

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

THIRD DAY

FEBRUARY 3, 2009

**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**

**MINUTES TRANSCRIBED BY
LUCIA BRAATEN, ALISON MAHONEY & KIMBERLY CASTIGLIONE**

[THE MEETING WAS CALLED TO ORDER AT 9:40 A.M.]

*(*The following was taken & transcribed by
Lucia Braaten - Court Stenographer*)*

P.O. LINDSAY:

Good morning, everyone. Madam Clerk, would you call the roll, please?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Here.

LEG. MONTANO:

Montano.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Could everybody rise for a salute to the flag, led by Legislator Cooper.

(*Salutation*)

If you could remain standing, and I'd like Legislator Cooper to come forward and introduce our visiting Clergy.

LEG. COOPER:

Thank you, and good morning. The Huntington Baptist Church, which stands prominently in Huntington Village, was established in 1868. Minister Peter Sanborn has been the cornerstone of the congregation for over 15 years. In that time, Pastor Peter has accomplished many wonderful things. He's particularly proud of the active youth ministry he established and nurtures weekly. Over 50 teens participate in a host of activities. Pastor Peter, his wife, and staff provide a warm, safe and healthy environment to pray, sing and socialize every Friday night. Teens are encouraged to attend and assist at worship services on Sunday, too. They're taught to be generous, tolerant, kind and respectful young adults. Another source of pride is the Alpha Program, which is a course for adults consisting of a series of talks addressing key issues related to the Christian faith. Over 75 adults have participated, with Pastor Peter's guidance and support.

Pastor Peter extends his efforts to people outside of his church family as well. He's on the Town of Huntington's Affordable Housing Task Force, and is very active in fighting to end homelessness in our community. Pastor Peter believes no one in need should go without. He even took in an entire family that needed shelter. He and his wife shared their home at the Church's parsonage until recently, when they all became victims of a house fire. The fire destroyed several rooms in the home, including over 800 books of religious writings and teachings. Pastor Peter and his congregation are slowly rebuilding. He's grateful for the incredible outpouring of generosity he has experienced from our community, but additional help is needed. Donations to the Huntington Baptist Church would be gratefully accepted, and my office can provide contact information for anyone interested.

So, please, welcome a most faithful, hopeful and kind Pastor, Peter Sanborn, to give our benediction this morning.

PASTOR SANBORN:

Good morning. This morning I was reading in the Book of Job, a book of somebody that did a lot of suffering, and was thinking, as I led toward this, that God, as one who comes in the name of Christ,

and as for us who come in from many different approaches, God is -- can meet us at our points of need. And as the Legislature -- as we pray for the Legislature today in their efforts, we're going to be praying that God would use them in this effort. So let's pray.

Father, as we come together and remember that you are a God who saves, we thank you that you can use us. And we thank you that at times of hopelessness, we can remember that your spirit brings comfort and that your spirit gives people to help others. Help us to be instruments of that, Lord. And we pray for the Legislature today, as this morning I heard Mayor Bloomberg talking about the need for decisive and quick action. We pray that you would help this Legislature to have your wisdom in their decisions, and the peace to not act too quickly when a proposal just isn't making complete sense, but the pressure is building. We pray that you would give them vision, vision of a healthier economy, vision of a more whole society, vision of what can be still. And, Lord, we pray that you would make them observers of all of the pieces of society. We pray that you would give them restraint as they -- as sometimes we go running headlong to make decisions that should wait, and that you'd give them decisiveness to make the ones that should be made and not hold back out of fear. We pray that you'd give them the ability to cooperate with all of the stakeholders, and, yet, the ability to know when someone in the conversation is trying to keep things that need to happen from happening. And overall, we pray that you would give them love, love for one another, love for the people of this County. Lord, we are at a time that kind of, as a society, resembles what for one person we see in Job. And we pray, Lord, that you would give your help, your strength, your hope, your peace. Amen.

P.O. LINDSAY:

If everyone could remain standing for a moment of silence for the following people:

Legislator Lynne Nowick's father, Eugene Cannataro passed away suddenly last week. Mr. Cannataro served as a Smithtown Councilman for over 24 years, from January 1, 1974, to December 30, 19 -- to December 31st, 1997.

Also, for Joseph Cavanagh, who is the father of Legislative Aide Michael Cavanagh. He's a former Labor Commissioner of Suffolk County, the Business Manager of Local 25, and he was the head lobbyist for the IBW in Washington for many years.

Jonathan Keller, Specialist, Army National Guard, who served in Afghanistan, died suddenly last week.

And let us always remember all of our men and woman who put themselves in harm's way every day to protect our way of life in our country.

(*Moment of Silence*)

Please be seated. We have a couple of proclamations this morning, and then we have a presentation for the 100th Anniversary of Scouting. So we're going to do the proclamations first. Legislator D'Amaro? Are you ready, Lou?

LEG. D'AMARO:

Yeah. Thank you, Mr. Presiding Officer. Good morning to everybody and welcome. It's my distinct honor and pleasure this morning to honor one of my constituents. Her name is Ally Gottesman. Ally is a fourth grade student at Maplewood Intermediate School in Huntington Station. She's only ten years old. She's the daughter of Pam and Vincent Gottesman. And Ally's story begins a few years ago in 2005, when she lost her aunt to breast cancer. It was a traumatic and, obviously, a very tragic event in Ally's life, as well as for her entire family. And is Ally here today? Where is she? Why don't you come on up with me? Hi, good morning. You could just stand here with me.

Ladies and Gentlemen, this is Ally. As I had mentioned, she had lost her aunt, tragically, to breast cancer in 2005, so Ally was determined to honor her aunt and ensure that she would always be

remembered. So Ally took her deep personal loss and used it as an opportunity to help others and to help fight breast cancer. So what she did for the last two Halloweens, Ally has gone trick-or-treating, but not for candy and for goodies for herself, like most children do, including my own, but for donations from her neighbors to help fund breast cancer research. The day before Halloween, Ally went and distributed fliers throughout the entire neighborhood asking her neighbors to help out, and the next day, which was Halloween, she went back and collected contributions from all of them. So, as a determined young women, in total, Ally has collected over \$4,000 to help fight cancer, and I think that's just wonderful.

(Applause)

Now, Ally donated the money to the Don Monti Memorial Research Foundation, which is based in North Shore University Hospital. And she chose Don Monti because 100% of those donations help to fund cancer research. So Ally has not only honored her aunt, whom I'm sure is smiling down upon her today and beaming with pride, but she has also honored her family and all of us here in Suffolk County. Now, she's here today because in my mind she's a role model. She's a role model for children all across Suffolk County, proving that in the otherwise self-absorbed world of childhood, young people do care and do understand that there are issues and causes that are not only important, but also that are larger than themselves.

So, Ally, we honor you here today, just as you have done a great thing to honor the memory of your Aunt. We're all very proud of you. And, like your dad says, you're the best. And what I'm going to do for you today is present you not only with a proclamation, which you can hang on your wall, or do whatever you please with, but also because you went trick-or-treating for those last two years to collect donations for cancer research, we're going to make that up to you today and present you with this basket so you get your bag of goodies as well.

(Applause)

Thank you, Ladies and Gentlemen. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Legislator D'Amaro. Legislators Kennedy and Nowick will present a proclamation to Patrick Jeffrey Abejar, a finalist in the Intel Science Talent Search. Legislators --

LEG. NOWICK:

I'm here.

D.P.O. VILORIA-FISHER:

Okay. And, Legislator Nowick, when you're done with this, don't go right out for your photo, because you'll be presenting the next proclamation as well.

LEG. KENNEDY:

Thank you, Madam Chair. Ladies and Gentlemen, Colleague Legislators, members of the audience, it gives me pleasure today to recognize a very bright young student from our Smithtown School District, Patrick Jeffrey Abejar. Patrick is here today with his Mom and Dad, and I'm going to ask you to please come up to the podium with me. Patrick is one of the Intel Finalists, as you might have seen from last week in Newsday. Bring your Mom and Dad up, come on. Come on folks, come on. Anybody who could have a student like this, come on, you deserve the recognition, too.

As we all know, the Intel Science Competition is a nationwide competition for our young people who come forward and traditionally mentor with university proctors and teachers within their school districts. Patrick did some advanced research on carbon dating and boron testing associated with seashells. How appropriate for us here in Suffolk County, being surrounded by water? And he was able to get predictions about global warming and the ocean-wide cycles from literally millions of years ago. That's the kind of invaluable science that will help all of us as we go forward to study our

important climate needs, and this coming from a young man who is a high school student from here in Smithtown. Once again, each and every one of us, I believe, is blessed with bright young students from our educational systems, and, certainly, we're all happy to go ahead and give the recognition.

In addition to his activities in school, Patrick's a volunteer at the Nesconset Nursing Center. He's civic-minded. His mom and dad are community folks, an artist and a nurse, and so I think it's certainly fitting and appropriate for all of us to go ahead and give them recognition and homage today. Congratulations. Job well done.

(Applause)

LEG. NOWICK:

Congratulations. And, folks, when I tell you, you can't pronounce some of the things that he did, that's how brilliant he is. Congratulations.

P.O. LINDSAY:

And if Legislator Nowick would stay there and do your other proclamation.

LEG. NOWICK:

Today I have the pleasure of presenting a proclamation to one of my constituents who lives in my Town, Christine Springer. Christine, come on up. You have your family with you, come on up.

(Applause)

I'm going to tell you a little story here. I would also like AME to join us, because they are as proud of Christine as we all are. Hi, honey. How are you? Come stand with me. I just want to tell a story here.

You know, most people think 911 Operators take calls and then they pass these calls on to other emergency services, and that's actually what I always think of. But today it's my pleasure to introduce Christine Springer, who lives in Saint James, who is an Emergency Services Dispatcher and has been with Fire, Rescue and Emergency Services for the past five years. Last month Christine is at the end of her shift, ready to go home, and she receives a call from an hysterical grandmother-to-be. Now, I've listened to the 911 tape, and, folks, it is chilling. The grandmother calls, Christine answers the call, and she tells Christine, "My daughter, who is 31 weeks pregnant, is not only in labor, but she is delivering the baby at home, the baby is coming." She's crying, she's hysterical. This young lady, and I can say young, who was also 31 weeks pregnant at the time, and, folks, I listened to the tape, as calm as she could be, walked the grandmother-to-be through delivering a baby. I will tell you that she saved this baby's life. I listened to the tape, grandma-to-be was hysterical.

Christine, using the County Emergency Medical Dispatch System, which I understand it to be, you have computers and you are able to research right on the spot, calmly walked her through it. The baby finally comes and grandma says, "The baby's not breathing." Again, calmly, she tells her exactly what to do, and, by the way, the baby was breach. The tape was chilling. Grandma's hysterical. Christine, as calm as she can be, does a job that I don't think any of us can do. You are my new hero. You saved -- you saved a baby's life. You walked a grandmother through this. You did -- you just did a beautiful thing.

What you do as 911 Operators is not just send calls back and forth, your heart and your soul are in this. It's -- it takes a lot of work, it takes a heart, and it takes a good nervous system, and you have that. And I wish you all the luck. You and your husband are having your baby soon. You know what this is going to be, so congratulations. You're wonderful. Congratulations.

(Applause)

Did you want to come up?

MS. ALLONCIUS:

Sure. AME couldn't be prouder of the jobs that our 911 Operators do, and we appreciate all the help that you have given us over this past year in obtaining the very precious spots that save lives every day. We thank you.

(Applause)

MS. MC KEE:

Legislator Nowick, thank you for this recognition. Christine, it's an honor for me to be here. As an emergency call-taker and a dispatcher myself, I'm pleased and proud to present on behalf of Cheryl Felice and the entire Executive Board for the outstanding job you did on this call and that you do each and every day. Congratulations.

(Applause)

P.O. LINDSAY:

Okay. Next is Legislator Viloría-Fisher for the purpose of a proclamation.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. We Long Islanders pride ourselves in one of the most exceptional school systems in the country. Yeah, there are some glitches and we try to -- we talk about consolidation and other issues, but our exceptional level of education is demonstrated year after year by the number of students who excel in the Intel Challenge, and this year we had more winners in that contest than any other county in the country; in the country. And this Sunday Ellis Henican named as Long Islander of the week my friend George Baldo. George, can you come up, please?

I worked with George at Ward Melville High School, and when I was working there, I was a Spanish Teacher, a Department Chair, Senior Class Advisor, Prom Advisor, so I stayed after school a lot. And when I stayed after school, one of the people that I knew I would see down the hall always seemed to be George, who was there with his students. I know the kind of teacher he is, I know the kind of work ethic he has, and it certainly has shown in the success of the program at Ward Melville High School.

This year there are 12 -- 11, I'm sorry, 11 Intel semifinalists, and two from Ward Melville who are going to Washington as finalists, a great source of pride. I'd like to invite the 11 students from Ward Melville High School to join me here, and also Principal Alan Baum, and my student from Port Jefferson High School, who's also an Intel Semifinalist, so that we will have 12 students up here from my District. Parents can join them.

Okay. Congratulations, you guys. I'm just -- going to briefly just read the titles, because Legislator Kennedy already spoke of -- oh, I'm going to say some of these names wrong. I usually try to practice them beforehand. Aleksandr Sinelnikov. Okay, say it for me.

MR. SINELNIKOV:

Sinelnikov.

D.P.O. VILORIA-FISHER:

Sinelnikov? Okay. And can you just say the title? I'm going to ask you guys to say the title of your project.

MR. SINELNIKOV:

Okay. Testing Plastic Packages with Mid-Infrared Emitters for Presence of Food Particles in the Seal

Area.

D.P.O. VILORIA-FISHER:

Okay. And that would be good for food safety issues?

MR. SINELNIKOV:

Yeah, that's right.

D.P.O. VILORIA-FISHER:

Okay. Thank you, and congratulations, Aleksandr. We'll take a photo outside when we're done, so we don't take too much time. We have a full agenda. Amy Mei Lin. Did I -- I said that right, didn't I?

MS. LIN:

Yeah.

D.P.O. VILORIA-FISHER:

Can you please say the name of your project?

MS. LIN:

The Effects of Body Mass Index on the Short-Term Outcomes of Women in -- After Percutaneous Coronary Intervention. It's a little long.

D.P.O. VILORIA-FISHER:

Okay. Well, you know, we've been talking a lot about body mass this week, because Legislator D'Amaro has a couple of pieces of legislation that will help fight obesity, you know. So I assume --

MS. LIN:

It was very relevant.

D.P.O. VILORIA-FISHER:

-- some relevance there. Congratulations.

MS. LIN:

Thank you very much.

D.P.O. VILORIA-FISHER:

Lots of luck to you. Jie Min. Can you say it correctly for us, please, and say the title of your project?

MS. MIN:

Jie Min. And it's Metabolic Changes in 3T3-L1 Cell and the --

D.P.O. VILORIA-FISHER:

Say it nice and loud and into the mike.

MS. MIN:

Metabolic Changes in a 3T3-L1 Cell Undergoing Differentiation.

D.P.O. VILORIA-FISHER:

Can you tell us just what that means?

MS. MIN:

It's kind of similar to Amy's project. I was also studying obesity, actually.

D.P.O. VILORIA-FISHER:

Okay.

MS. MIN:

And it's just how the metabolism changes as a person undergoes obesity.

D.P.O. VILORIA-FISHER:

Thank you very much, and congratulations.

MS. MIN:

Thank you.

D.P.O. VILORIA-FISHER:

Okay. Naureen Osman. Hi. Congratulations, Naureen.

MS. OSMAN:

Thank you. Effect of Cognitive Load and Depressive Symptoms on Heart Rate Variability.

