticket prices from \$7 to 9.50, \$10 to get in, general admission, and the planetarium from three to \$5 --

LEG. ALDEN:

Make it 20, then we don't have to do anything.

LEG. COOPER:

I just scrolled this myself, but I think that will generate about 300 to \$350,000 just by that modest ticket increase. Once the new planetarium is up and running come January, 2010, I think we could raise the price again.

So with the new makeup of the board, with the oversight committee that will hopefully be put into place at the end of this meeting, with the Friends of the Vanderbilt, with outreach to the corporate community, the new program put in place, I think that we're going to actually have to provide them with far less than \$800,000 next year. But I want to emphasize for about the fifth time, I'm not going to ask for a penny, I'm not going to ask for a penny for 2010. I'm fully confident that the Vanderbilt Museum Board, working with the Friends and with the Legislative Oversight Committee, will be able to get over this hurdle, will be able to get through 2009 and I think will be in a much better position in 2010. Thank you.

P.O. LINDSAY:

Thank you. Legislator Montano.

LEG. MONTANO:

Thank you. I'll be brief. For the record, I support the opening of the continued operation of the Vanderbilt Museum. I'm very glad that the kids in my district were there, as you said earlier. I sometimes think that there's not enough access or at least contact between the kids in my district and what's available.

However, I'm going to support the tabling motion, and the reason I'm -- and I hope it does get tabled. Before I vote to approve an \$800,000 expenditure in these times, I would like to see that business plan or that feasibility study or that reorganization study in a written form. I'd like to see where you project that your dollars are going to come from so that we have -- if it doesn't work, we have the ability to go back to this plan and say, "You fell short in this area, you know, you didn't get the sponsors." Before I vote on something, I would like to know exactly what it is that you have proposed concretely. And we're going to be back here in two weeks, so before we get to vote on it, I think we should look at that plan to make sure that it's realistic, to see what kind of, you know, dollars and cents the museum board is going to be projecting that it's going to raise from different areas to see who is going to be part of that. And I think that's really the responsible way to go, at least in my opinion, in terms of giving \$800,000 which because if it doesn't work we're going to be back here next year debating do we sink in another 800,000 into something that in the past we've dumped a lot of money into.

The other thing is there's this issue, and I didn't really fully understand the chart, but there's this issue as to whether or not by increasing the fees we're going to decrease the revenues from the parks; I don't know if that's realistic. But I'd like to hear a little more about that, I wasn't in the committee.

And the third thing is before we raise the fees for the 800,000, I would like to know if there are any concrete alternatives out there that we could possibly look at to raise the 800,000. Ultimately, I believe that, you know, I will vote to keep the museum open, but I think that today's debate just highlights the fact that we really should consider tabling this so that we have more information before we have to make the ultimate vote.

P.O. LINDSAY:

Legislator Viloría-Fisher and then D'Amaro and that's it.

D.P.O. VILORIA-FISHER:

Okay. Regarding the tabling motion, this body made a commitment already to support keeping the Vanderbilt Museum open. We made that commitment -- Legislator Montano, this is specifically responding to what you just said.

LEG. MONTANO:

I'm sorry.

D.P.O. VILORIA-FISHER:

If I could just have your attention, because I'm specifically responding to what you just said.

LEG. MONTANO:

Go ahead.

D.P.O. VILORIA-FISHER:

We have already made the commitment to the Vanderbilt Museum.

LEG. MONTANO:

To keep it open.

D.P.O. VILORIA-FISHER:

To keep it open and to provide the resources; we made that commitment during the budget vote.

LEG. MONTANO:

But tabling doesn't break that commitment.

D.P.O. VILORIA-FISHER:

Well, let me just finish while I have the floor.

LEG. MONTANO:

Go ahead. I'm sorry.

D.P.O. VILORIA-FISHER:

We made a commitment to keep the Vanderbilt open, we made the commitment to provide the resources to do that. When I set out to make that commitment, I wanted to do the responsible thing during a very difficult budget cycle where we know that there's not a great deal of opportunity to find another offset; we're very cognisant of that during this very difficult and tight budget. So having made that commitment, I felt it my responsibility to also find a revenue source.

Now, as the County -- as the Presiding Officer has said, I had looked at the Parks Fee Schedule months ago. I had Budget Review looking at this about three months ago because we have not raised our fee structure, our fee schedule, in over seven years. And the debate today has centered very much around golf fees, but I have to congratulate Jill Moss for the work that she has done in looking at, in a very detailed manner, at all of the park fees, looking at beach fees that were higher and some beaches that were like others. For example, there was one beach that was paying \$3, it was a non-ocean beach, non-lifeguard beach that was paying -- the fee was \$3 and another beach that was similar was paying \$2. So what Jill did was look at the entire fee schedule, make it consistent, make it clear and make it fair. So that the fees that were raised were done on a number of different activities, and this was something that I had been looking at months ago with Budget Review.

So having made the commitment to the Vanderbilt that we would provide the resources to keep them open, in my opinion, it would not be responsible to vote or table a resource that would provide a way for our budget to absorb that commitment. And why am I asking that it not be tabled?

Although we are meeting in two weeks, the likelihood is that this will be vetoed. We would then not revisit this particular issue 30 days hence, which would bring us to mid January. And this would put us at a great disadvantage in setting up a fee schedule after the beginning of the year and also put the Vanderbilt in a position of not having those revenues; or since we've made the commitment, if we want to provide those revenues, we would be scratching for an offset which would be very difficult to come by.

I made -- I proposed the standalone after having sat in the Working Group. And as you know, as all of my colleagues know, I have always been an advocate for the hungry, for the poor, for the vulnerable in our County. And we worked very hard to provide health services, to provide the funding sources for our -- for our most vulnerable in our County. That does not negate the importance of cultural and educational nourishment for our residents and a respect for our cultural heritage.

You know, Newsday instituted a piece which is called "It Happened on Long Island"; it's very popular. Because on Long Island, our history and our cultural heritage is very, very important to us; it's very important to us not only in a sense of self and a sense of pride in where we live, but in our economic engine as a tourist attraction, as an important place for people to come to visit. The Vanderbilt Museum is an integral part of that.

So this is not only an investment in something in which we have already expended a great deal of money, an investment in terms of just economic logic because it would cost us money to keep it mothballed. It's an investment in our future, to help to keep this important institution open. It's an investment in our education of our children. We have 60,000 kids who will go there with their school districts, plus all of the kids who go with their families and that other hundred thousand. The Vanderbilt Museum has presented to us a plan of action which includes raising fees, catering facilities, foundation growth, Friends of Vanderbilt Museum. I'm asking my colleagues to please stand by our commitment. We made a commitment to keep the Vanderbilt open. We seconded that commitment and we doubled our commitment in overriding the County Executive's veto. Let's now do what is responsible and allow our budget to provide the resources to support that commitment. This is what this vote means today.

P.O. LINDSAY:

Okay, we're way over time. I'm going to call on Legislator D'Amato for the last word and then I'm going to recess for lunch.

LEG. D'AMARO:

Okay, thank you, Mr. Presiding Officer. I also will be very brief. I just want to reiterate, and I appreciate Legislator Vilorio-Fisher's words. I agree to the extent that we made a commitment to the Vanderbilt, we put it in our budget, we overrode the veto in making sure it remained in our 2009 budget, but we can help the Vanderbilt without raising fees. Legislator Barraga has something that just came up today, I commend you, of course, for bringing it up. But you know, maybe instead of taking some budget funds and putting it into just the Vanderbilt where we know they're coming back next year, based on the testimony I've heard at the Parks Committee, maybe we should look at putting it into the endowment so it can be invested and spit off the income that the Vanderbilt's going to need for many years to come; that's an idea that needs to be explored.

Legislator Montano, I've been asking for weeks for a written plan, for written projections so I can do just what you wanted to do and say, "Okay, where do we need to make this stronger? Where is the money going to come from? How are we going forward?" The thing we have to understand here today is that there are two issues here, one is about helping the Vanderbilt; we've done that, it's in the budget, it has to be funded. The second issue is how do we go about providing the actual funding? There are other alternatives, there are other things that need to be explored.

I respectfully disagree with the Presiding Officer on one point that he made today. He said, "I don't think we have a choice"; I agree with you, but this year we have the choice, it's next year that

you're not going to have the choice when the Vanderbilt falls short on fund-raising and then we've already put the 800,000 in and we're not going to have that choice next year. So I think we need to table this, think this through a little bit more, see if there are alternatives and at the same time help the Vanderbilt. Thank you.

P.O. LINDSAY:

Okay, I'm going call the vote. There's a motion and a second to table; it takes precedent over approval. Mr. Clerk, please call the vote on tabling.

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

LEG. D'AMARO:

Yes.

LEG. STERN:

No.

P.O. LINDSAY:

He wasn't the second.

LEG. STERN:

I wasn't the second.

MS. ORTIZ:

I'm sorry.

MR. LAUBE:

On the tabling?

P.O. LINDSAY:

Legislator Alden was the second.

MR. LAUBE:

Sorry.

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

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No to table.

P.O. LINDSAY:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay. Motion to approve.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

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. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. We stand in recess until 2:30 for public hearings.

*(*The meeting was recessed at 1:23 PM and was reconvened at 2:34 P.M. *)*

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

P.O. LINDSAY:

Okay. Madam Clerk, we're going to start, because we have a lot of public hearings and we have a full agenda yet, and we have a quorum floating around.

All right. First up is ***I.R. 1499 - A Local Law to require that Probation Department employees use County vehicles while conducting County business.*** And I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Yes,

sir, please come forward. No? Oh, I thought he wanted to speak.

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

Okay. Seeing none, I'll recognize Legislator Losquadro to make a motion to recess, I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Nine?

P.O. LINDSAY:

Twelve.

MS. ORTIZ:

Twelve? All right, twelve. (Not Present: Legs. Barraga, Kennedy, Nowick, Horsley, Cooper and Viloría-Fisher)

P.O. LINDSAY:

Okay. Next up is ***I.R. 1749 - A Charter Law to cap County fee increases.*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? I don't see any. Legislator Schneiderman, what would you like to do?

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

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

MS. ORTIZ:

Thirteen. (Not Present: Legs. Barraga, Kennedy, Horsley, Cooper and Viloría-Fisher)

P.O. LINDSAY:

1750 - A Local Law to increase and improve gasoline price notification to consumers. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

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

MS. ORTIZ:

Thirteen. (Not Present: Legs. Barraga, Kennedy, Horsley, Cooper and Viloría-Fisher)

P.O. LINDSAY:

I.R. 1791 - A Local Law to reduce the use of disposable bags by retail stores. And I have a few cards on that. First, Thomas Cullen.

MR. CULLEN:

Good afternoon, Ladies and Gentlemen of the Suffolk County Legislature. My name is Thomas Cullen. I am a family member of the King Kullen Grocery Company, America's first supermarket, 78 years doing business on Long Island. King Kullen operates 53 stores in Suffolk, Nassau and Staten Island in New York. Currently, we employ approximately 6,000 employees in our stores and in

our headquarters in Bethpage, New York.

Today I'm here to present information to you concerning Resolution 1971-2008, a Local Law to reduce the use of disposable bags by retail stores. This resolution proposes a six cents fee, or tax I will call it, on all bags at retail stores in the future. King Kullen does not believe, and our industry does not believe, this is necessary and ask you to let the yet-to-be-enacted Plastic Bag Recycling Law that was voted on in July take effect in January 1 of 2009. Please allow our customers and all customers in Suffolk County and/or retailers a chance to see how the Plastic Bag Recycling Law works.

I can tell you, King Kullen has been recycling plastic bags since the last time plastics was brought up here approximately 16 years ago or more, and we have been doing that on a daily basis and will continue doing so. King Kullen will continue to recycle plastic bags with or without a law, it's just something we believe in.

From May 17th, 2008 to September 6th, I just took the statistics, King Kullen recycled 3,000 55 gallon bags. Now, you take plastic bags and you put them in a plastic bag, we then return them to the person who sells us the plastic and it's made into plastic lumber and other items with plastic can be recycled at. Those bags average ten pounds per bag, and this over a full year would amount to 120 pounds of plastics recycled.

In the current year, King Kullen has already sold approximately 120,000 reusable shopping bags, and that number is going up substantially, I am told. So far this year, the percentage of increase over last year is somewhere to 30 to 40% on reusable shopping bags.

I ask today for your consideration letting the current Plastic Bag Recycling Law take effect on January 1, 2009, and, please, measure its effectiveness in reducing litter in the future. Recycling is something we all must do today and in the future.

A six cents fee or tax on all bags at retail is not something that Suffolk County consumers can bear in these difficult economic times. Please allow the plastic bag recycling law to be enacted and evaluated in the future. Thank you for your consideration.

P.O. LINDSAY:

Thank you very much, Mr. Cullen. Steven Rosario.

MR. ROSARIO:

Good afternoon, Mr. Chairman, Members of the County Legislature. My name is Steven Rosario. For the record, I'm the Director of the Northeast Regional Office for the American Chemistry Council, and I am here to express the concerns that we have over Intro. 1791.

We have spoken previously on the recycling program, which we have supported, but I wanted to take a couple of minutes, if I may, to just address the issue involving the country of Ireland, which seems to be the pinpoint for basing the current tax proposal on plastic bags, and for highlighting Ireland as a success case.

We're all familiar with the three "Rs", reduce, reduction, recycling. I'd like to talk about a different three "Rs", if I may, this afternoon. I will call them reduction, reaction, result. And while there has been an acknowledged 95% reduction in the use of plastic bags in Ireland, there has been a concomitant reaction to that reduction, and that reaction is that there have been, by the consumers, an increase in the use of other plastics -- plastic bags, because Irish citizens, like citizens of Suffolk County or New York, the United States, are -- we're very similar. And the result has been that despite -- you always hear about the 95% reduction, you don't hear about the 400% increase in the purchase of plastic trash can bags, because many citizens did not change their habits, they only altered them.

And there is an interesting report by the Scottish Executive Environment Department that came out about two years ago where they had done a study of what was going on in the United States, and in Australia, and in Ireland, and elsewhere, and this is their report, their words, not ours, in talking about the tax in Ireland. However, concomitant with the massive drop in the numbers of shopping bags, which I just referred to, used was a significant increase in the number of plastic bin liners and refuse sacks purchased. The local government agency had confirmed that the sales of those bags have trebled, I guess we say tripled. The increase is believed to be a direct consequence of the people changing their habits of using their shopping bags a second time as a free bin liner instead of purchasing tailor made liners, so, again, you have that reaction.

One of the other issues is that there's been an increase in shoplifting in retail stores, and, basically, the wire measure baskets that have been given out seem to be disappearing, and shopping carts seem to be disappearing.

Similar to the previous speaker, we do ask the County Legislature to let the Recycling Law go into effect and see what happens there.

The last point I'd like to make, if I may, we have spent, as a society, both public sector and us in the private sector, the past two decades to educate consumers about recycling. We have spent millions, as a matter of fact, and now we're sending a different message. And, obviously, as a result of those millions, we have created a recycling infrastructure, a very strong infrastructure, and that infrastructure creates jobs. So while members are the manufacturers, and, obviously, I've got to be concerned about bag manufacturers, of which there are quite a number here in Suffolk County, and if we can't produce bags, obviously, we have to then retrench as an industry. But, at the other end, recyclers, if they can't get a valuable material, well, they are also in manufacturing the way we are at the other end, so they would have to retrench. So, please, keep that in mind as you consider these kinds of proposals and the consequences, and to give the Recycling Law an opportunity to work,

Again, thank you very much. We appreciate the opportunity, as always, to engage in dialogue with you.

P.O. LINDSAY:

Mr. Rosario.

MR. ROSARIO:

Yes.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question for you.

MR. ROSARIO:

Sure.

D.P.O. VILORIA-FISHER:

Just a very quick question, sir.

MR. ROSARIO:

Sure.

D.P.O. VILORIA-FISHER:

Could you provide my office with the number of bag manufacturers that are here in Suffolk County?

MR. ROSARIO:

Yes.

D.P.O. VILORIA-FISHER:

Thank you very much.

LEG. STERN:

Bill. Bill.

P.O. LINDSAY:

And Legislator Stern as well.

LEG. STERN:

Yeah. I'd look forward to getting that list as well, finding out which companies and where. As a general rule, approximately how many employees does a bag manufacturing company have? Are they large companies, are they small companies, is it mostly automated; what kind of companies are they?

MR. ROSARIO:

It's a very interesting question. Again, when people think of industry, they think of the big companies. But, for example, one company right here in Suffolk County that I'm familiar with is not a huge multi-billion dollar company, they probably employ about 100 to 125 employees, Polypak. And I think Len Levy has spoken here in the past, immediate past President of Polypak, so they range. We have companies as small as 25 employees to those that employ several hundred, and everything in between.

LEG. STERN:

All right, very good. Thank you.

P.O. LINDSAY:

Again, thank you, Mr. Rosario.

MR. ROSARIO:

Thank you, my pleasure.

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on 1791? Seeing none, Legislator Viloría-Fisher --

D.P.O. VILORIA-FISHER:

Recess.

P.O. LINDSAY:

-- makes a motion to recess, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen. (Not Present: Legs. Barraga, Kennedy and Cooper)

P.O. LINDSAY:

Okay. Next up is *1815 - A Local Law to add certain universal design and adaptability requirements to the Affordable Housing Program*. And I have one card, William Stoner? Stoler? Stoner.

MR. STONER:

You forgot me already, huh?

D.P.O. VILORIA-FISHER:

Yeah, it's been awhile.

MR. STONER:

Well, good afternoon. I'm Will Stoner. I'm the Associate State Director for AARP. My responsibilities include Long Island, Staten Island, Queens and Brooklyn for community outreach and government relations, and statewide as livable communities, which entail housing issues, mobility issues, and coordination of services.

Some of you, I believe, like seven of you would recall I used to work with the American Cancer Society and spent a great deal of time here working on smoke place -- smoke-free workplace laws and increasing the tobacco purchase age. So I went from an organization where we are fighting to help people live longer, to now, with an organization to make sure that people have the ability to age with dignity. I'm here today in full support of 1815.

I'd like to thank this body, first off, for the creation of the Suffolk County Senior Citizens Task Force, which did a fantastic job of getting voices from across the County, hearing them, hearing about the issues that they're concerned about, and also lend some of their own ideas to the final recommendations.

It can easily be stated that Suffolk County is a great place to grow older, but within that, there's always room for improvement, as all of you know. I'm pleased that this body is considering one of the key components to the housing recommendations that were made, forwarded also by AARP as a member of that body, and thank you for accepting our membership of the Task Force.

As we move forward as a community, there's no doubt that we have to start designing our homes with aging in place in mind. Whenever we ask our membership, which, if you don't know, if you're not 50-plus yet, you'll get that mailer soon enough, it's 50-plus population. We have four million members statewide -- or I'm sorry, 40 million members across the country, 2.7 million members in the state, and about 300,000 members here in Suffolk County. With a resounding 90%, always they say, when we ask them, "Where do you want to grow older," they say, "I want to grow older in my own home," so we have to find ways to help them do that. Of course, community-based services is one way to do that. Designing communities so people can continue to get around and be mobile is, and the third component is making sure that their -- that home design fits the needs of people as they age and as their mobility in their own home may change. So we have to make any and all efforts possible to start building homes with this in mind. And, as always, Suffolk County is truly a leader in passing forward-thinking legislative proposals that would impact many people in such a positive manner. St. Louis did this with their Housing Trust Fund. They required that all public dollars that are used for affordable housing, there's a universal design component involved. So 1815 certainly begins to address one major facet to the new home construction redesign.

And I applaud Legislator Stern for working diligently to see that the hard work and efforts of the Task Force and the voices of the people in Suffolk County will be heard.

In our view at AARP, an affordable home is truly only affordable if someone can move into that home, and many times it's really like hitting the lottery, and actually be able to live in that home until they die, because if for any reason their mobility changes years down the line and they can't access their home the way that they need to to live properly, what are the chances they are going to be able to find another home that will meet their needs?

So, please, pass 1815. I look forward to congratulating this body and the entire Legislature in passing this model legislation that could be replicated across the country. Thank you very much.

P.O. LINDSAY:

Thank you. Thank you, Mr. Stoner. I don't have any other cards.

LEG. STERN:

Just a quick comment, Mr. Presiding Officer.

P.O. LINDSAY:

Oh, I'm sorry, Legislator Stern.

LEG. STERN:

I just wanted to thank Mr. Stoner for coming today. Will is not just a very effective advocate for seniors, not just here locally, but across the country, but brings a particular background and expertise when it comes to issues of senior and affordable housing. So thank you, Will, for all of your assistance on the development of this proposed legislation.

P.O. LINDSAY:

I don't have any other cards on 1815. Is there anyone else in the audience that would like to speak on 1815? Seeing none, Legislator Stern?

LEG. STERN:

I'll make a motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Kennedy, Cooper and Viloría-Fisher)

P.O. LINDSAY:

1886 - A Local Law to enact a grading policy for food establishments. And it doesn't appear that I have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Losquadro?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Kennedy, Cooper and Viloría-Fisher)

P.O. LINDSAY:

Okay. ***1895 - A Charter Law to establish a Truth and Honesty Zone for clean campaign practices in Suffolk County by banning improper fundraising.*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Alden?

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Stern, Cooper and Viloría-Fisher)

P.O. LINDSAY:

Okay. ***1976 - A Charter Law to reform and reconstitute a professional independent Suffolk County Ethics Commission.*** And I have a few cards on this subject. First is Michael Kennedy.

MR. KENNEDY:

Good afternoon. Thank you for allowing me to address the Legislature as you consider I.R. 1976 of 2008. My name is Michael Kennedy. I have served as the Appointee of the Legislature-at-Large to the Suffolk County Ethics Commission since June of 2006. It has been my privilege and a pleasure to serve with Tom Nolan, the Chairman of the Commission, who was appointed by the County Executive, and with Dr. Joseph Laria, who is the appointee of the Presiding Officer. My purpose in appearing here today is neither to speak in favor of the bill nor in opposition to it. I have asked to speak to this body to give some insight into the workings of the Commission.

We meet monthly, sometimes more frequently than that, generally in sessions of three to four hours. In addition, we receive several communiques during the week, agendas for the upcoming meeting, requests for a determination, review of a draft of a decision, recently received research or supporting documents. In addition, I occasionally do my own research, legal or otherwise, to arrive at a decision. On average, I spend eight to ten hours per month attending to my work on the Ethics Commission, and as you are well aware, our service to the County is done on a strictly volunteer basis.

While we render decisions on post-County employment, review financial disclosure forms, investigate perceived conflicts, refer to the District Attorney violations of law, render advice to employees, etcetera, perhaps our most sensitive matters involve the duty to avoid not just impropriety but even the mere appearance of impropriety, an obligation so old it is biblical in origin. We have struggled for hours, sometimes weeks and occasionally months, to arrive at a just, fair, and reasonable decision on what might appear to be somewhat mundane questions. All drafts of decisions, extra copies of the agenda, etcetera, are shredded at the conclusion of the meetings, and we are prohibited by law, and it would constitute a crime, to discuss any of the questions that come before us.

I'll just indicate, when matters are sent to my office, they're marked "Personal and Confidential". They are not opened by my partners or my staff in the general mail, they come to my desk only.

Each Commissioner was somewhat active in the political arena prior to our appointment. None of us sought out the appointment, we were asked by others to serve. We are required to resign as committeepersons, or zone leaders, or from executive committees of our respective parties, but we all know who in County government is of which party. That political affiliation plays no part in our deliberations. Like an umpire in baseball, we try to call them as we see them. Oftentimes that means saying no to a request.

Finally, we are aided by staff Counsel, who are, in my opinion, supremely qualified for their work with the Commission. They have worked for years in the field of ethics and provide completely apolitical advice to us in all of the questions that come before us. In addition to researching court decisions, opinions of the Attorney General, state statutes, etcetera, they pore over our copy of the County's Ethics Code, promulgated by this Legislature, for guidance in answering the questions of the day. We are indebted to them for their highly professional service.

I want to thank you for taking the time to listen to my comments here this afternoon.

P.O. LINDSAY:

Mr. Kennedy, we have a couple of questions. Legislator Alden.

LEG. ALDEN:

Hi, Mike. Thanks for coming down. As a member of the Ethics -- and it's a Board or a Commission?

MR. KENNEDY:

My title is Commissioner. It's the Suffolk County Ethics Commission.

LEG. ALDEN:

And I just looked at this quickly. I was trying to listen to you, but it's, you know, about the same thing. I know you're prohibited from entering into any circumstance that might have the appearance of impropriety.

MR. KENNEDY:

Not me. No, no, not me. The questions that come before us --

LEG. ALDEN:

Right.

MR. KENNEDY:

-- sometimes involve seeking out whether or not there's even the appearance of impropriety.

LEG. ALDEN:

Right. I'm sorry, I'm misstating that. Going to your behavior, what are the restrictions on what you can and can't do as a Commissioner?

MR. KENNEDY:

I had to resign as a Committeeperson. I was a prior Zone Leader. I had to resign from the Executive Board. My office does not do any work with the County on a contractual basis.

LEG. ALDEN:

Are the restrictions on you the same that would be on a sitting Judge as far as political activity, or a candidate for a judicial office?

MR. KENNEDY:

It's not exactly the same. Judges are bound by judicial canons. I'm not a Judge as a Commissioner, so I'm not 100% certain what the rules would be as to a Judge because I'm not a Judge.

LEG. ALDEN:

No, I know. I just asked if the restriction's on your political activity or your activity could be categorized as similar to those that are on a sitting Judge or judicial candidate.

MR. KENNEDY:

I guess --

LEG. ALDEN:

Because there's certain things that they can do politically and certain things they can't do.

MR. KENNEDY:

Right. They can still -- they can teach, but they can't have a full-time job. Sitting Judges --

LEG. ALDEN:

Right. They could make contributions in certain instances.

MR. KENNEDY:

Sitting Judges can make certain contributions, they can appear at certain fundraisers within a time period.

LEG. ALDEN:

But in other instances they can't make -- right. So, are those similar restrictions to what you face?

MR. KENNEDY:

For the most part. I stepped aside from active politics. I haven't really attended a Town political meeting in the two-and-a-half years, although I was a Committeeman in the past and as a Zone

Leader.

LEG. ALDEN:

Okay.

MR. KENNEDY:

So, no, I no longer attend --

LEG. ALDEN:

Actively, you don't.

MR. KENNEDY:

-- zone meetings, I no longer attend County, Town, you know, monthly meetings, things of that nature.

LEG. ALDEN:

Are you allowed to support candidates or a political party?

MR. KENNEDY:

I did not collect signatures for anybody to qualify them for the ballot in the three years. We have done no election work for or against anyone else. I haven't campaigned on behalf of anybody in terms of going door-to-door, which I had done quite a bit prior to my service on the Ethics Commission.

LEG. ALDEN:

Okay. And contributions, are you allowed to contribute cash to or, you know, donations to political candidates or a political party?

MR. KENNEDY:

For the most part, I have not gone to political fundraisers. There were a couple of things I think where my office might have bought a ticket where I might have gone.

LEG. ALDEN:

Okay. But you could see where if you personally start giving money like to me, that that might not look good if I come before you or have a question and then it gets answered in -- whichever way it gets answered, it's going to be, you know, looked on with the possibility that there was an impropriety, right; is that a proper characterization?

MR. KENNEDY:

It could be.

LEG. ALDEN:

Okay. Thanks.

P.O. LINDSAY:

Legislator Montano, Romaine, and then Viloría-Fisher.

LEG. MONTANO:

Hi, Mike. How are you?

MR. KENNEDY:

Hello, Rick. How are you?

LEG. MONTANO:

Just for the record, I think everybody knows that about 20 years ago we worked together at the same firm, which you're still at, and I consider you a friend.

LEG. ALDEN:

I didn't know that.

LEG. MONTANO:

Well, you know it now. Mike and I know each other many, many years. He's an excellent attorney.

MR. KENNEDY:

I think that came out at my confirmation hearing or my Ways and Means Committee meeting.

LEG. MONTANO:

What was that?

MR. KENNEDY:

I believe that issue came out at my Ways and Means Committee hearing here several years ago.

LEG. MONTANO:

Probably. Mike, I really appreciate your coming down, and I just wanted maybe another -- more of an explanation in terms of -- in your statement, you said, "Finally, we are aided by staff Counsel." Let me ask you this. What is the role of staff Counsel, and how does that role play out with the members of the Commission? Is that too general or --

MR. KENNEDY:

No, that's not too general.

LEG. MONTANO:

Okay.