D.P.O. VILORIA-FISHER:

Okay. Oh, so stress and heart rate.

MS. OSMAN:

Yeah.

D.P.O. VILORIA-FISHER:

Yeah, makes sense. Congratulations. Yuanchi Zhao. Congratulations.

MR. ZHAO:

Thank you.

D.P.O. VILORIA-FISHER:

And can you say it correctly, or did I say it okay?

MR. ZHAO:

Yuanchi. It doesn't matter.

D.P.O. VILORIA-FISHER:

Okay. Just say the title of your project.

MR. ZHAO:

You can call me Victor.

D.P.O. VILORIA-FISHER:

Okay.

MR. ZHAO:

Implementing Thermal Feedback Control for the Stabilization of a Helium-Neon Laser.

D.P.O. VILORIA-FISHER:

Okay. And I won't ask you to explain.

MR. ZHAO:

Okay.

D.P.O. VILORIA-FISHER:

Thank you very much. Okay. Oh, Taejoong Park. Can you say it correctly, or did I say it okay.

MR. PARK:

It's fine.

D.P.O. VILORIA-FISHER:

Okay.

LEG. COOPER:

Which means it's wrong.

D.P.O. VILORIA-FISHER:

Taejoong, okay.

MR. PARK:

And the title is Modeling of a Spark Ignition Engine With Direct Gasoline Injection, Direct Water Injection, and Turbo Expansion.

D.P.O. VILORIA-FISHER:

Okay. Can you tell us a little?

MR. PARK:

I just -- in light of the recent gas crisis, I tried to make an engine that's more powerful, more efficient and cleaner.

D.P.O. VILORIA-FISHER:

Okay. You should talk to Legislator Losquadro later. He'll probably be the only person who really understands it. Legislator Losquadro, did you hear his title?

LEG. LOSQUADRO:

I was listening intently. Direct injection. Well, we won't get into it.

D.P.O. VILORIA-FISHER:

You'll talk.

LEG. LOSQUADRO:

Yeah.

D.P.O. VILORIA-FISHER:

Okay. Congratulations. Thank you so much. And again, very timely. Jason Andrew Karelis. Congratulations, Jason.

MR. KARELIS:

Thank you. Mechanistic Studies of MenD, A Novel Drug Target for Staphylococcus aureus.

D.P.O. VILORIA-FISHER:

So, something about strep, staphylococcus?

MR. KARELIS:

Staph.

D.P.O. VILORIA-FISHER:

Oh, staph, staphylococcus. Okay. I thought you said strepto -- okay. Well, staph infections, that's really very serious with safety in our hospitals.

MR. KARELIS:

Yeah, especially with Methicillin-resistant staph.

D.P.O. VILORIA-FISHER:

Okay, MRSA. Okay. Well, congratulations, and thank you. My aunt just died of that. She was in the hospital after surgery.

MR. KARELIS:

I'm sorry.

D.P.O. VILORIA-FISHER:

She acquired MRSA and passed away, so thank you for that good work. Okay. Michael Gurevich. {Gurevick} or Gurevich?

MR. GUREVICH:

No, that was good.

D.P.O. VILORIA-FISHER:

Okay.

MR. GUREVICH:

Yeah. The General Anesthetic Propofol Blocks Peak Current and Prolongs the Activation of the Glycine Receptor Chloride Channels.

D.P.O. VILORIA-FISHER:

Okay. Thank you. Congratulations, Michael. Okay. David Ian Gittin. Hi.

MR. GITTIN:

Hello.

D.P.O. VILORIA-FISHER:

Congratulations.

MR. GITTIN:

Differential Requirements of Human CBF Beta Homologues Brother and Big Brother in Drosophila Development.

D.P.O. VILORIA-FISHER:

I thought I met you last year, right.

MR. GITTIN:

Not for Intel, but I have met you before.

D.P.O. VILORIA-FISHER:

Right, yeah. Okay. Nice to see you again, David, and congratulations. Now, these are the two people who are going to Washington. And, if I recall, both of you worked -- can you -- Christine, can you come up here, please? And -- I'm sorry, and Preya Shah. Here you are. Now, you both worked on projects that directly or indirectly have to do with cancer and cancer research, right? So I want to thank you for this timely research. We want to wish you great luck when you go to Washington. I'd like each of you to tell us just a little bit about your project. Preya.

MS. SHAH:

Okay. Well, the title was Combating Cancer: Design and Synthesis of Dual-Warhead Tumor-Targeting Drug Conjugates. Basically, I synthesized a new drug for cancer chemotherapy.

D.P.O. VILORIA-FISHER:

Okay. Thank you very much.

MS. SHROCK:

My title was Effects of Lid Dynamics on the Binding of MDM2 to the Tumor Suppressor Protein p53: Implications for Cancer Therapeutics. And so, basically, I studied structural changes in a protein that regulates a tumor suppressor protein p53, and these structural changes can be targeted for designing more effective cancer therapeutics.

D.P.O. VILORIA-FISHER:

Thank you. And, you know, there are heroes who were involved in this who are not here today. How many of you were mentored? Let me just read the last proclamation. Okay. Thank you and congratulations.

I have a student here who wasn't able to be here, because there was a death in her family, Hiba Khan. We congratulate her and wish her well. And, also, give -- pass our condolences on to her family, please. Thank you.

And we have also from Port Jefferson High School --

MS. SUHR:

You did Port Jefferson?

D.P.O. VILORIA-FISHER:

I did Port Jefferson?

MS. SUHR:

Yes, Aleksandr.

D.P.O. VILORIA-FISHER:

Oh, Aleksandr. I'm sorry. Sorry, I thought I had separated them. And I have also here a proclamation for Ward Melville High School for every year continuing to support this program. I know that the work that Dr. Baldo does individually is very time-consuming, but he couldn't do it without the support of the High School. And I know the kind of support that he's always gotten, not only from the administration, but colleagues on the faculty who are in full support of this program. I know sometimes I've had to let -- in the past, I let kids out of my AP class, because it was crunch time for Intel. So I thank you very much. But I was beginning to say that there are some unsung heroes.

How many of you were mentored by scientists at Stony Brook University? Can you raise your hands, please? Okay. You know, we often talk about what a great economic engine Stony Brook University is, but Stony Brook University also has dedicated researchers who give of their time to work with these young people so that our scientific community continues to grow, and you could see here the product of that kind of scientific dedication. So it really does take a team in Stony Brook. We have the village that it takes to engender in our kids a love and an excitement about science and research. Congratulations to all of you.

(Applause)

P.O. LINDSAY:

Thank you. Legislator Cooper and Beedenbender.

D.P.O. VILORIA-FISHER:

Dr. Baum, would you like to say something?

MR. BAUM:

Well, on behalf of Ward Melville High School, Dr. Baldo, and all of the students, we thank you and this Legislature for their recognition. These students are some of the best students that we have

ever encountered and we are so very proud of them and their efforts. And I have no doubt, no doubt, mark my words, that you will read, hear and see these students, even this young fine gentleman from Port Jefferson, sometime in the future, because they are going to make their mark on this world. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

(Applause)

P.O. LINDSAY:

Legislator Cooper and Beedenbender.

LEG. COOPER:

Rich Castellano is a Math Teacher at Northport High School and has been a stellar example of what giving back to one's community really means. He's been a teacher for 36 years, 33 of which have been spent at Northport High School, where he has coached the Girls Basketball Team for 29 years. Rich has taken an active role in teaching both in and outside of the classroom. In his time serving in the Northport School District, Rich coached Junior Varsity Baseball for 15 years, Varsity Softball for six years, Junior Varsity Football for three years, and Middle School Football for two years. During his tenure as head coach of the Girls Basketball Team, Rich garnered five Long Island championships and ten Suffolk County championships, as well as a 500-to-124 record. This coming March, he will be inducted into the New York State Basketball Hall of Fame at the Glen Falls Civic Center. Rich has impacted countless lives over the course of his career, and, in fact, many parents and students who have already graduated continue to come back to watch his games year after year. And it's my great pleasure, along with Legislator -- oh.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Brian, did you also want to say --

LEG. BEEDENBENDER:

Yes. Just real quick. The reason I'm up here, even though Mr. Castellano speaks at -- teaches at Northport High School, is because he lives in Selden. And the Castellanos have actually known me since I was 17. And for -- well, for me, that seems like a long time ago. My colleagues constantly remind me they think it was yesterday. So, I just wanted to congratulate Mr. Castellano on his 500th win. And even though I know that -- I know that he knows there are countless number of people and girls at Northport who are touched by your life, I think, you know, sometimes you might forget that the friends of your son and your daughter were all touched by your life, too. And I just want to congratulate you, and hopefully, like I joked to you before, Pat Summitt is going to reach 1,000 soon, so you have another 30 years, you've got to get there, too, so congratulations again.

(Applause)

MR. CASTELLANO:

Thank you, sir.

P.O. LINDSAY:

Legislator Cameron Alden.

LEG. ALDEN:

Hi. I'd like to call up Probation Officer Watrous. Thank you, Mr. Presiding Officer, for this opportunity. Again, we have such great people that work for the County of Suffolk, and Officer Watrous is one of those people. And this shifts gears a little bit, because she's charged with keeping

us safe and keeping especially young children safe. And what Officer Watrous did was use all her investigatory skills and really intelligence to go out and prevent future sufferings.

The situation we had in Suffolk County was a Class 3 sex offender, a predator of very, very high and dangerous qualities, and very crafty. He, in violation of his probation officer's -- well, actually his discharge, he had served two terms for rape Upstate, he was discharged and his terms prohibited him from any contact with young children. This crafty individual had ingratiated himself with a woman that had no idea what type of a person he was and this guy was getting next to her children. So Officer Watrous discovered this, at really great lengths she took to investigate this problem. She discovered it and made the arrest before more lives were ruined and more suffering that lasts a lifetime. So we can't thank you enough. And you're just an indication of what kind of great and dedicated people we have working for us in Suffolk County. God bless you.

(Applause)

D.P.O. VILORIA-FISHER:

Okay. Mr. Chair, there was one person whose name I left out, just very quickly. Alan Baum, can you, please, come forward? And this was the Samsung Hope for Education Contest that one of the faculty members, whose name is Robert Wilson, did write the application or the write-up on your school, an essay in which would describe the good work that's done at Ward Melville High School. You won this and you brought \$61,000 to the school as a winner of the Samsung Challenge for Hope for Education. So congratulations, and, certainly, school districts can use an infusion of some cash. So thank you for the honor and for the help to the school.

MR. BAUM:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Congratulations.

(Applause)

P.O. LINDSAY:

Okay. This year marks the 100th Anniversary of Boy Scouts in the United States, and we have a number of people here from Scouting. And what I'm going to do is call up Boy Scout Gregory Koridis, and he is going to introduce the rest of the delegation here from the Scouts. I know you have a video show, so if you want to come over to the table. And, Barbara, if you could give them a mike, or if you want to do it from there, Gregory, either way.

MR. KORIDIS:

I'll do it right from here.

P.O. LINDSAY:

Okay, that's good.

MR. KORIDIS:

Good morning. I'm Greg Koridis, a Scout in Troop 244 in Rocky Point, and with me today, I have Nancy Grimaldi, a Venturer from Crew 601; Steven Wong, Explorer from Post 410; Gregory Gordon, a Cub Scout from Pack 39 in Mattituck. And I have Mr. Anthony J. Stupore, who's Suffolk County Council President. I have Council Commissioner, Mrs. Dot Young, and Scout Executive, Mr. Joseph Gallagher. And we would like to tell you about Scouting in Suffolk County.

Since 1910, the Boy Scouts of America has been serving the youth of our County. Did you know that the number one reason that youth join Scouting is the same as today as in 1910? It's fun. Whether it's fun in your first pinewood derby race, or the excitement of your first camping trip, or the thrill and exhilaration of the white water rafting, Scouting is fun. But having fun is just the

beginning. Just as in 1910, the Scouts of today pledge to do their duty to God and their country, to help other people, and to keep themselves physically and morally fit.

Let me give you some examples of Scouting in Suffolk County. Twenty-five hundred Scouts and Leaders placed tens of thousands of flags on Memorial Day at Long Island National and Calverton Memorial Veterans Cemeteries. In conjunction with Flag Day, our Scouts conducted one of the largest flag retirement ceremonies on Long Island. Last year, our Scouting for Food Good Turn collected 25,000 pounds of food, which was distributed to 80 local food pantries.

Within the past year, 168 Scouts earned their Eagle Scout award. Each Eagle Scout is required to conduct an Eagle Scout community service project. More than 26,000 hours of service to the community were performed by these projects.

Did you know that Suffolk County Council annually serves more than 25,000 young Scouts within Cub Scouting, Boy Scouting, Venturing, Exploring and Learning for Life programs? Or did you know that there are nearly 444 Scout Units locally? Or our Council's Franklin Delano Roosevelt Division serves special needs youth throughout the County? Or that our Learning for Life program received the 2006 Work Force Builder Award from the Long Island Workers Coalition? Or did you know that our Council recently developed a diversity program to serve all communities and economic levels of our County?

Our children face tough issues every day, and Scouting is proven -- is a proven program to deal we them. Louis Harris and Associates is a national -- nationally recognized firm, released a 2005 report that quantifies some specific outcomes of Scouting programs. These results speak for themselves. Ninety-five percent of parents believe that their Cub Scouts learned moral and ethical values within the Scouting program. Eighty-eight percent of Boy Scouts said that Scouting has taught them skills that they have not -- they will not be able to learn anywhere else. Eighty-three percent of boys who have been in Scouting for at least five years said that Scouting has helped them in their career and made them more financially responsible. As you can see, Scouting is alive and well here in Suffolk County.

Now, I would like to turn our presentation over to Nancy Grimaldi. Nancy is a Venturer in Crew 601, chartered to the Three Village Garden Club in Setauket.

MS. GRIMALDI:

Scouting is a family of three million throughout the globe. Scouting prepares boys, and young men and women for their journey of life with skills and friends that will last a lifetime. Growing up with my father, working at Baiting Hollow Scout Camp, I was one of the only females there, and now I'm one among nine females working at Baiting Hollow Scout Camp. When my father came home and told me that one day I, too, could be involved in Scouting through Venturing, I couldn't wait to turn 14. Since I was 14, I've been working every summer at Baiting Hollow Scout Camp. And just this past September, my father and I started our own Venture crew.

Everyone I know from Scouting, whether they are Cub Scout, Boy Scout, Sea Scout, Explorer or Venturer have joined my family. When I need help with a problem or I need some encouragement, I know there will always be someone from my Scouting family right there telling me to shoot for the stars.

Scouting has given me so many opportunities. I'm the president of my Venture crew, and I'm the vice president of Program for the Venturing Officers Association. Scouting as a whole has given so much to the community, and I love the feeling of doing something good for someone else. It gives me a great feeling to know that something I have done has helped someone else. Scouting is and will forever be a huge part of my life.

To tell us about his experiences in the Exploring Program is Stephen Wong. Stephen is a law enforcement Explorer in Post 410, chartered by the Fourth Precinct of the Suffolk County Police

Department.

MR. WONG:

Good morning, everyone. I'd just like to say that being able to be up here and speak with you all today has been a personal honor for me, so thank you all for having us here today.

My name is Lieutenant Stephen Wong. I am Commanding Officer of the Fourth Precinct Suffolk County Explorers. I'm 19 years old, I'm currently a Junior at Stony Brook University, a computer technician, and a fireman, among other things.

Exploring is a national program sponsored by Learning for Life to give young people, between the ages of 14 and 20, a firsthand look at several different careers. Here in Suffolk, we have seven Police Precincts with each Precinct hosting an Explorer post. Now, I've been with the program for about six years and it's been something that I've looked forward to doing ever since I joined. I've graduated from the Suffolk Police Explorer Academy, which gave us a hands-on look at what life in the Academy is actually like. And I've won a national forensics competition, as well as being one of thirty members from around the United States to attend a training academy, hosted by the United States Marshal Service. And I had the honor of not only representing Suffolk County but the entire State of New York.

Now, before I joined, I was kind of a shy person, and I took a look at my life and I could either go down kind of a dark road or a light road. So, what I did was I contacted a friend of the family and I said, "Is there any way I could help out with the Police Department?" And he forwarded me to this program. So I've eventually come to realize that this program is one of the best choices that I could have made and has helped me tremendously throughout my years.

Now, some of you may have seen Explorers at various different public events, and like a majority of people, you guys don't really know who we are or what we do. Now, because we wear uniforms and we work with the Police, many people believe that we're cadets, which is pretty cool, but that's not quite the case. So we've been trained -- my post currently runs with about 20 members and we've been trained in various topics with regards to police work, from hostage situations to Criminal Procedure Law and defensive tactics, and I've learned a lot of skills throughout my time here, including how to handle certain emergencies, and how to take charge when charge needs to be taken. And it's not only taught me things specific to police work, but I've also learned how to be a better person with skills like verbal judo and emergency first aid. These skills have provided me with a very strong base, and I can hopefully expand on with my future learnings.

Now, I'm very thankful to have the experience with this program, and my life has been influenced by it in tremendous ways. Now, this program is the kind of thing that separates the average from the extraordinary, and let me tell you when I say I work with some of the finest young individuals in this county, and I'm very proud to have worked with them and I am very proud of them to this day.

Now, hopefully, in the future I can become a Police Officer, that would be very nice, and until that happens, I would like to continue to pass on the skills that were taught to me by my superiors. And so if you guys ever get a chance and you see us around, feel free to say hi. You know, we won't bite or anything.

But, as many of you know, the Eagle Scout Award is the most prestigious award in the Boy Scout Program, so I'm going to reintroduce Greg here and he's going to tell you a little bit about it. Thank you.

MR. KORIDIS:

An Eagle Scout is the highest rank attainable in the Boy Scouting Program. Requirements include earning at least 21 merit badges, and demonstrating Scout Spirit, services and leadership. The award is a performance-based achievement whose standards have been well-maintained over the years. The most significant obstacle that a Scout must face before they achieve this prestigious

rank is to plan, organize and carry out a service project to benefit the community. The rigorous nature of this required service project is a major step in the completion of the Eagle rank. Very often, the Eagle Project is what highlights the full impact of the Scouting program to the community at large.

Over the past three years, Suffolk County Council was privileged to have 722 young men complete projects which benefit religious institutions, schools, County parks, and the community in general. Those projects have accounted for more than 108,000 hours of community service by Scouters and volunteers. Yet, there's no numerical or minimum amount of time or requirement for the length of time in which the project needs to be completed, but that it needs to have enough time to demonstrate leadership.

You're probably thinking, what have our successful Scouts done here in Suffolk County within the past years. That's a great question. The projects are widely varied and here are some of the examples:

Benjamin Hauer of Troop 221 in Manorville redesigned the Memorial Pathway at the Calverton National Cemetery. This project allowed for better access by the public, and improved the appearance of the pathway.

Christopher Lewis of Troop 410 in Northport allowed -- worked in conjunction with Suffolk County Parks Department to improve a parking lot, install a split rail fence, and spread wood chips along the West Hills County Park trails.

Ganesh Thippesway of Troop 117 in East Setauket did his project at the Long Island State Veterans Home in Suffolk -- in Stony Brook. He built handicapped accessible picnic tables for disabled veterans.

Scouts Kevin Marschhauser and Frank Prost from Troop 414 in Center Moriches conducted their projects at the Quogue Wildlife Refuge. Kevin build a 62-foot boardwalk for use by visitors, and Frank built and installed bat houses.

I'm currently going through the process to complete my Eagle project as well. I'm constructing four video library bookcases for the Religious Education Program at the Saint Louis DeMonfort Church in Sound Beach. So far, the journey has been as smooth as can be. I'm using my leadership tools I've learned through the years to carry out all the tasks at hand, starting from the planning stages of how it would benefit the Church, and to how I would fund-raise and collect over fifteen hundred dollars in donations from local businesses.

After getting several signatures to launch the project, I soon found myself in the workshop leading several Scouts and volunteers toward the success of my project. Once I complete this requirement, I will be proud to know that I was part of the numerous Scouts that supported the community of Suffolk County.

MS. GRIMALDI:

For 99 years the Boy Scouts of American has created a strong foundation of leadership and service for millions of America's youth. As we prepare to celebrate our Centennial, we would like to share with you a few moments of our legacy.

[A VIDEO WAS SHOWN TO THE MEMBERS OF THE LEGISLATURE]

MR. STUPORE:

Thank you for your time and attention this morning. I'd also like to thank our presenters, Greg, Nancy, and Steve, and our Cub Scout helper, Greg.

As you can see, Scouting is alive and well here in Suffolk County, as you can also see the high

caliber of young people we are training here in the Suffolk County Council. Greg talked about his Eagle Service project, and summarized several other projects. Of the more than 108,000 hours devoted to Eagle Scout service projects over the past three years, approximately 40% were devoted to improvements to public lands here in Suffolk County. Yes, we have fun, but the values of our program are exhibited by the youth you have met here today.

As we prepare to begin our second century, we are committed to preparing youth with leadership, public service, and moral and ethical values. In these trying times, we are here to support Suffolk County. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

I would like the Minority Leader, Dan Losquadro, and the Majority Leader, Jon Cooper, to join me, and Greg. And I don't know whether -- why don't you call up everybody that's connected with Scouting here.

And we have a proclamation recognizing the 100th Anniversary of Scouting, and it goes on about five or six different paragraphs, but it simply says that we appreciate and we thank what you folks do for our youth in our County. Thank you very much. Applause.

(Applause)

D.P.O. VILORIA-FISHER:

And Mr. Chair, if I just may add, my son is an Eagle Scout. My son Dan is an Eagle Scout, and I know the great work that you do at the -- and the volunteers that you do. Thank you.

LEG. LOSQUADRO:

Just very quickly, I want to say thank you for all of the hard work on the part of all the volunteers that make Scouting possible. It's always a pleasure for me to attend our Eagle Scout ceremonies. I'm very fortunate that we have some wonderful Troops in my District that I get to do -- get to attend them on a pretty regular basis, and I know it wouldn't be possible without all the hard work of the parents and the Scout Masters. So thank you again for all that you do to make Suffolk County a better place.

MR. STUPORE:

Thank you.

LEG. COOPER:

Very briefly, when I was young, I never made it to Boy Scout, but I was a Cub Scout, and my two sons were Cub Scouts. Wonderful organization, you do great work for the Troop Leaders, and for the parents, and for the Scouts themselves. Thank you for the wonderful work you all do.

MR. STUPORE:

Thank you.

D.P.O. VILORIA-FISHER:

We will be starting the Public Portion, and I'm just going to mention the first two speakers, so that you can be prepared to come forward to speak. Our first speaker will be Kevin Rooney, and as soon as the photo is taken, I will ask Mr. Rooney to come forward and present your comments before the Legislature.

[A PHOTOGRAPH WAS TAKEN]

Mr. Rooney. And right after Kevin Rooney is Donald Solar.

MR. ROONEY:

Good morning. Since I was born and raised in England, and listening to that presentation, I'm proud to be the English equivalent of an Eagle Scout, which is a Queen Scout; most appropriate.

Presiding Officer Lindsay, members of the Legislature, sometime later today you will consider the County Executive's veto of Resolution 1128, which, if overridden, would prohibit all but written countersigned oil price contracts between consumers and retail heating oil companies. Resolution 1128 should not be allowed to become law for the following reason:

One, local prohibitions on electronic or telephonic commerce are preempted by both Federal and State electronic signature laws.

Two, such local prohibitions are also expressly preempted by Article 2 of the Uniform Commercial Code.

Three, as a matter of law, a contract is not a deceptive trade practice simply because it is not written on paper.

Four, the resolution deprives the industry, which I represent, of equal protection and nondiscrimination under the law.

And lastly, five, the practical effect of the resolution, will undoubtedly result in consumers paying higher price for an oil contract than would otherwise be the case if the contract were handled electronically.

Recognizing both the legal and practical deficiencies inherent in Resolution 1128, the County Executive chose to exercise his veto. We strongly urge you to sustain this veto. Yet, also recognizing that current industry practices regarding telephonic oil price contracts need to provide additional consumer safeguards, the County Executive suggested the outline of an alternative resolution. In essence, these new requirements would provide for the consumers' recorded consent and agreement to each of the specific contract terms, the type of contract, the terms of the contract, the price, any applicable surcharges and contract cancellation fees prior to the contract finalization. They would require that a written confirmation of these terms and conditions be provided within five days. And lastly, they would allow the consumer to cancel the contract without penalty if there is any variance between the recorded contract and the written confirmation provided by the company.

In actuality, the outline of this proposed alternative resolution goes further than Resolution 1128 in providing clear, concise, and unambiguous information to consumers regarding their oil price contracts, and provides a mechanism for the resolution of contract disputes, but does so in a manner which is fully consistent with existing law, and does not infringe on the ability of the business community to engage in the lawful exercise of electronic commerce.

I would like to assure you that if the Presiding Officer introduces such an alternative resolution, then my industry will fully support the passage of same. And, yet, your consideration of such an alternative resolution --

P.O. LINDSAY:

You're out of time, Mr. Rooney.

MR. ROONEY:

-- that the County Executive recommends cannot occur while a final disposition of Resolution 1128 hangs in the balance. Thus, once again, I urge your vote to sustain the veto in order that this process will move forward to a more positive conclusion. Thank you for your time and attention.

P.O. LINDSAY:

Donald Solar, followed by Sonia Welchard.

MR. SOLAR:

Good morning. I'm Don Solar. I'm Professor Emeritus at the C.W. Post Campus of Long Island University, has been, in other words. And today I'm representing ACORN.

Now, when Suffolk County prosecutors charged seven teenagers in the deadly assault on Marcello Lucero, one of the most disturbing accusation was that they have engaged and are engaged in a regular and violent pastime, hunting for Hispanics to attack. And prosecutors believe that many more teenagers have been involved in attacks on Hispanics in and around Patchogue, and most of them are still at large, including separate groups of teenagers who roam Patchogue on bicycles attacking Latinos.

After Mr. Lucero died, many Latino Americans came forward to describe attacks. Some of these attacks had never been reported to police. Others had been reported to police at the time they occurred, but no one was arrested.

Now, Latino Justice, an advocacy group in New York, has asked for a Federal probe in Suffolk, because they say, "There seemed to be some kind of failure of law enforcement." Latino Justice also says that politicians in Suffolk "have repeatedly inflamed public sentiment against the Latino community, even after brutal hate crimes have been committed against it." Would Mr. Lucero be alive today if the police had taken crimes against Latino immigrants more seriously, and if those hate crimes had been recognized as symptoms of a larger problem? We'll never know the answer to that question. But let's remember that in Mississippi in 1955, Emmett Till was lynched when his killers thought no one was watching. And yet, that brutal hate crime was later described by the Reverend Jesse Jackson, Sr., as the "Big Bang" of the Civil Rights Movement.

Now, Suffolk County bears no resemblance to Mississippi in the '50's, but we can hope that the lynching of Marcello Lucero will have as big a bang as did the lynching of Emmett Till 54 years ago, and let's start with the establishment of a Task Force charged with studying hate crimes in the County. Thank you.

(Applause)

P.O. LINDSAY:

Sonia Welchard, followed by Tom Rienel. Sonia? Is Sonia Welchard in the audience? No? Toni Rienel.

MS. REIDEL:

Reidel.

P.O. LINDSAY:

Reidel? Okay.

MS. REIDEL:

Good morning. I'm Toni Reidel, Associate Director with the American Diabetes Association for Long Island, and I am here today representing our Advocacy Director of the Northeast, Steven Hobby, for the support for the calorie menu labeling in chain restaurants, support for elimination of artificial trans-fats in restaurants.

"Dear Suffolk County Legislators: We're writing to convey the strong support of the American Diabetes Association for the proposals of, one, require chain restaurants to prominently display caloric information to consumers similar to the display of price; and two, to eliminate the use of artificial trans-fats in County restaurants.

With regard to the calorie proposal, Suffolk County, and the country as a whole, face an epidemic of

overweight and obesity. According to data from the Centers for Disease Control and Prevention, approximately two-thirds of Americans are overweight and obese. Thirty percent of adults over 20 are obese. With regard to younger people, the percent who are overweight has tripled since 1980.

Overweight and obesity are very significant contributors to the development of Type 2 diabetes, the most common form of diabetes. With moderate lifestyle changes, such as consuming fewer calories and increasing physical activity, the risk for Type 2 diabetes can be significantly decreased. The display of caloric information would play an important role in assisting County residents with making moderate changes in their diet to lower the risk of developing diabetes.

Americans increasingly receive more of their calories via restaurant meals where such information can be difficult or impossible to review. Additionally, at least one recent study has shown that people significantly underestimate the number of calories in food items, further highlighting the need for such information to facilitate healthier choices.

The trans-fat proposal is important to people with diabetes due to the link between diabetes and heart disease. Trans-fats have been found to increase the level of low density lipoproteins, LDLs, known as bad cholesterol, while also lowering the level of high density lipoproteins HDLs, known as good cholesterol. This dynamic increases the risk of coronary heart disease for general population and for people with diabetes who are at greater risk. Adults with diabetes have heart disease death rates about two to four times higher than adults without diabetes.

Substitution of ingredients to reduce artificial trans-fats has already been successfully demonstrated in many settings. The American Diabetes Association strongly encourages the Legislature's adoption of these practical and prudent measures to address rising health care costs, the growing incidents of diabetes and the death and disability affiliated with diabetes. Sincerely, Steven Hobby, Advocacy Director of the Northeast."

P.O. LINDSAY:

Thank you, Ms. Reidel.

MS. REIDEL:

You're welcome. Thank you.

(Applause)

P.O. LINDSAY:

Peter Quinn, followed by Nancy Rau.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn. I'm here to criticize Newsday for its sins of omission in their failure to tell two significant costly financial matters that impact adversely taxpayers and ratepayers across Long Island, and includes municipal governments in their wrestling with their budgets. The first deals with the Public Authority's Control Board, made up of five top officials in Albany, who agreed in December to give 600 million dollars to a California company, which is only half of the total cost, because it's 1.2 billion dollars they'll receive, a company called Applied Micro Devices from California to create a computer chip factory in Malta, in Saratoga County, about 20 miles from Albany. And the fact is that that company nearly went bankrupt in its efforts to spend hundreds of millions of dollars to compete with Intel and failed. That was three years ago, and led by Pataki and Bruno, now it's Patterson and the two leaders of each House in Albany who decided to give this money anyway.

What happened it is AMD went to the Emirate of Abu Dhabi, arranged for a deal in order to get the funding for their perks in Albany, and the deal included the Emirate insisting on creating another computer chip factory, not in New York State, but in a foreign country. That means they'll be able to compete with whatever's developed as a result of this deal, and they're able to outsource some of

the high computer software jobs that allegedly would have gone Upstate. They never told the story.

In addition, Newsday never told the story of the LIPA funding -- arranged for funding for 370 million dollars in bonding. That was in November. Did you ever read about it? I raised it when I went to the rate hike hearings and nobody talked about it. The interest on those -- on that bond is over 5 1/2 percent, in contrast of Suffolk County floating 65 million dollars for 4.95 5%. Your question is, what about -- what are the rating agencies doing with our rates? We're already paying six hundred -- this year we'll pay 640 million dollars in debt service, amortization and interest. That's without this bond being included. What do we know about the details? LIPA isn't telling us.