MR. KENNEDY:

Again, I'm not a Judge, but I think they sort of serve the same role --

LEG. MONTANO:

Not yet. Go ahead.

MR. KENNEDY:

-- that a Law Secretary or a Law Clerk would serve to a Judge. They do research, they help us draft opinions after we've made a decision which way we want to go. It's certainly not a question where they write a decision and just hand it to us and we approve it. Oftentimes, they'll come back with a decision, and like a Judge, you know, reviewing a decision, we're not happy with that, we'll send it back, we want to just tweak it a little bit this way or that way. They perhaps do some additional research. They redraft the decision before we sign it. They are signed by the County Attorney. They sit in on our meetings, for obvious reasons, and they answer the questions we put to them, but they are not the ones that take the vote at the end of the day when we're deciding what to do on any particular matter.

LEG. MONTANO:

Okay. But the way you describe it, and maybe the second question I had I think you answered, and is that, basically, who writes the draft decisions for the Commission? How many hours do you spend in these meetings and how many hours a month do you spend, you know -- what I'm trying to get to is the interplay between the staff and you as a decisionmaker on the Commission, and how active the staff -- and, by the way, how many staff members are there that are assigned to the Ethics Committee?

MR. KENNEDY:

There are generally two Assistant County Attorneys assigned.

LEG. MONTANO:

Generally --

MR. KENNEDY:

Yes.

LEG. MONTANO:

-- meaning that if you have more work, they'll assign more staff?

MR. KENNEDY:

That's not something I assign. The two-and-a-half years I've been there, we have always had the same two people.

LEG. MONTANO:

So it's the same two.

MR. KENNEDY:

Yes.

LEG. MONTANO:

So you said "generally".

MR. KENNEDY:

Yes.

LEG. MONTANO:

That's why I'm just trying to clarify that.

MR. KENNEDY:

And then there are two secretaries, again, that take notes, do the actual typing, prepare the agendas, do the mailings, things of that nature.

LEG. MONTANO:

Are these secretaries full-time employees?

MR. KENNEDY:

They're full-time employees of the County, they're certainly not full-time employees of the Ethics Commission.

LEG. MONTANO:

These secretaries, do they share their responsibilities with other Departments or Division within the County, if you know?

MR. KENNEDY:

I believe they work as part of the County Attorney's Office, but I'm not an insider on County government, I could not actually tell you. I believe it's in the County Attorney's Office, though.

LEG. MONTANO:

Okay. Thank you, Michael.

MR. KENNEDY:

I thought you had another question, though, that --

P.O. LINDSAY:

Yeah, I have two more.

LEG. MONTANO:

Other people, not me. I have no more questions.

MR. KENNEDY:

You had a question regarding how much time they put into how we arrived at a decision.

LEG. MONTANO:

Well, yeah, you're absolutely correct. The question was how many hours do you spend, you know, in your work in the Commission. And if I may ask a compound question, I know you can't talk about cases, but can you tell me about, you know, the number of cases that you may handle; is that a permitted question?

MR. KENNEDY:

I could tell you, on a given night, the agenda is probably 12, 14 items, maybe. Some things get resolved very quickly, they're very straightforward, others get carried over months on end and there's a back and forth. Perhaps we're looking for additional documents or we're looking for a follow-up affidavit from somebody, or we're investigating or researching. Some get kicked -- carried for sometimes three, four, five months. Since we only meet maybe monthly, perhaps every three weeks, if we have a reason to meet earlier, there's a limit to the actual meetings we can do. We each have ongoing practices, or in the case of Dr. Laria, he's an interim Superintendent at Hempstead. I believe he's had his hands quite full since September.

In terms of writing the decisions, a fair amount of it, like any legal decision, I don't want to say is boilerplate, but when you're always quoting from the same certain sections and those sections have to go into a particular decision, like writing a motion in court, very often it's just take this section from the C.P.L.R. and insert it in and we use it all the time. So we may make a decision which way we want to go, we'll say which way we want the decision to read, they'll come back. We often pass around the decisions. We're there editing ourselves, pen and ink, what we want changed, or we're not happy with that language. It goes back out. Sometimes it comes back a month later, if we really had a serious question on the way the decision was written, and we want it tweaked the other direction, or in some other direction. Does that answer your question?

LEG. MONTANO:

Yes, it does. How do you derive -- how do you reach a decision, is it a majority vote? What happens if two Commissioners are -- you know, feel that maybe there's a violation, or a potential, and one -- how does that work, is it a majority vote, do you have to be unanimous?

MR. KENNEDY:

It's kind of just like here, it's a majority vote.

LEG. MONTANO:

Okay.

MR. NOLAN:

Be careful.

MR. KENNEDY:

We do strive for unanimity, I guess, on the theory that real big cases at the Supreme Court in Washington, they really try and go 9/0, because they really -- they don't want anyone thinking that a really important constitutional case, not that ours rise to that level, but we generally try and come to a consensus. But we do sit there and take a vote, and if somebody really feels strongly the other way, you know, the decision would go out signed by only two Commissioners. It would be a two-to-one vote.

LEG. MONTANO:

Okay, but one decision.

MR. KENNEDY:

But it is a collegial thing and we do try and arrive at a decision we can all agree to. Does that answer your question?

LEG. MONTANO:

Yes, it does. And I want to thank you for you being here today.

MR. KENNEDY:

My pleasure.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you for your services. A quick question to follow up, I guess, on some other questions that were raised by my colleagues. Is there an independent course of action spelled out to members of the Ethics Committee or their Counsel regarding political activities, political contributions, or things of that nature?

MR. KENNEDY:

When I was first approached about taking the position, I was informed I would have to resign as a Committeeperson and Exec Board, which I did. That was a requirement.

LEG. ROMAINE:

No. I had heard that. Do you have -- does members of the Ethics Commission have a course of conduct that their membership on that Commission compels them to follow, and is the same true for the Counsel that writes their decisions or writes the draft decisions for them?

MR. KENNEDY:

It's not quite the same. We're not required to file financial disclosure forms the way many County employees are. We're not County employees. We are not allowed to participate in active political politics. I do not collect -- we don't collect signatures, we don't --

LEG. ROMAINE:

Is that part of a statute, is that part of an informal regulation? How -- your course of not participating, how did you come to that? I mean, was there a -- is there a written statute to that effect? Is there some requirement that you're aware of, or was that just a personal decision?

MR. KENNEDY:

No, it wasn't a personal decision. I was informed that it was a requirement before I joined the Commission that I resign from party politics.

LEG. ROMAINE:

So there is a course of expected behavior from members of the Commission?

MR. KENNEDY:

Yes.

LEG. ROMAINE:

And is there a similar course for Counsel to that Commission that now is part of the County Attorney's Office?

MR. KENNEDY:

I am not 100% certain. I could check with you. I think the County Attorney as a whole has certain restrictions. And, again, I am not a County employee.

LEG. ROMAINE:

I don't believe they apply to political contributions --

MR. KENNEDY:

I'm not sure if they can be --

LEG. ROMAINE:

-- for your Counsel.

MR. KENNEDY:

I'm not sure if they can be Committee members.

LEG. ROMAINE:

As I said, I don't believe they apply to -- maybe they do apply for political contributions, but --

MR. KENNEDY:

I could look into it and get back to you.

LEG. ROMAINE:

That would be very nice of you. Thank you again, sir. Thank you for your service.

P.O. LINDSAY:

Okay. Legislator Kennedy, and then Gregory.

LEG. KENNEDY:

Hello, Michael. How are you?

MR. KENNEDY:

Hello, John. How are you?

LEG. KENNEDY:

Good, good. Thank you for coming down. And, by the way, I have to commend you for being somebody who probably is very conservative in the estimate that you put in here. I know that you make yourself available for a variety of different things, and you're doing it, as they say, on the cuff, so thank you for that.

My question goes to the body of law. We have a County Code of Ethics, which you, in your role as a member of this Board, try to cipher for the particular queries or fact patterns presented to you.

MR. KENNEDY:

That's a good choice of words.

D.P.O. VILORIA-FISHER:

Always.

LEG. KENNEDY:

There is also a fairly extensive body of State Law associated with ethics as well.

MR. KENNEDY:

That's correct.

LEG. KENNEDY:

The Attorney General opinions.

MR. KENNEDY:

Correct.

LEG. KENNEDY:

And statutes, I believe, as well.

MR. KENNEDY:

There's a Municipal Officers Law, there are decisions rendered at the New York City level, at the State level, there are opinions of the Attorney General, there are prior decisions of our Commission that we try to stay consistent with. There is the County's Code. There are a number of somewhat overlapping and occasionally intersecting bodies of law, it's not all one seamless piece.

LEG. KENNEDY:

My question goes to, and this is difficult for anybody, in this role you truly do have to, I guess, play the role kind of as a Judge, trying to harmonize all of these different areas, but does our County Code preempt, or are we conversely preempted by some of these other areas of law?

MR. KENNEDY:

The answer is yes.

LEG. KENNEDY:

Excellent. Thank you very much. Step down.

MR. KENNEDY:

To a certain extent, like almost anything in law, sometimes the local decision can be more stringent. Just like the State's -- at the State Court of Appeals level can decide to have a greater level of a certain civil right on a criminal case. As long as they meet the requirements of the Supreme Court, the State has met their bottom. So the County could, for example, require certain things of post-employment, after working for the County, that might not necessarily be an element of the Municipal Officers Law or the General -- I have to get back to you on the cite, but the State could have certain rules. In some instances, the County could be more strict. You certainly can't fall under the minimum that the State would require. Similarly, on a hearing due process would apply and we can't go underneath the bar, so to speak, as to what might be required somewhere else. So the answer is it's a little bit of yes to both questions.

LEG. KENNEDY:

You go to another point, I guess, that's an important point. It's a hearing if there's, I guess, an in-person opportunity for a petitioner to this group to have some dialogue. But it's not really a hearing at all, is it, because none of it can ever be acknowledged other than from the applicant or the petitioner; is that correct?

MR. KENNEDY:

That's basically true, and primarily for the protection of the person who is appearing before us. The problem comes up sort of as follows: If you're on a regular jury, the lawyers generally get to just speak to the Jurors after the trial, whether it's civil or criminal. At the Grand Jury level -- and, again, we are not a Grand Jury, but the recent argument in the paper in the last, oh, few months has been whether or not Grand Jury testimony from the Rosenbergs, from 60-something years ago, should be released and it's still held secret. Our work, at least as to questioning -- receiving questions, is more like that in the sense that we cannot disclose it. If somebody else chooses to release the decision or the opinion that we give, then that's their decision to make, but, certainly, on ours, we have a whole series of steps before we would get to an actual fact-finding hearing. Someone files a complaint or a question with us, we investigate, we sometimes send out a Notice of Reasonable Cause, someone has an opportunity to reply back, we can find an actual finding, they can be brought back in, we can take testimony before a court reporter. There are a number, number of steps before we would get to that, and the person certainly has an opportunity to sort of make their case before us before we would render any sort of a decision. These are never taken just

on someone made a complaint, we decide it, send out that we found a violation. There are submissions in, there are opportunities to respond, we review, as I explained to Legislator Montano before, we review the decision we're looking to make, and we try and come to a consensus on it. Does that help at all?

LEG. KENNEDY:

It does. And I'm going to give you one more question, and I don't really know if you could answer it or not. But being that's the case, how are we to know that you give a consistent answer with similar sets of questions over the course of time? It's almost -- it's the Stare Decisis. Question: How do we know that given the same set of facts, you know, two years, three years, five years ago, you came to the same kind of question, the same kind of answer?

MR. KENNEDY:

Again, tacking over to criminal for just a second, how do we know when the Assistant D.A. puts the case in what they're saying to the Grand Jurors? Even the defense attorney out there in County Court does not get transcripts of the Grand Jury minutes. You ask the County Court Judge to review the minutes, but you're not supplied with transcripts of what, you know, occurred in the Grand Jury.

We have files, we maintain them, we review them to maintain consistency with prior decisions, but the very nature of the code that is provided to us by this Legislature -- and, again, it's for the purpose of not embarrassing someone else with a release of a prior decision. For example, if you were the recipient of a decision five years ago, you very well might not want it released to someone now that never knew that you had filed a request, or someone had filed a violation against you, you probably would not want it released in the context of somebody else's matters five years later.

So, to a certain extent, you're relying upon the people that the County Executive, and the Presiding Officer, and the Legislature-at-Large appoint to the Commission. I don't want to seem trite, but to do the right thing, to do what we're instructed to do under the County's Ethics Code.

LEG. KENNEDY:

Okay. I'll yield.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

I just have a few quick questions. I'm not really familiar with the process. I know you've explained it a little bit, but if, say, that someone filed a complaint, there was a determination that was made, as the -- if there was a finding and I'm the person, do I have a right to appeal, or is it -- that's just the final determination? How does that work?

MR. KENNEDY:

You jumped about five steps.

LEG. GREGORY:

Okay.

MR. KENNEDY:

Long -- kind of in between that original complaint, there is the opportunity to have Counsel, there's an opportunity to reply in writing.

LEG. GREGORY:

Oh, no, I understand that, you go the back and forth, there's documents submitted. I'm just saying --

MR. KENNEDY:

There's documents, we hold hearings.

LEG. GREGORY:

I'm just saying, when the final decision is made, and say I disagree, do I have a right to go to another body to appeal it or have it reviewed, or is that it?

MR. KENNEDY:

I'm not here to give legal advice. As a general rule, the decision goes in --

LEG. GREGORY:

I'm just -- it's a procedural question, that's --

MR. KENNEDY:

Yes. The decision goes in the person's personnel file. I think you would always have a right in an Article 78, since we are a municipal body, to challenge us. We have never gotten there in the three years, or anywhere close to that --

LEG. GREGORY:

But how could I --

MR. KENNEDY:

-- in the two-and-a-half years I've been there.

LEG. GREGORY:

How could I challenge -- have a little right to challenge something where the documentation, the trail has been -- is secret or has been eliminated? As you said, they're shredded, so how can I -- I don't see --

MR. KENNEDY:

Well, no, no, no, we don't shred everything.

LEG. GREGORY:

Oh, okay.

MR. KENNEDY:

We shred excess copies of decisions, we shred drafts, we shred agendas. The last thing we want is someone out there in, you know, the garbage can finding, you know, a printed agenda of what was -- because then someone could work backward and say, "Oh, they were handling the matter of," so and so. Unless someone found that and it wasn't shredded, they wouldn't know.

LEG. GREGORY:

Okay. All right. My next question: Now, if I understood you correctly, earlier you said, as a member of the Ethics Commission, you're not obligated to file any type of disclosure.

MR. KENNEDY:

We don't file County financial disclosure forms. We receive them and review them on behalf of the County. I think it's 600-plus, it might be a little more than that, of the various County employees that are required to file and then we follow-up if -- you know, if one wasn't filed or was untimely, or whatnot.

LEG. GREGORY:

But, yet --

MR. KENNEDY:

But, no, we do not file one.

LEG. GREGORY:

But, yet --

MR. KENNEDY:

We're not employees.

LEG. GREGORY:

But, yet, as a member of the Commission, you're allowed to attend political functions?

LEG. NOWICK:

I don't think he said that.

LEG. GREGORY:

Well, he did. He said that there was a ticket that was bought by his firm and he attended on behalf of your firm, but you didn't purchase it, but, yet, your firm purchased it.

MR. KENNEDY:

Correct.

LEG. GREGORY:

Which allowed you to go.

MR. KENNEDY:

Correct.

LEG. GREGORY:

And you're a member of the Ethics Commission.

MR. KENNEDY:

Okay.

LEG. GREGORY:

Okay. I find something wrong with that, but -- and if I understood what you said also, you said that you hadn't participated in political activities in the past two or three years, but -- am I to understand that you are obligated not to, that you're prohibited, or you just chose voluntarily not to?

MR. KENNEDY:

No. I believe it's the Code that require that you not be -- it could be the Code or it could be a directive from the County Exec. I'm not 100% and I could check back and let you know, but I know it was very clear before I came for my original screening, that it was made clear that I had to resign as a Committeeperson from a political party.

LEG. GREGORY:

No, no, I understand that, but, I mean, any of us can go out and, say, carry literature or whatever, not even be affiliated with a political party.

MR. KENNEDY:

Haven't carried any literature, haven't knocked on any doors.

LEG. GREGORY:

Oh, I understand what you said, but I'm trying to understand, is there an obligation or prohibition for you doing those types of activities separate and apart from being associated with a political party?

MR. KENNEDY:

I will get an answer for you and get back to you.

LEG. GREGORY:

Okay. Because I find that curious that you can attend a political fund-raiser, but you're prohibited against political activities of which a fund-raiser, I think, would be a political activity. But, okay, I yield. Thank you for your time.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I'm fine.

P.O. LINDSAY:

Okay. Thank you. Thank you, Michael, for your indulgence, all right?

MR. KENNEDY:

Okay, Bill. Nice seeing you again.

P.O. LINDSAY:

Thank you.

MR. KENNEDY:

Thank you very much for your time.

P.O. LINDSAY:

Next, I have Judge Lama.

JUDGE LAMA:

Mr. Chairman, Honorable Members of the Legislature, and Counsel, thank you for giving me the privilege to speak to you this afternoon, and I wish to direct my comments against the adoption of I.R. 1976. My name is Alfred Lama and I presently serve as the Executive Director of the Suffolk County Ethics Commission.

As I understand it, the basic intention of this resolution is to create an Ethics Commission free from, and I quote, "politics, the abuse of power, personal agendas, and arbitrary and capricious determinations." I submit to this Legislature that that is exactly what is in place right now.

The Chairman of the Commission is an attorney, having practiced law for some 24 years as a litigator, representing both plaintiffs and defendants in personal injury and commercial cases. Michael Kennedy, who you've just heard, is also an attorney and has practiced for 27 years, with a wide experience in criminal, estate and elder law. Each one of these men deal with the public every day, and like all attorneys, they are bound by the canons of professional ethics. A third Commissioner is an educator, Dr. Joseph Laria, and Dr. Laria has been an educator for more than 44 years. He has a PhD in Educational Leadership, Management and Administration. Dr. Laria has served as a school Superintendent in four Districts in Upstate New York, and also on Long Island. He is presently serving as an interim Superintendent in the Hempstead School District.

Now, Suffolk County is fortunate to have these talented men, willing to give their valuable time without recompense. Part of my duties is to schedule the Commission's meetings, and I must tell you that's not an easy task because of the extremely busy professional lives these men have. I can't even guess how much more difficult it would be to expand the Commission and to schedule a meeting having two other busy professionals to contend with.

The Commission also has the services of two counselors, Mr. John Holownia and Miss Jessica Hogan.

John has served a number of years and a number of prior County -- Suffolk County Ethics Commissions going back to 1999. Jessica has come to us from the City of New York and has served in the -- she having served in the Conflict of Interest Board, served for six years in that position as one of the counselors and has exclusively done ethics opinions. I have the privilege of working with these talented professionals, and you would, indeed, be hard put to find anymore skilled or accomplished attorneys in the field of Ethics. Both these attorneys carry other workloads in the County Attorney's Office, which occupy perhaps 90% of their time, but, I must add, with conviction. When meeting with the Ethics Commission, these two professionals single-mindedly follow the requirements of the Suffolk County Code of Ethics and Counsel the Commissioners accordingly. And given the independent state of mind the individual Commissioners have, there is no other way. The County Attorney does not participate in these meetings.

I have been fortunate to serve two Ethic Commissions since I was given the privilege of becoming the first Executive Director of the Ethics Commission for Suffolk County in December 2004. I have been personally impressed how difficult in many instances the answers to the ethical inquiries we get can be, and I assure you, there are no snap judgments. There are many hours of discussion before any resolution is reached.

Frankly, in my opinion there's no reason for this resolution to be considered by the Legislature. I know of no complaint of impropriety that has been leveled against the existing Commission. There are no charges I have heard that the Commission is guilty of politics, abuse of power, personal agenda, or arbitrary and capricious determinations. Perhaps the cloak of confidentiality has caused some of you to become suspicious. Some of you will call me and ask questions that I cannot answer, because the Code prohibits me from doing so. However, that very element of confidentiality is what makes the Commission work so well.

I thank you all for your time and attention, and if I can be of any service to you in the future, I can be reached at 853-8085. I'd be happy to answer your questions.

P.O. LINDSAY:

Thank you, Judge Lama. Before you go, I think Legislator Montano and Romaine have a question for you.

LEG. MONTANO:

Good afternoon, Your Honor. How are you?

JUDGE LAMA:

Good afternoon.

LEG. MONTANO:

Good. Judge, I'm just -- you say you're opposed to the bill. Could you just summarize exactly what the opposition is? Is it -- well would you just summarize again, you know, without going through the statement that you did --

JUDGE LAMA:

If you'll forgive me --

LEG. MONTANO:

-- just summarize your objections.

JUDGE LAMA:

If you'll forgive me, an old statement, if it ain't broke, don't fix it. The Commission is working well as it is now constituted, and I don't see really any reason for it to be increased. And, obviously, if this was to be put into law and if it was passed, the Legislature, it would obviously cost some additional monies, if you want to get independent Counsel, because you're not going to have a Counsel who's going to work for zero, okay? And I doubt very seriously if you're going to even get

Commissioners who will come in with the kind of requirements -- excuse me -- with the kind of requirements that are specified in this bill who would be willing to spend their time, and effort, and energy such as the ones that we have now who would come in and spend their time for nothing.

LEG. MONTANO:

Are you saying that there isn't enough work for one full-time attorney; is that why we would have to increase the appropriation? I'm not sure I'm getting it.

JUDGE LAMA:

There is always work for a full-time attorney if you want to hire one. You can always hire a full-time attorney.

LEG. MONTANO:

Right. But what I mean is that when you add the hours of the attorneys that are assigned there now, does that equate to a full-time, or is it less than full-time?

JUDGE LAMA:

We meet once a month, and every time we meet we have an agenda that has to be taken care of. And during those meetings we have Counsel present, and they are the ones who will tell us. Now, you want to talk that as a part-time, you might say yes, because they do have other obligations with the County Attorney.

LEG. MONTANO:

Who writes the decisions, is it done by the Counsel, or is it done by yourself, is it done by the Commission Members? Who actually sits there and drafts the legal decisions?

JUDGE LAMA:

The decisions are drafted by Counsel.

LEG. MONTANO:

Do you know how many hours they spend a week drafting these decisions on the average?

JUDGE LAMA:

I can't answer that question.

LEG. MONTANO:

Excuse me?

JUDGE LAMA:

I don't know.

LEG. MONTANO:

Okay. So, just so I'm clear, your objection to the bill is that you don't feel that it's -- there's anything wrong with the existing Commission, therefore, we shouldn't do anything more to change it; is that -- is that --

JUDGE LAMA:

In a nutshell.

LEG. MONTANO:

In a nutshell? Thank you very much.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Judge Lama, first of all, thank you for your service. A quick question. Is there somewhere in statute a code of conduct for those who would seek to serve as members of the Ethics Commission?

JUDGE LAMA:

Is there something in the Code, is that what you were saying?

LEG. ROMAINE:

Is there something in statute, County Charter, County Code, County Resolution, that spells out --

JUDGE LAMA:

There is a resolution in the beginning before you can become a member or can be considered, okay? You cannot be involved with any other Town, County or Village as far as having a position, okay? And you are obligated -- I don't have it exactly in front of me.

LEG. ROMAINE:

I'll tell you what, Judge, let me make this very simple. Maybe you could forward to my office the restrictions that are placed on those who seek or who are members of the Ethics Commission. I assume there are some restrictions of their activities.

JUDGE LAMA:

That's right.

LEG. ROMAINE:

Okay. And you could forward that to me?

JUDGE LAMA:

Beg your pardon?

LEG. ROMAINE:

You could forward that -- I don't expect you to have it here, but could you forward that to me?

JUDGE LAMA:

I can give you whatever you want, surely.

LEG. ROMAINE:

Thank you. Let me ask you, is there such similar restrictions for those who are appointed by, I assume, the County Attorney to serve as Counsel to the Ethics Commission?

JUDGE LAMA:

Not that I know of.

LEG. ROMAINE:

There are no restrictions in terms of political activity, political contribution, or anything of that nature?

JUDGE LAMA:

Other than what the County Attorney herself has imposed upon the individual Assistant County Attorneys --

LEG. ROMAINE:

But that would be a verbal --

JUDGE LAMA:

-- who, if they seek to be an Assistant County Attorney, must comply with.

LEG. ROMAINE:

But that would be a verbal imposition, that wouldn't be a codified imposition?

JUDGE LAMA:

I'm not an Assistant County Attorney, so I can't answer that question, but that's something we can find out for you, if you wish.

LEG. ROMAINE:

I would certainly appreciate that. Obviously, I would appreciate that information. I'd like to see that there -- obviously, there's some type of minimal, I guess, code of conduct that would be expected of Counsel. I appreciate that. Thank you very much, and thank you for your service.

JUDGE LAMA:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Hi, Judge. I don't really have a question for you, but I want to thank you for your service to Suffolk County as an Attorney, as a Judge, and now as an Executive Director. And thank you very much, because I know you put your heart and soul into it all those years. Thank you.

JUDGE LAMA:

Thank you.

P.O. LINDSAY:

Okay. Anybody else? No?

LEG. D'AMARO:

Yeah, one. Bill, I have one question.

P.O. LINDSAY:

All right. I'm sorry, Legislator D'Amaro.

LEG. D'AMARO:

Judge, good afternoon. How are you? Thank you also for your service with the Ethics Commission. I know you work very hard at it and I appreciate that. I just want to ask you, the Counsel to the Commission, as attorneys, are they subject to the Code of Professional Responsibility?

JUDGE LAMA:

Absolutely.

LEG. D'AMARO:

As lawyers?

JUDGE LAMA:

Of course.

LEG. D'AMARO:

So they do have an ethical code that they have to live by on a daily basis when serving your Commission?

JUDGE LAMA:

As attorneys, absolutely.

LEG. D'AMARO:

Yeah. Okay. I just wanted to -- I wasn't sure, I wanted to double-check. Thanks.

JUDGE LAMA:

Okay.

P.O. LINDSAY:

Thank you. Next, Terri Scofield.

MS. SCOFIELD:

Good afternoon, you guys. I'm Terri Scofield, Hunger Action Network of New York State, although I'm here today as a citizen who's lived here for 47 years, seen good Legislatures, bad Legislatures, and everything in between. And, frankly, I'm really saddened and sickened by the decline of intelligence, integrity, honor in County government over the last five years or so.

I'm actually here with a few friendly amendments. I really want to commend Legislators Montano, Kennedy and Alden for putting this together and putting it through. I think the key words in the title are "professional" and "independent", and I'd like to see them really, really held up high.

A couple of things that I want to skate over, and I'll be supplying these to you via E-mail. In the very first paragraph, in Line 3, where you talk about complete and unfettered perception of independent rulings, please strike "perception" and insert "ability to execute". We've had the perception of independent rulings and I'd like to see the actual ability to execute them. And, again, these are all very, very minor.

Page 3 of 7, I would like you to take a look at Paragraph F and tell me somewhere, I hope, that there's definitions of "substantial" and "gross". Surely, we're not saying that a little neglect is okay, or, you know, a bit of misconduct is okay, so maybe you could just clean that up a little bit.

I really think it's important, Paragraph H, keeping that "including committee persons" in there. I was very, very disconcerted that when Mr. Kennedy testified, he couldn't point to a written policy or a -- something written, a statute that actually lays out and spells out this kind of specificity, and I do think that's very, very important.

Moving on to on Page 4 of 7, Paragraph J, did you guys purposely leave out "cousin" or was that an oversight? Again, just something to look at. Maybe you thought "cousin" is too difficult to keep track of, but just think about it.

In the next section, again, still on Page 4 of 7, looking at A-1, where you talk about keeping it free from the County Executive's Office and the Department of Law, don't give that up, don't negotiate it away, okay?

The other thing that I want to talk about is you talk about independent Counsel, but you don't give any criteria there. What I hope that you guys would be using for that criteria is the 20 years that Paul Sabatino served here. That kind of integrity, that kind of honor, that kind of work ethic, that kind of principle, so that neither right nor left, but following that straight line doctrine of always consistently doing the right thing no matter who's before you and no matter where they come from or what kind of influence they have.

The last thing I want to hit on on Page 6 of 7, where you talk about when the law's going to apply, on or after July 1st, 2009, accepted appointments of Commission members and staff personnel may be made on or after the effective date of this law. I would like some date certain by which the appointments will be complete and the members and staff personnel will be complete. And, also, please make sure that that budgeting is independent as well.

But I think you guys did a really good start. I'm glad to know that somebody's looking at it, and, please, keep me apprised of any changes.