P.O. LINDSAY:

Peter, you're out of time. Wrap up.

MR. QUINN:

Okay. And the fact is that Kevin Law, the CEO of LIPA, insists he wants transparency. He's willing to do that on the penny-pinching issues, but not on the big issues. There were thirteen companies, bonding companies, involved, led by Goldman Sachs, to arrange this deal. It certainly ought to be publicized. And you people should be challenging the rating agencies and the utility for making this kind of a deal. Let's see if we can't club-ax some of that money. Thank you.

(Applause)

P.O. LINDSAY:

Nancy Rau.

AUDIENCE MEMBER:

Right on, Peter.

MR. QUINN:

Thank you.

P.O. LINDSAY:

Followed by -- it looks like Dianne Rulnick.

MS. RAU:

Good morning. Thank you for the opportunity to address all the Legislators. My name is Nancy Rau. I'm a Registered Dietician representing the Nutrition Division of the Department of Family Medicine at Stony Brook University Medical Center. Our Division is the recipient of several New York State Department of Health grants, including the one under which I am funded, known as the Long Island Center for Pediatric Obesity Prevention Best Practices. I'm here today to provide comment and support regarding the proposed Resolutions 2234 and 2235, which would require the Board of Health to disseminate regulations banning the use of artificial trans-fats in food establishments, and mandating chain restaurants to post caloric content of their menus.

Trans-fats are a known dietary health risk that is invisible to consumers. Trans-fats are believed to be harmful because they contribute to heart disease by raising bad cholesterol, the HD/LDL cholesterol and lowering good cholesterol, the HDL cholesterol. Trans-fat increases the risk of heart disease, a leading cause of death among New Yorkers, and there's no known safe level of trans-fat in our diets, and leading health organizations recommend that people strictly limit their intake of trans-fats.

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

Information provided by the New York State Department of Health indicates that more than a third

of our daily calories come from food eaten away from home. On average, Americans consume almost six grams of trans-fat each day. A single fast-food meal can contain more than ten grams of trans-fats. Restaurant customers have no practical way to know whether the food they ordered contains artificial trans-fats or not. Artificial trans-fats can be replaced with readily available heart-healthy oils without negatively impacting the taste of foods. New York City, Boston, Baltimore, Philadelphia and other local governments have passed trans-fat bans in the past two years. Eliminating trans-fats in restaurants is a positive step towards improving the health of Suffolk County residents.

The percentage of New York State adults who are overweight or obese has increased from 42% in 1997 to 57% in 2002, and the overweight rate in New York State has more than tripled in one generation of children between the ages of eight and 16. As Americans spend almost half, 47% of food dollars on eating out, the role of restaurants and other food establishments becomes important in the prevention and control of obesity and heart disease and diabetes. The U.S.D.A. estimates that between 1992 and 2002, annual expenditures for food away from home increased by 58%, a trend likely to continue. And according to the NPD group, a leading market research firm, the average American eats out approximately five meals outside the home each week.

In addition, foods eaten at restaurants and other food establishments make up approximately one-third of caloric intake. One study found that young adults who eat frequently at fast food restaurants gain more weight and have a greater increase in insulin resistance in early middle age. One reason --

P.O. LINDSAY:

Nancy, you're out of time. Would you wrap up, please?

MS. RAU:

Yes. The proposed legislation would make it easier for consumers to follow nutrition information if calories were posted on menus.

Thank you.

P.O. LINDSAY:

Thank you. Dianne? Diane's followed by Robert Faulkner.

MS. RULNICK:

Good morning. I'm Dianne Rulnick, and it's an honor to be here to address you with my concerns and hopes. I have never been in this room before, but I certainly have followed closely what you do, and I ask you to please pass unanimously, I don't know if you do that, but pass unanimously the resolution establishing a Task Force on Hate Crimes in Suffolk County.

Applause

Unanimously. You know, to me that's an apple pie decision. I know that that's not the case when we have a -- what seems to be a charged issue, and how could it not be a charged issue when we have so much hate expressed within our own county. And when I say hate, I'm taking about the polarization, the harassment in our schools, the neighbor against neighbor.

I've served on the Anti-Bias Task Force of the Town of Southampton for close to ten years. I applaud the members of Southampton for having the courage to begin to work with Suffolk County and to have given -- the Police Department have given the responsibility of first investigations to the Hate Crimes Unit. They are the experts, and they will -- the Town of Southampton will work collaboratively with them to investigate incidents.

I can't speak to local hate crimes as -- but what I can speak to is over the past five -- four years, I have processed over 30 incident reports that have come before the Town of Southampton. Some of them I think do rise to the level of hate crimes, others are pure harassment. And I can't tell you

how much fear there is in bringing it forward, how much perception there is that so much is swept under the rug.

Now, it is not popular to come before your or to speak in any forum and to say it's not sunny -- it's not sunny in Florida. You know, I used to wake up in Florida and go to the weather forecast and then my family would say, "But it's a tourist community, they're always going to say it's sunny." Well, I think we need to realize that we're in a wonderful community, Suffolk County, but we do have issues. The Suffolk County Police Department and the Southampton Town Police Department, members on those departments have said to me directly, and more than one in each case, have said to me directly, "When it gets a little warm outside we're going to have another incident, only sometime it's going to be a major incident." Well, the recent death is a --

P.O. LINDSAY:

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

MS. RULNICK:

Is a major incident. And I ask that we pass a review, this review, that we consider putting an African-American on it, that we consider putting someone who represents the women who are both a majority but are a minority, and that we do this so that we understand what the issues are and understand ourselves better. It is a self-investigation; those are sometimes the hardest but the most productive, and sometimes they alleviate deaths and we want to do that. We want to be a preventive community and a proud community. Thank you.

Applause

P.O. LINDSAY:

Robert Faulkner followed by Chris Destio.

MR. FAULKNER:

Good morning, Ladies and Gentlemen of the Legislature. My name is Robert Faulkner, I live and raise a family in the 4th District, Brian Beedenbender's area, and I also operate a small business out of the same location. We deliver fuel to homes, heating oil and we also provide a service that delivers fuel to boats in Suffolk County as well as in Nassau County.

I grew up on Long Island. I was born and raised and I grew up on the water of Long Island. My children are being raised and they grew up on the waters of Long Island as well and, God willing, my children will raise my grandchildren on the Great South Bay as well. So nobody has a bigger, vested interest in the environment than I do. So with that in mind, I'd like to address the resolution you have before you, 2165-2008 which has to deal with the safe transfer of fuel to boats and water-craft.

Now, we can debate the business side of this issue all day long. Obviously my business will be negatively impacted by this resolution as it goes through, but I believe behind me you're going to hear it from some people in the business, in the marine business, and they're going to share with you some thoughts and ideas about how it's going to affect the industry as a whole. But I want to get back to the main issue at hand here in the resolution which is, in fact, the environment.

Now, there's already a law on the books that basically prevents spilling and discharge of hazardous materials into the waters, it's Article 12. All right? Now with that in mind, when I designed and developed the delivery systems for my business, I made sure that we comply with that law, in fact, making sure that there is no discharge, no spillage of any kind into the water, and that's based on using certain apparatus that you will not find at a lot of the fixed dock locations. And what happened was last year we got a call from the Suffolk County Pollution Control; obviously this was a hot issue. And she spent an afternoon traveling with me and, from what I understand, some of my competitors as well, and she filed that report November of 2008. What she tells me off the record is that we're doing a better job and we're keeping that water cleaner than they're doing it at the fuel

docks. On the record, however, that report states that the findings of the report show no increased risks whatsoever delivering from our method versus pulling up to a fuel dock and doing it there. All right? She also goes on to say that the investigation is still open and they are still wanting to surveil some of the fuel docks to watch their processes as well. But at this point, filed, that draft copy states that there is no increased risk doing it our way versus doing it at the fixed docks.

So I would urge you to further investigate this issue. I welcome any one of you to come travel with us during the day, you know, see what we do, see how we handle our delivery processes. Let's go visit some of those fixed docks and let's see how they handle their delivery processes, okay, and let's debate it at that point. All right? I am all for responsible legislation as it refers to the environment, and I'll stand shoulder-to-shoulder with you for responsible legislation that is not protecting the select few business owners and their pockets, but to really protect the environment for our future generations. So I appreciate the opportunity to speak with you today and I'll be speaking with you later. Thank you.

P.O. LINDSAY:

Thank you, Mr. Faulkner. I appreciate it. Thank you. Chris Destio, followed by Gretchen Oldrin-Mones. Before, Chris, you start, though, I need a motion to extend the public portion.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Gregory. All in favor? Opposed? Abstentions? Go ahead, Chris.

MR. LAUBE:

Sixteen.

MR. DESTIO:

Good morning. My name is Chris Destio, I'm here to totally protest the sale of the John J. Foley Nursing Home which is always brought up by County Executive Steve Levy.

I would like to straighten out a few misconceptions that our County benefits that we receive at our facility outpaces benefits at other nursing homes in New York State. Besides being an AME member for 11 years, I'm also a member of 1199 Health Care Union for 12 years. 1199 is the biggest health care union in New York State and is becoming the health care union in the nation. 1199 is part of the most of the nursing homes located in New York State. With 1199 benefits, you do not pay for doctor visits or free prescriptions as long as you stay in the plan, and you do not contribute 3% of your salary for the first ten years of employment in your pension fund. We have just signed a new contract last year and we received 3% across the board. 1199 is the private sector and should be used in comparisons to other nursing homes, not one or two nursing homes. But the Legislators up here in the public are being told a different story.

After ten years of full-time service, your medical is locked in as long as you retire from the job, the same as Suffolk County. So why are we being told that our County benefits outpace the private sector? I don't know why and I'm still looking for the answer. Other nursing homes in New York State are leaving us in the dust compared to benefits. With the 53 million dollar -- \$53 million stimulus package that is being projected to come to Suffolk County and the absolutely fabulous job the management team is doing at John J. Foley, I still feel all 18 Legislators should not be moved by misconceptions, we should just follow the facts. And I also feel that when the management team is completed, the numbers will be down significantly and that should alleviate any fears on the money needed to subsidize our facility.

And I also feel that it is time to stop trimming from the bottom of society, and the reason being most can't fight back. And let's try trimming from the top and let our nursing home weather this

storm. And I thank you for your time.

P.O. LINDSAY:

Thank you, Chris. Gretchen followed by Carol Hart.

MS. OLDRIN-MONES:

Thank you for this opportunity to speak. I'm Gretchen Oldrin-Mones, a Vanderbilt Museum Trustee. It's unfortunate that every day we hear news that museums are cutting back their services or even closing. The same forces affecting museums throughout the country have also impacted the Vanderbilt, a museum that belongs to Suffolk County Government and the people of Suffolk. Even with the economic downturn of today, it's important to keep in mind that the Vanderbilt is part of the rich, scientific and technological heritage of Long Island, and the scientific and technological progress of our County will be key to any recovery and prosperity of Long Island. The very impressive Intel students we saw this morning are an example of that promising future. The future of the Vanderbilt depends on a partnership of the community, government leaders, trustees working together for a common purpose to maintain and enhance an institution that helps define our region and is such a big part of our cultural infrastructure.

Let's be clear that the Vanderbilt staff, Director and Trustees are taking their role in this partnership very seriously and have taken a number of steps to deal with the economic turmoil of today. You already know of the very active Friends of the Vanderbilt, the staff reductions, the raised fees, curtailing of hours, the open house at the museum, and recent fund-raising efforts such as Presiding Officer Lindsay's very successful event. But also there is a new website. Donations can be made easily on-line by a simple click of a button; I did it and nothing can be easier. And now everyone can contribute \$1 or \$5 by purchasing a paper star as part of the Save the Vanderbilt Campaign. Among other places, stars are available in schools and banks. The Friends have been instrumental in implementing this and are also working on a spring fund-raiser.

Right now the Executive Director and Trustees are pursuing other, longer-term revenue-raising opportunities based on exploring the feasibility of placing a cell phone tower on the property; discussions with catering companies to establish on-site facilities; seeking a business operator for the gift store and the planetarium; establishing corporate sponsors; securing free radio advertising for our many events starting with the February Fun-Fest. These new efforts are part of our ongoing partnership with you and the residents of Suffolk to keep the Vanderbilt open and available for our multi-generational patrons, and of course for those tens of thousands of school children who visit every year. Thank you. And please continue to be our partner in saving the Vanderbilt.

Applause

P.O. LINDSAY:

Thank you very much, Gretchen. Carol Hart followed by Thomas Jones. Hi, Carol.

MS. HART:

Good morning. I wanted to update you on other efforts of the museum to make up for the anticipated \$900,000 lost in endowment revenue to our yearly Operating Budget. I'm continuing to strategically reorganize our resources, both staff and programs, with revenue generation as a priority. For example, we're cutting further back on part-time hours and full-time staff is going to more of a flex schedule to cover evening and weekends.

We are a cool place to visit. I heard this over and over again at the holidays where for six days, over fifteen hundred people came to take advantage of the open house -- open mansion that was sponsored by Arrow Electronics. People were so happy, they stayed on and paid for a few planetarium shows, so we actually made more that week than we had the previous year. It was a forceful reminder that it's our exhibits, our programs, our beautiful site that keep people coming back. And we have plans for three new really exciting exhibits to be opening in the next six months. We're expanding our summer program. This summer children will be able to tend -- attend our

Wizard University. We expect to graduate quite a few wizards who will have learned about astronomy, strange creatures, history, gargoyles, castles and how to make a few potions.

The business plan and budget I have written is the beginning of an aggressive effort for sustainability and the excellence in AAM, Accredited Museum Represents. With the hard work and help of our friends in the County and in the community, we will get there. We are reaching for the stars, but what better place than at the Vanderbilt Museum and Planetarium. Thank you.

Applause

P.O. LINDSAY:

Thank you, Carol. Thomas Jones followed by Mark Deangelis.

MR. JONES:

Good morning. My name is Thomas Jones and I'm a board member with the Suffolk Committee for Camping. In November I stood before the Parks & Recreation Committee, and then the General Legislature, and expressed our opposition to raising the County fees to bail out the Vanderbilt Museum that was proposed at that time. I sited the economic hardships being felt by the families and people on fixed incomes and how the increases at that time would only add to their troubles. I sited the inequality of the increases with some services and venues being raised substantially more than others while some were not being raised at all. The issues that I sited then have not changed but not wanting to be redundant, I will not belabor those issues any further but rather trust that they are remembered by this general Assembly.

What I would like to address today is an even bigger issue. Modifying the first proposal by capping the fee increases at 25% to make it more palatable and adding a sunset clause just misses the point. That fact that you are coming to the people who are paying to use the Parks Department's facilities to subsidize something that has absolutely nothing to do with the Parks Department is the concern. The revenue that is brought into the Parks Department via the campgrounds, the golf courses, beach and all other fee related venues goes into a General Fund to be redistributed back into the system to afford the necessary maintenance that keep these venues operating. It is also used to help pay the salaries of the County workers at each of these facilities.

The Parks Department facilities are County-run, County-maintained and County-employed. Conversely, the Vanderbilt Museum is a privately owned and privately operated museum. It employs no county workers and does not contribute any money at all to the General Fund of the Parks Department. The money the museum generates is used solely for the museum. Although it is part of the parks -- Suffolk County Parks System, it has no connection to the Parks Department. So why is it that the people using the Parks Department facilities are being asked to burden -- shoulder the burden?