P.O. LINDSAY:

Okay. Thank you. Greg Fisher.

MR. FISCHER:

Hi. Greg Fisher, Suffolk citizen, Calverton Civic Association Board Member, and Board Member for Americans for Legal Reform.

I would like to urge the prompt passage of 1976 as a step, just an important step towards improving government ethics. I'm going to U.S. Supreme Court this week to help de-couple some of the political involvement in government, so it's an important issue to me personally.

I would add to the "Whereas" of this proposed legislation issues that are important to citizens, which is the improvement of the quality of government, the ongoing improvement to quality of government, as well as a focus on the overall cost reduction to government. An example of cost improvement that might come about from this legislation would possibly be the reduction of litigation, and, of course, any time we have an ethical question in government, that does cost the citizens money. We have to have hearings, we have to do investigations, we have to respond to all kinds of authority. So focusing in the "Whereas" of quality and reducing costs would be nice here.

And, again, I just speak in support of prompt passage and, hopefully, we'll see greater expansion of this Committee, its scope and its effectiveness. Thank you.

P.O. LINDSAY:

Thank you, Mr. Fischer. John Holownia.

MR. HOLOWNIA:

Good afternoon, Mr. Lindsay, members of the Legislature. My name is John Holownia. I'm the Assistant County Attorney who serves as Counsel to the Suffolk County Ethics Commission, and I just wanted to clarify two points that Mr. Kennedy made with respect to the Commission's staff, so that the Legislature has it clear.

There are -- Judge Lama is a full-time Director of the Ethics Commission, and there is a secretary that was funded by this Legislature who is a full-time employee working solely on Ethics Commission matters. In addition to that, there is a second secretary who does not work full-time on those matters, and there is myself and Jessica Hogan who serve as Counsel and Associate Counsel to the Commission. We are Assistant County Attorneys. We have other responsibilities within the office, but we do not -- we do not discuss these matters with other Assistant County Attorneys, and there are no other Assistant County Attorneys who are assigned to the Ethics Commission matters, Jessica and I handle them exclusively. Thank you.

P.O. LINDSAY:

Mr. Holownia, if you don't mind, Legislator Kennedy has a question.

LEG. KENNEDY:

John, hi. How are you?

MR. HOLOWNIA:

Hi, Mr. Kennedy

LEG. KENNEDY:

It occurs to me, I guess, that I need to ask, when the Board meets and it convenes for deliberations, are there -- is there any minutes, or notes, or recordings of what occurs between the Commissioners

and perhaps yourself or anybody? Do you reduce it to a writing, or is this merely just all oral?

MR. HOLOWNIA:

There are minutes kept by the Commission.

LEG. KENNEDY:

So one of the secretaries actually goes ahead -- does she do verbatim like we have here, or does she just do something that's her recollection?

MR. HOLOWNIA:

They're not verbatim.

LEG. KENNEDY:

Okay. So she'll do a summarizing, or whatever, as to what's transpired between the discussions.

MR. HOLOWNIA:

That's correct.

LEG. KENNEDY:

Okay. What about those minutes, are those minutes, like everything else that this Board does, confidential?

MR. HOLOWNIA:

Yes, sir.

LEG. KENNEDY:

Okay. They're not subject to FOIL.

MR. HOLOWNIA:

No, sir, not in my opinion.

LEG. KENNEDY:

Not in your opinion. Okay. All right. All right, John. Thank you.

LEG. MONTANO:

I have a quick question.

P.O. LINDSAY:

You want to talk?

LEG. MONTANO:

I think Cameron is next.

P.O. LINDSAY:

Legislator Alden.

MR. HOLOWNIA:

Yes, Mr. Alden.

LEG. ALDEN:

Thanks for coming down. To look at what's happened in the past, and I think it was brought up before by Legislator Kennedy, when you render an opinion to the Board, you would look at prior type of rulings to try to stay consistent?

MR. HOLOWNIA:

Yes, sir.

LEG. ALDEN:

Even what's happened in Suffolk County?

MR. HOLOWNIA:

Prior Advisory Commission opinions, as well as the other things that Mr. Kennedy indicated, opinions of either the Attorney General, case law decision, Public Officers Law, the General Municipal Law, things of that nature.

LEG. ALDEN:

Specifically, Suffolk County opinions on questions --

[THE LIGHTS WENT OUT IN THE AUDITORIUM]

LEG. KENNEDY:

We're in the dark again.

LEG. ALDEN:

We were starting to get it. Yeah, thank you. Now you keep those -- are you the keeper of those decisions, or the Commission is?

MR. HOLOWNIA:

No, the Commission -- they're kept in the Commission's files.

LEG. ALDEN:

Is it similar to a library, a law library where you can get in there and, you know, punch certain -- it's not electronic, it's --

MR. HOLOWNIA:

It's not electronic, sir.

LEG. ALDEN:

It's just files?

MR. HOLOWNIA:

Yes.

LEG. ALDEN:

So you would have to go through a master list and see what was similar?

MR. HOLOWNIA:

In terms of the -- you're talking about prior advisory opinions?

LEG. ALDEN:

Right.

MR. HOLOWNIA:

Yes.

LEG. ALDEN:

Because, I mean, that's one of your goals, right, to stay consistent with findings?

MR. HOLOWNIA:

Yes.

LEG. ALDEN:

Okay. Now, just going the other way, too, you're an attorney, so you're bound by the Code of Professional Responsibility.

MR. HOLOWNIA:

Correct.

LEG. ALDEN:

Okay. Political activity, are you allowed to actively be involved in politics, because you're in the County Attorney's Office, you're not really -- you're of Counsel to -- so how much --

MR. HOLOWNIA:

Correct.

LEG. ALDEN:

-- political activity are you allowed to participate in?

MR. HOLOWNIA:

There are -- we're limited in terms of the political activity that we're permitted to engage in. And to answer a question I think that Mr. Romaine had, I think there -- that is a -- there is a written policy with respect to that, if I'm not mistaken.

LEG. ALDEN:

So, do you feel you can be a committeeman or a zone leader?

MR. HOLOWNIA:

Cannot be a committeeman, cannot be.

LEG. ALDEN:

Can you donate to individual candidates?

MR. HOLOWNIA:

I believe that we can.

LEG. ALDEN:

You believe you can? And --

MR. HOLOWNIA:

Yes, sir.

LEG. ALDEN:

But under the Code of Professional Responsibility, even the appearance of impropriety, have you looked at that issue as far as, you know, your activity or other activity? Well, if you -- for instance, you give me a donation, that looks bad, especially since I might have to come before the Ethics Commission and look for an opinion, or somebody might make a complaint about me. So doesn't that just like send off a little bit of a bell or anything that, you know, engaging in that type of political activity might -- not might look bad, it does look bad. It is the appearance of impropriety.

MR. HOLOWNIA:

I'm making a political contribution and --

LEG. ALDEN:

Especially if it's to me, or another Legislator, or somebody else in the County. That's -- those are the people that you are actually, you know, in charge of our -- of keeping us on the straight and narrow, so to speak, when a complaint's made.

MR. HOLOWNIA:

I don't make those decisions, the Commission is the one that makes the decisions.

LEG. ALDEN:

But you influence the Commission, because you're the one doing the legal research. And we all know that as lawyers we're trained to argue both sides and then we can come up with 15 different opinions instead of just two. But you're -- it's your job to advise the Commission on legal possibilities.

MR. HOLOWNIA:

Correct, they are my client, correct.

LEG. ALDEN:

Is that something we should be looking at? Because if you're donating to somebody sitting on this Legislature, or somebody else that's in Suffolk County government, I'm not all that happy about that, because that really -- that tells me that's a flag that goes up. That's something that -- that's improper as far as I'm concerned. You might be charged with investigating one of the people that you received a -- or gave a donation to, and how are you going to treat -- you know, hopefully, you treat them as a professional, but to the outsider, that they're not going to think that you're going to treat that person the same as you would somebody that you chose not to give a donation to, so I see a little problem in that. What other type of activity are you barred from? You can't --

MR. HOLOWNIA:

We do not --

LEG. ALDEN:

You're in the County Attorney's Office --

MR. HOLOWNIA:

We don't serve as --

LEG. ALDEN:

-- so you can't take a case --

MR. HOLOWNIA:

We don't serve as committeemen, we don't serve on any executive board.

LEG. ALDEN:

Can you have a private practice?

MR. HOLOWNIA:

We cannot.

LEG. ALDEN:

County Attorneys, no private practice.

MR. HOLOWNIA:

Correct, no private practice of any type.

LEG. ALDEN:

Even outside the County.

MR. HOLOWNIA:

Even outside the County.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Hi, John. How are you?

MR. HOLOWNIA:

Good afternoon, Legislator.

LEG. MONTANO:

John, I just wanted to get an idea. How many hours a week or a month do you put into your assignment as Counsel to the Ethics Committee. Or better put, you have two attorneys assigned. What percentage of your time is devoted to this activity, to representing and writing opinions or drafting opinions for the Ethics Committee?

MR. HOLOWNIA:

And attending the meetings and the research. It depends on the number of items that are on the agenda.

LEG. MONTANO:

Right.

MR. HOLOWNIA:

I would say, in a -- in a heavy month, it could be 20 to 25% of my time, in addition to my other duties.

LEG. MONTANO:

And would that also go to your Co-Counsel? In other words, would she be -- it's a female, right?

MR. HOLOWNIA:

Yes.

LEG. MONTANO:

Would she be contributing about the same amount of time as you do?

MR. HOLOWNIA:

Perhaps a little bit less, but it can be the same, depending --

LEG. MONTANO:

All right.

MR. HOLOWNIA:

It really depends on the number of items --

LEG. MONTANO:

On the caseload.

MR. HOLOWNIA:

-- that are before the Commission.

LEG. MONTANO:

Right. Now, in terms of the staff, I just wanted to reiterate, you have the full-time Executive Director, which is Judge Lama?

MR. HOLOWNIA:

Correct.

LEG. MONTANO:

You have a full-time secretary that's devoted exclusively to the Ethics Committee?

MR. HOLOWNIA:

Correct.

LEG. MONTANO:

Then you have two part-time attorneys?

MR. HOLOWNIA:

We have myself and --

LEG. MONTANO:

Yourself and Ms. Hogan?

MR. HOLOWNIA:

Yes.

LEG. MONTANO:

And you indicated a part-time secretary?

MR. HOLOWNIA:

Yes, who is also in the County Attorney's Office.

LEG. MONTANO:

All right. What was that?

LEG. ROMAINE:

I believe it's Vivian Keys.

LEG. MONTANO:

Miss Keys?

MR. HOLOWNIA:

Yes.

LEG. MONTANO:

All right. And how much time does she devote to the Committee, if you know.

MR. HOLOWNIA:

I don't know.

LEG. MONTANO:

And do you know what her other responsibilities are when she's not assigned to the Ethics Committee?

MR. HOLOWNIA:

Yes.

LEG. MONTANO:

What is that?

MR. HOLOWNIA:

She works for the administrative staff of the County Attorney's Office, for the County Attorney, the Chief Deputy and the Deputy County Attorney.

LEG. MONTANO:

Okay. Now are all of you bound by any rule or regulation that prevents you from discussing anything in the Ethics Committee with any other lawyer or any other staff member? Is there a specific rule that says you cannot discuss anything with anyone else?

MR. HOLOWNIA:

We do not do it as a matter of course. In the Code of Ethics, there is a provision that says that matters before the Ethics Commission are confidential and, therefore, they are not discussed.

LEG. MONTANO:

Okay. All right. I want to thank you.

MR. HOLOWNIA:

Thank you.

P.O. LINDSAY:

One more. Legislator Beedenbender.

MR. HOLOWNIA:

Yes, sir.

LEG. BEEDENBENDER:

Hi, John. Thanks for coming down.

MR. HOLOWNIA:

You're welcome.

LEG. BEEDENBENDER:

I just had a couple of questions, because I'm trying to put this discussion in context. How long have you been the Counsel to the Ethics Commission?

MR. HOLOWNIA:

Since 1999.

LEG. BEEDENBENDER:

All right. So that's -- that's two County Executives by my count, I guess.

MR. HOLOWNIA:

That's correct, sir.

LEG. BEEDENBENDER:

All right. And the Executive Director has been in place since when?

MR. HOLOWNIA:

I believe since 2004 or early 2005.

LEG. ALDEN:

'04, he said '04.

MR. HOLOWNIA:

2004, I believe.

LEG. BEEDENBENDER:

2004. And I guess I'm just trying to put it in context. A lot of the stuff we've talked about today and a lot of the questions that have been asked about whether things that are statutory or not -- I know that the party officers is statutory, I found it in the Ethics Code about what you can do, but do you have any reaction to that, I mean, because I know a lot of things we've discussed -- I read over the proposed bill that we're having the hearing on now and it doesn't include a lot of the things we've been asking or if they're in there. So, I mean, do you have any reaction to the discussion we're having? And I know, as the Council to the Ethics Commission, it would be difficult for you to share an opinion with us, but, I mean, do you think the Ethics Commission is running well?

MR. HOLOWNIA:

I do.

LEG. BEEDENBENDER:

Do you think it's performing it's function?

MR. HOLOWNIA:

I do think it's performing its function.

LEG. ALDEN:

The head of GM thinks it's running good, too. Sorry.

LEG. BEEDENBENDER:

It's fine. Thank you, John.

LEG. MONTANO:

Could I go back to that, since we opened the door?

P.O. LINDSAY:

I think -- Legislator Romaine, did you want to ask --

LEG. ROMAINE:

No.

P.O. LINDSAY:

No, he didn't. Okay. Legislator Montano.

MR. HOLOWNIA:

Yes, sir.

LEG. MONTANO:

You indicate that -- I think the question was do you think it's working well, and you said yes, and I'm sure it is. But do you think that -- you're privy to some of the -- one of the articles in Newsday in particular, are you not, that was written a couple of weeks ago; do you know which article that was? Well, I didn't really want to get into it, but I guess we might as well. Do you think that -- are you opposed to this bill?

MR. HOLOWNIA:

I think that there are certain aspects to the bill that I would think create problems for the functioning of the Commission.

LEG. MONTANO:

Could you specify what those problems are?

MR. HOLOWNIA:

I think that expanding the number of Commissioners would make it more difficult, as Judge Lama

and Mr. Kennedy pointed out. These are individuals who serve without pay on their own time, and to get everyone together for the meetings, given three schedules, is difficult. With five schedules, it would be that much more difficult, I think, for individuals to serve.

LEG. MONTANO:

Well, how many members do you need now for a quorum?

MR. HOLOWNIA:

You need two for a quorum.

LEG. MONTANO:

Okay. So, as I understand the bill, you would need three for a quorum; is that correct, Counsel?

MR. NOLAN:

Right now?

LEG. MONTANO:

Yeah -- no, under the -- under the proposed bill.

MR. NOLAN:

Yeah, yeah, it would be three.

LEG. MONTANO:

So you're really talking one more person.

MR. HOLOWNIA:

For a quorum.

LEG. MONTANO:

For a quorum.

MR. HOLOWNIA:

But the Commission normally meets with all members present, for the most part, at present. It's very rare that all three Commissioners are not there.

LEG. MONTANO:

All right. Do you have -- I guess what I'm getting at is that --

MR. HOLOWNIA:

Mr. Montano, there's one other thing, if I might just --

LEG. MONTANO:

Go ahead.

MR. HOLOWNIA:

There's one provision in the bill that calls for a member of that -- a member of the Commission to be appointed by the District Attorney.

LEG. MONTANO:

No, that's been changed.

MR. HOLOWNIA:

Oh, okay.

LEG. MONTANO:

And the reason it was changed is that -- my understanding is if there's a violation, District Attorney

would be the prosecuting agency.

MR. HOLOWNIA:

That's correct.

LEG. MONTANO:

So that could create the appearance of a conflict of interest.

MR. HOLOWNIA:

Correct.

LEG. MONTANO:

Let me cut to the heart of it, actually. You know what, I want to thank you for being here. We appreciate your comments. We'll leave it there in terms of your position on this. And thank you very much for your service.

MR. HOLOWNIA:

You're welcome. Thank you.

P.O. LINDSAY:

Wait, wait, wait. Yes, please.

MR. HOLOWNIA:

Oh, I'm sorry.

P.O. LINDSAY:

Yeah, Legislator Kennedy.

MR. HOLOWNIA:

Yes, sir.

P.O. LINDSAY:

John has another.

MR. HOLOWNIA:

Yes, Mr. Kennedy.

LEG. KENNEDY:

John, I'm going to try to ask this discreetly and just so that I can understand, because I am a cosponsor on this bill. Are you sharing with us your personal observations regarding this, or is this the position of the Administration?

MR. HOLOWNIA:

It's my personal observations based upon my years.

LEG. KENNEDY:

Your personal observations --

MR. HOLOWNIA:

Correct, sir.

LEG. KENNEDY:

-- as an attorney, and with the Ethics Commission as your client?

MR. HOLOWNIA:

Yes.

LEG. KENNEDY:

But you're not articulating the position of the Administration?

MR. HOLOWNIA:

No, I am not.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Okay? John, that's it, get out of here.

LEG. MONTANO:

Go back to work.

P.O. LINDSAY:

I don't have any other cards on I.R. 1976. Is there anyone in the audience that would like to add additional comments? Seeing none, Legislator Montano?

LEG. MONTANO:

Recess, please.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Schneiderman and Eddington)

P.O. LINDSAY:

Okay. It stands recessed.

I.R. 2012 - Proposed increase and improvements of sewer system facilities for Sewer District No. 14 - Parkland. I have one card, Mr. Wright, Ben Wright.

MR. WRIGHT:

Good afternoon. Ben Wright with Public Works. This resolution calls for a proposed increase and improvement to Sewer District 14 - Parkland, and there's one minor correction that has to be made. Within the resolution, there's a Notice of Public Hearing for the hearing today. The second to last paragraph, the sixth line from the bottom starts the 2009 rate would be \$304 per unit and \$276 per unit for homes and condominiums respectively, and then it goes on. The number 276 should be 246. I just wanted to make sure that that was entered into the hearing record.

P.O. LINDSAY:

We're referring -- you're referring to the rate that the homeowners are going to be charged, right?

MR. WRIGHT:

Yes, that's the increase for homes and condominiums. And the condominium charge was indicated as 276, it should be 246.

P.O. LINDSAY:

See, I don't think that we can --

MR. NOLAN:

Can I just ask a question?

P.O. LINDSAY:

Go ahead.

MR. NOLAN:

Where is that -- where was that printed, in the resolution or in the Public Hearing notice? I'm just -- I missed the --

MR. WRIGHT:

In the Public Hearing notice. I did discuss this with the County Attorney's Office and their opinion was that, as long as the number was going down, it did not present any issues.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Ben, do you believe it was a mistake that --

MR. WRIGHT:

Yeah, it was -- yeah, yes.

LEG. ALDEN:

That number? Okay.

MR. WRIGHT:

It was a typographical error.

LEG. ALDEN:

I would think, yeah, we could -- I'll make the motion.

P.O. LINDSAY:

All right.

LEG. ALDEN:

Thanks, Ben.

P.O. LINDSAY:

You might as well stay there, Ben. But is there anybody else that wants to speak on 2012? Seeing none, I'll accept a motion.

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

And I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay, closed.

MR. LAUBE:

Thirteen. (Amended to 14 - Not Present: Legs. Schneiderman, Beedenbender, Eddington and Montano)

P.O. LINDSAY:

Next up is *2013 - Proposed increase and improvements of sewer system facilities for Sewer District No. 7 in Medford*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on the subject? You want to say anything about it, Mr. Wright?

MR. WRIGHT:

No.

P.O. LINDSAY:

No?

MR. WRIGHT:

No comments.

P.O. LINDSAY:

Okay. I'll make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen. (Vote Amended to 15 - Not Present: Legs. Schneiderman, Beedenbender and Montano)

P.O. LINDSAY:

Okay. *2016 - Proposed increase and improvements of sewer system facilities for Sewer District No. 3 - Southwest*. And I have one card, Mr. Wright.

MR. WRIGHT:

Yes. This -- the report that documents the increased cost for this project in Sewer District No. 3 - Southwest for improvements to the facilities was based on Resolution 1064 of 2007 that established the charges within the District in both Islip and Babylon. And the impact that was to be realized during maximum repayment year was 2010 by three concurrent projects, this and two others, was to see an annual increase of \$13.24 in Babylon and \$14.30 in Islip. We had recently received additional information from the Town of Islip and Babylon where the full value of all districts was presented, full 81,000 parcels was presented. And by establishing the median, which is a typical property that the State Comptroller wishes to see as part of an application, the cost would really be \$10.61, going down from the \$13.24 and \$14.30.

I also discussed this with the County Attorney with the same opinion, that as long as the new information was dropping the value, it would not present a problem with the application to the Comptroller.

P.O. LINDSAY:

Okay. Any questions? No? Okay. Thank you. Is there anyone else in the audience that would like to speak on 2016? Seeing none --

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Romaine, Schneiderman and Beedenbender)

P.O. LINDSAY:

Okay. ***2017 - Proposed increase and improvements of sewer system facilities for Sewer District No. 3 - Southwest.*** One card, Mr. Wright.

MR. WRIGHT:

Yes. This is the same comment as I just had on the prior resolution, but I believe, because of the hearing process, I should restate it, that the financial analysis for this report that is backup to the Public Hearing process was based on Resolution 1064 of 2007 that established charges within the district for the Towns of Islip and Babylon. The impact to be realized during the maximum repayment year of 2010 with this and two other projects that are running concurrently would result in the average home seeing an annual increase of \$13.24 in Babylon and \$14.30 in Islip. The new data from Towns of Islip and Babylon allowed us to put the full value for all 81,000 parcels in order and pick a median, which is the typical property that the State Comptroller wishes to see in an application. By doing that, the rate dropped from the \$13.24 and \$14.30 down to \$10.61.

P.O. LINDSAY:

Okay. I have no other cards on 2017. Anyone in the audience wish to speak on 2017? Seeing none --

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

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

MR. WRIGHT:

Thank you.

MR. LAUBE:

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

P.O. LINDSAY:

J.R. 2025 - A Local Law to promote accurate cost estimates for Capital Projects. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator D'Amaro, what is your pleasure?

LEG. D'AMARO:

Yes, thank you. Motion to recess, please.

P.O. LINDSAY:

Motion to recess.

LEG. ALDEN:

Second.

P.O. LINDSAY:

I'll -- seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

2028 - A Local Law to adopt a Full Cost Disclosure Policy for Land Acquisition Resolutions.

I have no cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Alden?

LEG. ALDEN:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Vote Amended to 17 - Not Present: Leg. Montano)

P.O. LINDSAY:

Okay. ***1.R. 2033 - A Local Law amending the Suffolk County Code to prevent deceptive practices in the home heating oil industry.*** And I have one card, Kevin Rooney.

MR. ROONEY:

Good afternoon. For better or worse, price hedging contracts have become a fact of life in the heating oil industry over the past decade or so. In essence, these contracts allow consumers, retail companies and wholesale heating oil distributors to, quote, hedge their bets regarding the future direction of heating oil prices. For consumers, they allow for a higher degree of certainty in the planning of one's financial exposure for heating costs over the course of a year or a heating season. For distributors and wholesalers, such contracts lock in a prespecified volume of sale at a prespecified price.

There are two fundamental points to note here. First, any type of fixed, capped or ceiling lock-in contract is a two-part three-party contract, one between the consumer and the retailer, the other between the retailer and the wholesaler.

Second, both contracts are usually formalized simultaneously, or, at the latest, on the same day. The retail or wholesaler contract is handled electronically, and increasing numbers and percentages, so is the consumer retailer contract. The reason behind the increased use of electronic contracts is self-evident. Volatility and energy futures markets on an hourly or daily basis absolutely mandates it, since anything less exposes all three parties to the contract to unforeseen and potentially dramatic commodity price increases. The level of activity in the oil futures and physical product markets, which occurred in the nine-month period from September 2007 to July 2008, was absolutely unprecedented in terms of both the total price rise of more than \$2 a gallon and the extreme level of volatility in daily price movements.

It is increasingly obviously that consumers who want to protect themselves by locking in today against potential future price increases, and the retailers and wholesalers with whom each party contracts to make that happen, cannot do that effectively and with absolute price certainty unless the entire two-part three-party contract is handled electronically.

Many companies, which earlier this year could not handle telephonically recorded or electronic fixed price contracts, simply stopped offering them to consumers. Those companies, which continued to use written contracts, had to include an additional amount to their operating margin to cover any price increases in the interim period between sending out the contract and receiving it back signed from the customer.

This resolution, which would define in County Law as a deceptive practice anything other than a written, countersigned, fixed or capped-price heating oil contract, is, in our opinion, a technological step backwards to an earlier nonelectronic era. E-commerce is both recognized and encouraged by the Federal Electronic Signatures and Global and National Commerce Act of 2000, which both

superseded and preempted the New York State Electronic Signatures and Records Act of 1999. Both laws recognize that any telephonically or electronically recorded agreement is as valid as, quote, a pen and ink signature. I personally use an old fashioned fountain pen to write, because I choose to, not because some agency of government or branch of government says I have to. But I conduct the bulk of my personal and corporate purchases over the phone or on my computer, because it's quicker, easier, more price certain, and more readily verified. As a consumer, I want to have the option to choose how, when and where I make purchases based on my decision of what is best for me at that moment in time.

Consumers who wish to contract with a retail heating oil company to acquire a fixed or capped price agreement should continue to have the option to either, A, conduct a transaction over the phone wherein the terms and conditions of the contract are explained and agreed upon, the contract price is locked in that day, and the agreement is subsequently confirmed in writing; or, B, conduct the transaction over the internet with the same provisions as above; or C, formalize the price agreement in the form of a written contract and possibly pay a higher price for the commodity purchased to accommodate price movements in the intervening period between contract dispatch and return.

The bottom line here, Ladies and Gentlemen, is that government should be in the business of facilitating and expanding commerce, not restricting it, as this resolution would do. This resolution would not necessarily help consumers. In fact, it may well harm them by eliminating non-written contract forms and, thus, potentially increasing consumer prices. I, therefore, strongly urge you to look forwards, not backwards, and vote no on this resolution, if and when it comes before you for a vote. Thank you so much for your time and attention.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Thank you. Can you explain to us in simple terms the relationship between the retailer, his wholesaler, and the customer as it pertains to fixed contracts? You know, for example, if a gallon of heating oil is, let's say, 4.50, and I am a customer and I want to get a better price, and I call my heating oil company and they -- we agree verbally on the phone at \$4, I'm happy with the \$4. The idea of discussing termination fees doesn't really enter my mind, I'm just happy that I'm getting it 50 cents less. You really wouldn't discuss termination fees, because you have a verbal contract and you're hoping that written contract comes in, because you want to sign at \$4.

The problem you have, I think, is that several weeks go by, and with the volatility of the price of oil, now I find out that oil has gone down a buck-and-a-quarter, it's down to like 3.25 and I am up at \$4. And now I'm stuck because I have this contract. And I call my heating oil company and he tells me the following: "I can't give you a reduction, but there are termination fees." And the reason I gather he cannot give me a reduction is that at the time I made the original verbal agreement, he locked in the oil coming into his place at a certain price. So, if he was going to charge me \$4, maybe he was getting it at 3.20 with a markup, but he's still obligated at that \$4 figure, unless he wants to reduce the markup.

So, if he turns around to me and says, "Look, you know, I'll give it to you at three-and-a-quarter," and you save the 75 cents, but you've got to pay a termination fee of maybe three or four hundred dollars, then you have to sit down and calculate what that 75 cents is multiplied by the number of gallons I use during the winter and spring to see how this is all going to come out. I may still save money, but, in essence, he's still losing money, because even though he is giving me the reduced price, he's still locked in, basically, at the higher price with his wholesaler. Do I have this right?

MR. ROONEY:

Pretty much. He's not -- first off, nobody's buying oil, physical oil, they're buying a contract, a contract to pick up that oil at a specified location, at a specified time, at a specified price; okay? That is the lock-in contract between the retailer and the wholesaler.

When you call a heating oil company, and let's say you call that company on July 14th, the day before the price started collapsing, and you were quoted a price, let's say 4.50 a gallon, built into that price by the retailer is a calculation of what is called the heating curve. The heating curve is almost a perfect bell curve. We know, based on historical data, that you will use 13 1/2% of your total annual demand in the month of December, you will use 19% in January, 18% in February, and so on and so forth.