That being said, I don't want to be misunderstood that the Vanderbilt should not be saved. It is a wonderful educational institution of which Suffolk County should be proud and I absolutely believe the County should help, but where it gets the money is the issue. If the decision is to turn to the taxpayers, then the responsibility should go to each Suffolk County resident, not just those playing golf or wanting to camp for the weekend. Every Suffolk County resident has the same opportunity to visit the Vanderbilt, therefore every resident should help to save it. The idea of targeting the users of the Parks Department venues to force them to pay a surcharge to pay for unrelated facilities that they are not using is both wrong and unfair. The fact that it can be done represents a flaw in the system. For this reason, I urge you to not only reject this fee increase proposal at this time, but as our lawmakers, to take it one step further and create a law that prohibits this unfair practice from being done in the future. Thank you.

P.O. LINDSAY:

Mark Deangelis, followed by Nancy Huehnergarth. Mark?

MR. DEANGELIS:

My name is Mark Deangelis. I'm here to have my opposition to Resolution 2165-2008, the safe transfer of fuel to boats.

Although everybody's in favor of environmental measures that would protect our surface waters, I don't believe this bill is actually going to protect our surface waters; in fact, I believe it may have the option effect. On top of that, I believe it will endanger the lives of boaters.

I own a 160-slip marina on the South Shore of Long Island, one of the larger marinas on the South Shore. I do have permits for fuel docks. I did have fuel docks when I purchased the place in there, I've subsequently removed those fuel docks to go in favor of a fuel transfer service that delivers fuel directly into the boats from trucks. I used to run a fairly large marine fueling station on the south shore, I was a manager of that place. I was well versed in the problems that occur with marine fueling, and for that reason, when we bought my marina and I took over my marina and expanded it, my first order of business was to eliminate the fuel trucks.

Very often boaters will put fuel into their boats, they're not professional about fueling the boats up, there can be some overspill from it. When you have fueling done at fixed land-based marine stations, there's no oversight at the station itself. It's usually a summer helper that's there, he hands a hose to the boater and allows the boater then to do the servicing himself. With my process of having fuel delivered from trucks to the boats, something very similar to having fuel delivered to your house, the people that do the delivery are professionals, their business is dependent on them not having any fuel spills, they take the precautions to make sure there are no spills. In nine years that we've been having this service, there has never been a single drop spilled from any boat fuel at our marina.

Also importantly is that the fueling period of time when marine-based fuel stations are open is fairly limited. Around September they start to trickle down in service, by October most of them are closed, they don't open again until April or May. There's a lot of users of the bay during this period of time that would be put out of business, basically. We have a duck hunting operation, for example, in my business; they rent from me in the winter time and they do duck hunting during the off-season. This provision would eliminate their business, they would not be allowed to provide fuel to their boats anymore.

I also have as tenants in my building The Nature Conservancy, Stony Brook University, and Dowling College; they do research on the bay all winter long. We provide boating services for them and they, also in the case of Stony Brook, have their own boats. They would not be able to fuel up anywhere in the winter time because there are no places for them to fuel up.

In the summer time, if a boater gets stuck on the water, quite often I'm called to go and deliver fuel to them if they are stuck on the water. That would be eliminated and it would be a significant safety concern of these people being stuck out onto the water. Also, I'm a member of the Maritime Museum directly next door. Our boats are not the type of boats that have -- that can leave the facility. We have to fuel them up, the non-sailing vessels --

P.O. LINDSAY:

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

MR. DEANGELIS:

They would not be able to fuel up also, which would create a very large inconvenience.

So in conclusion, I would hope that we'd be able to do further research on this issue, because protection of water is very important, but to do it a more thought out, more concise way. Thank you for your time.

P.O. LINDSAY:

Thank you, Mark. Before Nancy -- Nancy, before you come up, I overlooked something on the agenda. Commissioner Chaudhry, Dr. Chaudhry was scheduled to give us a presentation; I apologize that I didn't call on you earlier, Doctor. And I know that you have a plane to catch and I know that you want to comment on some of the bills before us that involve the Health Department.

COMMISSIONER CHAUDHRY:

Thank you very much, Presiding Officer Lindsay, Members of the Legislature, Ladies and Gentlemen. I'll be brief. I am speaking in support of Introductory Resolution 2234 which asks the Suffolk County Board of Health to require chain restaurants to post caloric content on menus, this would impact 7% of our restaurants in Suffolk County, as well as IR 2235 which asks the Board of Health to phase-in a ban on the use of artificial trans-fats in food establishments in Suffolk County.

American obesity rates, as you've heard from many of our speakers and as some of you heard at our Health & Human Services Committee, are the highest in the developing world. The economic cost attributable to obesity in the United States is at least 99.2 billion, with a B, dollars. Closer to home, in New York State 22.4% of adults are considered obese and 15.3% of our children are considered overweight. Obesity is a major contributor to heart disease and Suffolk County has a heart disease death rate that ranks thirteenth from the bottom among the 62 Counties in New York State, and our death rate is worse than the State rate, worse than the national rate, and even worse than Nassau County's rate.

Now, we have -- we know in public health and in medical science that obesity is not always a behavioral issue. There are a lot of other factors involved, including genetic, hormonal, environmental and even cultural. There is, however, one constant, one truth, one fact; that is not denied by anyone and that is that consuming more calories than the body needs most commonly by eating a diet high in fat and calories, being sedentary or both, causes weight gain.

Trans-fats, as most of you already know, are created in an industrial process that adds hydrogen to liquid vegetable oils to make them more solid. The food industry, since about the turn of the last century, has historically light trans-fats because they are, one, easy to use; two, inexpensive to produce; and three, they last a long time. Here's the problem, and it's really only become known since the 1990's. Trans-fats, as you heard, raise bad cholesterol levels, the LDL, they lower the HDL cholesterol, the good cholesterol, and they definitely increase your risk for heart disease, stroke and Type II Diabetes Mellitus.

National, State and local jurisdictions around the world have passed bans on trans-fats, we should too. In New York City, in our conversation with their Assistant Commissioner of Health and their Department of Health & Mental Hygiene, they told us that there was zero complaints from consumers in New York City since their law banning trans-fats went into effect two years ago. California became the first state under Governor Schwarzenegger to, quote, "terminate trans-fats." New York State Governor Patterson supports a similar ban.

Now, New York City embarked on its campaign to reduce consumption of trans-fats because it noted that heart disease was the number one cause resident deaths. It's actually a bigger problem in Suffolk County. New York City did try a public education campaign and a request to restaurant owners to eliminate trans-fats voluntarily; that was deemed not successful. So New York City, in 2006, they voted in support of a phased-in ban over a two year period. Philadelphia, Albany County and other jurisdictions also have bans and there are at least a dozen states, including New York, where such bans are being contemplated.

At the Health & Human Services Committee meeting last week, we heard from bakers and food vendors, including Mr. {Weinwald} of the Nassau-Suffolk Bakers Association. Nobody in the meeting, from the public testimony, nobody opposed the ban. They did ask for a phase-in of the regulations and both of these two resolutions ask for the Board of Health to promulgate these regulations. We support, in the Department of Health, a phase-in, at least of a two-year period, the

same period that New York City promulgated. But at the same time, since it goes before the Board of Health, we would listen to testimony and we would like to work with the food industry to work together. Because, you know, I must give credit to the food industry, nationally and locally, for recognizing this issue and the importance of it. And I think working together, we can achieve a happy conclusion to doing something about trans-fats, as well as calorie counts. I'd be happy to address any questions if that's in order.

P.O. LINDSAY:

Yes, it is in order because it is in the public portion. And I ask my colleagues, if you have any questions about either one of these bills, Dr. Chaudhry can't be with us later this afternoon, he has to catch a plane.

And before I recognize anybody else, I just want to ask, developing the caloric values of meals in restaurants seems to me more challenging than the trans-fat resolution; am I correct in that assumption?

COMMISSIONER CHAUDHRY:

Presiding Officer Lindsay, it would be challenging if we were the very first jurisdiction to be doing this. In many ways, New York City has led the way and the industry -- you know, this discussion goes back to 2003, 2004 and even 2005. The industry nationally, to their credit, has read the writing on the wall and has already made changes. Many of the --

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

P.O. LINDSAY:

So there's like some kind of book that would tell you how much Linguini Bolognese would be calorically?

COMMISSIONER CHAUDHRY:

Well, since the caloric content requirement only applies to chain restaurants who have at least 15 locations --

P.O. LINDSAY:

Okay.

COMMISSIONER CHAUDHRY:

-- most of them have already made the changes. I'll give you a good -- a quick example. This morning at my neighborhood Dunkin Donuts when I get my coffee, I asked about it, I said, "I noticed some of our menu items already on the screen have calorie counts," and they said, "Well, yes, because we want to promote the fact that we have a number of items that are low calorie." And I said, "And I notice you don't do it everywhere," they said, "Well, in New York City we do it, we have those menus. In Nassau we're going to be doing it. In Suffolk County it's not the law yet but, you know, we have the menus ready if need be, we can make those changes." And I imagine many restaurants are in the same category.

P.O. LINDSAY:

Okay. Legislator Kennedy has a quick question.

LEG. KENNEDY:

Yes, thank you, Mr. Chair. Doctor, thank you. We talked about these items at length in the committee. One of the questions that I had, when the gentleman from the Baker's Association appeared, he spoke about a difference as far as regulatory authority from independent bakers and the chain store bakers or the big box stores; is that true, Doctor? Do our Health Department Sanitarians inspect in a Costco or other places or is that a different entity?

COMMISSIONER CHAUDHRY:

That is correct, there is a differentiation. The New York State Department of Health regulates certain places where food is sold such as supermarkets and places like Costco; our Health Department regulates all other food establishments. So if this law were to go into effect, that is correct, it would impact several thousand restaurants that we regulate. It would not -- because we have no jurisdiction over New York State Department of Health regulated institutions, it would not impact them.

Having said that, New York State Department of health has indicated and the Governor said this recently, that they support a Statewide ban, in which case if that were to pass, that would impact all establishments, not just the ones that we regulate

LEG. KENNEDY:

So in that case, then we wouldn't have this disparity amongst vendors here in the County as far as content along those lines.

COMMISSIONER CHAUDHRY:

It is a -- right. Should that come to pass, there would not be that disparity. In conversations I've had since the Health Committee meeting with those who would be impacted by this regulation, they have indicated that this could represent a competitive advantage. If they could get on -- ahead of everybody else and say, "Look, we're doing this, come to us. We have, you know, enacted these changes that are good for the public health."

LEG. KENNEDY:

Well, and it was your testimony -- and certainly the sponsor, Legislator D'Amaro, indicated -- that there are a number of other jurisdictions, obviously New York City, but I think it was Albany County and other venues throughout New York State that have been in place already?

COMMISSIONER CHAUDHRY:

Yes, sir.

LEG. KENNEDY:

Okay. All right, thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yes. Hi, Doctor, how are you?

COMMISSIONER CHAUDHRY:

Hi. Good morning.

LEG. HORSLEY:

Good morning. Just a quick question on the caloric count and how we look at the caloric count. I'm curious to, you know, who is going to monitor and whose responsibility to monitor the caloric count as to verifying exactly what the number is? I mean, for instance, you know, we were just talking about the Blooming Onion of Outback; who is going to be the overseeing entity that will say, "Yeah, that's about the right caloric count." Is that a Federal responsibility, a State responsibility? I mean, how do you do that? Because you don't obviously have the capability of testing all foods for caloric count.

COMMISSIONER CHAUDHRY:

Well, two comments. One, for the food establishments that would be impacted by these two laws, the Suffolk County Department of Health Services would work with the restaurants to try to come to a decision about how best we define certain things.

Second, that's the type of detail that is something I would like to work out at the Board of Health and with the food industry. New York City Department of Health and Mental Hygiene has offered their assistance because they have some good lessons learned. When they impacted -- when they enacted this, they even set up a hotline to try to answer questions that may come up. It turns out the hotline was not used much, but it was a learning experience. And as I say, I'm comforted by the fact that many jurisdictions are already doing this.

So I can't directly answer your question now in terms of how we would do that, but we would work with other jurisdictions that have done that. But ultimately, it would be the Department of Health Services that would say yea or nay in terms of is that accurate, and if need be we could always test, that's what New York City is doing.

LEG. HORSLEY:

So would you work cooperatively with other jurisdictions as to caloric count, what's right, what's not right? You know, call up New York City and say, "Hey, my Blooming Onions are" -- you know, this seems right.

COMMISSIONER CHAUDHRY:

Again, with caloric counts, since it impacts chain restaurants, many of these chain restaurants are mammoth organizations that already can provide us, as they do in New York City --

LEG. HORSLEY:

Right.

COMMISSIONER CHAUDHRY:

-- with evidence to show that such and such item has such and such calories. Which is why, for now anyway around the country, these sorts of calorie count requirements are really only for large-chain restaurants that have the capacity to, you know, do those types of studies themselves and to demonstrate that such an item has X number of calories, for instance.

LEG. HORSLEY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Good morning.

COMMISSIONER CHAUDHRY:

Good morning.

LEG. BARRAGA:

Last week, Doctor, in your testimony and again this morning, I get the impression, correct me if I'm wrong, that you've stated several times that in many cases these chains are already doing this. It isn't as if there's total resistance in Suffolk County, that they are moving in the right direction. So the question that comes up is why do you feel that you have to mandate this on these chains? When they're moving for competitive reasons, marketing reasons, why is it necessary that we step in in government and mandate that they do this?

COMMISSIONER CHAUDHRY:

Thank you, Legislator Barraga. My reading of this is something we've discussed internally at the Health Department. A number of jurisdictions are proposing these bans because when voluntarily the industry has been asked to do this, it has not always done so.

Having said that, New York City is one of the largest metropolitan, if not the largest metropolitan region in the United States that has probably every large-chain restaurant represented. And even though they see the writing on the wall and they're starting to make the changes, it's not being done everywhere. Which is why we have such a push at the State and local level to try to promulgate these sorts of regulations that Suffolk County is now considering. So all the literature that I looked at shows that when you ask, when you make it voluntary, while the food industry has indicated a willingness to work with public health authorities and regulatory authorities, it hasn't happened or been as effective.

Given all that we know, especially in Suffolk County where, as I indicated, the heart disease mortality rates are really atrocious, anything we can do, the sooner the better. Again, I'm in no hurry to do this over night, this would be phased-in. And I would like to work with the industry. We only heard testimony last week at the Health & Human Services Committee from a handful of vendors and I'd like to hear from more before we actually do the regulations.

What these two resolutions ask for is really support and principle of the notion that this Legislature supports the concept, that is that calorie counts should be on a menu item in large-chain restaurants and that there should be ultimately a ban in trans fats. The details are what the Board of Health, which has representation from Legislator Kate Browning and other members elected to it, would make those final decisions.

LEG. BARRAGA:

No, it's just that I have reservations about supporting this particular piece of legislation. Because my sense from you and discussing with others is that the chains are moving in that direction in Suffolk County, they just don't seem to be moving as fast as maybe you would want. It isn't as if you've got a roadblock here where there's total resistance, that's just not the case. And I just don't like the idea of coming along, when they're already moving in that direction, and saying, "You will have to do this. This is going to be a mandate." There's no response needed, it's just a comment.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Hi, Commissioner.

COMMISSIONER CHAUDHRY:

Good morning.

LEG. ALDEN:

Did I just hear you say you're going to hold either public hearings or they're going to be private hearings with the industry?

COMMISSIONER CHAUDHRY:

No, the Board of Health, the Suffolk County Board of Health, which in Suffolk County the Commissioner of Health chairs, has a voting mechanism, has an open public hearing type of process. All of our proceedings were transcribed by law and they're welcome, we have people coming in at all times.

For this particular discussion, should these two resolutions pass, we would send out queries to the food industry, including the Long Island Restaurant Association, who we ordinarily would work with anyway on these sorts of matters, to make sure that their voices are heard. And then the Board of Health would collectively make decisions about how best to implement this

philosophical agreement that we might make this afternoon.

LEG. ALDEN:

So when you put it on the agenda, you're going to be proactive and really reach out to the people that would be affected.

COMMISSIONER CHAUDHRY:

Absolutely.

LEG. ALDEN:

Good. Thank you.

COMMISSIONER CHAUDHRY:

Thank you.

D.P.O. VILORIA-FISHER:

Okay. Is there anyone else who has a question for Dr. Chaudhry? Doctor, thank you very much for coming this morning.

COMMISSIONER CHAUDHRY:

Thank you very much.

LEG. D'AMARO:

Thank you.

D.P.O. VILORIA-FISHER:

Okay, we will go back to the Public Portion. Nancy Huehnergath followed by Nicole Rubenstein. You have three minutes.

MS. HUEHNERGARTH:

Good morning.

D.P.O. VILORIA-FISHER:

Good morning.

MS. HUEHNERGARTH:

I'm Nancy Huehnergath and I'm the Director of the New York State Healthy Eating and Physical Activity Alliance, or NYSHEPA as we're known. We're a Statewide coalition of over 100 organizations dedicated to promoting policies and practices that support healthy eating and fitness. On our steering committee we have organizations like the American Cancer Society, the American Heart Association, the New York State PTA, the American Academy of Pediatrics and the New York State Public Health Association.

First of all, I want to thank the entire Suffolk County Legislature for tackling the very difficult issue of calorie labeling at chain restaurants, particularly Legislator Lou D'Amaro who introduced the bill. Obesity rates are sky-rocketing, as we've heard today, and New York State ranks second among the United States, U.S. States, in adult obesity-related medical expenditures, spending nearly \$6.1 billion yearly. Eighty-one percent of those medical costs are already borne by the taxpayers through Medicaid and Medicare payments. Obesity is not just a serious health issue at this point, it's also draining the State's Treasury and taxpayer's wallets.

We think that the passage of this bill and promulgation of binding regulations will have a positive impact on Suffolk County residents. An August, 2008, study revealed that New York City fast-food customers who saw calorie information displayed purchased 52 fewer calories than those who didn't see the information. A public health group in California, using that 50 few -- fewer calorie result,

determined that menu labeling could prevent 2.7 pounds of weight gain for the average fast-food customer in their State.

Calorie labeling has been accepted by people in New York City. Eighty percent of New York City consumers are aware of the policy and 84% have used the information when it's been available. Eighty-six percent of New York City residents think calorie labeling is positive, and 75% believe the information has made an impact on their ordering, and 84% have been surprised by the calorie counts once they were posted; that came out of a {Technomic} survey that was released recently. In a Statewide poll, 80% of New Yorkers revealed last April that they're in favor of calorie labeling.

NYSHEPA believes the calorie labeling will give Suffolk County residents the information they need to make better eating decisions for themselves and families. This law does not tell citizens what to eat, nor does it take away their choices; rather, it empowers people by providing them with the facts. For example, when they see that Pizzeria Uno's individual Chicago Classic Pizza which serves one person has 2,310 calories, and please keep in mind that the average adult needs only 2,000 calories a day, then they can make an informed decision that will affect their long-term health. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Huehnergarth. Ms. Rubenstein followed by Caroline Levy.

MS. RUBENSTEIN:

Good morning. My name is Nicole Rubenstein, I'm a Registered Dietician representing Cornell Cooperative Extension of Suffolk County. I'm the Suffolk County Educator, Nutrition Educator for the Long Island Center for Pediatric Obesity Prevention at Stony Brook Medical Center as well as a private-practice nutritionist in the County. I'm here to provide comment on the proposed Resolutions, 2234 and 2235 regarding chain restaurants in the County to post caloric content as well as the banning of trans fats.

It's been estimated that 30,000 deaths can be attributed to trans fatty acid consumption every year; unfortunately, statistics haven't caused people to put down their Big Macs just yet. Now big cities and states are deciding to do something about it. The entire State of California, as well as New York City, Philadelphia, Seattle, Baltimore and Montgomery County in Maryland have already banned trans fats.

The American Heart Association recommends consuming less than 1% of your total daily calories from trans fat. To put this into context, the average person who requires 2,000 calories per day should consume less than 2.2 grams of trans fat per day. This means that the average person will exceed their limit for trans fat per day by eating just one Double Quarter Pounder With Cheese. From the 1970's to the 1990's, foods consumed away from home increased from 18 to 20 -- 18 to 32% respectively; this means that one-third of the foods we eat are consumed away from home. Banning trans fats in restaurants at a time when dining out has become the norm would have a significant impact on the reduction of cardio vascular disease in our County which would help cut health care costs and improve quality of life.

New York City has already implemented regulations regarding calorie posting at chain restaurants. Suffolk County has even higher overweight and obesity rates than New York City. Our overweight/obesity rate is 57%, according to the 2003 Behavioral Risk Factor Surveillance System. The American Heart Association published Practical Tips: 2006 Diet and Lifestyle Recommendations; these tips tell us that we should know the calorie content of the foods and beverages we consume. They tell us to use the nutrition facts panel when choosing foods to buy; they tell us to cut back on pastries and high-calorie baker products. However, Suffolk County residents cannot even follow the recommendations put out by the American Heart Association in this guide unless we are provided with the calorie content of foods. And considering some of the most frequented establishments include McDonalds, Burger King, K of C, Pizza Hut, Dunkin Donuts, Taco Bell and Starbucks, a mandate on calorie labeling would have a huge impact on people's food choices every meal of every

day. Calorie posting regulations will encourage Suffolk County residents to make informed decisions when purchasing foods at chain restaurants, thus giving them an essential tool to helping them manage their weight and health. Thank you.

P.O. LINDSAY:

Thank you, Nicole. Caroline Levy followed by Kirby Einhorn.

MS. LEVY:

Presiding Officer Lindsay and Members of the Legislature, good morning. I speak this morning as the Director of the American Jewish Committee's Long Island Chapter and as Chair of the Unity Task Force's Educating Policy Makers Committee.

The Unity Task Force, or more formally known as the Unity Coalition, was convened in the aftermath of the murder of Marcelo Lucero. It was convened by the New York State Division of Human Rights, Commissioner Gayland Kirkland, your colleague Legislator Jack Eddington and Patchogue Mayor Paul Pontieri. It consists of a group of community leaders and community residents and is focused on education and outreach as a means of helping the Patchogue community heal and move forward in a positive manner following this horrific murder.

I specifically mention the goals of the Unity Task Force because I would not want you to think that simply because it is a task force, that the objectives of the Unity Task Force in any way mirror, conflict or overlap with the Hate Crimes Task Force that is proposed in the measure that is before you this morning. The Unity Task Force is not studying or analyzing hate -- why hate crimes and bias incidents are not being reported or the mechanisms used to report hate crimes in Suffolk County, as this proposed task force of hate crimes would be charged to do.

The Unity Task Force has three committees. One is on educating youth, and they have developed a parent/student survey that they are disseminating; another is a Cultural Affairs Committee that has organized an evening called "Sharing Our Stories," and has employed a performance group called "Playback Theatre." And the third committee, which I chair, is called Educating Policy Makers and we have focused on the public discussion surrounding the immigration issues in Suffolk County. We are going to begin that discussion this Friday and hope that each of you will accept Commissioner Kirkland's invitation and attend that discussion.

The Unity Task Force and the proposed Hate Crimes Task Force are mutually exclusive initiatives; however, each one is vitally important. And for that reason, I urge you to approve and create a Hate Crimes Task Force in Suffolk County. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Kirby Einhorn followed by Nadia Marin-Molina.

MS. EINHORN:

Good morning. My name is Kirby Einhorn and I work with Long Island Wins. We're a communications and education organization that seeks to bring a focus to immigration issues here on Long Island. I'm here today to support the bill introduced by Legislator DuWayne Gregory, establishing a Task Force on Hate Crimes in Suffolk County.

This is the first piece of legislation introduced by this body which deals with the problems that have to light in the wake of the killing of Marcelo Lucero. I'm concerned that this task force be given the tools it needs to fulfill its purpose, that the task force members are a reflection of the community it seeks to serve and that its members are independent of the Legislators who seat them.

Suffolk County really needs to take a deep and introspective look at how we are integrating and welcoming immigrants to our communities.

We need to work to ensure the safety of all of the people who reside here. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Einhorn.

Applause

The next speaker, Nadia Marin-Molina, followed by Karin Johnson.
I'm sorry, I believe --

MR. MORALES:

Nadia was here, she had to leave, but I'm here to -- on behalf of her.

D.P.O. VILORIA-FISHER:

Can you -- do you have a written statement for her? Can he speak on her behalf?

MR. NOLAN:

No.

D.P.O. VILORIA-FISHER:

No, we can't have somebody speak on somebody's behalf. But you can feel free to give us her statement for the record.

DR. VALENZUELA:

Actually, Nadia was going to translate for him.

D.P.O. VILORIA-FISHER:

Oh, okay, she was going to -- all right.

DR. VALENZUELA:

Right, and he wants to take a shot at it anyways.

D.P.O. VILORIA-FISHER:

Okay.

UNKNOWN AUDIENCE MEMBER:

He has to do it in English.

MR. MORALES:

Yeah, I'll do it in English.

D.P.O. VILORIA-FISHER:

Go ahead.

MR. MORALES:

Well, I'm here to stand before you to address my hopes and concerns regarding what happened in Patchogue to Marcelo Lucero.

D.P.O. VILORIA-FISHER:

Can you just state your name for the record, please?

MR. MORALES:

My name is Carlos Morales and I live in Port Jefferson. So I'm here to -- as an immigrant, but also as a citizen of Long Island to address my concerns to what happened to Marcelo Lucero and also to say that I have been a victim of a hate crime. Two weeks prior to the incident of Marcelo Lucero, I was attacked by a group of teen-agers in Patchogue. And so I feel very lucky that didn't happen to

me. It makes me wonder, you know, what kind of community I live in. I go to Patchogue a lot, I have a lot of friends who have been attacked, and I'm here to ask you to please do something or to create a task force to address all the hate crimes that have been going on in Long Island.

This is not an isolated incident, but something that has been spread around and nobody has been paying attention to it. It started in Farmingville a long time ago, it also has been happening in Greenport, out east and now in Patchogue. So I'm here to ask you to please do something about it and hopefully that will prevent more deaths and more harassments towards Latinos.

D.P.O. VILORIA-FISHER:

Well, I'm glad that we were able to hear you speak your own words. You didn't need a translator. Thank you.

MR. MORALES:

Thank you.

Applause

D.P.O. VILORIA-FISHER:

Karin Johnson followed by David Kilmnick.

MS. JOHNSON:

Good morning. My name is Karin Johnson, I am a resident of Cutchogue and I'm here to speak on behalf of the resolution establishing a Task Force on Hate Crimes, and I thank you all for giving me this opportunity. I also work with Long Island Wins, so I won't repeat anything that Kirby said or I won't repeat what my colleague Diane said.

I just want to state that I think the time is ripe for this task force to go forward right now. With the economy getting worse and worse and with hate crimes being connected to economic issues, that we really need to find out what's going on and that the -- that practical and effective solutions be put forward, that they be disseminated broadly among all of us in the community and that they be acted upon. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you very much. David, if could you come up, thank you, followed by Luis Valenzuela.

MR. KILMNICK:

Okay. Good morning, Members of the Legislature. Originally I was just going to come here to talk in general about support of the Hate Crimes Task Force, but as many of you know, yesterday we came to our center to find out we were the latest victims of a hate crime at our center in Bay Shore. You know, yesterday was a day of really just walking through the process of trying to get it together for the staff, trying to get it together for the youth and the community that we serve in Suffolk County. And certainly our van will have its glass fixed, its tires fixed and it will be back on the road picking up kids. Our front door is going to be fixed today and we're going to be back to providing the important services what we provide today. But will remain for a long time is the fear that was instilled in people yesterday, that any of those windows that were bashed could have easily been substituted for someone's head and that -- you know, I haven't had time to process this for myself, what this means, what this means to me yet as being a victim of the hate crime that was committed yesterday. But I do implore you to pass the Hate Crimes Task Force, the implementation of the Hate Crimes Task Force this afternoon. And I thank you not only as being the Chief Executive Officer of Long Island Gay and Lesbian Youth, but also as a resident of Suffolk County for proposing this task force and for the leadership of Legislator Gregory. Thank you

Applause

D.P.O. VILORIA-FISHER:

Thank you, David. And good luck, David.

DR. VALENZUELA:

Good morning, distinguished gentlemen, distinguished ladies, and thank you for the opportunity. I'm going to be very brief and just make a couple of comments.

I certainly back up David's statement that hate crimes are not isolated incidents, even though it may be that individuals commit them. The effect of a hate crime is to send a message. The first speaker on this issue today spoke about lynching, the same thing; it is a terrorist message that gets sent out to the community. So again, I want to thank you guys for having the courage to consider this bill and I urge you to pass it, to discharge it, and also to grant the authority and means for the task force to do the job that they intend to do. The issue is too important and for us it's a defining moment. We hope that this is indicative of a new direction that Suffolk County has taken in this new year and so we're very optimistic and we're willing to work with you very closely. So thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Luis. Our next speaker is Lillian Clayman and Lillian is followed by Leah Jefferson

MS. CLAYMAN:

Good morning, or this is -- yes, good morning. My name is Lillian Clayman and I represent 1199 SEIU. I'm here to encourage you to vote for the passage of the establishment of a Task Force on Hate Crimes in Suffolk County. Recent events tell us that Suffolk County is at a crossroads. The murder of Marcelo Lucero, the continuing assault on Latinos and the recent vandalization of the Gay and Lesbian Center are all violent acts; we are all horrified at their occurrence. We expect that there will be Police investigations, we expect that the perpetrators will be arrested and we mourn the victims. But all of this occurs after the fact; after the murders, after the assaults, after the vandalization. The fear grows, the hatred, bigotry and bias goes unchecked and the community continues to spiral downwards.

The task force is an important first step in stemming the tide of the recent violence. Its charge is to ask the hard questions. How can these violent acts happen? What are the circumstance that lead to the violence? What can we do to stop the violence, and how can we educate our young people to reject intolerance? The task force may not answer all of those questions, but the support of the establishment of a task force by this body will send a strong message. It will help in changing the perception that Suffolk County lacks the courage and the will to shine on itself and its problems, the bright lights of both public scrutiny and self-examination.

And as a Supreme Court Justice once said, "Sunshine is a great disinfectant." The task force will help us understand how and why the recent violent acts occurred and it will help us in our common goal of eliminating the atmosphere of fear so prevalent among our Latino and gay friends and neighbors. I urge you to produce a unanimous vote on the establishment of a task force. Thank you so much for your time and attention

Applause

D.P.O. VILORIA-FISHER:

Thank you. Leah Jefferson followed by Julianna Belelieu.

MS. JEFFERSON:

Good morning. I was here in front of the -- I'm sorry, last week and hopefully will give more information to you; I won't repeat my whole entire presentation that I did last week, but I do have some additional information for you. My name is Leah Jefferson, I am the Long Island Regional Advocacy Director for the American Cancer Society. And it is my pleasure to be here today to support the passage of legislation for calorie labeling in chain restaurants.