And so what the retailer will do is they will look at the NYMEX, the New York Mercantile Exchange prices on that day, and they will look at the heating curve for the year and the prices from that date through 365 days later. They will then calculate what is called the heating strip. The strip is the average of all of those monthly prices, future prices, forward prices, on the NYMEX based on weighted heating degree days to figure in that heating curve, and then they will come up with a price, add in their cost to bring that product into a terminal, so it's now not a contract, a paper product, it's a wet barrel, and then their cost of operating their business, which is their gross margin, their net margin, which is their profit, and then they will come up with a price for you, and let's say it was 4.50.

Assuming for a minute that you then called them back two months later and said, "Oh, my God, what did I do? I locked in on July 14th at 4.50 a gallon, what's your price today," say two months later, and they'd say 3.50. Wow. So you call them back a month later, "What's your price today?" "Three and a quarter." You call them back yesterday, "What's your price today?" "It's \$3." There's 1.50 difference. Now you have, yet, at this point, only taken your November oil, which is really not that much, it's only about 13 1/2, 14% of your total demand, the remainder is still out there, it's still contracted. The retailer contracted with the wholesaler for that oil. So what the retailer would do is look at the total volume of oil left still to be used in your contract, calculate out his acquisition cost to supply that oil to you that he's locked in with the wholesaler, and then figure out, not a fee -- these aren't fees or payments, these are what are called liquidated damages. And what he's going to do is look at the cost for him to get out of his locked-in contract with the wholesaler, assuming that the wholesaler is feeling benevolent that particular day, and give him a break on it. But, if you -- if you could see a drop from one contract or another of \$1.50 a gallon, and if you use 1,000 gallons a year, that's fifteen hundred dollars. And if your company said to you, "Look my liquidated damages to let you out of the contract will be twelve hundred dollars, I'm going to charge you \$600, your savings, fifteen hundred dollars, is reduced by 600, you're still \$900 ahead.

LEG. BARRAGA:

But he still takes the loss on the 600. He takes a loss of 600, based on your example.

MR. ROONEY:

But he, in the same -- by the same token, is taking a loss of -- I'm not counting his operating margin, because he's not going to deliver the gallons. Well, maybe he is, but I'm taking that out of the equation. I'm talking just the wholesale cost to him, and he's taking a loss of \$600. You're paying \$600 toward a savings of 15. The way I calculate it, you're \$900 better off, he's absorbing \$600 in loss instead of twelve hundred if you simply walked away from the contract and said, "To hell with it, chase me in court."

LEG. BARRAGA:

All right, that's good. Just one other question. The concept of verbal contract, I can see that being a double-edged sword. I call the heating oil company, we do a verbal contract on the phone, he gives me four bucks, and the contract's coming in the mail, all right, and I sign it. If I don't have -- if he cannot do that, if a verbal contract is no longer valid, and he says to me, "I could give it to you for four, but we can't do a contract, I have to mail you something." By the time I get it and it says \$4, there's probably better than a 50-50 probability in this type of market up until recently. If I call him back after I've spoken to him on a Monday and I call him back on Wednesday and I want the four bucks, he says, "No, Tom, it's 4.50, it's 4.75."

MR. ROONEY:

Right.

LEG. BARRAGA:

So by eliminating the verbal contract, I think, in a way, that could work against the consumer when the heating oil industry is very volatile.

MR. ROONEY:

If I may, Mr. Barraga, let me give you a specific example. If you call -- if I were your oil man and you called me the Thursday before Thanksgiving, the 20th of November and said, "I want to lock in a contract," I would have based that on the NYMEX. This is from Hedge Solutions, they track the NYMEX every day. I would have based that on the NYMEX 12-month strip, and the number for that was a dollar seventy-two fifty-eight; okay? If you -- if we were doing this on the phone, I'm going to lock you in that day and I'm going to send you a confirmation. But if I had to send you the contract, and let's say I sent it out that same day, and you're a conscientious guy and you get it, you look at it, and you don't have any questions about the contract, you sign it and send it back to me, and let's say it got back to me on the 24th, okay, that's the following Monday. At that time, the 12-month strip is a dollar eighty-three-sixty, you're looking at an 11 1/2 cent difference between three trading days, from a Thursday to the following Monday. At that point, I would have said to you, "Look, Tom, with all due respect, I can't honor that contract, because my prices went up 11 cents just over the last couple of days." And if you think that that's not really an awful lot, I could actually give you chapter and verse from last -- earlier this year where we saw increases that were on the order of 14, 15, 16 cents a day, a day. The highest recorded was 17.7 cents on one day's trading upward. If I had to send you a written contract, or if I looked at that and said -- and said, "You know, I'm going to send you out this written contract, but, to be perfectly honest, I'm going to put a price in there and that's the price today. When I get it back from you signed, I may have to adjust the price, because it's going crazy." It hurts you -- it helps you -- an electronic contract helps you in an upward market; it actually may hurt you in a downward market.

LEG. BEEDENBENDER:

Bill.

MR. ROONEY:

So I -- it works both ways. But either way, both parts of the contract are locked in.

LEG. BARRAGA:

All right. I understand. Thank you.

MR. ROONEY:

Thank you.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Hi, Kevin. I just had a question. I'm trying to make sure I'm grasping exactly --

MR. ROONEY:

Right, right.

LEG. BEEDENBENDER:

-- what you're saying, and it is a little bit difficult. But if you are on the phone with a customer on a Monday and you said it's a 1.72, and then let's say by Thursday, when they sent it back, it was 1.83, you can't sign it, because you'd be losing that 11 cents.

MR. ROONEY:

That's right.

LEG. BEEDENBENDER:

But my question to you is, if you're on the phone with a customer on Monday and it's 1.72 and you lock it in and they give you verbally, and Thursday it's 1.83, aren't you still losing the 11 cents?

MR. ROONEY:

No. If it's done over the telephone, I'm locking in at whatever that price is that day on the NYMEX.

LEG. BEEDENBENDER:

So, I guess maybe it's just a level of sophistication I wasn't aware that existed. As a home heating oil company that's taking orders, when you lock in, you know, each single day when you lock in a customer, whatever the price is for that day, or that morning, or that hour, at that -- at that very moment you lock in the futures contract at that price for a certain number of gallons?

MR. ROONEY:

That's what companies do. Each contract --

LEG. BEEDENBENDER:

All right.

MR. ROONEY:

Each contract is 42,000 gallons.

LEG. BEEDENBENDER:

Okay.

MR. ROONEY:

Okay? And --

LEG. BEEDENBENDER:

So every 42,000 gallons you get in a contract?

MR. ROONEY:

And what they will do is they will aggregate their purchases for that day. Let's say nine of you call today and you use 1,000 gallons apiece, that's 9,000, I'm going to lock in a portion of a contract, actually 20% of a contract, I'm going to lock in 9,000 gallons.

LEG. BEEDENBENDER:

All right. So that's --

MR. ROONEY:

That day.

LEG. BEEDENBENDER:

That's what I wasn't understanding, that at that -- at that pace, you can -- you're doing that to keep up and purchasing the futures at that moment to cover your bases. I didn't realize --

MR. ROONEY:

You can do it instantaneously.

LEG. BEEDENBENDER:

Okay. All right. Then --

MR. ROONEY:

If you really want to be precise, if you called me and I'm recording that contract and you lock in with me at a specific price today, I can electronically set that number and simply hit a button to my trader on the NYMEX and lock in your volume just like that, just in case, just on the offhand that maybe it goes up four, five cents by the end of the day.

LEG. BEEDENBENDER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I just have a quick question.

MR. ROONEY:

Sure.

LEG. GREGORY:

I unfortunately or fortunately don't own a home, because I can't afford one in Suffolk County, but my parents do have one.

LEG. BEEDENBENDER:

Here-here, DuWayne.

LEG. GREGORY:

Yeah, for the young people. I have a question. So say someone calls in, or say they receive heating oil at a certain price, you know, they fill their 200 gallons or they get 200 gallons, and then the price drops and they try to get out of their contract, you know, I was just talking to someone about this and it makes a lot of sense to me, if I tried to get out of my contract, I have to pay a penalty or break the contract clause, but, yet, I already paid for that heating oil that's in my tank, so, in essence, at some point I'm paying twice for the same oil, heating oil; is that correct or not, or am I missing something?

MR. ROONEY:

No, no, that's not correct. And if I could, let me use an example that I received yesterday from Legislator Alden. Someone on his staff, Warren Greene, sent me a copy of an E-mail from one of his constituents, okay, and this is a lady who's a senior citizen, and she said that she had locked in at a certain price and the price had gone down. She knew how much oil she was using, approximately 900 gallons. I calculated and I sent back an E-mail, I said, "Look, at this point in time, does this much -- her contract was signed much earlier in the year, okay, but in June, and July, and August, you only used 2% of your annual volume each month, it's negligible. It's only when you get into November, December, January, February it does this. But I was able to kind of calculate and said, "Look, this woman has only used a portion of her contract for the year, so the company's going to look at what's left of the 900 gallons that they locked in for her," and let's say it's 600 gallons. The liquidated damages are only based on the remaining portion of the contract, okay, not the whole contract. So the oil that she received, she got, she paid for, it's not part of that fee. But in the case of Mr. Alden's constituent, I think it was -- the liquidated damages clause was \$275 and she would have saved like seventy-nine hundred dollars. Okay. At that point, he can go back to her and say, "You know what, do this, pay the \$275, you're still going to be better than \$600, close to \$600 better off and then you can get another contract at \$3 a gallon instead of \$4 a gallon. But you only pay the liquidated damages on the portion of the unused contract -- the unused portion of the contract.

LEG. GREGORY:

So it's like a prorated --

MR. ROONEY:

Yes.

LEG. GREGORY:

Okay.

MR. ROONEY:

Exactly.

LEG. GREGORY:

All right.

MR. ROONEY:

Exactly.

LEG. GREGORY:

I just wanted to understand that.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Kevin, the senior citizen example is the one in particular that you and I have been talking about, and I am loathe to want to get to the level that it appears that we're going where we're attempting to regulate how the private market is conducting itself. But it seems like we're being too -- at least in those hardship groups, being moved ever further across, you know, the threshold here to try to -- as you said, dollar and cent-wise, if you can relieve a constituent of three or four thousand dollars worth of long-term financial obligation.

MR. ROONEY:

Right.

LEG. KENNEDY:

But in order to facilitate, they've got to absorb a three or four hundred dollar immediate expense, and if they're fixed income, they don't have that to spend it.

MR. ROONEY:

Not immediate, sir, not immediate.

LEG. KENNEDY:

Well, then tell me what I'm not understanding.

MR. ROONEY:

What happens -- what happens here, let's say -- assume for a moment that you're a senior citizen, Mr. Kennedy.

LEG. KENNEDY:

Close, close. Coming close, Kevin, coming close.

MR. ROONEY:

I know, we're both getting too damn close. And let's say your company says, "Look, I can let you out of your high-priced contract, we can renegotiate it at a significantly lower price, if you pay the liquidated damages clause of \$400." In your case, you will still come out ahead at the end of the year by six, seven, eight hundred dollars. Here's what we're going to do. You're on a -- you're on a ten-month budget plan, or 11-month budget plan. What I'm going to do for you, Mr. Kennedy, is

I'm going to take that \$400 and I'm going to build it into your budget plan, and I'm going to charge you an extra \$37 a month on your budget plan, and you could spread it out over the course of the year, and we're not -- we don't charge you interest on it to make it easier for you to do. That is what the vast majority of heating oil companies are doing with their customers, particularly those who are elderly or on a fixed income.

Look, we -- there's a couple of really, really large companies out there that do business however they see fit, but the vast majority of companies in this industry are small, family-run, family-operated companies. They know their customers, so if a customer calls up, Mrs. Jones, or like Cameron's constituent there, they know who she is and they're going to work with them, and that is what's happening. And I think you also have to realize this is a relatively finite problem. There are 600,000 customers who heat their homes with oil on Long Island, and we calculate that no more than about 50,000 of them executed these high-priced contracts back in the Spring that they're trying to get out of. We're trying to help them get out of them. This resolution does nothing to help that. It simply restricts the ability of people who want to lock in a price today at a specific price to do so. Right now you've got a variety of options. That's what some people like about this industry, there are a lot of options and there's a lot of competition.

LEG. KENNEDY:

One other thing that occurs to me, too, part of what we were talking about is we have businesses that are, as you said, in my case, Flag Oil just went finally out the door this year, after delivering oil to me for 20 years, because they threw up their --

MR. ROONEY:

They sold to Swezey, yeah.

LEG. KENNEDY:

Yeah, they went under to Swezey.

MR. ROONEY:

Yep.

LEG. KENNEDY:

I guess they couldn't handle the finance piece.

MR. ROONEY:

That's right.

LEG. KENNEDY:

But we also have many customers that are receiving oil from Nassau-based facilities, Westchester, Queens. The Island here is getting drops from all over the Tri-State area, isn't it?

MR. ROONEY:

Yes, yeah. As I mentioned when I was talking about 2032 this morning, there are some 200 and -- there are 217 companies located in Suffolk County that do business in Suffolk County, according to Consumer Affairs. There are at least 270, and possibly quite a few more, who do business in here, but are located in Nassau, Brooklyn, Queens, and even out of Yonkers.

LEG. KENNEDY:

All right.

P.O. LINDSAY:

Are you done?

LEG. KENNEDY:

I'll yield.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Hi, Kevin.

MR. ROONEY:

Hello.

D.P.O. VILORIA-FISHER:

I have a question. You've just confused me a little bit. I have a constituent who has a buyout amount that would be \$500.

MR. ROONEY:

Okay.

D.P.O. VILORIA-FISHER:

And her understanding is that in order to be released from the contract she would have to pay \$500. But it sounded just now as if you're saying that the companies are prorating. It's already December 1st, so she's -- well, she's into the contract already, so she would not have to pay \$500 at this point in time?

MR. ROONEY:

Well, if we were having this discussion in February, then you definitely would be looking at prorated amounts. That \$500 number is -- I mean, as far as we're concerned, the heating oil season starts on November 1, so, right now, we're only one month into a season, and, therefore, most people have only used 12, 13% of their total volume for the year, so the \$500 that she may have quoted might be on the entire contract. If she were to wait until January, that amount would be lower. But, by the same token, she would have paid --

D.P.O. VILORIA-FISHER:

But she's paying all that.

MR. ROONEY:

-- for the oil that she received in December and early January at a higher price, so that would probably wash out. What I would say to you -- and believe me, if you have any constituents, send them my way, I'll help them out.

D.P.O. VILORIA-FISHER:

But, Kevin, what you're saying, that that's a part of every contract --

MR. ROONEY:

Yes.

D.P.O. VILORIA-FISHER:

-- that they would prorate?

MR. ROONEY:

Yes. Yeah, virtually. I mean, they're going to prorate the -- that's why I use the term, not -- it's not a payment fee, a transaction fee, it's a liquidated damages, what are their damages, the retailer, if they wish to liquidate the contract.

D.P.O. VILORIA-FISHER:

Okay. I just wanted to clarify whether that was the common terms of the contract.

MR. ROONEY:

Yep, liquidated damages.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Kevin, on the other side, and we could probably get the information from Consumer Affairs Department, but on the other side, in a rising market, because right now we're descending, in a rising market, I know last year that there was a whole bunch of -- I'm not going to say lawsuits, but a lot of pressure brought on oil companies to honor the electronic contracts that they made with people, even though their costs had in some cases doubled and gone up even more than that.

MR. ROONEY:

Sure.

LEG. ALDEN:

Do we have any idea how many times it worked in the opposite way, that the consumer was protected because they had a -- and, again, I don't know if you have the data or --

MR. ROONEY:

Anyone --

LEG. ALDEN:

-- if we can get it from Consumer Affairs.

MR. ROONEY:

Anyone who is on a fixed or capped-price contract from last -- the beginning or before last heating season who received a delivery any time after December 2007 through July or August of this year, if they had a contract at 269, 279, 289, they received oil throughout their entire period and paid their contract price, despite the fact that the street price may have been well over \$4 a gallon.

LEG. ALDEN:

Some oil companies tried to get out of those and tried not to deliver at their agreed price, so I know that our --

MR. ROONEY:

That is improper.

LEG. ALDEN:

Right. And our Consumer Affairs Department --

MR. ROONEY:

It is illegal.

LEG. ALDEN:

Right.

MR. ROONEY:

And I would support any action to -- that Consumer Affairs or anyone else would wish to bring against them. There was a company, and they're now out of business so I can name them, Benit Fuel in Smithtown on Smithtown Blvd. in Nesconset, that a number of years ago had contracts, did

not lock in as much volume as they needed for the year, and the price went up dramatically. They weren't able to honor the contracts and they tried to get out of them. I stood before this body, in fact, when Consumer Affairs, Charlie Gardner was here from Consumer Affairs and said, "We wholeheartedly support you, prosecute them."

LEG. ALDEN:

Okay. Because we have to look at the whole problem --

MR. ROONEY:

Absolutely.

LEG. ALDEN:

-- not just in a declining market.

MR. ROONEY:

A contract is a contract is a contract.

LEG. ALDEN:

Right.

MR. ROONEY:

And it would work both ways.

LEG. ALDEN:

Because this market's going to turn around and go the other way, too.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Just a quick one. Kevin. Someone brought to my attention --

P.O. LINDSAY:

You're not on Jon.

LEG. COOPER:

Someone brought to my attention recently that, and I actually saw a copy of their contract, they had a contract from one of the major oil companies, and they wanted to get out of the contract because the price had dropped precipitously. And there was a requirement that this customer not only purchase all of the oil remaining on the contract, they also had to pay the liquidated damages clause, so it hit both ways. Does that make any sense?

MR. ROONEY:

No, that's bizarre. You're either --

LEG. COOPER:

And I asked to see it. I couldn't believe it and it was right there in writing.

MR. ROONEY:

I would actually have to see that paperwork, because you either pay the liquidated damages or you pay for the oil. You don't pay twice and you don't pay both, so --

LEG. COOPER:

And it was very clear there in writing that they had to pay both, and that was a major -- one of the major -- one of the two major companies.

MR. ROONEY:

I would love to see that, because I've never heard of such a thing.

LEG. COOPER:

I'll get you a copy.

P.O. LINDSAY:

Okay. I'm going to wrap this up. And I don't have a question for Mr. Rooney, but I just want to clarify something with my constituents -- with my fellow Legislators.

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

P.O. LINDSAY:

What this bill is all about is to make a contract that can be very sophisticated; it's two pages a lot of times. We have copies of different contracts. There's a lot fine print. Some of them have different formulas to figure out what you owe the oil company if you break the contract. Some of them have clauses whereby the oil company has an out if the market surges or there's supply problems or something like that. And all I'm simply saying with this bill, if there's a signed contract, you're obligated to fulfill that contract on both sides of the equation, but the consumer has a right to read that fine print. It shouldn't be recorded over a phone conversation that does not go into all the details of that contract and I think that that's fair.

And as far as electronically, from our survey, there's only a small amount of companies that are using this oral contract, most of them still use a paper contract. And that's what the bill is all about.

MR. ROONEY:

If the Chair would indulge, since you raised it, sir?

P.O. LINDSAY:

I didn't ask you a question. Go ahead, what do you want to say?

MR. ROONEY:

Since you raised it, Mr. Lindsay. You said there is one contract that you saw that had a provision that allowed the company to get out of the contract if the price escalated.

P.O. LINDSAY:

Correct.

MR. ROONEY:

Could I submit something for the record on that? Because you raised that? Excuse me, could you distribute that?

MS. ORTIZ:

Sure.

MR. ROONEY:

You raised that in the meeting that we had in your office a week or so ago and it was a contract from a company, Patterson Energy in Floral Park, and myself and Joe McDonnell from Petro, who was at that meeting, looked into that specific clause. And I would just like to read this, if I could, sir, into the record.

"Dear Kevin, I'd like to address the issue raised by Suffolk County Legislator Bill Lindsay regarding the verbiage in the Patterson Energy pricing agreements. Petro purchased the assets of Patterson Energy in May, 2007. The agreement included with this letter was utilized by Patterson at the time of the purchase and was in use until November of '08. This language was not utilized in Petro's

agreement and has since been removed from the Patterson agreement. Hopefully this addresses Mr. Lindsay's concerns." That is --

P.O. LINDSAY:

The point of the matter is, is it was in some of your contracts. Your Counsel that was there was very proud to say that he drafted that contract.

MR. ROONEY:

He drafted it for that company and that company only.

P.O. LINDSAY:

And all I'm simply --

MR. ROONEY:

I've never seen a contract provision like that.

P.O. LINDSAY:

All I'm simply saying is the consumer has a right to read all the terms of the contract before he agrees to it and is bound by it. I don't have any other --

MR. ROONEY:

Thank you for your time and attention.

P.O. LINDSAY:

You're welcome. I have no other cards on this subject. I am going to make a motion to close. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 2081-08 - A Local Law to promote the development --

LEG. BARRAGA:

Excuse me. Put me in the negative on that.

MS. ORTIZ:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

A Local Law to promote the development of residential dwellings for first-time homebuyers (D'Amaro). I do not have any cards on this subject. Is there anyone in the audience that would like to address us on 2081? Seeing none, Legislator D'Amaro?

LEG. D'AMARO:

Yes, thank you. Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

Public Hearing on IR 2092-08 - A Local Law to regulate off-street parking for veterans at the Riverhead County Center (VA Clinic).

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 --

LEG. STERN:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Stern. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

Public Hearing on IR 2093-08 - A Local Law to protect Suffolk residents by permitting the seizures and forfeiture fleeing a Police Officer in a motor vehicle (County Executive). I

don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. All in favor?

LEG. LOSQUADRO:

Mr. Chairman, just one question.

P.O. LINDSAY:

Sure.

LEG. LOSQUADRO:

Counsel, would it be more appropriate for the discussion on the bill about the discussion we had last time? I guess it was in committee when we were talking about a prior violation?

MR. NOLAN:

Yeah, I actually -- at the committee meeting I just had mentioned to the members that this particular forfeiture bill did not have a requirement that there be a prior conviction to justify the seizure or forfeiture of the vehicle, brought that -- I spoke to the County Attorney's Office after the meeting, I believe it was with Dennis Brown who is standing at the lectern now. In most of our seizure forfeiture bills, if not all of them, we do have that predicate offense. And the question was raised, is that a legal problem and I said at the time not necessarily, but I thought it was significant that in all our other seizure forfeiture bills we did have that predicate. But I'll defer to the County Attorney.

LEG. LOSQUADRO:

I think that would be a substantive enough change, that if we did have to change something like that it would require a reopening of the public hearing. So I didn't want to close -- I didn't want to close it prematurely. Well, I'll hear what Mr. Brown has to say, perhaps.

MR. BROWN:

Well, actually if you wanted to recess it, we wouldn't oppose that. This was the bill that was proposed by the Police Department and Counsel is correct, almost all of the bills that we believe that there's just one that doesn't have two conviction requirements and the one that does not have the two conviction requirements we believe is the --

P.O. LINDSAY:

Why don't I just make a motion to recess, all right, and move along. Because we're at the very beginning of the agenda. We have a motion and a second to recess. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Nowick).

P.O. LINDSAY:

Public Hearing on Procedural Motion No. 31-2008 - Authorization to alter rates for the North Ferry Company, Inc. (Presiding Officer Lindsay). And I have one card, Bridget Hunt.

MS. HUNT:

Hi, members of the Legislature. I'm Bridge Hunt, I represent North Ferry Company. We run a vehicle and passenger ferry service out on the east end of Long Island between Greenport and Shelter Island, and I'm here today to support the motion to adjust our rates.

We received a relief from State sales tax on the purchase of our newest large boat and some other sales tax relief on ongoing expenses. We promise to return those savings directly to our ratepayers and, in fact, those returns are also mandated in the State legislation. The report from the Office of Budget Review has been completed and I request your support of this legislation and that you close the hearing.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just to Budget Review, are there any open issues? Because if you suggest there's a substantial change, then it's got to go back to a public hearing.

MS. VIZZINI:

The only suggestion the report makes is that some of the relief be distributed to all the ratepayers where the ferry company is, as many ferry companies do, directing a significant portion of the relief to the residents.

LEG. ALDEN:

If that change is made, do we have to reopen the public hearing?

MR. NOLAN:

If there is a change in the petition that results in higher rates, then we would generally say yes, reopen the hearing before we vote. But as far as I know, there's been no move to amend this particular resolution, it's reducing rates; it's going mostly to the residents, but it's reducing rates. So I don't anticipate there's going to be changes to the resolution.

LEG. ALDEN:

Most of the time we follow Budget Review's recommendation on these type of issues.

LEG. ROMAINE:

I know, that's what I wanted to explain.

LEG. ALDEN:

All right.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, just to clarify for Legislator Alden. This only deals with the walk-on rate. And what it is doing, it is rolling back the walk-on rate, which is now \$2 to \$1.50 and it's aimed at residents. If you have any idea of anyone who has traveled out to Shelter Island, very few people walk on to Shelter Island that don't live there because they have no one to pick them up and it's a difficult Island to traverse by foot, to get to anywhere on that Island. So it is based -- it is a rollback of the walk-on rates for residents. The non-resident rate will stay at \$2, but essentially, you know, if you're a resident of the Island, there's no way for you to go anywhere unless you leave the Island by ferry, whether it's walk-on or using a car. And this is going to benefit, this is a rollback of rates, and for that reason, you know, as the district Legislator, I'm certainly supportive of this.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

So through the Chair, you feel that what Budget Review just brought up has been addressed by the fact that only walk-ons --

LEG. ROMAINE:

It's only a walk-on rate that's being rolled back.

LEG. ALDEN:

But they just brought up a --

LEG. ROMAINE:

Right. What they will say is -- Budget Review will say is they would like to see the same rate for all people. There is a beneficial rate now in the rate structure that we currently have for residents, that's because people can -- if you don't live on the Island, you're choosing to go there. If you live on the Island, you have no alternative, if you want to get off you have to take a ferry, there is no bridge. That's the rationale for that.

LEG. ALDEN:

So you feel that their question or their concern is addressed by the fact that only people who live on the Island walk on?

LEG. ROMAINE:

No, I didn't say that. I said, you know, if you're a resident of the Island, you have no other way to get off the Island other than by ferry. If there's a preferential rate for residents, it's because -- that rate, by the way, can be achieved for non-residents, but you have to buy in bulk, and I believe that's the case.

MR. HUNT:

That's correct. Currently non-resident passengers do have the discount rate if they travel in commuter vehicles. So the people that are traveling that are non-residents to Shelter Island on a regular basis also receive this rate, as do residents currently in our rate structure. This just squares up the anomaly where people that are traveling round-trip in the car are paying \$1.50 to be in the car but they are paying \$2 to be a walk-on. There's a disconnect there, so we're trying to afford the same discount to people that are walking across.

LEG. ALDEN:

Thank you.

MR. HUNT:

Thank you.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

I make a motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen. Seventeen (Not Present: Legislator Horsley).

P.O. LINDSAY:

Public Hearing on Procedural Motion No. 32-2008 - Authorization for approval to extend license for South Ferry Co. Inc. (Presiding Officer Lindsay). And I have one card, Cliff Clark.

MR. CLARK:

Mr. Lindsay, Legislators, good morning, or good afternoon. This is a - every five years ferry companies are required to put in for a franchise license renewal. We are the South Ferry, we service the other side of Shelter Island, from Shelter Island to Northhaven, Southampton Township. And I really don't have anything to bring to you, I just want to make myself available to you if you have any questions.

It's a routine renewal. We would request that you close and be able to vote on this with a Certificate of Necessity that is in possession of the Clerk. That's kind of my fault -- excuse me. That's kind of my fault that I got the application in later than I should have, and I apologize for that.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Okay, Legislator Romaine.

CHAIRMAN EDDINGTON:

Yes. Mr. Clark, how long has your family -- this is a family-owned business.

MR. CLARK:

Yes.

LEG. ROMAINE:

How long has your family operated the South Ferry?

MR. CLARK:

Since 1797.

LEG. ROMAINE:

Thank you.

MR. CLARK:

The same family, direct line. Oldest family career company in America, same family.

LEG. ALDEN:

I have a question.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

How many times have you had to apply for a renewal? Yeah, keep that in mind. But through the Chair --

P.O. LINDSAY:

He applied for the first one when he was two.

MR. CLARK:

It used to be every 15 years, now it's every five.

LEG. ALDEN:

Don't miss timelines, though.

MR. CLARK:

Pardon?

LEG. ALDEN:

You can't miss those timelines.

MR. CLARK:

That's right. Yeah, you know, I apologize. We just got -- we got going this fall and all of a sudden it was on me.

P.O. LINDSAY:

No, no, it's too late. Come on, give the guy a break, will ya?

LEG. ALDEN:

No, no, you don't have to do that. We're just goofing around a little. But through the Chair; Budget Review, any comments on this application?

MR. CLARK:

There's no financial impact.

MS. VIZZINI:

Budget Review typically does not do a report on the license extension, only changes in the rates.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

On the rate issue, Cliff, we just heard from North Ferry who's making a price reduction --

MR. CLARK:

Yes.

LEG. SCHNEIDERMAN:

-- because of sales tax relief. We've seen fuel drop dramatically.

I remember when you were here with the rates and a lot of their rate increases were predicated on this spiking price of gasoline. Are you thinking about or considering passing any of the relief now back to your ridership?

MR. CLARK:

We anticipate doing what we've always done. It's going to be a long time before we come in, likely this will help us. But we're building a \$2 million boat right now and we're going to reduce our debt, our capital debt by about \$170,000 to -- we'll have to borrow less to pay back this boat. In essence, that will be a ratepayer benefit. We don't have a specific quid pro quo, if you will, that we're going to do this for that, we have no agreement with the State of New York and it was the history that kind of got us to where we were a few minutes ago with that particular agreement. But we have -- and Budget Review, I will certainly defer to them to talk to you about this, we have always put it in as late as possible, sometimes too late, and we will manage this and we will pledge to our people who manage it like we always have. And it will -- undoubtedly it will delay our coming back, as will the fuel prices, if they stay down. A portion of what we came in for last time was for fuel prices for sure, but there are other capital things such as the building of our new boat that was a primary mover for our last rate increase which was approved last April.

And we also -- we took care of the passengers and the vehicle situation because we no longer charge for passengers in our vehicles one-way or round-trip. We just moved it in to a per vehicle category. We took a risk and in 1997 with -- in 1997 with that decision -- I'm sorry, in 2003 with that decision and it turned out that with the risk of dropping the passenger fares, it worked out okay for us and we continue that in our 2006 application.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

Okay. No one else? Do I have a motion?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Horsley).

MR. CLARK:

Mr. Lindsay, may I just say a thank you on a different topic to the Legislature? Thank you for the Silver Beach Dredging Project that you folks have supported and it's ongoing right now. It's a terrific job, it's going very well. I can see it from the ferry channel and it's going well.

And coat-tailing off of that, we desperately need similar attention in our ferry channel. We are in the pipelines, it's been through Ways & Means and you folks have that on your list of projects to do. We are many times in a storm low-tide dragging bottom coming into Northhaven, and it's a seriously needed dredging project. And I just want to ask you to please keep it in mind and think about that as you're thinking about budgeting, because we're in an emergency evacuation route and under

certain conditions it could be possible we might not be able to enter the Northhaven slips. We're close to that, we're not there yet but we're close to it.

LEG. ALDEN:

We were going to do it last year but we spent the money on Dick Cavett's property.

MR. CLARK:

Thank you very much. We appreciate that, Mr. Alden.

P.O. LINDSAY:

Thank you very much.

Okay, that concludes the Public Hearings. I want to set the date for the following Public Hearings of December 16th, 2008, 2:30 PM at the Rose Caracappa Auditorium, Hauppauge, New York for 2165, a Local Law to ensure the safe transfer of fuel to boats and watercraft; and 2172, a Local Law enhancing Article 36 of the Suffolk County Administrative Code to where the local preference to benefit certain military veterans to provide additional funding incentives for energy conservation members and to add elements of universal design and adoptability.

Okay, I'll make a motion to set those hearings. Do I have a second?

LEG. LOSQUADRO:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Horsley).

P.O. LINDSAY:

Okay, into the agenda. Okay, let's go to page eight.

Introductory Resolutions for December 2, 2008

Budget & Finance:

2007-08 - Resolution of the County of Suffolk, New York, delegating to the County Comptroller the authority to issue and sell bonds and notes for the Fiscal Years 2009, 2010 and 2011 in accordance with the provisions of the Local Finance Law (County Executive). Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. ROMAINE:

A comment.

P.O. LINDSAY:

All in favor? Opposed? Uh, I'm sorry; Legislator Romaine.

LEG. ROMAINE:

Yes, just a very quick comment. While this would look like it is pro forma, it is not. It is changing the way we would do debt. Instead of creating a level debt, which would mean we would pay principal and debt about the same each year, this will, in fact, increase our interest costs because it will throw debt -- we will be paying debt up-front and putting off principal, much like a mortgage. There's a difference between level debt and like in your home mortgage. We will be paying more interest if we adopt this; that's point one.

Point two, and I'm going to ask Budget Review to comment on this. When we get the financial impact statements prepared by the County Executive, you should understand that they all are inaccurate if they are for less than 20 years. Because what the Executive does is he takes -- the Executive staff, budget staff, they take it as if they're bonding it out for 20 years. So if something has a useful life of five years and the finance report, the financial impact statement report is based on that, it is inaccurate because, in fact, they're bonding it for 20. And I would like both of those issues commented on by Budget Review so we can understand the impact of what we're voting on which is anything but pro forma because, one, it's going to increase the potential debt that this County will carry in the future; and two, it means that the financial impact statements that we've been getting for projects that have a useful life of less than 20 years are, in fact, inaccurate as it reflects the interest payments that they actually will be greater. Thank you.

P.O. LINDSAY:

Mr. Lipp, are you going to answer?

MR. LIPP:

Sure. In the spirit of cooperation, we would -- I would believe that it was misunderstanding in terms of -- because of the confusion, the way the borrowings worked, that the financial impacts sometimes were not for the proper number of years. The way we're borrowing now effectively is we take the weighted average of all of the bonds, it's about 120 different Capital Projects in every serial bond, and we wind up borrowing the whole enchilada for 20 years, typically, which means that, for instance, planning monies for Capital Projects which are typically five years gets rolled into 20 years and land acquisitions that could be in theory 30 years or longer are also 20 years. We always borrow for 20 years, typically, and whether it's planning money or something else, it will be 20 years.

The fact of the matter is it's a time-horizon problem. We have a problem, in the entire country really, dealing with short-run versus long-run. The short-term gain by continuing the process of level debt, in fact, over the first five years we would probably save about \$11 million based upon some estimates we did in the Capital and Operating review, and then we would wind up breaking even after about 12 years, but it would cost us long-term, if we continue this approach, over \$28 million or 28 -- every 20-year period.

So continue the process, it's a good idea short-term. We think, you know, we should look to structurally do things long-term and go back to the old way of doing things. But it's a time-horizon issue and you people have to make that determination yourself.

LEG. ROMAINE:

If I may?

P.O. LINDSAY:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

Just very quickly. Budget Review, all things being equal, would recommend that we go back to the old way of doing things which is level debt, you pay principal and debt, essentially.

MR. LIPP:

It's called the 50% rule which is --

LEG. ROMAINE:

Right.

MR. LIPP:

And we're doing level debt now. The 50% rule is --

MR. ZWIRN:

We do ours now.

MR. LIPP:

-- the largest difference between any principal repayment, the largest and smallest can't be more than 50%. So you're paying off the principal quicker.

LEG. ROMAINE:

Right. And under the resolution that we're about to adopt, that is not level debt; what would that be called?

MR. LIPP:

It gives the Comptroller the authority to go out and do what he wants. It's legal, clearly.

LEG. ROMAINE:

Well, I understand it's legal.

MR. LIPP:

So the current procedure is a level debt which would be a little more expensive in the long run.

LEG. ROMAINE:

But it would cost us, what, about \$28 million over the next 20 years of additional interest?

MR. LIPP:

Based upon the actual bond that we did or two bonds in 2007.

So that it could be --

LEG. ROMAINE:

But it could be more.

MR. LIPP:

Or less.

LEG. ROMAINE:

Or less, but more likely that it would be more, borrowing more with the value of the dollar decreasing as years go by.

MR. LIPP:

Actually, we borrowed a little more in 2007 than we're likely in the next couple of years; it's hard to say. More or less, more or less.

LEG. ROMAINE:

More or less. Thank you very much.

P.O. LINDSAY:

Well, I was just going to ask Mr. Zwirn, did you want to comment on how --

MR. ZWIRN:

The only thing I would say is that generally we do level debt and we pay it off over a period of time and the interest, the numbers stay constant. If you wanted to go with what Legislator Romaine suggests now, it would have been even much -- would have had a much higher impact on next year's budget and you'd have to cut even more into programs that you care about, including food pantries, you know, not-for-profit contract agencies. If we had a better cash flow situation then it might make sense, but in this particular time it makes no sense and, you know, you don't see a break-off until the year '13. And with respect to the projects that you bond, it's pretty much set by statute as to the amount of time, depending on what kind of project you have.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yes, Mr. Chair. I have a question, I guess, that goes to -- and I apologize I was not at this committee meeting, I had a commitment, I wasn't able to be there. But I don't understand why we're contemplating giving a three-year consent to the Comptroller to go out and to undertake this borrowing function. As a matter of fact, I think I'd even pose to Counsel, do we have that capacity, George, to empower the Comptroller for multiple years beyond our current term, to authorize him to undertake this function?

MR. NOLAN:

Well, I hope so because we've done it before. I'm going to pull up the Local Finance Law, but I'm assuming yes, we do have the authority. We've done it three years ago to give him three years, but I'm going to just look at the Local Finance Law, the section that's cited in the resolution to --

LEG. KENNEDY:

All right. Then through the Chair, if I could go to BRO. So you'll do the law. Pragmatically, why would we want to give this blanket consent over three successive years to the Comptroller? Is he borrowing in advance for all three years, or are we saying he could do this every time for the next 36 months?

MR. LIPP:

What we do is we borrow -- this is for serial bonds. We borrow it twice a year, in the spring and fall, we'll say 50, \$60 million each period. And each time we go out it gives the Comptroller the sort of leverage to choose which legal method of principal repayments to do, how to structure it best. We're just saying that it used to, up til about, I'm not sure, 2004-05, we used to do the more conservative borrowing, then we turned it around. And when we're talking about the short-run, long-run, we're talking about it would have been better if we did this during the better times.

LEG. KENNEDY:

Is there -- Robert, then is there some greater advantage that the Comptroller has by having this multi-year authority, or is -- why would I want to give him three years worth when I'm hearing that our economic circumstances change hourly, let alone daily? Tell me what's the inducement to do that, otherwise I'm inclined to only want to consent to '09.

MR. LIPP:

I guess it would be you're comfortable with giving the Comptroller that authority and letting him do what he feels is best and you're comfortable with the short-term gain versus the long-term structural cost.

LEG. KENNEDY:

Yeah, I'm still missing that benefit, that economic benefit to the three year authority. You're telling me there's something where we save money by doing that, or no?

MR. LIPP:

No.

LEG. KENNEDY:

No, okay. Then I don't understand the reason for giving three years. I tried, I yield. I guess I'm not voting for it.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Robert, you did it again, you made me more confused. I just have a question about what kind of latitude the Comptroller has in this. Okay, what is to say that in the second year the Comptroller doesn't agree with what you're saying regarding bonding?

MR. LIPP:

My understanding with the Charter -- although, George, you'd probably have to back me up on this -- is the authority goes to the Control Board and the Control Board is the Legislature and County Executive.

So that we're giving him -- the Comptroller, that is -- the authority to use whatever legal means there are to go out and do the repayments for serial bonds.

D.P.O. VILORIA-FISHER:

But what I'm saying is that I'm hearing the argument about the level debt model as opposed to what's being practiced in this legislation, right, which is -- I don't know, what are we calling that?

MR. LIPP:

Well, I guess a simple way of looking at it is the level debt is like -- which is what we are doing now, which is a little more expensive in the long run -- is similar to a mortgage. You won't pay that much principal in the early years, you pay mostly interest; ditto with level debt with serial bonds. What we're saying is that the more conservative long-run approach is to pay a bigger piece of the action in terms of principal up-front, so you're retiring the debt perhaps on average --

D.P.O. VILORIA-FISHER:

Earlier and you're paying lower --

MR. LIPP:

-- say over 11 years instead of over 15 years.

D.P.O. VILORIA-FISHER:

Now can the Comptroller choose to do that next year instead of the level debt?

MR. LIPP:

I believe he has the authority with this legislation to go either way.

D.P.O. VILORIA-FISHER:

He does, okay. And who is advising him?

MR. LIPP:

I think that's a question for --

D.P.O. VILORIA-FISHER:

I mean, does he listen to anything you say?

MR. LIPP:

I think that's a question for the Comptroller. I mean, we talked to the Comptroller, I'm sure he talks to the County Executive staff. I don't know -- I'm not privy to how he makes his decision, though.

D.P.O. VILORIA-FISHER:

Okay. So he is speaking to you and you are advising him and --

MR. LIPP:

No, we're not advising him on how to issue the bonds.

D.P.O. VILORIA-FISHER:

You're not, okay.

P.O. LINDSAY:

We have Bond Counsel.

D.P.O. VILORIA-FISHER:

Bond Counsel. But clearly, Budget Review is saying, you know, there are two ways of looking at this and you can lower your expenditures now, but in the long-run you're going to be paying a lot more.

P.O. LINDSAY:

But do you have the money? You don't have the money now.

D.P.O. VILORIA-FISHER:

We don't have the money now.

P.O. LINDSAY:

So what are we talking about?

D.P.O. VILORIA-FISHER:

I'm talking about the possibility --

P.O. LINDSAY:

I mean, unless you want to spend the money next year and cut something from the budget that we've already put in the budget.

D.P.O. VILORIA-FISHER:

But what I'm asking is what kind of flexibility the Comptroller has for next year and the year after and he does have that flexibility. Okay.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

You know, none of us here at this horseshoe are financial experts.

I'm just thinking, the people of Suffolk County voted and trusted in the Comptroller, I think we have to as well. I don't think he'll do anything to hurt the County and I think we just have to go along and trust him.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second on this?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. ROMAINE:

Abstain.

P.O. LINDSAY:

We've got two abstentions.

MR. LAUBE:

Sixteen (Abstentions: Legislators Alden & Romaine).

P.O. LINDSAY:

2086-08 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2008 Adopted Mandated Budget from the 2008 Adopted Discretionary Budget (County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Any discussion? All in --

LEG. ALDEN:

Just a brief explanation.

P.O. LINDSAY:

Okay. Explanation.

LEG. ALDEN:

I know this is Schedule A, but what happened?

P.O. LINDSAY:

Does Budget Review want to answer that? Do you want to answer it?

MS. VIZZINI:

The next three resolutions before you are the customary end-of-the-year housekeeping resolutions, areas where there may have been a shortfall, monies are moved from other areas where there is a surplus to make sure there's sufficient appropriations for the expenses. This particular one has to do with shortfalls in debt service in the Mandated Budget where the Budget Director and myself had to agree in writing where we could transfer the discretionary funds to cover the shortfalls.

LEG. ALDEN:

Explain what you mean, a shortfall in -- and that was what, paying off our bonds?

MS. VIZZINI:

No, no, no, appropriations in the Operating Budget. It happened to be in Southwest Sewer District --

LEG. ALDEN:

Those aren't -- Southwest Sewer District, unless we take the money from the Operating Budget, that doesn't really have an impact. So I'm not really uncomfortable with that, but --

MR. LIPP:

When we adopt a budget, we adopt a certain level of appropriations, we're not allowed to spend above that level. So what we needed to do is transfer money from excess appropriations to where there was the shortfall of appropriations to make up the difference. It wasn't in the General Fund, it was a District Court Fund, Southwest Sewer District and the Airport Fund.

LEG. ALDEN:

That's what these three are, six, seven and eight.

MR. LIPP:

Well, this is six, 2086 in particular because that's what we're talking about.

LEG. ALDEN:

All right. So I don't have to ask the same question like three times, six, seven and eight are all what?

MR. LIPP:

Basically, they're similar in the sense that they're all -- there are monies that need to be spent that we don't have sufficient appropriations so they need to be moved over. Typically we're allowed to spend -- the Executive is allowed to transfer money on his own up to 10% in an appropriation; this is above 10% amount so, therefore, we need resolutions to do that.

LEG. ALDEN:

But this is debt service, debt service is predictable. Why are we surprised at the end of the year that we didn't have enough money to service our debt?

MR. LIPP:

I'm not sure, then. Rates change, when you adopt a budget sometimes, you know, there's one bond issue that you're doing an estimate for or you don't have all of the facts so you need to do an estimate.

LEG. ALDEN:

Do these three have an impact or a net impact on the bottom line for next year as far as the surplus?

MR. LIPP:

No, it's just moving money from one account to another. And you legally need to pass it by resolution because it's the Executive's and have the authority because it's more than 10% of that appropriation.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen -- no, fifteen (Opposed: Legislator Alden - Not Present: Legislators Montano & Cooper).

P.O. LINDSAY:

2087-08 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2008 Adopted Mandated Budget (County Executive). Do I have a motion? Motion -- who made the motion? By Legislator Horsley.
Seconded --

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Seconded by Viloría-Fisher. Any questions? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MR. LAUBE:

Fourteen (Opposed: Legislator Alden - Not Present: Legislators Romaine, Montano & Cooper).

P.O. LINDSAY:

2088 --

LEG. BEEDENBENDER:

Mr. Chair?

D.P.O. VILORIA-FISHER:

Brian.

LEG. BEEDENBENDER:

Mr. Chair, I know we have a long agenda, but Mr. Mooney has been sitting here all day. Might I suggest that we take his out of order? Because we're going to be a while here and his is buried in the agenda.

P.O. LINDSAY:

Why don't we get through some of the agenda first? I mean, it just -- all right. Which resolution?

LEG. BEEDENBENDER:

1505.

P.O. LINDSAY:

Let me finish Budget anyway, all right?

LEG. BEEDENBENDER:

Okay.

P.O. LINDSAY:

2088-08 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2008 Adopted Discretionary Budget (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislator Alden - Not Present: Legislators Montano & Cooper).

P.O. LINDSAY:

Legislator Beedenbender, you want to make a motion?

LEG. BEEDENBENDER:

Just make a motion to take IR 1505 out of order. It's in Public Works, it's on page ten of our agenda, it's the first one in Public Works.

P.O. LINDSAY:

Okay. IR 1505, we have a motion to take it out of order.

Do I have a second?

D.P.O. VILORIA-FISHER:

Yes.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Cooper).

It's before us. ***IR 1505-08 - Authorization of alteration of rates for Fire Island Ferries, Incorporated (Presiding Officer Lindsay).***

I'll make a motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Cooper).

LEG. BEEDENBENDER:

Thank you, Mr. Chair.

P.O. LINDSAY:
Consumer Protection:

1903-08 - Adopting Local Law No. 2008, a Local Law to prohibit the sale of old vehicle tires (Barraga). Do I have a motion?

LEG. BARRAGA:
Yes, you do.

LEG. ROMAINE:
Second.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Yes? What's the motion?

LEG. BARRAGA:
Motion to pass.

P.O. LINDSAY:
Motion to approve.

D.P.O. VILORIA-FISHER:
I'll second.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Seconded by Legislator Romaine.

LEG. LOSQUADRO:
Question on the motion.

P.O. LINDSAY:
On the motion.

LEG. LOSQUADRO:
I see this says retail tire dealers; does this also apply to salvage yards?

LEG. BARRAGA:
Dan, if it's not so stipulated, then it does not apply to salvage yards.

LEG. LOSQUADRO:
Okay. I hadn't seen it in there, I just wanted to make sure.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Then to the sponsor, the manufacture and sale of tires is pretty much regulated by the Federal Government. And actually, a lot of tires are remanufactured, called recaps. Does this address recaps, retreads, any of that?

LEG. BARRAGA:

No. It just addresses what would be considered by retailers as supposedly new tires. And what it really says is that if you have any tire that's been in stock, considered a new tire that's more than six years old based on the date of that tire, you cannot sell that tire.

LEG. ALDEN:

So what do they do with it?

LEG. BARRAGA:

They're supposed to send it back to the manufacturer.

LEG. ALDEN:

And that's by Federal law, they can do that?

LEG. BARRAGA:

Well, no, there is no Federal Law, there are various State laws. We don't have anything in New York State. South Carolina has a State law.

LEG. ALDEN:

Why are they stamped with an expiration date, so to speak?

LEG. BARRAGA:

Why they do it? Just to let them know when it's manufactured. The stamp is designed in such a way whereby the consumer has a very difficult time understanding what the stamp signifies. For example, it's on the inside of the tire and the way the stamp works, if it said 3901, it would be the 39th week of 2001. You would know based on this law, or this resolution, that that retailer should not be selling that particular tire, it should have gone back.

LEG. ALDEN:

What do you mean by should have gone back? Because the DOT sets the standard for manufacturer of the tires. As a matter of fact, if there is a date certain on it, then that would be set by the United States Department of Transportation. The reason why --

LEG. BARRAGA:

What's happening here is that these tires are shipped out and for some reason or another, Cameron, they stay on the shelves for years. The individual retailer, whether it be Wal-Mart or Goodyear or Sears, they have not been as thorough as they should have been in the past in taking an inventory of the date of manufacture of their respective tires in inventory. What's happened is that people have come in and purchased tires which the clerks say are new because they've been sitting on the shelf, but the thread peels and people have been killed. All this bill says is, "Look, if you've got something on the shelf that's older than six years of age, you've got to send it back." You should be doing that anyway, but in some cases certain individual retailers have not been doing it, this puts pressure on them.

LEG. ALDEN:

I'm not in this -- I'm not in this committee anymore, but you have evidence that shows that a tire will deteriorate just sitting on a shelf?

LEG. BARRAGA:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. BARRAGA:

ABC, several months ago, did an in-depth video with reference --

LEG. ALDEN:

I'm sorry, who did it?

LEG. BARRAGA:

ABC.

LEG. ALDEN:

Okay.

LEG. BARRAGA:

It was an investigative report on ABC. And they went out to various parts of the country and they found tires in stock at Goodyear, at Sears, at Wal-Mart, all right, where these tires were in excess of six years of age. And they interviewed individuals who had purchased these tires and unfortunately their family members were killed because the treads split because the tires chemically dry out.

LEG. ALDEN:

Okay. But they don't have -- they didn't go to DOT because DOT investigates accidents, whether it's road cause or whether it's equipment failure or whether it's manufacturer failure --

LEG. BARRAGA:

I guess the point is to have this legislation so DOT doesn't have to go out and investigate a situation where they find that the tire was better than six years old. This is in order to prevent DOT from having to do it because the retailers are conforming to existing law now in Suffolk County if this goes through.

LEG. ALDEN:

I think I'd feel, you know, more convinced if it was not just ABC but if it was, you know, a governmental agency that went out and it's charged with the responsibility of, you know, examining causes for accidents. ABC is going to twist it for journalism purposes, or actually for whatever kind of purposes, sensationalism.

LEG. BARRAGA:

The problem is that often the tire manufacturers, they don't want to deal with this issue and they're pretty effective lobbying in Washington, that's been a main issue. There's legislation in Washington that really hasn't gone anywhere, and these people are pretty effective in deterring something like that from going forward.

LEG. ALDEN:

But if there's raw data to accidents where --

LEG. BARRAGA:

And I think one manufacturer of cars, Ford, has been an advocate of this because I think this kind of law exists already in Europe, but not in the United States.

LEG. ALDEN:

And in Europe they have the investigations of these accidents that show after six years that a tire will deteriorate?

LEG. BARRAGA:

There's been enough research, in Europe and in the United States, to know that because of the dryness factor, after six years these tires are vulnerable to do a tremendous amount of damage if they're on a car. All you're saying to retailers looking to sell a new tire, make sure it's less than six years of age; I think it's fair.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Well, that's a big responsibility because --

LEG. BARRAGA:

No, it's not.

LEG. ALDEN:

-- this isn't like milk; you know, the milk does go bad if it goes out of expiration date. A tire, if it's manufactured to DOT specifications, that can be on your car for more than six years. So then how does this affect, you know, the safety factor? Are we going to go out and pull everybody's, you know, tires off their car and make them get rid of their tires? Because if it deteriorates on the shelf, it will by far deteriorate more on a car, on a vehicle.

LEG. BARRAGA:

But this only deals with the sale of the tire, you cannot sell a tire that's been on that shelf six or more years.

LEG. ALDEN:

But Tom, we're trying to protect the public, right, because we don't want them to buy a six-year old tire that's been on the shelf --

LEG. BARRAGA:

Right.

LEG. ALDEN:

-- put it on their car and then get killed.

LEG. BARRAGA:

Right.

LEG. ALDEN:

What about the six-year old tires that are on their cars that are deteriorated from being out in the elements? In the elements, tires do -- the rubber, the --

LEG. BARRAGA:

But then you better figure out --

LEG. ROMAINE:

But they were bought new.

LEG. BARRAGA:

-- something other than a tire to run a vehicle on. Because, I mean, there are tires -- they're always going to age.

LEG. ROMAINE:

If you buy a six-year old tire --

LEG. ALDEN:

No, I just don't see how this protects -- you know, on an overall problem, I don't see how this protects anybody.

LEG. BARRAGA:

All it does is protect the consumer from purchasing a tire that's in excess of six years of age and still on the shelf. That's all it does.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

That's brand new.

P.O. LINDSAY:

We have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Alden - Not Present: Legislator Montano).

LEG. ROMAINE:

Cosponsor, please.

MR. LAUBE:

Gotcha.

P.O. LINDSAY:

1964-08 - Adopting Local Law No. 2008, a Local Law to require disclosure of the identity of users of clothing donation bins (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. You know, I'm going to vote for this, but I don't think we have jurisdiction, I really think it's a town issue.

LEG. ALDEN:

Can't they put their financials on the side, too?

LEG. KENNEDY:

I was just going to ask --

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

-- for an explanation, Mr. Chair. What does this bill do?

P.O. LINDSAY:

Mr. Zwirn, you would like to talk?

MR. ZWIRN:

Briefly. Thank you, Mr. Presiding Officer. This came about, I think the County Exec was working with the Town of Islip on this one; Councilman Bodkin, I believe, was a driving force.

P.O. LINDSAY:

The town just approved a town resolution to regulate them because there's a lot of bins in Islip that portray themselves as charities and they're not charities, they're strictly for-profit and they're proliferating all over the town.

MR. ZWIRN:

I think the point was just so that people, when they're donating their, you know, clothes to charity --

P.O. LINDSAY:

My only point is I really think it's a town responsibility, but whatever. Legislator Romaine.

LEG. ROMAINE:

Yes, I believe the Town of Brookhaven adopted regulations strictly controlling this. They were concerned that charities weren't operating this, charities weren't getting any money from this, that people from out of State -- in fact, there was a critical letter of the town's actions signed by someone from Ocean County, New Jersey, who can't make a living now because he only gives 5% of what he collects to charities, but it's considered a charitable bin, so the town legislation obviously affects that. I certainly think that this legislation is duplicative. I don't see how this could be more effective than either the Islip or the Brookhaven Town legislation and I certainly think this is better handled at a town level than at a County level.

P.O. LINDSAY:

Okay. Legislator Kennedy and then Horsley.

LEG. KENNEDY:

Ben, what's the enforcement provisions, what's the penalties?

MR. ZWIRN:

I haven't got the bill in front of me. I would ask George.

LEG. ALDEN:

Who enforces it?

MR. NOLAN:

Consumer Affairs is going to enforce it.

MR. ZWIRN:

Consumer Affairs. But, you know, I would say that we think this will handle on a Countywide basis which towns have not chosen to do it. I don't think they do it in my town. But if you don't want to vote for the legislation, you don't want to cosponsor it, Legislator Romaine, I think you're certainly free not to do it.

LEG. KENNEDY:

Well, what I would say on the enforcement side is why fine them; why not just confiscate it, take the bin? You know, if you can't find --

P.O. LINDSAY:

We can sell it for scrap metal.

LEG. KENNEDY:

There you go. As a matter of fact, take it right out there to Medford, I'm telling you. Save legal fees.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
The only thing I wanted to add is Babylon regulated these maybe five years ago when I was on the Town Council. It's their role.

LEG. ALDEN:
Did you hold a press conference, Wayne?

LEG. HORSLEY:
Of course we did, that's the reason why I know.

P.O. LINDSAY:
Okay. We have a motion and a second on the clothing bin resolution; right, we have a motion and a second?

MR. LAUBE:
That's correct.

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

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

MR. LAUBE:
Seventeen (Opposed: Legislator Viloría-Fisher).

P.O. LINDSAY:
Abstentions?

1965-08 - Adopting Local Law No. 2008, a Local Law requiring restaurants to disclose prices of specials (Nowick).

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Okay. Legislator, do they call this the "Blue Plate Special Bill"?
Do I have a second?

LEG. KENNEDY:
Second, second.

P.O. LINDSAY:
Second by Legislator Kennedy.