Obesity is a major epidemic with serious implications for the health and economic status of our State and of Suffolk County as well. While most people know that excess pounds raise the risk of heart disease, hypertension, diabetes and stroke, few are aware of the linkage between obesity and colon, breast, prostate and other cancers. It is estimated that currently 14% of cancer deaths among males and 20% of cancer deaths among females are attributed to obesity. Health care costs are 56% higher for obese persons as compared to normal weight persons.

Studies have shown that people have grown accustomed to and use nutrition information on packaged food in supermarkets and that they want and deserve to have it on the menus as well. A recent industry sponsored poll showed that 83% of Americans want restaurants to provide nutritional information, and based upon recent studies, it is necessary. Sit-down chains, in addition to fast-food retailers, serve food associated with increased caloric and even higher calorie content. Meals selected at Chili's, Denny's and Outback Steakhouse had an even higher calorie content than at restaurants such as McDonald's and Taco Bell. A recent study showed that nine out of ten people underestimated the calorie content of less healthy food items and did so by an average of more than 600 calories. If done five times a week, this underestimation could lead to a 3,000 calorie accumulation in addition to what is already been consumed, and I'm sure most of you know that 3,000 calories can add up to an additional pound.

Marketing practices have misled consumers to unhealthy choices by using images to suggest that a meal is healthier than it actually is by using only a slight price increase on a supersized meal that vastly increases calories and building the impression that over-sized dishes are normal meals. The food industry may think twice about selling a quad burger with four beef patties, four slices of cheese and eight slices of bacon if they must show the 1,000 calorie price tag that goes along with it.

With half the food dollar now being spent away from the home, it is appropriate to make caloric information visible in restaurants where foods are typically higher in fact, calories and larger portions prevail. On a typical day, nearly one-third of children in the U.S. eat fast food and these extra calories can pack on six pounds per child per year. Consumers should be able to at least see the information most related to weight gain when ordering a food or drink. Many consumers purchasing breakfast at a fast-food chain unknowingly eat more than their recommended daily caloric allotment without even knowing it; this should be a cause for concern.

We have seen in the fight against tobacco the substantial benefit of taking an aggressive policy-based approach. Many people believe that the Clean Indoor Air Law would shut down business, cost a fortune and not have any impact on the health of the residents of Suffolk County; how wrong we were.

D.P.O. VILORIA-FISHER:

Leah --

MS. JEFFERSON:

It would be just as wrong not to adopt this legislation, failing to be proactive in the obesity epidemic. It wasn't that long ago that we were ignorant to the link between smoking and cancer. However, due to the educational efforts, smoking rates are now half of what they were.

D.P.O. VILORIA-FISHER:

Leah, you know your time is up.

MS. JEFFERSON:

Okay. With evidence showing that there is a correlation between obesity and cancer, we need to head the call to do what is necessary to reduce the obesity epidemic. That's why I believe it is very important to pass this legislation and to be proactive in this measure. Thank you

D.P.O. VILORIA-FISHER:

Thank you very much. Sorry to rush you, but we have a lot of cards and a little time. Ms. Belelieu, and followed by Natalia Saavedra.

MS. BELELIEU:

Good morning. I'm Julianna Belelieu and I'm the Regional Advocacy Director with the American Heart Association. The mission of the association is to reduce death and disability due to heart disease and stroke. With that in mind, we support both the trans fat ban and the menu labeling proposals under consideration today. Both proposals will help to reduce the burden of CVD, Cardio Vascular Disease, in Suffolk County which, as we heard earlier, is disproportionately affected by heart disease.

I'll start with the trans fat proposal first, Trans fat is bad for your heart. Research has shown that trans fat consumption increases the risk for Coronary Artery Disease, and studies have suggested that it -- that this functions by raising LDL bad cholesterol and results in inflammation and disruption of normal cell function and interference with the metabolism of other fats. A mere 2% increase in trans fat intake can increase a woman's risk of Coronary Heart Disease by 23%. American Heart Association Dietary Guidelines recommend no more than 1% of daily calorie intake from trans fats and we support the removal of artificial trans fats from packaged goods and foods prepared in restaurants and bakeries. In order to ensure a smooth implementation, however, we do encourage a phased implementation. We recommend six months for banning foods used to fry -- oils used to fry foods and 18 months for baking.

The Heart Association also supports posting calories on menu boards. The obesity epidemic is now threatening to reduce much of the progress we have made in the fight against heart disease and stroke. Children are now being diagnosed with diseases that were formally classified as adult. We also have a study that came out recently that showed obese children with arteries that looked like those of 40 year-olds. If individuals are to maintain a healthy weight, it's vital that they have access to information about how many calories are in the foods and beverages they are consuming, especially in restaurant settings where portions are larger and higher in calories than foods prepared at home. This becomes even more important as Americans eat out more and more often.

Some have suggested that calorie labeling is unnecessary, because people already know that eating at a fast-food restaurant is a poor choice nutritionally, but some options are healthier than others. For example, you might find it surprising that a Tender Crisp Chicken Sandwich at Burger King has 800 calories compared with just 420 in a flame-broiled double hamburger. Even many trained dieticians and nutritionists have been shown to have trouble correctly estimating the number of calories in restaurant prepared meals. Let's give consumers the information to make an informed choice, healthy or not, at the point of purchase, not behind the counter, not under a tray, not on a website, but where consumers can see it and easily use the information. The overwhelming majority of New Yorkers, more than 80%, support it,

D.P.O. VILORIA-FISHER:

Thank you. Natalia Saavedra, and you're followed by Arlette Flores.

MS. SAAVEDRA:

Good afternoon. My name is Natalia Saavedra. I am here as a founder of Hola Younger Generation and representing the Long Island Immigrant Alliance.

I am very much in favor of establishing a Task Force on Hate Crime in Suffolk County. As a young immigrant and a recent graduate from East Hampton High School. I feel society has imposed a great fear in our Hispanic community. Hate crimes occur very often in our community, but due to fear, individuals don't report these inhumane acts. A peaceful community is built on trust for the Police who are officers of the peace. Immigrants have long trusted the Police but are no longer able to do so. Establishing a task force will allow insight to what is causing the hate and will allow us to

find solutions. We cannot allow people my age to believe that what was done to Marcelo Lucero is acceptable. We cannot allow an act like this to be repeated again. Thank you very much.

Applause

D.P.O. VILORIA-FISHER:

Thank you very much, and thanks for being brief. Okay, Arlette Flores followed by Johanna Saldona. Saldana.

MS. FLORES:

Good afternoon. My name is Arlette Flores and I am as well a founder of Hola, Young Generation, and I'm here for -- in favor of establishing a Task Force on Hate Crime.

I'm a young voice of the Latino community on the east end and I feel that it is very important for us to pass this due to the fear in our community, not be able to walk down the street with children, moms, dads. We need to pass this, this is very important. This is a desperate cry for help, as well as you know with the death of Marcelo -- Mr. Lucero. I think we should definitely take a better look, open our eyes. This is something that's been going on for a long time now and I feel very strongly about this and a lot of our community at the east end does, too. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Oh, Debra Alloncius followed by Rebecca Belle.

MS. SALDANA:

Good afternoon. I'm Johanna Saldana, a Senior from The Ross School in East Hampton. I'm also a founding member of the Hola Younger Generation and representing Long Island Immigrant Alliance. I'm here to support the public safety of establishing a Task Force Safety on Hate Crimes in Suffolk County.

Since the death of Marcelo Lucero, I think it has come to all our attention that it is time to do something about it, that we can't just sit and pretend it's never happened and wait until another innocent death to realize we need to take action. Many immigrants have spoken of being victims of hate crimes and remain silent because of the fear towards the Police because of their status. Coming from an immigrant family and fearing from their safeties, I humbly beg you to take a look at bill 2227 and consider passing it. It is time -- I think we've all realized that it is time for change and hope for these people, for my people. It is time to take action and listen to their cry for help from the immigrant community that's around us. Thank you

Applause

D.P.O. VILORIA-FISHER:

Thank you. Debra Alloncius.

MS. ALLONCIUS:

Good afternoon, members of the Legislature. My name is Debbie Alloncius, I'm speaking on behalf of Cheryl Felice and the members of AME. I am here to support Legislator John Kennedy's resolution, IR 1019 regarding the -- stopping the DSS evening hours until a plan is worked out where the members are not harmed.

I have come before you letting you know that I have 44 members who are harmed by this move. We have never at any time agreed with the administration and Department of Social Services that was a good plan. I ask you to take the time to get -- have this plan vetted out. If it needs to work, it needs to work fairly for my members, and I would appreciate your concern in that endeavor. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Debra. Rebecca Bell?

MS. BELL:

Hi, good morning. My name is Rebecca Bell, I am Executive Vice-President of EAC which is a large social service agency in the region. I'm actually here supporting the department's request to open one evening per center per month, and this is essentially because we are working day-in and day-out with individuals who are working residents who still need Public Assistance. They often need help with child care, Medicare, home energy assistance and many of the other vital services that the Department of Social Services is required to provide them.

Most of these individuals are folks who are earning at the low end of the spectrum, and it creates real problems for them when they need to take a day off work to go to receive the essential services provided by the Department of Social Services. I'm sure you recognize, all of you, that it's not easy when you're earning minimum wage to then have to ask for additional time off to be able to get the services that you need. And our mission, all of us I think, is to keep people employed, keep them working and support them in a way they need to be supported. I think this plan is reasonable, it will assist those of us who are working with this population to encourage them to get these issues resolved, to get the support they need and I urge you to approve this plan for one evening a week per center.

In addition to that, I would like to speak on the hate crimes issue and just offer the services of the Community Mediation Center. Which those of you who have been involved with alternative dispute resolution in the County, you may know the center has been in the County for something like 40 years now. It is a State-funded center that provides community dispute resolution and that community dispute resolution centers across the State and the country have been very involved in conflict resolution issues. And certainly, the center would be willing to provide whatever support that it can to assist with the bias task force, the Hate Crimes Task Force and any community mediations in terms of facilitation. So we certainly offer the support of the center which EAC runs to be able to assist communities who may need this kind of service. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much. I believe our next speaker wrote an alias, Jiminy Cricket. It is Phil, it's Mr. Goldstein, yes.

MR. GOLDSTEIN:

You cheated, you betrayed me.

D.P.O. VILORIA-FISHER:

And you grew A beard and everything.

MR. GOLDSTEIN:

You exposed me. All right, I appear under the name Jiminy Cricket because I believe that I earned it. It was an accolade given me by a former Presiding Officer of this body, Mr. Paul Tonna; I consider it a matter of respect. I may, in the minds of some, be the Rodney Dangerfield of politics, but at least some recognize the fact that when I appear, I do so not representing a vested interest, but representing the goal of a better government for the people of Suffolk County.

In that regard, allow me to reintroduce myself to those of you who don't know me. I'm a retired social studies teacher who taught in New York City. I am a lifetime political activist. I was a founding member of Common Cause and served on its State board. I was a founding member of Fair Vote which is a national electoral reform organization. I am also one of the founders of the Independence Party of the State of New York which was originally created with a mission to reform government.

I'm here today because I have serious grievances. When I was a child, prior to World War II -- well, actually it was part of World War II -- I attended school and the pennies that I had, instead of being spent on candy, which I might mention was -- sugar was rationed, I spent those pennies to buy Saving Stamps. And when I accumulated 1,875 Saving Stamps, that book earned me a War Bond and that bond was given back to me in the form of \$25; so 1,875 resulted in \$25 at the end of a ten year period. Why do I raise this point? Because as I pointed out, it was World War II, we were fighting a war against the forces of evil on two fronts; in Europe against the Nazis and their allies and in the Pacific against the Japanese. We also had a third front, the home front, where the American people sacrificed in behalf of those who were risking their lives.

What sacrifice are we being called upon to make now? We are in a similar circumstance. We are facing an economic crisis and we are fighting wars on two fronts, in Iraq and Afghanistan. Obama was elected because the people wanted change. He has called upon us to behave as the United States of America; we are not doing so.

P.O. LINDSAY:

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

MR. GOLDSTEIN:

With all due respect to your rules, I think there are times when they need to be waived to afford a person an opportunity to speak his mind. I'm not speaking on some personal issue. What I am saying that is that some years back I appeared before this body and I presented what I called my pet project.

P.O. LINDSAY:

Phil, you --

MR. GOLDSTEIN:

It had nothing to do with benefitting me.

P.O. LINDSAY:

Phil, Phil. Wait, Phil, you're out --

MR. GOLDSTEIN:

It was a patriotic --

P.O. LINDSAY:

Phil! Phil --

MR. GOLDSTEIN:

-- energy tax.

P.O. LINDSAY:

-- you're out of order. You are 30 --

MR. GOLDSTEIN:

Then arrest me.

P.O. LINDSAY:

-- of 44 speakers.

MR. GOLDSTEIN:

You allowed some to extend their time slightly.

P.O. LINDSAY:

And I extended yours as well.

MR. GOLDSTEIN:

I would like the opportunity to complete --

P.O. LINDSAY:

I gave you another thirty seconds.

MR. GOLDSTEIN:

-- what I am saying.

P.O. LINDSAY:

I asked you to wrap up.

MR. GOLDSTEIN:

You're wasting the audience's time and mine.

P.O. LINDSAY:

I asked you to wrap up your statement.

MR. GOLDSTEIN:

The point that I am trying to make is that we are failing in our responsibility to our society. Only a limited number of people are making the sacrifices, it is the families who are losing their loved ones. We need to do something to show our support, something real. And so I'm coming back to you with my patriotic energy tax, but I'm expanding it. What I'm asking you to do is for PET's sake do something, and PET is another acronym, it is a Patriotic Energy Tax so that we don't lapse back because the price of gasoline is falling.

We don't need to give Exxon --

P.O. LINDSAY:

Phil, you're at five minutes.

MR. GOLDSTEIN:

-- the huge profits that it has taken out of the system.

P.O. LINDSAY:

Phil, you're at five minutes. You're through, Phil!

MR. GOLDSTEIN:

We need the money here in Suffolk County.

*(*Presiding Officer Banged Gavel*)*

P.O. LINDSAY:

You're out of order!

MR. GOLDSTEIN:

We need to set an example to the nation.

P.O. LINDSAY:

Sheriff, would you please --

MR. GOLDSTEIN:

No, you are out of order, Mr. Chairman!

P.O. LINDSAY:

Would you please remove this man.

MR. GOLDSTEIN:

The time has come for the people to be heard --

P.O. LINDSAY:

Good-bye, Phil.

MR. GOLDSTEIN:

-- and to act in behalf of what is going on in this society.

P.O. LINDSAY:

Good-bye, Phil. Good-bye, Phil.

DEPUTY SHERIFF:

Come on.

D.P.O. VILORIA-FISHER:

Our next speaker is Andrew Jurkiewicz followed by Michael O'Neil.

MR. JURKIEWICS:

Thank you. Good afternoon. I don't know if I can top that one, but.

LEG. LOSQUADRO:

Please don't.

MR. JURKIEWICS:

My name is Andrew Jurkiewics, I'm speaking here in opposition of Resolution 2165, the safe transfer of fuel to boats and water craft.

In the resolution itself, it states that the use of portable fueling containers to fuel boats increases the risk of fuel spills onto the ground or into the water. My facilities, which I've had fixed fuel facilities, minimize pollution spills through safe fueling procedures.

With that being said, I did some research and I have eight DEC reports concentrated on the east end where I work at, Montauk, East Hampton, Hampton Bays, and out of these marine reports, eight of them were at marinas and the causes of the fuel spills were equipment failure and human error at the marinas.

So I don't know if it's any safer at a marina than it is out of a truck. But I can tell you, we take a lot more responsibility when we're fueling off the trucks into the boats than the marinas do. Most of us spend thousands of dollars a year on safety equipment and training to ensure this process so we don't pollute our waters; we're just as concerned as the marinas are. So I ask that when you do look at this resolution, you take that into consideration.