LEG. BARRAGA:
Are these specials more than six years old?

LEG. KENNEDY:
And they've been on the shelf that long, too.

P.O. LINDSAY:

Only the potatoes are that old. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

LEG. LOSQUADRO:
Tim, cosponsor.

LEG. NOWICK:
Who abstained on that?

MR. LAUBE:
Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:
2032-08 - Establishing Home Heating Cost Information Program for Suffolk County Consumers (Presiding Officer). I'm going to make a motion to table, I'm still working on the bill.

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

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Economic Development, Higher Education & Energy:

2065-08 - Authorizing a lease agreement with the Outer Marker, LLC for the use of property at Francis S. Gabreski Airport (County Executive).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper. Do I have a second? I'll second.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2095-08 - Appoint a member to the Suffolk County Community College Board of Trustees (Saul R. Fenchel) (Presiding Officer Lindsay).
Do I have a motion?

LEG. STERN:
Motion.

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

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Eddington.

LEG. EDDINGTON:

Yes, this -- I haven't met this gentleman and I don't know about his qualifications at all, but I know he's slated to replace ex-Mayor Frank Trotta from the Village of Bellport, a long-time member of the Suffolk County Community College Board. In fact, one of them that has the best attendance records for a long time. And I was concerned but I learned just recently that he's been slated for an appointment by the Governor to the State University of New York Board because they're going to be looking for a new President at the State University of Stony Brook.

And so I'm going to support this knowing that since he was involved in picking our President at Suffolk Community College, and I think he did a great job, I'm going to support that and hope that that is what's going to happen.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

Environment, Planning & Agriculture:

1812-08 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local law No. 24-2007, Marist Property - Town of Brookhaven (SCTM No. 0200-976.10-03.00-027.001)(Browning).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Legislator Browning, do you want to make a motion on your bill?

LEG. EDDINGTON:

I said motion.

LEG. BROWNING:

Sorry, motion.

P.O. LINDSAY:

Oh, motion by Legislator Eddington. Second by Legislator Browning.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Real quickly; is this part of that original plan that we had for protecting open space, or is it a farm? Anybody know?

LEG. BEEDENBENDER:

No and no; it was not on the Master List.

LEG. BROWNING:

It's not on the Master List.

LEG. ALDEN:

It's not on the Master List?

LEG. BEEDENBENDER:

No.

LEG. ALDEN:

How much tax do they pay on this; anything?

LEG. BROWNING:

At this time --

LEG. ALDEN:

Marist College is a religious institution, right?

LEG. BROWNING:

Yes, yes, the Marist Brothers.

LEG. ALDEN:

Do they pay taxes on this?

LEG. BROWNING:

Non-profits don't pay taxes.

LEG. ALDEN:

Some actually do when they run on --

LEG. BROWNING:

Well, I'm not exactly sure on that.

LEG. ALDEN:

So there's no tax paid on this property now.

LEG. BROWNING:

I don't believe there is, but I'd have to verify that.

LEG. ALDEN:

And if we buy it, what's the plan for it; open space, access to the public?

LEG. BROWNING:

Active park use, access for the public and Post-Morrow Foundation is buying two acres, the Town of Brookhaven is doing a 50/50 share.

LEG. ALDEN:

So we're going to do, what, ball fields?

LEG. BROWNING:

No, it's going to be walking trails and just active recreation.

LEG. ALDEN:

And the other question is, is this under active -- right now is anybody seeking to develop the property?

LEG. BROWNING:

No. There was actually someone that was looking to do it, but he decided against it.

LEG. ALDEN:

Do you just know off -- you know, what's this zoned? Because some property they protect against, you know, being built on by zoning it just for school use or educational purposes.

LEG. BROWNING:

I believe -- okay, we believe it's residential. But like I said, someone did -- at one time was interested in purchasing it for residential, but he backed out of it.

LEG. ALDEN:

Usually when they take it off the tax rolls they don't leave it as residential, but just as a point of interest, I guess. All right.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

1993-08 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Riker Property - Froehlich/Wicks Addition, Town of Huntington (SCTM Nos. 0400-090.00-07.00-005.000 and 0400-090.00-07.00-006.00 (Cooper)).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper. Do I have a second from Huntington?

LEG. COOPER:

Guys, focus.

LEG. D'AMARO:

Sorry.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Anybody on the question? Legislator Alden.

LEG. ALDEN:

They still have 2.5 million in the Huntington section of the old 12(5)(E)? Because that was a town-specific program.

MS. VIZZINI:

Yeah, they are town-specific.

LEG. COOPER:

Cameron, the answer is yes.

P.O. LINDSAY:

Legislator Cooper is the sponsor of this resolution, he said yes.

LEG. ALDEN:

Then I guess --

LEG. COOPER:

I double checked that, the money is already banked so this doesn't have to be --

LEG. ALDEN:

You double checked it?

LEG. COOPER:

Yes.

LEG. ALDEN:

Okay. Thanks, Jon.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay, we got through the first page.

D.P.O. VILORIA-FISHER:

Amazing.

P.O. LINDSAY:

2045-08 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local law No. 24-2007, (NAFTAL Associates Property - Town of Brookhaven) (SCTM No. 0200-297.00-01.00-013.000) (Schneiderman).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

LEG. LOSQUADRO:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina-Fisher.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

If the sponsor knows the answer to these questions; is it currently on the tax rolls?

LEG. ROMAINE:

I believe it is.

LEG. ALDEN:

Any idea how much tax they pay?

LEG. ROMAINE:

No, I don't.

LEG. ALDEN:

Is it under development pressure?

LEG. ROMAINE:

Yes.

LEG. ALDEN:

And it's zoned?

LEG. ROMAINE:

I believe it's zoned residential. It's in Brookhaven Town, it's in the Hamlet of Ridge, East of William Floyd Parkway. It's surrounded by Pine Barrens Core, it's right off 25.

LEG. ALDEN:

This is in the Pine Barrens Core?

LEG. ROMAINE:

No, it is in the Compatible Growth Zone, but it's completely surrounded by lands that are already owned by the County and the State, and I think the town might own lands in that vicinity, too. It's completely surrounded on three sides by Pine Barrens Core, but it's in the Compatible Growth Zone, it's right off Route 25 in Ridge, east of William Floyd Parkway.

LEG. ALDEN:

Was this included in our plan?

LEG. ROMAINE:

I don't know if it was.

LEG. ALDEN:

The Master Plan for acquisition?

LEG. ROMAINE:

I don't believe it was and that's why I'm coming forward with this resolution.

LEG. ALDEN:

And what's the plan to manage it, if we do buy it?

LEG. ROMAINE:

Keep it absolutely -- join it with the Pine Barrens Core.

LEG. ALDEN:

So no access?

LEG. ROMAINE:

No -- well, no, there's access right. There's a trail right there that leads right to the --

LEG. ALDEN:

No, no, no. We're going to encourage people to use the property?

LEG. ROMAINE:

Absolutely. There's a trail there and parking there off 25. If you know Ridge at all, immediately east of William Floyd Parkway, if you go on the south side there's a parking area and there's a trail that runs through the State land and then the County-owned lands, this is going to add to it.

LEG. ALDEN:

Is this one of those properties that they've been running motorcycles and the ATV's on?

LEG. ROMAINE:

I don't believe so.

LEG. ALDEN:

Because right near there they have use on it.

LEG. ROMAINE:

Yes, I know. Yeah, we're trying to prevent that, we just don't have enough Park Rangers, as you and I both know.

P.O. LINDSAY:

Okay. We have a motion and a second on 2045. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2046-08 - Appointing Paul TeNyenhuis as a member of the Lower Hudson - Long Island Resource Conservation and Development Area Council (Losquadro).

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Viloría-Fisher. Is that one of our boards?

D.P.O. VILORIA-FISHER:

That's Soil & Water, it's really important to have.

LEG. LOSQUADRO:

It's part of the Soil & Water Conservation District, sort of a pro forma resolution for us to appoint someone to that board.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

2051-08 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Castle Court LLC Property - Town of Riverhead (SCTM No. 0600-134.00-01.00-008.003 p/o) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. On the question, all --

LEG. ALDEN:

Is this Master Plan --

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Is this part of the Master Plan, or is this --

P.O. LINDSAY:

It's an Executive resolution, I don't know.

LEG. ALDEN:

Ben, maybe -- is it okay, through the Chair?

MR. ZWIRN:

This is farmland preservation. This went through the Farmland Preservation Committee, it was approved.

LEG. ALDEN:

Good. No, that tells me the answer. Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

LEG. ROMAINE:

Could the Clerk please list me as a cosponsor? Thank you.

MR. LAUBE:

Yes.

P.O. LINDSAY:

2052-08-08 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] - for the Anything You Want, LLC Property - Pine Barrens Core, Town of Brookhaven (SCTM Nos. 0200-456.00-01.00-007.001) (County Executive).

LEG. EDDINGTON:

Motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Browning. Do you want to know what the LLC does?

LEG. ALDEN:

I don't even want to ask that question.

LEG. ROMAINE:

Elliot Spitzer Preserve.

LEG. ALDEN:

Yeah, he's going to one. Budget Review, this says the Old Suffolk County Drinking Water Protection; it's not the 12(5)E?

LEG. BEEDENBENDER:

It is 12(5)E.

LEG. ALDEN:

Oh, because it doesn't say it on this.

P.O. LINDSAY:

Yeah, it does.

LEG. ALDEN:

Oh, I'm sorry. Okay, if it says it. Everybody in Brookhaven is on board with that one?

MS. VIZZINI:

It's on the title.

LEG. ALDEN:

And they have the money?

MS. VIZZINI:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2053-08 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Szurnicki Property, Kings Park Greenbelt - Town of Smithtown (SCTM No. 0800-026.00-06.00-003.000 p/o) (County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Abstention: Legislator Alden).

P.O. LINDSAY:

2083-08 - Adopting the State Environmental Quality Review Act Statement of Findings for the Final Generic Environmental Impact Statement on the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay (County Executive).

LEG. NOWICK:

Tim, cosponsor.

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Motion.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Schneiderman.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2090-08 - Appropriating funds in connection with the Brownfields Program, former Wallpaper factory site in Lake Ronkonkoma (CP 8223) (County Executive). I'll make a motion.

LEG. EDDINGTON:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second. Did you want to add something?

LEG. KENNEDY:

This is south of the train station?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

I have a question.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

What are we doing with this?

P.O. LINDSAY:

Well, it's a piece of property that we acquired through tax liens, it's in my district. We've been cleaning it out for about the last five years. We knocked down a building, eventually we want to build affordable housing there.

LEG. ALDEN:

We have a policy -- and I don't know if it's set in stone, but we have a policy in Suffolk County whereby we don't take contaminated properties, because the liability to clean them up is almost limitless whereas the --

P.O. LINDSAY:

Cameron, we acquired the property many years ago, before that policy was in effect, and we're stuck with the property.

LEG. ALDEN:

Okay, that's part of the explanation then.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

And does this -- this last \$103,000, that makes it clean enough to put affordable housing on it?

P.O. LINDSAY:

I believe so. I hope so. I think I started this when I first got elected, and I've been in office eight years, so hopefully.

LEG. ALDEN:

It's just the cleanliness of the property, because some of them you can't clean.

P.O. LINDSAY:

No, no, no. DEC has already approved this. It's all been one.

LEG. NOWICK:

Moving right along. Keep on going.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second; roll call on the Bond, on 2090A.

MR. LAUBE:

I just want to check; the second on that was Legislator Losquadro? You didn't announce it, I was just going by ears.

D.P.O. VILORIA-FISHER:

It was somebody over there.

LEG. LOSQUADRO:

That's fine.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Health & Human Services:

2062-08 - Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (County

Executive).

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

I'll second the motion and I have a question on the motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Viloría-Fisher. Legislator Viloría-Fisher?

D.P.O. VILORIA-FISHER:

I would just like to ask Dominick Ninivaggi a couple of questions.

Hi, Dominick.

MR. NINIVAGGI :

Well, I'm glad, after waiting here this time, that I finally get to do something. So what can I do for you?

D.P.O. VILORIA-FISHER:

It has been a long day.

MR. NINIVAGGI :

Yes.

P.O. LINDSAY:

Be careful what you wish for.

MR. NINIVAGGI :

This is true.

D.P.O. VILORIA-FISHER:

Dominick, I'm just going to ask, within the plan that we have for Vector Control, are you within the Best Management Practices? Are you in the lower level of Levels I and II, just clearing and no machine ditching, or are you going beyond any of those at this point?

MR. NINIVAGGI :

Right now we're still in the low level Best Management Plan, Best Management Practices pending the Wetlands Stewardship Program.

D.P.O. VILORIA-FISHER:

Okay. All right, thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Dominick, to what extent does this plan allow for the use of Methoprene in estuary areas? Is that a practice that's continuing in this plan, in salt marsh estuaries?

MR. NINIVAGGI :

Yes, we -- it's consistent with the long-term plan that calls for the use of Methoprene in a salt marsh areas.

LEG. SCHNEIDERMAN:

Thank you.

P.O. LINDSAY:

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

LEG. SCHNEIDERMAN:

Abstention.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Sixteen (Abstentions: Legislator Romaine & Schneiderman).

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

2015-08- Amending the Suffolk County Classification & Salary Plan in connection with a new position title in the Department of Probation (Program Coordinator - Probation Officer) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Do I have a second? Second by Legislator Browning?

LEG. BROWNING:

Yes.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation, Legislator Alden.

LEG. ALDEN:

It's not one of ours. I think this is a County Executive resolution?

MR. ZWIRN:

Yeah. It's adding a position to somebody whose got -- it's a Civil Service title, it's a competitive title that they're adding that would have a greater range with supervisory capacity than currently exists under the Civil Service titles that are there. And they're going to take away two titles, there will be no net increase with respect to salaries. But Probation Department asked for this, Civil Service agreed and --

LEG. ALDEN:

Ben, how does it -- so how does it help us?

MR. ZWIRN:

I think it has -- the position will have greater responsibilities with respect to interacting with other agencies. It is just a higher title with more responsibilities than currently than doesn't exist under the current titles.

LEG. ALDEN:

Any time used going to monitoring sex offenders or --

MR. ZWIRN:

I don't know in particular what this particular person will be doing in the Probation Department. But as I said, Kris Chayes was here at the committee, and I don't recall her testimony at that time but it was requesting -- and Probation Director Desmond was here as well and has requested this.

LEG. ALDEN:

This will make us --

MR. ZWIRN:

And again, it's a competitive title.

LEG. ALDEN:

But we'll perform more efficiently by having this title?

MR. ZWIRN:

We expect so, yes.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Ben?

MR. ZWIRN:

Yes.

LEG. KENNEDY:

One of the positions that's being deleted is an Alcohol Program Coordinator, a Probation Alcohol Program Coordinator? Clearly we're not dealing with less referrals through the Criminal Justice System as far as DWI's and repeat alcohol offenders. Is it just because the department doesn't use that? I know for a fact that we have --

MR. ZWIRN:

I don't remember precisely, Legislator Kennedy. I do know that this -- the title will give this person a lot more discretion in the way it handles --

LEG. KENNEDY:

Is this a new-hire or is this somebody that's on board with us now?

MR. ZWIRN:

That I don't know. All I know is it's somebody who will have to take a test for it and will be competitive. It's not an exempt appointment. If it is, they'll have to take a test and qualify and be reachable, but I don't think there's anybody that they had in mind.

LEG. KENNEDY:

But there -- so -- okay. So there's nobody in a position doing this particular function we're contemplating now?

MR. ZWIRN:

Not that I'm aware of, no.

LEG. KENNEDY:

All right.

P.O. LINDSAY:

Okay. Is everybody done? All right. We have a motion and a second on 2015. All in favor?

Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Kennedy).

P.O. LINDSAY:

Parks & Recreation:

1977-08 - Appropriating funds in connection with historic restoration and preservation at the Elwood School House, a.k.a the Little Red School House in the Town of Huntington (CP 7510)(Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator Cooper.

On the question? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

The accompany Bond Resolution, 1977A, same motion, same second; roll call.

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

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yep.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

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:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

1988-08 - Reappointing Richard F. White, Jr., as a member of the Suffolk County Board of Trustees of Parks, Recreation & Conservation (Presiding Officer Lindsay). I'll make the motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2047-08 - Creating a Vanderbilt Museum Oversight Committee (Cooper).

LEG. COOPER:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Viloría-Fisher.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

We did 2094. Page ten. We did 1992.

Public Safety:

1999-08 - Accepting and appropriating a grant in the amount of \$87,330 from the State of New York Governor's Traffic Safety Committee to enforce Motor Vehicle Passenger Restraint Regulations with 85.07% support (County Executive). I'll make a motion. Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2000-08 - Accepting and appropriating Federal Funding in the amount of \$3,500 from the United States Marshals Service for the Suffolk County Police Department's Participation in Operation FALCON with 85.05% support (County Executive). I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2001-08 - Accepting and appropriating a grant in the amount of \$250,000 from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for the Suffolk County Police Department to participate in a Human Trafficking Task Force with 86.74% support (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2005-08 - Accepting and appropriating \$7,794.50 in sub-granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program

sponsored by the U.S. Department of Justice with 85.6% support (County Executive).
Same motion, Legislator Eddington. Same second, Legislator Lindsay. All in favor? Opposed?
Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2049-08 - Establishing a school district notification of heroin activity in Suffolk County (Natalie's Law) (Horsley).

LEG. HORSLEY:

Motion to table, but for only one cycle.

P.O. LINDSAY:

Motion by Legislator Horsley to table. I'll --

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator --

LEG. HORSLEY:

I'm meeting with the school boards people tomorrow, so, to resolve it.

P.O. LINDSAY:

Okay. Legislator Eddington seconded it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2060-08 - Accepting and appropriating 75% Federal Emergency Management Agency pass-through grant funds from the New York State Emergency Management Office to the Suffolk County Department of Fire, Rescue and Emergency Services for a Public Education Grant under the U.S. Hazard Mitigation Grant Program (HMGP) and to execute grant related agreements for the Suffolk County mitigation Education for Natural Disasters (MEND) Program (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2063-08 - Accepting and appropriating \$21,598.00 in sub-granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program sponsored by the U.S. Department of Justice with 85.07% support (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Seconded by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. HORSLEY:

Cosponsor.

P.O. LINDSAY:

2064-08 - Accepting and appropriating a grant in the amount of \$380,098 from the United States Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, to fund a computer crimes and identity theft initiative for the Suffolk County Police Department with 89.59% support (County Executive).

Motion by Legislator Eddington.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1505 we already did.

Public Works & Transportation:

1769-08 - Adopting Local Law No. 2008, A Local Law to provide parking for clean-pass vehicles at County facilities (The Green Spaces Program) (Horsley). Legislator Horsley?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Seconded by Legislator Losquadro. All in favor?
Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

LEG. GREGORY:

Tim?

LEG. LOSQUADRO:

Tim, cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. STERN:

Cosponsor.

P.O. LINDSAY:

1845-08 - Requiring identification of County purchasing personnel to the County's Procurement Policies and procedures (County Executive).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. EDDINGTON:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1850-08- Authorizing a Request For Proposals for sale of obsolete and surplus County personnel -- personal property (Presiding Officer).

D.P.O. VILORIA-FISHER:

County personnel?

P.O. LINDSAY:

Personal. I'll make a motion. It's getting late, you know?

LEG. LOSQUADRO:

I'll second it.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. LOSQUADRO:

Tim.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1951-08 - Adopting Local Law No. 2008, a Local Law to ensure safe operations of helicopters (Romaine).

LEG. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Romaine.

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Motion to table by Legislator Romaine, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1994-08 - Amending the 2008 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for improvements to Suffolk County Sewer District No. 3 - Southwest Outfall (CP 8108)(County Executive).

LEG. BEEDENBENDER:

Motion.

D.P.O. VILORIA-FISHER:

Southwest?

P.O. LINDSAY:

You want to make that motion?

LEG. D'AMARO:

Motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Okay, on the motion, Legislator Alden.

LEG. ALDEN:

Just to Budget Review, through the Chair. Is this the money we anticipated when we did the Capital Budget for the deterioration, and actually the possible collapse of the outfall?

MS. VIZZINI:

Well, no, this -- the County Executive had included this money in the 2008 Capital Budget for planning for alternatives for the outfall. It's what type of structure will be built and if there's alternatives.

P.O. LINDSAY:

This is planning money.

LEG. ALDEN:

Okay. How much is this one?

MR. REINHEIMER:

Three point four million.

MS. VIZZINI:

Three point four million. It's not the 50 million that we -- 150 million that the Legislature added.

LEG. ALDEN:

Okay. So the three --

P.O. LINDSAY:

If I could?

LEG. ALDEN:

Yeah, sure.

P.O. LINDSAY:

Remember from the Working Group, there was money put aside to look at three different alternatives to replacing the pipe or repairing the pipe. And there was the purchase of some pipes for an emergency; if it was to rupture, that we would have the material right there to go in and repair it temporarily until we could build a new one.

LEG. ALDEN:

And that's what's included in this, the purchase of some supplies or pipe --

LEG. BEEDENBENDER:

Mr. Chairman?

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Just from the discussion we had in committee, we have a lot of the emergency pipe in place. What this resolution is for -- if you recall during the conversation they're not sure which way we're going to go lay the pipe on the bay bed or they'll drill underneath. This is for the planning, the studies to figure out which is the best way to so when we get to the point of spending that 50 million we have a plan.

LEG. ALDEN:

Okay. This doesn't include the other --

LEG. BEEDENBENDER:

A lot of that stuff was purchased already, from what Gil told us. And I think there's a very small part of it that may include that, but a lot of that has already been taken care of I think in another resolution we approved.

COMMISSIONER ANDERSON:

Yes, correct.

LEG. ALDEN:

But there was one other component to that and that was to buy some technology that would clean the sewage, for lack of a better word.

COMMISSIONER ANDERSON:

Not under this project. This is strictly --

LEG. ALDEN:

Not under this project. This is strictly for the over or under, or --

COMMISSIONER ANDERSON:

Right, which way -- how we put it into the ground, the new pipe, all the SEQRA process that has to be done, the permits; it's all for the planning.

LEG. ALDEN:

Gil, just -- it seems like a lot of money; why is it that much money?

COMMISSIONER ANDERSON:

It's a huge project. I mean, between -- I mean, the soil borings that are going to be required alone are going to be \$500,000. So, I mean, it's --

LEG. ALDEN:

Okay, that's what I want to hear. Because I was over in Legislator Lindsay's district the other day and I mentioned sewers and they wanted to kill me, because they said it was corrupt and a lot of money stolen.

P.O. LINDSAY:

What were you doing in my district; did you get permission?

LEG. ALDEN:

Yeah, I meant to tell you that the other day.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

1994A, the accompanying Bonding Resolution, same motion, same second; roll call.

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

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

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:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2004-08 - Donating excess loam soil material to the Town of Brookhaven (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Beedenbender.

D.P.O. VILORIA-FISHER:

The question is do they want it?

LEG. BROWNING:

Could I -- okay. I was going to ask --

P.O. LINDSAY:

On the question, Legislator Browning.

LEG. BROWNING:

-- what is loam soil?

LEG. LOSQUADRO:

I can -- if I may, through the Chair?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

It's between sand and topsoil. We had this question in committee also.

LEG. BROWNING:

I just want to make sure it's not contaminated soil.

LEG. LOSQUADRO:

It's just a general -- no.

LEG. ALDEN:

Where are we stripping it from?

LEG. BEEDENBENDER:

Under the jail. The stuff that they got from the jail.

LEG. LOSQUADRO:

It's from the jail excavation.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2009-08 - Appropriating funds through the issuance of Serial Bonds for the improvements to the Sewer Collection System of Suffolk County Sewer District No. 1 - Port Jefferson (CP 8122) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, 2009A.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2010-08 - Transferring Assessment Stabilization reserve Funds to the Capital Fund and appropriating funds for the Engineering Phase of improvements to Suffolk County Sewer District No. 3 - Southwest (Sludge) (CP 8180) (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. ALDEN:

This is sludge, we should just burn it.

P.O. LINDSAY:

We used to.

LEG. ALDEN:

No, it's a good thing. Not in my district.

LEG. HORSLEY:

Nor in mine.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2011-08 - Appropriating funds through the issuance of serial bonds for the improvements to the Yaphank County Center Wastewater treatment plant (CP 8158) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. 2011, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

D.P.O. VILORIA-FISHER:

Mr. Chair, I just have a question. I know we voted on that already, but I just have a quick question for Gil or Budget Review. These are filters that this money was for, Waste Water Filtration for denitrification?

COMMISSIONER ANDERSON:

Yeah, these are new denitrification filters that we've been required to install by the DEC.

D.P.O. VILORIA-FISHER:

Now, don't we usually do that with 477 money?

LEG. ALDEN:

No, we do it through --

D.P.O. VILORIA-FISHER:

For filtering?

COMMISSIONER ANDERSON:

This is strict --

LEG. ALDEN:

Through sewer stabilization.

COMMISSIONER ANDERSON:

477 is for, you know, fresh water, this is strictly sanitary.

D.P.O. VILORIA-FISHER:

Oh, this is waste water.

COMMISSIONER ANDERSON:

Yes.

D.P.O. VILORIA-FISHER:

Okay. So why isn't it in the sewer budget?

COMMISSIONER ANDERSON:

It is.

D.P.O. VILORIA-FISHER:

It is; this is in the sewer budget?

MS. VIZZINI:

It's in the Southwest Sewer District.

COMMISSIONER ANDERSON:

Yeah.

D.P.O. VILORIA-FISHER:

Oh, okay.

MS. VIZZINI:

2014, right; IR 2014?

D.P.O. VILORIA-FISHER:

No, 2011.

LEG. ALDEN:

2011.

D.P.O. VILORIA-FISHER:

The Waste Water Treatment Plant.

MS. VIZZINI:

Well, that's the Sewage Treatment Plant for the Yaphank County Complex.

LEG. BEEDENBENDER:

It's not a sewer district.

D.P.O. VILORIA-FISHER:

So it wouldn't be part of a sewer district. Okay.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Okay. *2014-08 - Appropriating funds through the issuance of serial bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP 8181) (County Executive).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay, 2014A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yep.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

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:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2048-08 - Appropriating funds in connection with construction of noise abatement structures on CR 83, North Ocean Avenue (CP 5556) (Beedenbender).

D.P.O. VILORIA-FISHER:

Is Joe Caracappa here?

LEG. ALDEN:

Yeah.

LEG. BEEDENBENDER:

Mr. Chairman?

P.O. LINDSAY:

Did you say something, Legislator Beedenbender?

LEG. BEEDENBENDER:

I was informed today that there's a problem with the SEQRA clause, so we have to table this.

P.O. LINDSAY:

Okay. Motion to table.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BEEDENBENDER:

It will be fixed by next time.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2048A, we can't do that yet.

2055-08 - Appropriating funds in connection with construction and rehabilitation of highway maintenance facilities (CP 5048)

(County Executive). I'll make a motion.

LEG. BROWNING:
Second.

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

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:
The accompanying Bond Resolution, 2055A, same motion, same second; roll call.

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

P.O. LINDSAY:
Yes.

LEG. BROWNING:
Yes.

LEG. COOPER:
Yes.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

2056-08 - Appropriating funds in connection with moveable bridges - needs assessment and rehabilitation (CP 5806)(County Executive).

I'll make a motion for the purpose of discussion.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Gil, could you come up?

D.P.O. VILORIA-FISHER:

Gil, I thought we had already appropriated money for assessments of bridges and we had a long discussion about how spotted --

COMMISSIONER ANDERSON:

Yes.

D.P.O. VILORIA-FISHER:

Now, were those stationary bridges as opposed to movable bridges?

COMMISSIONER ANDERSON:

This is to assess and make certain repairs to the Smith Point Bridge and to the West Bay Bridge to essentially get them through the phase, you know, when we -- at some point we're looking to, in the distant future, replace the Smith Point Bridge and this is going to hold us over to that period.

D.P.O. VILORIA-FISHER:

Okay, but my question basically is when we were doing the assessments of bridges, I think at the last meeting there was a long explanation of how the Federal Government had, in their inspections had seen certain weaknesses in our bridges. Were these not covered at that point by those inspections?

COMMISSIONER ANDERSON:

That assessment is different than the assessment that would be done for this specifically. The State does a check list of, you know, items and they look through it and if it goes to a certain level then the certain flag is raised and repairs have to be made. In this case, it wasn't necessary but we were looking long-term that we know that we have to make eventual replacement of the Smiths Point Bridge.

D.P.O. VILORIA-FISHER:

So this is a higher threshold, so to speak?

COMMISSIONER ANDERSON:

Yes.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Not Present: Legislators Barraga & Alden).

P.O. LINDSAY:

On the accompanying Bond Resolution, 2056A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2057-08 - Appropriating funds in connection with reconstruction of Shinnecock Canal Jetties and Bulkheads (CP 5348) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Legislator Schneiderman makes a motion. Do I have a second?

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Within the last -- and this is directed at Budget Review. Within the last four or five years, we've spent millions here; was that just to repair the locks and now we're doing the bulkheads again?

Because within the last five or ten years we've actually done the bulkheads, maybe two times.

P.O. LINDSAY:

Why don't you ask Mr. Anderson?

LEG. SCHNEIDERMAN:

I think that's a question for Commissioner Anderson.

P.O. LINDSAY:

Yeah, Let him --

LEG. ALDEN:

Oh, maybe Gil would know. Do we charge people for going through this canal thing?

MR. ZWIRN:

No.

COMMISSIONER ANDERSON:

No. No, we don't.

LEG. ALDEN:

Maybe there's a source of revenue for the County.

MR. ZWIRN:

Bad idea.

COMMISSIONER ANDERSON:

The previous project was for the lock repair. This is strictly to repair the bulkhead and make sure the jetties on either side are in shape.

LEG. ALDEN:

Gil, any idea how much we've put into this whatever you want to call it, money pit or hole in the ocean?

COMMISSIONER ANDERSON:

Not off the -- no, I don't.

LEG. ALDEN:

Over the past like -- if you could get that for me, maybe over the past, like, say five or ten years.

COMMISSIONER ANDERSON:

Sure.

LEG. ALDEN:

I think it's huge. Thanks.

COMMISSIONER ANDERSON:

We'd like nothing better than to give it back to the State, or give it to the State.

LEG. ALDEN:

Why don't we just fill it in?

*(*Laughter from panel*)*

LEG. ALDEN:

No, I'm serious. We buy the land, this would give us open space that people could actually use. This is a beautiful thing, everybody wins. And it costs less than the Cavett Property.

LEG. SCHNEIDERMAN:

I don't know if I should respond.

LEG. BEEDENBENDER:

We already gave away the fill. We don't have any dirt to fill it in.

LEG. ALDEN:

Oh, okay, otherwise we could have used that fill in there. It would have worked.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2057A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2059-08 - Appropriating funds in connection with the reconstruction of CR 97, Nicolls Road, Town of Brookhaven (CP 5512) (County Executive).

LEG. BEEDENBENDER:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

The accompanying Bond Resolution, 2059A, same motion, same second; roll call.

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

LEG. BEEDENBENDER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2066-08 - Permitting the Hauppauge School District to purchase fuel from the County (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Verbal contract.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2068-08 - Transferring Assessment Stabilization reserve Funds to the Capital Fund and appropriating funds for the Engineering Phase of improvements to Suffolk County Sewer District No. 20 - William Floyd (Ridgehaven)(CP 8147) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Browning.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2069-08 - Transferring Assessment Stabilization reserve Funds to the Capital Fund and appropriating funds for the Engineering Phase of improvements to Suffolk County Sewer District No. 5 - Strathmore Huntington (CP 8115) (County Executive). Huntington?

D.P.O. VILORIA-FISHER:

Huntington?

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2082-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 35, Park Avenue, Town of Huntington (CP 5519) (County Executive).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

2082A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

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:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2084-08 - Amending 2008 Capital Budget & Program and appropriating funds in connection with groundwater improvements and drainage modifications to CR 48, Middle Road (CP 5184) (County Executive).

I'll make a motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Okay, is this your Middle Road or my Middle Road?

LEG. ROMAINE:

My Middle Road.

P.O. LINDSAY:

Okay, Legislator Romaine made the motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Maybe Gil would have the answer to this, through the Chair.
Why isn't this eligible for 477?

COMMISSIONER ANDERSON:

This doesn't directly effect an open water body. This is specific to groundwater impact and, you know, to make improvements to a drainage system that will redirect the storm water away from the Suffolk County Water Authority pumps to another recharge basin nearby.

LEG. ALDEN:

Thanks, Gil.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

LEG. ROMAINE:

Cosponsor, please.

P.O. LINDSAY:

Same motion, same second on 2084A, the accompanying Bond Resolution; roll call.

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

LEG. ROMAINE:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2089-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 58, Old Country Road, Town of Riverhead (CP 5529) (County Executive).

LEG. ROMAINE:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Beedenbender.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Gil, I guess, again, because it's a Capital Program? Why is this amending the 2008 Capital budget; what are we doing differently than what we had in the plan? And how much is it for?

COMMISSIONER ANDERSON:

This appropriates the sum of 8.15 million. What it's doing is basically taking what was the initial early implementation plan and expanding it so it will extend from the Expressway to the circle at Roanoke Avenue.

LEG. ALDEN:

And that's what the amendment was? Because this would indicate that at some point in the future we were going to do that, now we're doing it in a stepped-up basis?

COMMISSIONER ANDERSON:

Yes.

LEG. ALDEN:

Because to be straight-up, if somebody just walked in off the street and watched what we were voting on here, they would absolutely go home knowing that we have no budget crisis in Suffolk County at all. We just run up like, what, 50 or \$100 million worth of projects that we're going to borrow money for and now we're going to pay them back over the next 10, 20, 30 years, and we have how many millions of dollars worth of outstanding projects? So we're not even staying with our plan, we're going outside our plan to actually spend more money, and we continue to buy property at almost an unsustainable rate. So if you're an outsider looking at the way we spend money here and the way we pile on debt, you would absolutely swear when you go home that there's no financial problem or anything in Suffolk County.

COMMISSIONER ANDERSON:

If I might. This project is a long-term Federal project where we're able to make an early implementation project out of it to basically get -- you know, improve the service through the area, improve the safety through the area and, you know, eventually we will complete the -- you know, the long-term project.

LEG. ALDEN:

Through the Chair, is it all right?

P.O. LINDSAY:

Yep.

LEG. ALDEN:

When are we actually going to spend -- you said eight point something million; 8.2, 8.1 million?

COMMISSIONER ANDERSON:

Bear with me one second. Next year we'll start spending it, we should be able to construct -- begin construction in the autumn of next year.

LEG. ALDEN:

So all these projects that we've been approving as far as for construction and things like that, they're going to go forward?

COMMISSIONER ANDERSON:

Correct.

LEG. ALDEN:

It's almost a scary thought that we're going to spend that much money and incur that much debt for the next 10 or 20 years. I know that roads are important, safety is important.

COMMISSIONER ANDERSON:

Absolutely.

LEG. ALDEN:

But, you know, this -- what would -- now, here's another question. Priority ranking of 52; who gave it a priority ranking of 52? I'm just making the assumption that's on a one to 100 scale?

COMMISSIONER ANDERSON:

That I don't know. I don't know the answer to that.

LEG. ALDEN:

Okay. Thanks, Gil.

MR. ZWIRN:

If I just might?

P.O. LINDSAY:

Yes, Ms. Vizzini, did you want to add to this?

MS. VIZZINI:

Just in terms of augmenting what the Commissioner said in response to Legislator Alden's question. The amendments in the resolution, we had included \$12.7 million for CR 67, Phase I, Motor Parkway Bridge in the '08 Capital Budget. Eight point one million of that is being used to provide the monies to move forward on CR 58, Old Country Road. So we're taking from Peter to provide for Paul which is, I guess, the priority at this point.

LEG. ALDEN:

Motor Parkway -- so we're not going to do that project right now? We've taken the money out of that?

MS. VIZZINI:

There's still 4.6 million in it, but there was 12.7. You know, that provided the required offset to move forward on CR 58. There was no funding in the Adopted '08.

LEG. ALDEN:

Not to rowel anybody up here, but Legislator Kennedy and Legislator Montano's safety concerns in their district are less important than safety concerns in another district? I'm not understanding exactly what we're doing here. Because the other part -- Motor parkway was --

COMMISSIONER ANDERSON:

Okay, the project that we're taking that from --

LEG. ALDEN:

But Motor Parkway is part of our bond plan.

COMMISSIONER ANDERSON:

Without question. But right now we do not have construction authorization from the Federal Government and we won't, until next year, be able to use this money. So at this point, this is as a priority. So as part of the process, part of the Federal process, we'll be able to reintroduce the money next year.

LEG. ALDEN:

I'm not criticizing you, because I think you're doing a great job.

The problem is we're responsible for the financing of it and if we're killing programs and we're moving money around, we might end up having to close the Vanderbilt because I'm not so sure what we passed earlier is really going to supply the money to keep them open. And here we are spending money like -- I can't even count the number of dollars that we authorized today to be spent, on acquisitions and on projects; it's like as if there is no problem here. We're just making the problem go even further out than it is.

MR. ZWIRN:

Well, if I might. We're being very selective when we come forward to the Legislature today with Capital Projects. There are a lot of projects that we are not moving forward on because we are sensitive to that. But one, we have to maintain the infrastructure of this County, that's -- you're not going to let the roads deteriorate to such a point that when you have to go back and do them it's going to cost you a lot more money down the road. You're also keeping people working in Suffolk County doing these projects.

LEG. HORSLEY:

Here, here.

MR. ZWIRN:

And it gives us a break with Capital Funding with interest rates at very low rates right now. We're one of the few people that -- one of the few entities that can go out there and float bonds and get work done. The private sector, a lot of that money, projects that were planned is not there anymore. But these are projects that have been planned for a while. When money is drying up, I know one project, and I'll just give you an example, is County Road 111, the planning money to do the clover leaves out there. We took that off. We had laid it on the table for the last meeting, it would have been through committees before today, but there was talk that they were not going to have -- the Federal Government and the State were going to pull back their portion of the money, so we pulled it off the table. When we were able to reconfirm that the State and Federal Government were putting up their share, we put it back on the table. So we are very sensitive, the County Exec's office, as to, you know, the Capital Program and we're trying to be very careful, as we put projects forward, that they're in the districts that need them the most, and I think so far we've done a pretty good job.

LEG. ALDEN:

You know what, Ben? I would agree with almost everything you say. But also, it's like a kid, somebody's got to be an adult and say, "You can't have it all." And if we think we're going to be able to put this much money into infrastructure -- and I agree, keeping people working, very important. Maintaining safety on the roads, very important. But we're also buying hundreds of millions of dollars worth of open space and farms. We have to -- once again, we're going to have to step back, take a breath and see what is more important to the people of Suffolk County, because I'm not so sure they can afford everything. So if we're going to continue down that road where we just buy every piece of property that becomes available and we have to do important projects like this which do keep people working, and I agree with you, and it does provide a little stimulus for the economy, I don't know where we get the money from, even in the future, to pay for both.

And fine, somebody can make the argument, Open Space, there's a Quarter Cent Sales Tax stream of revenue to pay for that, but that stream of revenue, that's tax dollars. And we can't go back to the people and say, "Look, we spent all your money on open space. Now we need another half percent from you actually to keep the Vanderbilt open, to keep other programs open, to build more roads and do other things that County government legitimately should do." So when we take into consideration how much money we're spending and how we're spending it, we better take a long, hard look at the future that we're leaving for generations to come.

Now, I'm not going to be a Legislator past next year. But the next Legislative body that comes in here, you're creating -- if some of you are going to run for re-election, I'm making that assumption, which I guess you shouldn't do -- but you're creating some problems for yourselves in 2010, 11, 12,

15, going out for the next 10 or 20 years. You really can't afford to dig this big of a hole.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator Kennedy and D'Amaro. Go ahead.

LEG. KENNEDY:

Mr. Chair, you know, Legislator Alden brings up a good point. I guess I really have to ask Gil, both yourself, I guess, and Ben. We spoke at length about the Exit 55 bridge and I thought that that was in that same category as some of the other Federal Highway aided projects that we had spoken about that were on this accelerated expenditure requirement, similar to CR 16 --

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

-- and Montauk Highway where we had to commence some expenditure action in order to secure those Federal Highway funds?

COMMISSIONER ANDERSON:

That's only once you receive construction authorization from -- we haven't gotten to that point yet. Once we have that, then we have the year limit to get out and spend some portion of the money. So we won't get that until early next year, and at that point we have to move that project along.

LEG. KENNEDY:

And will that be one of the ones that makes the cut here as we go forward.

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

I mean, there's 50,000 individuals in that industrial park.

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Okay, fine.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I just was listening to Legislator Alden, I'm also concerned about the amount of debt, I've expressed that in the past.

I don't want to take a lot of time, but I want to ask Budget Review Office, just very quickly. Aren't we also paying off a certain amount of debt every year as we're incurring the new debt, and what's the trend with respect to that? If anyone --

P.O. LINDSAY:

Did you hear the question?

MS. VIZZINI:

We were multi-tasking; could you repeat the question?

LEG. D'AMARO:

Sure, I'd be happy to. We're bonding, we're buying open space, we're bonding to do some of that, but we're also paying off debt; what's the trend in our debt?

D.P.O. VILORIA-FISHER:

Upwards.

LEG. D'AMARO:

And to what extent?

MR. LIPP:

The trend is up, in part because there's still the majority of the construction money left for the new jail, so it's going up.

LEG. D'AMARO:

Yeah. If I remember the charts that we looked at during the budget process and in the Working Group, a lot of that was really attributable to the County Jail, the new jail.

MR. LIPP:

Correct.

LEG. D'AMARO:

Right. Taking that out of the equation, do you have any read on what we're doing as far as borrowing and then paying off?

MR. LIPP:

One of the problems is we have in the neighborhood of the half of billion dollars in pipeline debt that is outstanding authorizations that we have yet to borrow money for. So that in theory, even if we didn't authorize any additional monies or even adopt a Capital Program for a couple of years, we'd still have a lot of borrowing going on.

LEG. D'AMARO:

Right, but my question is at the end of each year we know how much we borrowed.

MR. LIPP:

Oh, sure.

LEG. D'AMARO:

And without the jail in that mix, is that trending upward and at what rate?

MR. LIPP:

I believe it's trending down without the jail. We did peak, I believe, last year at \$138 million that we borrowed for serial bonds. This year we're doing less than that.

LEG. D'AMARO:

So taking the jail out of the equation, we're paying off more than what we're borrowing on an annual basis?

MR. LIPP:

I'm not sure because the debt -- I would say right now currently no, but moving forward if you did, yes. And the reason is because most of the -- simply, most of the jail we have not borrowed for yet, so it isn't in the mix yet.

LEG. D'AMARO:

Right. Okay, thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

Just to pick up on what Legislator D'Amaro was saying. Our debt service that comes out of the Operating Budget has been going down? Because the last time I looked it was going up, by huge amounts.

MR. LIPP:

No, I didn't say it's going down. I did say it's going up. If you take the jail out, then that brings it down some. Also, if you look at the current Operating Budget, it appears that debt service is going down, but that's because a considerable amount of debt service was taken off-line because of the tobacco securitization.

LEG. BARRAGA:
Right.

LEG. ALDEN:

Right, but you still have to pay it. I mean, that's still debt service.

MR. LIPP:

Correct, correct. But if you look in the budget, it looks like debt service is going down, but if you make that adjustment apples to apples, it is not the case.

LEG. ALDEN:

Okay, then apples to apples -- good. Your debt service is going down but your income just went down by a huge amount, or actually almost triple -- no, at least double what your debt service has just gone down, correct? Because you just sold double the amount to pay the debt service.

MR. LIPP:
Yeah.

LEG. ALDEN:
Yeah.

P.O. LINDSAY:
Okay.

MR. ZWIRN:

It's a challenge for the County Exec, the Legislature. You have to balance -- you can shut down the Capital program. I mean, that's -- you can vote against every one of these bills. I don't think that's --

P.O. LINDSAY:

I think the issue here -- and you guys have to admit that this is a little bit different. I'm not opposed to it, but we're taking Federal money from one project that isn't ready to go and moving it to another project.

MR. ZWIRN:
Right.

P.O. LINDSAY:

That isn't something that we do every day; am I correct?

MR. ZWIRN:

No, but I think -- and I'll let Gil answer this, but we have found that the Federal government, the rollover plan that they have is now very restrictive and that money, if we don't use it, we lose it.

P.O. LINDSAY:

Okay. No, no, I'm not opposed to it. I'm just saying, that's something that's different about what we're doing and we don't do this --

MR. ZWIRN:

Right, because the rules in the Federal Government have changed as well.

P.O. LINDSAY:

Yeah, because we don't do this often. Okay. Okay, is everybody all right now? We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

LEG. ROMAINE:

Could the Clerk list me as a cosponsor.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

The accompanying Bond Resolution, 2089A, same motion, same second; roll call.

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

LEG. ROMAINE:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2091-08 - Amending the 2008 Capital Budget and Program and appropriating funds in connection with strengthening and improving County Roads (CP 5014) (County Executive). Do I have motion?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Stern.

LEG. STERN:

Yeah. Thank you, Mr. Presiding Officer. Gil? Gil, just one second.

COMMISSIONER ANDERSON:

Sorry.

LEG. STERN:

I just wanted, again, just one more time clarification. There are a few different offsets here, one of them is project 5566. So I just wanted to be clear and for the record that we believe that that's a sufficient offset because County monies are not going to be needed for that project because the monies are going to be contributed by the private developer for that work to be done.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

Okay. Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2091A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

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. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Alden).

P.O. LINDSAY:

2096-08 - Appropriating funds through the issuance of Sewer District Serial Bonds for the expansion and improvements to Suffolk County Sewer District No. 18- Hauppauge Industrial (CP 8126) (County Executive).

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. On the question. Legislator Alden.

LEG. ALDEN:

And Budget Review should have the answer to this. When they do it through Sewer District Serial Bonds for the expansion, that Sewer District actually has to pay back the -- whatever you want to call it, the trust fund?

MS. VIZZINI:

The debt service is paid by the sewer district.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

The accompanying Bond Resolution, 2096A, same motion, same second; roll call.

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

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

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:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

2097-08 - Authorizing the conveyance of County-owned surplus, unused right-of-way fronting a parcel of land (SCTM No. 0100-230.0000100-054.000) pursuant to Section 125 of the New York State Highway Law (County Executive). I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways & Means:

1902-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, SNZ Holding Corp (SCTM No. 0200-229.00-02.00-012.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. ALDEN:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1975-08 - Authorizing the Department of Information Technology to implement a Crime Stoppers tip line capable of receiving text and e-mail messages (Horsley).

LEG. HORSLEY:

Yes to text-a-tip.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. GREGORY:

Tim, cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1978-08 - Sale of County-owned real estate pursuant to Local Law No. 13-1976, Aly and Manal Daoud as husband and wife (SCTM No. 0500-272.00-01.00-117.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Viloría-Fisher.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1986-08 - Authorizing the acquisition and approving and accepting the conveyance of a portion of certain parcels of real property having Suffolk County Tax map Identification Numbers of District 0400 - Section 104.00 Block 01.00 Lot 045.005 and District 044 Section 104.00 Block 01.00 Lot 045.006 for Public Highway purposes from the Town of Huntington, Suffolk County New York pursuant to General Municipal Law S72-h (County Executive).

LEG. ALDEN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
After eight hours you start to get punchy.

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

LEG. BEEDENBENDER:
I was punchy four hours ago.

P.O. LINDSAY:
Okay. *1987-08 - Authorizing the conveyance of County-owned surplus, unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number of District 0200 Section 726.00 Block 07.00 Lot 006.000 pursuant to Section 125 of the New York State Highway Law (County Executive).* Who had a question?

D.P.O. VILORIA-FISHER:
I think Brian had a question on this.

LEG. BEEDENBENDER:
I'm going to make a motion to table because I have some questions for DPW about this.

P.O. LINDSAY:
Motion to table.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Second by Legislator Vilorina-Fisher.

LEG. ALDEN:
On the motion. Isn't Gil still here?

LEG. ROMAINE:
He left.

LEG. BEEDENBENDER:
Fantastic. All right. Well, then I guess I will speak into the air for a moment and somebody can relay my questions to Gil.

P.O. LINDSAY:
But if you're going to table it, why don't you pass the tabling --

LEG. ALDEN:
No, if he gets his answers he might let it go, right?

LEG. BEEDENBENDER:
Yeah. I mean, is he still here?

MR. ZWIRN:
You need Gil?

LEG. BEEDENBENDER:
Yeah.

MR. ZWIRN:
Gil's here.

LEG. BEEDENBENDER:
Gil's here, all right. Well, if you --

P.O. LINDSAY:
Why don't we skip over it, all right?

LEG. BEEDENBENDER:
That's fine.

P.O. LINDSAY:
Okay. *2023-08 - Authorizing the sale of surplus property sold at the October 23, 2008 auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution) (County Executive).*

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro, second by Legislator Vilorio-Fisher.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2024-08 - Resolution of the County of Suffolk, New York, rescinding Resolution No. 377-2008 adopted May 28, 2008 which appropriated \$700,000 in connection with the storm water remediation to Green Creek at County Road 85, Montauk Highway (County Executive). I'll make a motion to approve for purposes of discussion.

LEG. D'AMARO:
Second.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. And Mr. Anderson, I know we're switching gears on you. There was a question on 1987, but I have a question on 2024. We're rescinding this because we already appropriated other money for that project; am I correct? Who's in Public Works?

LEG. BEEDENBENDER:
Yes.

P.O. LINDSAY:
We just appropriated money for this, didn't we?

LEG. BEEDENBENDER:

I think we did it twice and we're rescinding one that is not necessary.

P.O. LINDSAY:

Okay. Is that correct?

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

So we had a hiccup here.

COMMISSIONER ANDERSON:

Yep.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Well, here's Vanderbilt money right here.

P.O. LINDSAY:

There you go. We had a motion and a second to rescind the motion, Resolution 2024. All in favor? Opposed? Abstentions? That's to approve 2024.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We're back to 1987. Do you want a few more minutes to go over that, Mr. Anderson, and I'll continue on.

COMMISSIONER ANDERSON:

Yeah.

P.O. LINDSAY:

Okay. ***2029-08 - Directing the County Attorney to commence a sales tax enforcement action against Poospatuck Indian Reservation Smoke Shops (D'Amaro).***

LEG. D'AMARO:

Yes. Mr. Chairman, I'll offer a motion to table for one cycle. I'd like the opportunity to meet with a few other individuals from the reservation and I'm hoping to move it at the next meeting.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Motion to table.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

And seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2085-08 - Accepting and appropriating a grant in the amount of \$64,164 from the New York State Division of Criminal Justice Services and a 10% local match to provide enhanced defense representation for cases referred to the Legal Aid Society of Suffolk County by the Sex Offender Court with 90% support (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

We have a motion by Legislator Viloría-Fisher, second by Legislator -- was it D'Amaro over there?

LEG. D'AMARO:

Yeah, that's fine.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

And *1970 - A Charter Law creating a County Department of Consumer Affairs*. And I will make that motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Wait a minute.

MR. NOLAN:

It has to be done by a CN.

MR. ZWIRN:

Yes. Presiding Officer, we have a CN for that, because we had -- there had been a request by a number of Legislators to take out the requirement that --

P.O. LINDSAY:

Okay. I'll rescind my motion to approve, and make a motion to table subject to the CN, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Are we ready on 1987 Mr. Anderson?

MR. ANDERSON:

I'll give it a shot.

P.O. LINDSAY:

On **1987**, do we have a motion and a second, first of all?

MR. LAUBE:

To table.

P.O. LINDSAY:

To table. Okay. Legislator Beedenbender, you had the questions on this.

LEG. BEEDENBENDER:

Yeah. Gil, this is a piece of property, it's right off of Patchogue-Holbrook Road in my district. It's actually the last portion of my district. It's a small piece of property next to the road that apparently was held in highway ownership that is -- it has a little problem, and the adjacent owner wanted to buy it. The question I have, thought, is it's \$45,000, but whoever the County asked to do the appraisal, they contacted the owner and they told the owner that the appraised -- the official appraisal for the County appraised it at \$20,000. And they provided that information to the homeowner, yet, when the bill came out, the County was offering it for 45,000. So I am trying to figure out at what point the official appraisal became higher and why. And if you don't have that now, I just -- if you could get it to me as soon as you can, because it had been about eighteen-five through the whole discussion. This woman's been trying to buy this property for about a year-and-a-half. I met her last March knocking on doors.

MR. ANDERSON:

Correct.

LEG. BEEDENBENDER:

So it was eighteen-five, and that's what she was going to do the whole time, and now it's 45 and she's unable to understand why and so am I.

MR. ANDERSON:

I will look into that. I don't know.

LEG. BEEDENBENDER:

Okay. Thank you, Gil. All right.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ALDEN:

One other point on that.

P.O. LINDSAY:

Yeah, Legislator Alden.

LEG. ALDEN:

Because that's more than \$20,000, is there a restriction on how we can get rid of that? Because,

normally, if it's over \$20,000, even if it's a neighbor, an adjacent landowner, we can't dispose of it that way, we have to go through auction, so --

LEG. BEEDENBENDER:

Legislator Alden, the way it was explained to me, and I'm not sure if it's possible, that -- because this was -- it was held in highway, as highway property and not adjacent land that we took for tax, or something like that, that it was different, but --

MR. BROWN:

Correct. Yeah, if it's surplus highway, it's not going to be used for highway, then it has to go to the adjacent property owner.

LEG. ALDEN:

It has to go.

MR. BROWN:

Yes. It's different from a Local law 13 auction.

LEG. ALDEN:

And it doesn't matter what the --

MR. BROWN:

Yes.

LEG. ALDEN:

Doesn't matter what the appraised value is?

MR. BROWN:

Correct.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Okay. While we're in the packet -- all right. We finished the regular agenda. ***Introductory Resolution 2173 of 2008 - Amending Resolution 972-2008, for approving the return of the fund balance of the General Fund, Police District Fund, and District Court -- District Court District to the taxpayers --***

LEG. BEEDENBENDER:

The big manila folder, right?

LEG. LOSQUADRO:

You got it. You got it.

LEG. BEEDENBENDER:

All right.

P.O. LINDSAY:

Of the towns of Suffolk County. Do I have a motion?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2174 - Amending Resolution No. 974-2008, approving the tabulation of Town charges and fixing the tax levies and charges to the Towns under the County budget for the Fiscal Year 2009. Do I have a motion?

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. STERN:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I just want to stop for a minute here with the tax levy bills. I want to recognize the Clerk's Office of what they went through in tabulating the levy this year. Some of the circumstances --

(Applause)

They didn't have the greatest cooperation at times from some of the Towns. And I'd also like to thank a number of fellow Legislators that got involved directly in this process. And whatever you said or whoever you said it to, it helped greatly, because this morning, when I came in, we were afraid we weren't going to have all the information to do the tax levies, so I thank you for that.

2175 is here, amending Resolution No. 1188-2007, implementing budget, staff and taxes for the Fiscal Year 2008 Discretionary for the Town of Southold. Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

MR. NOLAN:

Before you vote.

P.O. LINDSAY:

And I'll second it. And before we vote, Counsel wants to say something.

MR. NOLAN:

Just to the Clerk, it looks like there's a scrivener's error in the title as 2007 as opposed to 2008.

MR. LAUBE:

No, no, it's last year. This is correcting something that Southold reported --

MR. NOLAN:

It's for tax year -- it happened in last year?

MR. LAUBE:

Yeah, this --

MR. NOLAN:

2007? Okay.

MR. LAUBE:

This is correcting a resolution from last year.

MR. NOLAN:

Okay. I apologize.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2176 - Amending Resolution No. 1189-2007, implementing budget, staff and taxes for the Fiscal 2008 mandated for the Town of Southold.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, and I'll second it. And I'm glad nobody's asking for an explanation. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2177 - Amend Resolution No. 1190-2007, authorizing that the Tax Warrants be signed by the Presiding Officer and Clerk of the County Legislature, and that they be annexed to the tax rolls for the collection of taxes for the Town of Southold.

LEG. LOSQUADRO:

Same motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
All right. We're going to go to the small manila. It should be the Tax Warrants, and -- all right. **2193**, which -- ***levying the unpaid water rents***. I'll make a motion. Do I have a second?

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

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2194 - Implementing Budget, Staff and Taxes for the Fiscal Year 2009, Discretionary. I'll make a motion.

LEG. LOSQUADRO:
Second.

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

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2195 - Implementing Budget, Staff and Taxes for Fiscal Year 2009, Mandated.

LEG. LOSQUADRO:
Same motion.

P.O. LINDSAY:
Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2196 - Authorizing that the tax warrants be signed by the Presiding Officer and Clerk of the County Legislature, and that they be annexed to the tax rolls for the collection of taxes. Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:

All right. That finishes that file. Red file, CN's. Okay. The first one is ***1970 - A Charter Law creating a County Department of Consumer Affairs.***

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

I'll make a motion, second by Legislator D'Amaro. On the motion, Legislator Alden.

LEG. ALDEN:

To Budget Review, have you had time to review the Fiscal Impact Statement, because the testimony that we heard was that in the '09 budget it included enough money to run this Department.

MS. VIZZINI:

I think what the Fiscal Impact Statement refers to is that there are -- there's currently 2.4-plus million dollars for an Office of Consumer Affairs within the County Executive's Office, and that there is no -- the Fiscal Impact Statement indicates that there's no anticipated fiscal impact. However, in future years, it will be -- the budgets would determine the extent to which there could be future fiscal impact.

P.O. LINDSAY:

Legislator Alden, could I make just an observation, and not to cut you off?

LEG. ALDEN:

Go ahead.

P.O. LINDSAY:

By my figures, there should be plenty of money in the Department, because we have no supervision there. We haven't had positions filled there in at least a year-and-a-half. The Director of Licensing hasn't been filled, the Director of Weights and Measures and Consumers Affairs has been off the payroll since June. We have a Deputy over there that's running it. Now, as far as I know, he's the only Supervisor there. We desperately need supervision there, and I don't care whether you call him a Commissioner or a Director, or whatever it is or whoever it is, we need -- we need help there bad.

LEG. ALDEN:

Okay. And I agree with you, but here's the problem I have with it. If the fee structure -- not the fee structure. If our cost structure was "X" in the past, and now by creating a -- what is this, creates a --

MR. NOLAN:

Department.

LEG. ALDEN:

A Department. By creating a Department, if it's going to be "X" plus, or two times "X", then I have a problem with that, because if we're going to do business and it's going to cost us the same and reorganizes, then that's fine, if we're going to get, you know, more bang for our buck. But if we're going to hire a Commissioner, Deputy Commissioner, somebody that's going to be in charge of Weights and Measures, somebody that's going to do whatever the guy over there's doing now, those are added positions and they're all expensive positions. And what I remember, from being on Consumer Protection, that we didn't have enough Indians over there. Maybe we didn't have enough chiefs, either, but we definitely did not have enough Indians, and I don't see where this -- and maybe somebody can convince me.

P.O. LINDSAY:

And just to interrupt you again, and I don't mean to do that. And that was the case, because we served together on Consumer Affairs, but the last year-and-a-half we've had a Supervisor brain-drain there. We don't have any Supervisors there, we desperately need them. And I keep saying the same thing, because, you know, we've implemented more and more responsibility on Consumer Affairs. A lot of it is revenue generators and we need somebody to oversee the programs.

LEG. ALDEN:

But does this add Indians or just chiefs?

P.O. LINDSAY:

Well, I think it starts -- it adds a chief, but we need a chief, because there's all Indians and no chiefs there.

LEG. ALDEN:

This adds more than one chief, so --

P.O. LINDSAY:

No, it doesn't, just one.

LEG. ALDEN:

No, it has to add more than one.

MR. ZWIRN:

Why?

LEG. ALDEN:

Does it --

P.O. LINDSAY:

But, right now -- we had a Director of Consumer Affairs that's no longer there, all right? And --

LEG. ALDEN:

Right, but he was Weights and Measures also.

P.O. LINDSAY:

And he was also Weights and Measures. We had a Deputy that's still there, but is retiring at the end of December.

LEG. ALDEN:

A Deputy of --

P.O. LINDSAY:

Consumer Affairs.

LEG. ALDEN:

I don't think he's a Deputy, because he has some other job.

P.O. LINDSAY:

Well, I don't know what his official title is.

MR. ZWIRN:

I don't know what his Civil Service title is, but he was the acting Deputy and --

P.O. LINDSAY:

Right.

LEG. ALDEN:

Right.

P.O. LINDSAY:

All right? We had a Director of Licensing, it was Bill Bessler. He hasn't been there in a year-and-a-half.

LEG. ALDEN:

Right, but -- so we're going to replace --

P.O. LINDSAY:

And he's never been replaced.

LEG. ALDEN:

Okay, but --

P.O. LINDSAY:

All right?

LEG. ALDEN:

Here's my question, then. We're going to replace Bill Bessler, we're going to replace the Head of Weights and Measures.

P.O. LINDSAY:

Well, what this is going to do is create a Commissioner there that's going to run the Department, and for all practical purposes, replace Charlie Gardner.

LEG. ALDEN:

Okay. So we're only adding one position?

MR. ZWIRN:

That's correct.

LEG. ALDEN:

That's it?

MR. ZWIRN:

That's correct.

P.O. LINDSAY:

I don't think we're adding anybody, I think we're replacing people that retired.

MR. ZWIRN:

By this resolution, you're creating a Department and you're going to have a Commissioner that will be subject to the approval of the Legislature.

LEG. ALDEN:

Is there going to be a Deputy Commissioner?

MR. ZWIRN:

That's not established certainly by this. I don't know.

LEG. ALDEN:

You brought the legislation forward, not you, but the County Executive brought it forward. What's your intention?

MR. ZWIRN:

Our intention is to have somebody who's not just a civil servant who's the head of the Department so it has more accountability to the Legislature and the County Exec.

LEG. ALDEN:

And then -- okay. And then you're going to replace the people that retired.

MR. ZWIRN:

I can't tell you what the actual -- what SCINs are going to come forward and how they're going to rebuild the Department.

P.O. LINDSAY:

As far as I know, Legislator Alden, there's someone in the Department now that has the credentials that's doing the Weights and Measures job that does the physical inspections, so I don't know whether --

LEG. ALDEN:

But, Bill, I just got an answer that, you know, raises the hair on the back of my neck, and maybe it should be cut a little bit, but --

P.O. LINDSAY:

It's pretty long hair.

LEG. ALDEN:

I know, and it's starting to stand up. We might not replace those people, we are going to replace --

MR. ZWIRN:

No. You're going to -- you're going to replace people in Consumer Affairs. You have to build up Consumer Affairs. We have a lot -- we have had vacancies there for some time. The County Executive wants to elevate it to a Department, which it was I think at one time, to give it the County -- the Commissioner, and have the oversight, and that person will be responsible and come back to the Legislature and the County Executive.

LEG. ALDEN:

Okay. So what you're putting forward is that when you guys drafted this, you want to just add the one job, and that's of?

MR. ZWIRN:

We're adding one -- you're voting on one position. That's all I can -- that's all I can tell you.

LEG. ALDEN:

No, you're not voting on one position, you're voting on creating a Department. And, unfortunately --

MR. ZWIRN:

The positions that are in the Department, that are in Consumer Affairs now, will transfer to this Department.

LEG. ALDEN:

And other positions, from what I understand, right? Are we doing anything --

MR. ZWIRN:

I don't know. Maybe you had a conversation I didn't have. I don't know which --

LEG. ALDEN:

No, I read your legislation. It looks like it's coming from a couple of different Departments, or it's just coming from one, County Executive.

MR. ZWIRN:

It's coming from the --

LEG. ALDEN:

The jobs that you're --

MR. ZWIRN:

It will be under the County Executive's Office, but it will be the Department of Consumer Affairs that is now -- those people will be transferred into the new Department.

LEG. ALDEN:

Okay. So you're not creating more, whatever you want to call it, workers, enforcement type people, those jobs, you're not creating anymore of those?

MR. ZWIRN:

No.

LEG. ALDEN:

Do you have intentions to fill the ones that were in the budget --

MR. ZWIRN:

That, I'll have to --

LEG. ALDEN:

-- last year that remained unfilled.

MR. ZWIRN:

That, I'd have to ask the County Executive directly. I don't know the answer to that.

LEG. ALDEN:

Well, why would he come over here with a plan and then not tell us what the plan is?

MR. ZWIRN:

I think you're going to -- you're putting the cart before the horse.

P.O. LINDSAY:

Maybe I could -- maybe I could just jump in again. And I hate to keep jumping in, but this is something that I have been asking the Executive's Office for a year to fill some of these vacancies, because we don't have any Supervisors over there. And it's very, very upsetting, because the responsibility -- we just kept adding more and more responsibility and we have nobody over there to oversee people. And, you know, for years we were kind of spoiled in that we had -- the Director of Weights and Measures was also running the Department; all right? He was a very capable Supervisor, besides having the credentials to do Weights and Measures. We don't have that anymore. We need a Supervisor there. We need somebody to run that Department.

LEG. ALDEN:

You're right, Bill, but, unfortunately, this plan, in the way it's being presented to us, is creating a big job, and I'm going to make the assumption -- how much is -- how much are we going to hire a, whatever, a Commissioner for?

MR. ZWIRN:

It will be -- I assume it will be around the salary that Charlie Gardner had when he was leaving.

LEG. ALDEN:

How much -- roughly, how much is that?

MR. ZWIRN:

I don't know. It must be, I don't know, eighty --

LEG. ALDEN:

A hundred and something thousand?

MR. ZWIRN:

I don't know what grade it is.

LEG. LOSQUADRO:

Gail. Gail.

LEG. ALDEN:

Okay. So just we'll make --

LEG. LOSQUADRO:

Could we ask Budget Review?

LEG. ALDEN:

Yeah.

P.O. LINDSAY:

Yeah. A request to ask Budget Review what their grade is.

MS. VIZZINI:

Well, the resolution doesn't specify a grade for the Commissioner of Consumer Affairs. The last time we had a Department of Consumer Affairs was 1992. The then Commissioner was a Grade 36.

LEG. ROMAINE:

Which is, translates?

MS. VIZZINI:

It translates to -- it's on the management salary. It would be -- entry level would be 93,000, and the top step would be 132,000, based on the 2008 rates.

MR. ZWIRN:

Knowing our County -- knowing our County Executive, you can imagine what's -- where it will fall in the scale.

LEG. ALDEN:

Well, where would that fall?

MR. ZWIRN:

To the lower end.

LEG. ALDEN:

The lower end? So we're taking that, around \$90,000, and we're going to hire a Commissioner?

MR. ZWIRN:

I would say it would be in that range, yes.

LEG. ALDEN:

Okay. So that's still \$90,000 more than what it's cost us right now.

MR. ZWIRN:

Well, you have nobody there right now, so, yes, that's true.

LEG. ALDEN:

No, no, no, no, no. I'm talking about go back to the filled positions.

MR. ZWIRN:

Even that's math you could figure out.

LEG. ALDEN:

Well --

MR. ZWIRN:

I have nobody and I have -- well, I didn't mean that. I didn't really mean it --

LEG. ALDEN:

No. That's pretty slick, Ben. But, you know what --

MR. ZWIRN:

But, it's true, it's 90, it's \$90,000.

LEG. ALDEN:

All right. Now, all right, let's be real slick then. Let's go back at the beginning of the year. What did we put in the budget? We budgeted Charlie's position, we budgeted all those positions. Those were budgeted to be paid and they were filled at the beginning of the year. So, if somebody retired, big deal, we have a little bit of a savings.

MR. ZWIRN:

Right.

LEG. ALDEN:

We're going to spend that much money because we're going to replace those people, and now we're going to spend another \$90,000 on top of that. And I don't hear --

MR. ZWIRN:

Did you read the Fiscal Impact Statement?

LEG. ALDEN:

Yeah, I did. And you know what --

MR. ZWIRN:

Well, there is no impact, because the money that would have gone to Charlie Gardner is going to be going to the new Commissioner. I don't know how much more clear I can make it.

LEG. ALDEN:

Well, let me get out my smoke and mirror and then I can understand your way of figuring as far as did that cost less?

MR. ZWIRN:

Look, we have battled here all afternoon. We've gone through --

LEG. ALDEN:

We're going to put another Commissioner on.

MR. ZWIRN:

You want to shut down the Capital Program except for golf cart barns.

P.O. LINDSAY:

All right, stop, stop.

MR. ZWIRN:

I mean, the hypocrisy --

P.O. LINDSAY:

Okay. Stop, stop, stop, stop. Come on.

LEG. ALDEN:

Right, Ben. You know what, the cart barn brings in money.

P.O. LINDSAY:

No. Come on, come on. Ask --

LEG. ALDEN:

This isn't going to bring in anymore money, is it?

MR. ZWIRN:

Lots of money. We're not going to build roads, but you're going to build a golf cart barn. That's smart.

P.O. LINDSAY:

All right, stop. Come on, let's get back on the subject.

MR. ZWIRN:

Very smart.

LEG. ALDEN:

No, no, no, no. You know what --

P.O. LINDSAY:

It's been a long day and I want to get out of here. Come on. Come on, stay on subject. Stay on subject, Cameron.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, sir.

LEG. ALDEN:

Why do you let somebody go out of order like that and then it's me that's going to be ruled?

P.O. LINDSAY:

No, no, no, no. I'm shutting him down, too. Come on, stay on the subject. Ask the question you want about the Commissioner of Consumer Affairs.

LEG. ALDEN:

Okay, after you got in your cheap shots now. Now, you're going to add \$90,000, because I'm assuming that you're going to fill those positions.

MR. ZWIRN:

Adding \$90,000 to what?

LEG. ALDEN:

What? What I just said before. At the beginning of last -- beginning of this year.

MR. ZWIRN:

There's money in the '09 budget for the position that we're asking to be created here. We're not adding any additional revenue -- any additional expenses. The money has already been budgeted. Do you want us to leave it empty?

P.O. LINDSAY:

I think what he's saying is the Commissioner will --

LEG. COOPER:

Let's just vote.

P.O. LINDSAY:

-- fill the role of the Director.

LEG. ALDEN:

Yeah, but at what cost? If there -- for instance, if we put the budget in and we didn't hire people to go out there and enforce the laws, okay, so you have savings. Now, are we going to not fill the positions just so we can pay for the Commissioner's job, so that we can claim with smoke and mirrors that we're saving the taxpayers of Suffolk County ninety-something thousand dollars? Is that what we're going to do? That's a legitimate question and all I'm hearing is double-talk. So, maybe that's my answer, double-talk.

D.P.O. VILORIA-FISHER:

Bill, I have a question.

LEG. ALDEN:

Thank you. That's all I need.

P.O. LINDSAY:

Okay. Someone else had a question.

D.P.O. VILORIA-FISHER:

I have a question.

P.O. LINDSAY:

Go ahead, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Okay. Ben, I'm just going to try to approach this calmly, because we have -- there are a number of Bureaus that are mentioned in the new Department.

MR. ZWIRN:

Right.

D.P.O. VILORIA-FISHER:

Are there going to be Bureau Heads? Are those going to be new titles for those, because you have a Bureau of Weights and Measures.

MR. ZWIRN:

I don't -- I have -- there's been no discussion of any new titles for Bureau Heads. All the County

Executive wanted to do was to get a Commissioner that would be subject to approval by this body that would have more accountability and elevate the entire Department. There's been a lot of complaints, including from your office as well, that the Consumer Affairs Department has not been accountable to the public or to the elected representatives.

D.P.O. VILORIA-FISHER:

Right. And that's because positions that currently exist have not been filled.

MR. ZWIRN:

Correct, in part, yes.

D.P.O. VILORIA-FISHER:

And staffing positions have not been filled. The staff that goes out and does the inspections, those have not been filled. But I'm trying to get a really straight answer on what Cameron is asking, which I think is legitimate, which is we have a Director who has a civil service -- he's not there, but the position is there.

MR. ZWIRN:

Okay.

D.P.O. VILORIA-FISHER:

The position of Director who has the accreditation of Weights and Measures; okay? He has -- Charlie Gardner had that. Is that position being eliminated and being supplanted or replaced by a Commissioner?

MR. ZWIRN:

The answer is yes, and the reason --

D.P.O. VILORIA-FISHER:

And now that --

MR. ZWIRN:

And the reason is this, and the reason --

D.P.O. VILORIA-FISHER:

No, no, no, wait a minute. No. I just wanted yes --

MR. ZWIRN:

But it can be done.

D.P.O. VILORIA-FISHER:

Okay. Just let me finish.

MR. ZWIRN:

Yes.

D.P.O. VILORIA-FISHER:

Okay. So the Director's position is being replaced by the Commissioner.

MR. ZWIRN:

Correct.

D.P.O. VILORIA-FISHER:

Now, I read in the legislation that the Commissioner may have, may have the Weights and Measures credentials. But if that Commissioner does not have the Weights and Measures credentials, will we

then have to hire another person in a supervisory or management position who indeed has that high grade Weights and Measures credentials? And if we do, in that case, it will be adding to the budget. I know not to the 2008 budget, because we didn't fill any of the positions --

MR. ZWIRN:

The answer is --

D.P.O. VILORIA-FISHER:

-- so we have lots of money.

MR. ZWIRN:

The answer is no.

D.P.O. VILORIA-FISHER:

Okay. So what will we do about that, the Weights and Measures, which we need?

MR. ZWIRN:

Under current State Law, the Commissioner can hold both titles -- can hold that role in a County of our size.

D.P.O. VILORIA-FISHER:

May hold it, but it --

MR. ZWIRN:

Yes.

D.P.O. VILORIA-FISHER:

But are we putting that -- in this legislation, it doesn't seem that the Commissioner is required to have Weights and Measures credentials.

MR. ZWIRN:

The intent is that the new Commissioner will also hold the title of -- will do that -- will have that responsibility as well.

D.P.O. VILORIA-FISHER:

So the short answer to the questions that I think Cameron was asking, which is --

MR. ZWIRN:

Well, I didn't -- if that was the question, I didn't understand.

D.P.O. VILORIA-FISHER:

Yeah. It really wasn't clear.

MR. ZWIRN:

I apologize, because I didn't understand it.

D.P.O. VILORIA-FISHER:

You are replacing the Director with a Commissioner --

MR. ZWIRN:

Right.

D.P.O. VILORIA-FISHER:

-- who may have the Weights and Measures credentials and that's what concerns me.

MR. ZWIRN:

Okay.

D.P.O. VILORIA-FISHER:

Because, if the Commissioner may have the Weights and Measures credentials and may not, in the case where the Commissioner does not have those credentials, we would have to hire somebody else in that high management position who does have those Weights and Measures credentials. That concerns me about how much money we will be spending on management people and not on staffing.

MR. ZWIRN:

I hear what you're saying. I hear what you're saying, but our understanding is that the Commissioner would hold both spots, the Commissioner's spot and the spot that Charlie Gardner held.

D.P.O. VILORIA-FISHER:

So shouldn't that "may" be changed to a "must"?

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

Or shall?

P.O. LINDSAY:

No. No, you can't do that.

D.P.O. VILORIA-FISHER:

Why?

P.O. LINDSAY:

You've got to give them flexibility. Don't lock ourselves in that we have to hire somebody with Weights and Measures credentials. Before, when --

LEG. ALDEN:

That's Civil Service.

P.O. LINDSAY:

Before, when they were Director, they were a Civil Service position.

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

You had no say in the position at all. Now that it's a Commissioner, you get to screen the candidate who he's trying to appoint.

D.P.O. VILORIA-FISHER:

But, while I still have the floor, the point I'm trying to make is that in this Department you must have somebody with Weights and Measures.

P.O. LINDSAY:

You do now.

D.P.O. VILORIA-FISHER:

Who is that?

P.O. LINDSAY:

You have staff people there that are performing the Weights and Measures task.

D.P.O. VILORIA-FISHER:

But do they have the --

P.O. LINDSAY:

They don't have to be -- necessarily be declared as the Director.

D.P.O. VILORIA-FISHER:

Dennis, do we have people who have the Weights and Measures credentials that are required by State Law that we must have in this Department?

MR. BROWN:

I can't answer that question. I can answer what -- I can speak to what the law -- the proposed law is. What the current law --

D.P.O. VILORIA-FISHER:

No. What I want to know is, I have always understood, since I've been sitting here, that there must be someone who holds the Weights and Measures credentials in the Department of Consumer Affairs or Division of -- is that true or not, just say yes or no.

MR. BROWN:

You are correct.

D.P.O. VILORIA-FISHER:

I am correct. Currently, is there someone in this Division who holds that credential.

P.O. LINDSAY:

And I'm telling you, I was told yes, because Charlie --

D.P.O. VILORIA-FISHER:

But he doesn't know that.

P.O. LINDSAY:

I know he doesn't know it, but I know it. I was -- I asked the same question and was told yes.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Because Charlie Gardner hasn't been there since the end of June. Somebody had to do that work.

D.P.O. VILORIA-FISHER:

But knowing how that Department has been run lately, I would say that nobody has the credentials.

P.O. LINDSAY:

Well, this is why we need a Commissioner there to run the Department.

LEG. HORSLEY:

Here-here.

D.P.O. VILORIA-FISHER:

Okay. But I don't know that we have somebody. I think -- what I'm concerned about, Bill, is that, and you know as much -- as well as I do that I really want to see this Department staffed, but I am very concerned about the fact that we are going to be hiring more people on the supervisory level

and not staff.

P.O. LINDSAY:

We don't have --

D.P.O. VILORIA-FISHER:

And I don't want to see that.

P.O. LINDSAY:

We don't have any Supervisors there.

D.P.O. VILORIA-FISHER:

You know we don't.

P.O. LINDSAY:

We have none. We have staff, we have nobody to supervise them. We just approved this year item pricing, which is going to bring in another million dollars in revenue into Suffolk County. Nobody's even developed a plan of how we're going to do it, because there's no Supervisors there.

D.P.O. VILORIA-FISHER:

And now we're checking clothing bins, I know that, but --

P.O. LINDSAY:

And we've been asking for a year-and-a-half to get supervision there. We finally got a bill before us and we want to know if we have too much management. We don't have any management.

D.P.O. VILORIA-FISHER:

Well, I just want to know if we're creating a Department that doesn't have what is required by State Law, because I haven't seen that Department working effectively.

P.O. LINDSAY:

So why don't you ask them at the committee meeting, but appoint a Commissioner first, so you have at least somebody there running the show.

D.P.O. VILORIA-FISHER:

I have no problem with the Department. I want to be assured that we're not going to be loading up with management and not having staff.

P.O. LINDSAY:

Okay. What do you want to do with this bill. We have a motion to approve and a second. Do you want to table it?

D.P.O. VILORIA-FISHER:

No, I want to vote on it.

P.O. LINDSAY:

Okay, that's fine.

D.P.O. VILORIA-FISHER:

But I want to be assured --

P.O. LINDSAY:

Legislator Kennedy. They can't assure you. Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, the only thing that I would say with this is we're trying to vet something that's before us

now as a CN, and I do respectfully disagree.

P.O. LINDSAY:

The only reason it's a CN is they took out the requirement that he had to be an attorney. The bill was before you before this, it was on our regular agenda.

LEG. KENNEDY:

I know it was. And, as a matter of fact, it got discharged via signature.

MR. ZWIRN:

It was discharged -- it was discharged, because they couldn't find the Fiscal Impact Statement, which had been duly filed. And it wasn't until after the meeting was over that the Fiscal Impact that had been filed with the Clerk's Office was located, and that's -- so we did it by discharge petition.

LEG. KENNEDY:

You know what, look. I'm trying to ask the questions without engaging in some of the back and forth. When I read, the black letter that I read here is a Commissioner, a Deputy Commissioner, and the ability to appoint consultants. My ears are hearing that there's a Commissioner that's going to be done and that's it. The black letter talks about the Commissioner, the Deputy Commissioner, the consulting authority. All I'd like to know is, is what does this bill allow for when I vote it? Because after I vote on it, I'm never going to see it again, particularly when it comes to a Deputy Commissioner and consultant in the Department. I'll hear about it at some point six months or a year from now, something like that. So can -- maybe George can tell me. Can you tell me, George, what this does and doesn't do?

MR. NOLAN:

Creates the Department with the Commissioner, and it can be a Deputy Commissioner, if there are appropriations provided for in the budget, gives the new Commissioner the authority to hire consultants.

LEG. KENNEDY:

Okay. Are there appropriations in the '09 budget for a Deputy and for consultants?

MR. NOLAN:

I would defer to the Budget Office or Budget Review Office if they put additional monies in there. I don't know.

LEG. KENNEDY:

Would the Fiscal Impact Statement tell us that?

MR. NOLAN:

No.

MS. VIZZINI:

Yeah, the Fiscal Impact Statement makes -- says that there's 2.4 million dollars in appropriations in the '09 budget for the current division, and those titles, those appropriations, there's some fluidity there, so there are appropriations.

LEG. KENNEDY:

Fine. Okay, thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

I think I had someone else over here. No? Legislator Montano.

LEG. MONTANO:

Yeah. I just had a question with respect to what Legislator Kennedy brought up. Gail, is there money in the budget for consultants in Consumer Affairs? And then the question is what kind of consultants do they hire?

LEG. ALDEN:

None that we know about.

LEG. MONTANO:

Well, I don't know.

MS. VIZZINI:

I need a minute on that.

LEG. MONTANO:

Okay. But I mean -- well, I'll wait for the answer.

P.O. LINDSAY:

Where are we? Do you have an answer for us?

D.P.O. VILORIA-FISHER:

We're waiting for an answer.

P.O. LINDSAY:

From?

D.P.O. VILORIA-FISHER:

From Budget Review.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

In response to Legislator Montano's question, there is a category of fees for services where you would -- 456, you would typically pay consultants. Without more detail, I'm not exactly sure what that's for, but there's \$39,200.

LEG. MONTANO:

That's in there, Consumer Affairs Department now?

MS. VIZZINI:

Yes.

LEG. MONTANO:

All right.

MS. VIZZINI:

And there's an additional \$3,000 for special services. I'm not -- I don't have the detail as to what that's for, but there's a lump --

D.P.O. VILORIA-FISHER:

It's \$42,000.

LEG. MONTANO:

So we're talking 40,000, 45,000 max.

MS. VIZZINI:

Correct.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. Any other questions? We have a motion.

MR. LAUBE:

You have a motion and a second.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

The only thing that I ask, Mr. Zwirn, would you, please, accelerate this, so that -- I mean, you have a Deputy that's running the place now that's leaving the end of December, and don't have them meet each other walking out the door.

LEG. ALDEN:

They haven't done anything for six months.

P.O. LINDSAY:

They haven't done anything in a year-and-a-half.

LEG. ALDEN:

I know, so why not replace the people and hire the -- the Indians.

D.P.O. VILORIA-FISHER:

That's my question, Cameron.

P.O. LINDSAY:

It isn't Indians, you need Supervisors.

LEG. ALDEN:

He's right, and we don't have either.

P.O. LINDSAY:

You have more Indians than you have Supervisors.

LEG. ALDEN:

And then the plan is like -- well, nobody wants to discuss the plans.

P.O. LINDSAY:

Okay. *2031 - Approving extension of the license for the South Ferry Company, Incorporated.* South Ferry, who wants to --

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2105 - Amending the 2008 Operating Budget to assist Island Harvest in ending hunger and reducing food waste in Suffolk County.

LEG. SCHNEIDERMAN:

Motion.

LEG. MONTANO:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

What does this do?

LEG. SCHNEIDERMAN:

It's an omni.

P.O. LINDSAY:

It's omnibus money?

LEG. SCHNEIDERMAN:

Basically, I'm reprogramming all of my onions, now I'll need to go to the food pantry.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Good job, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thanks. Rick's got money in there, too. Oh, Rick is the next one?

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Yeah. **2107 - Amending the 2008 Operating Budget to assist Island Harvest in ending hunger and reducing food waste. And this is Legislator Montano's.** Motion by Legislator Montano.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2181 - Authorizing certain technical corrections to Adopted Resolution 877 of 2008.

Motion by Legislator Losquadro, second by myself. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Before you go, yellow folder. Late-starters. I want to make a motion to waive the rules and lay on the table the following late-starters:

2182, 2182, assigned to Public Works; 2183, assigned to Public Works; 2184, to Public Works; 2185, to Public Works; 2186, to Public Works; 2187, to Public Works; 2188, to Public Works; 2189, to Public Works; 2190, to Public Works; 2191, to Public Safety; 2192, to Public Safety; 2197, to Public Works; 2198, to Public Works; 2199, to Public Works; 2200, to Public Works; 2201, to Economic Development, Education and Energy; 2202, to Economic Development, Education and Energy; 2203, to Economic Development, Education and Energy; 2204, to Public Works; 2205, to Budget and Finance; 2206, to Parks; 2207, to Public Safety, and set the Public Hearing for December 16th at 2:30 at Hauppauge. And I think that's it, right? I made a motion, I need a second.

[A SECOND WAS MADE IN UNISON BY LEGISLATORS]

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'll take a motion to adjourn.

[A MOTION WAS MADE IN UNISON BY LEGISLATORS]

P.O. LINDSAY:

Motion, second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

[THE MEETING WAS ADJOURNED AT 7:04 P.M.]

{ } Indicates Spelled Phonetically