Also, in the four or five years I have been fueling boats, I've fueled U.S. Coast Guard boats directly off the truck. When they approached me on this, I asked them what their input was and they felt it was always safer to take fuel off of a truck than it was at a marina. I've been doing this, like I said, for five years, between Montauk, Shinnecock and other Coast Guard facilities around the Island. So I think the Federal Government feels it's safe for them to do it that way. There should be some deeper thought into this act if we're really concerned about polluting the waters and that we take proper safety procedures at the marinas as well as on the trucks. Thank you for your time.

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Michael O'Neil followed by Jonathan Grindell.

MR. O'NEIL:

Thank you. This bill, IR 2227, the Marcelo Lucero bill, makes complete sense. Do not be afraid what it might uncover. The bill itself will -- your vote for the bill itself will heighten the awareness of the especially pernicious effects of hate crime. The reverberation of hate crime throughout the community of the victim, chosen solely because of his or her membership or perception of membership belonging to whatever, whoever is the hated target of the bigot. The FBI estimates 30% -- thirty times, excuse me, the number of hate crimes than are reported. And this is -- there's telling examples of unreported hate crime in the claim by several states that are totally implausible. For instance, Georgia reported in 207, the last year of the FBI numbers, that they had three hate crimes, Alaska had one, Mississippi, that holy place, had none. A 205 study by the Department of Justice shows that 56% of hate crime victimizations went unreported. Major -- Mayor Pontieri of Patchogue called me Wednesday night after the committee meeting and he told me he opposed this task force because he believed it would continue the trauma that his community has suffered because of this hate crime, and that they have already felt the effects. He said that Sweezy's Department Store that is laid -- that has been empty for quite a number of years now was -- is about to be taken over by a national chain, but at the last meeting they brought up their questioning about the decision to go there because of the perception of intolerance that could hurt the chain's image and it's hard-earned good will. Will it be a bad business move, damaging to them nationally, which corroborates the estimate by most historians that the lynchings in the south were ended not by people's change of heart but by the realization of the terrible economic toll it took on those areas. People have -- people here are focused on the policy of policing, hate crime requires a strong response from the entire community, not just the Police, and those sharing the victim's identity. For instance, people have not reported that the school principals throughout Suffolk County have not reported hate crimes, neither have the emergency rooms, social service agencies.

D.P.O. VILORIA-FISHER:

Michael, if you could wrap it up, your time is up.

MR. O'NEIL:

Well, I urge you to vote for this bill, and thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

Applause

Our next speaker is Jonathan Grindell followed by Melissa Sostrin.

MR. GRINDELL:

Good afternoon, members of the Legislature. My name is Jonathan Grotell, I'm a Community Organizer for the Long Island Progressive Coalition. We're a 30-year old grassroots member-based organization dedicated to educational, environmental, economic, racial and social justice. And we stand in solidarity with the immigrant community and organizations that are advocating on their behalf. We had some speakers earlier from the Long Island Immigrant Alliance and also Long Island Wins, and also we're calling for setting up a task force to deal with these crimes. And just to reiterate, these hate crimes are not just simple individual isolated acts by some wayward youth, this is a much deeper, deeper societal problem and we must deal with the root of the problem. As an organizer, I feel it's always essential to look at it from the root of it and where it starts out, not just say, "Okay, there's a few people that have gone array." We must embrace this and deal with this as a society.

Just yesterday the Long Island Gay & Lesbian Youth Center was hit with also another hate crime. It's not just a random act, it goes, again, much deeper. It truly impacts us all and I implore you to deal with this problem in an effort to assuage the climate of fear that's going on and the notion and setting up of a task force is the most effective way to do so. Thank you

Applause

D.P.O. VILORIA-FISHER:

Thank you very much. Our next speaker is Melissa Sostrin followed by Omar Henriquez.

MS. SOSTRIN:

Good morning. I'm here to represent the Latino Jewish Council of Long Island and I'm also a resident of Suffolk County. Thank you for considering this important legislation, the Latino Jewish Council is gratified that so many of you have publicly supported this measure.

We have heard concerns that this is the wrong time for convening this task force or that it will target Patchogue. But as boring as it was, I read through the legislation and saw that it did mention Marcelo Lucero, but it didn't mention Patchogue. It referred to hate crimes and others of Suffolk County and hate crimes in general.

Last week we heard the powerful testimony of Legislators Browning, Eddington and Gregory. We felt the pain they suffered when they were targeted for their religion or the color of their skin; we know people are being targeted in other areas of Suffolk County. And we heard David from LIGLY, we heard his pain today. Many are afraid to go to the Police, it's true. We teach our children that if they're in trouble they should go to the Police, I taught my sons this, I believe it. We have the opportunity with this task force to find out why this has not been the case among our Latino neighbors and others.

As one of our great Sages, Rabbi Hillel said, "If I am not for myself, then who will be for me. And if I'm only for myself, then what am I? And if not now, when?" Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Omar Henriquez followed by Peggy Boyd.

MR. HENRIQUEZ:

Good afternoon by now. My name is Omar Henriquez, I am the Immigration Chair for the AFL-CIO Labor Council for Latin American Advancement, and I also serve as the Vice-Chair of CASA, the Coordinating Agency for Spanish Americans. I'm also an immigrant, a proud immigrant. And I was also a Cub and a Boy Scout, you know, this morning they were doing that. You know, one of the things I remember well, something that I still practice today, was the "Good Deed of the Day"; those who were Cub Scouts would know that. Something that could easily be emulated by the Legislature here today, not just one deed but many.

And I wish I could say that we have come a long way since that awful tragedy of the killing of Marcelo Lucero, but we have not. It seems that when it comes to this matter, we take baby steps when concrete steps are required. Here we are again, debating whether to have or have not an independent hate task review force. The creation of the task force, provided it is composed of the right people and is given real power to do what needs to be done, would only help heal the wounds of intolerance and hate, sometimes caused by ill-conceived and ill-advised political posturing. We would not have the need to create this task force if things were not as bad as they are; under reporting of crimes, misclassification of crimes, fear of reporting of crimes, repercussions for reporting crime, a fear of intolerance towards immigrants, a climate of hate towards those who lack documents; and what's worse, a feeling that there's nothing wrong with that.

It's a new year, a new era, a new beginning for America. Let Suffolk County be part of that change. I hope that Suffolk County becomes a beacon that shines in that change, and you have the opportunity to begin right now with a good deed. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Omar. Peggy Boyd followed by Linda Lane-Weber.

MS. BOYD:

Good morning. I'm Peggy Boyd and I'm Vice-President of Advocacy and Services for Family Service League. I'd like to express our thanks to this Legislature for your continued support and work for children and families.

I'm here this morning to speak about the evening hours currently being proposed by the Department of Social Services. Some time around early January I got an e-mail and I sent it out to countless other agencies, and we're all very excited about the fact that tomorrow night DSS is going to have evening hours; we think it's pivotal. You know, on a daily basis, we're acutely aware of the kinds of needs our families are suffering and individuals, and we're excited about, you know, the potential that many of those families that work during the day will now have an opportunity to be seen at night.

At the same time, we recognize there's, you know, deep, deep issues related to our economy. And the fact that we have a plan in place for night to begin and yet it's not where it needs to be, eventually we'd love to see extended hours, additional evening hours. However, as of tomorrow night, we're really thrilled that the families that often times have to take a day off are able to be served.

I view this as a pilot. One of the things I was asked, as some of the work on the Welfare-to-Work Commission, is what is our neighbor, Nassau County, doing and is effective? And one of the things I think that I finally, you know, found myself asking was what's happening in the evening hours, are new applications being processed and are individuals that aren't being served now getting served? And it's always been very vague about how many new applications. Is this, you know, a convenience versus a real need? If we were to move forward with the plan currently being offered, I believe that we'll really be able to pilot something that at a later date, if we need you to step in and go to extended hours, it's a real viable thing we can do at a later date.

We ask you to continue giving this plan an opportunity to work with the idea that I understand there's going to be some flexibility in terms of if there's problems or backlog in the morning as a result of the evening hours, that DSS will meet with community groups, meet with their advisory councils to address those needs. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Linda Lane-Weber, and Linda is followed by Griselle Rivera-Mucciolo. You have three minutes.

MS. LANE-WEBER:

Good morning. Is it still morning?

D.P.O. VILORIA-FISHER:

No.

MS. WEBER:

Ladies and gentlemen of the Legislature and the audience, my name is Linda Lane-Weber, and yeah, I'm one of those insulin-dependent diabetics with a heart condition and stints and I know enough not to eat trans fats. That's not why I'm here to speak. I'm also a former Girl Scout, too; it brought back memories.

Currently, I am chairing a committee of community leaders that are meeting to expedite the passage of a "Dignity For All Students Act" in the State Legislature, that's State legislation. That would outlaw bias-motivated acts of bullying and it would require staff training, student education

and reporting to principals and to Superintendents, and ultimately to the State Commission of Education, because that in high school is often where the bias-bullying begins and then it escalates to hate crimes such as what happened to Marcelo Lucero.

I notice that -- and I'm here to speak on Resolution 2227-08, to establish the Task Force on Hate Crimes which I believe you should specify includes bias acts, because sometimes we have some very, very serious bias acts of vandalism that don't rise to the level of a hate crime and they also need to be investigated and reported.

I notice that in the bill, the Gregory Bill -- which I think is a good idea, very fine -- that only two particular communities were mentioned. Of course, since Marcelo Lucero motivated this, the Latino community, and also a representative from the LGBT community. There is no specific representative from women's community, women's rights, or from the African-American community or from the Jewish community. And, I mean, are we assuming now by omitting this that there are no hate crimes, nooses, swastikas, {massaging} motivated hate crimes in Suffolk County? So that these groups were left out, perhaps some of them don't want to be represented, but I think is important that they are invited to be represented. It is not a good idea to omit all of the primarily targeted groups from being on this task force. To assume in Suffolk County that there are no swastikas, nooses or {massaging} motivated hate crimes --

P.O. LINDSAY:

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

MS. LANE-WEBER:

Yes, sir. Yes, ma'am, I will. Or that they're all adequately reported is not in the interest of equity and we can't afford that when we're attempting to investigate and make sure that we have adequate reporting of hate crimes and bias acts in Suffolk. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. To my colleagues, it's 12:30, it's time to break for lunch. I have -- actually, we went through a bunch of the cards, I have seven cards left.

LEG. LOSQUADRO:

Continue. I make a motion to continue.

P.O. LINDSAY:

You want to continue and --

D.P.O. VILORIA-FISHER:

I'll second that motion.

P.O. LINDSAY:

-- and finish the public portion?

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay, then we'll continue.

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

Grisselle Rivera is on now, followed by Sonia Palacio-Grottola.

DR. VALENZUELA:

Hi. Good afternoon. My name is Griselle Rivera-Mucciolo, I'm representing the Long Island Center for Independent Living, we assist people with disabilities, and I'm the Director of the Hispanic Outreach. I'm here to urge you to pass the Task Force for Hate Crimes bill. I work one-on-one with Latinos with disabilities, and although I have not done any formal research, I know that many victims are afraid to report these crimes; I know this from conversations that I have had with consumers and clients. The task force will help determine that this is true and how we can change this.

The hotline proposed by the bill will allow victims to report their crimes without feeling vulnerable to more attacks. I feel this is not a Patchogue issue. I live here on Long Island, in Smithtown, and Long Island is very small and Patchogue is only 20 minutes from my house. And after hearing and seeing what's happening in the Island, I no longer feel the security and peace I used to feel and the task force will show perpetrators that we are going to take the extra mile to make these acts of violence stop. So I please urge you to pass this task force. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Sonia Palacio-Grottola followed by Joel Diamond.

MS. PALACIO-GROTTOLA:

Good afternoon. I know you're hungry, you're tired, I will just take three minutes of your time. I'm so happy to be here on a feeling-good bill. I've been here many times when it's anti-immigrant sentiments, anti-immigrant bills, but I'm so happy to be here today on this bill. And I really thank Legislator Gregory and all of you who signed on to it, that 2227 is something that immigrants can listen on Channel 41, they'll know that Suffolk County wants to do something for them for a change, not take away their rights.

I'm a social worker. As you said, I'm Sonia Palacio-Grottola, a Clinical Social Worker representing the National Association of Puerto Rican Hispanic Social Workers. I've worked with immigrants for 30, 40 years, and the Police Department has not always been kind to them. A few years ago they were going to be deputized as ICE agents, I guess you all remember that. I had to assure my clients that they could go out of their houses with their babies to a local doctor, to a local store to get diapers and medicines, and that they wouldn't be picked up and asked for their documents. Now, these are the same people now that are afraid of home invasions and raids at their jobs. Now, the children that they have are traumatized. They don't know if their mother or father are going to come home because they might be picked up by the Police. Do you think that these same men and women will report a bias crime or any crime to the Police when they're in fear of being arrested or maybe deported. The only time you can document these crimes is when the person ends up in the hospital or dead, unfortunately.

But today, in today's paper, the Police are still asking for people's documents or their legalization when they're picked up. So the fear is still there, but this particular task force is only a beginning, it's a start. You'll be assuring our immigrants, our African-Americans, gays, Muslims, Asians, the Jewish community and all others that are victimized, that you really care about them and want them to report bias crimes without fear of repercussions. These families are going to turn on Channel 41, Spanish TV, read the Spanish newspapers and know that you've actually really done something today when you really, you know, pass this resolution. They need to know that Suffolk County has a human side to it and cares for all of its residents. Thank you for your time

Applause

D.P.O. VILORIA-FISHER:

Thank you, Sonia. Joel Diamond. Joel is followed by Andrea Callan

MR. DIAMOND:

Hi, everybody. Joel Diamond, 42 years in Suffolk County, loving it, embarrassed about the hate that goes on here. I'm very, very happy about how political rhetoric has improved. I think that the County executive, it's my feeling, maybe he can't help himself ever, but all the Legislators I feel have improved and it really, really warms my heart. I would like to see more inclusion, though. I would like to see Long Island Immigrant Alliance invited not just to the task force but to community meetings, input meetings and consultation meetings, especially in the Patchogue district.

I know you're going to pass this bill, the Marcelo Law. I know you're going to do that and I hope you start calling it that. But the worry I have is how much clout your language and your implementation of the bill is going to have. I want it to have power. And part of that is reflected in the inclusion of who's on the board, but the language itself, how much power the task force actually has in the Count. I want to see LIA on there, I want to see LIGLY, I want to see NAACP, NOW, ACLU, disabled groups, Asian groups, the AGC, the LJC, everybody who has a community behind them who have been victimized here for hate. Please, please, please, please do that.

I would like to squeeze in a moment to say something as a grandfather about the menus legislation. Passing that will give a nice comfort feeling. I think Legislators will get more votes and the Legislature's image would just be enriched. It's a very comforting feeling to know that food is safe and that we can be informed, but the fact that you would care about that I think is an extra reason, besides all the facts that were laid out. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Joel. Andrea Callan followed by Mark Murray.

UNKNOWN AUDIENCE MEMBER:

Andrea is not here.

D.P.O. VILORIA-FISHER:

Andrea Callan?

LEG. LOSQUADRO:

She's not here he said.

D.P.O. VILORIA-FISHER:

Oh, thank you. Mark Murray. Okay, Mark Murray is followed by Joseph Edman.

MR. MURRAY:

Good afternoon. My name is Mark Murray, I live in Oakdale, I work in West Sayville. I'm a resident of the Presiding Officer's district. I also occasionally commute by boat when I have an opportunity and weather permits and so does my schedule. I'm speaking here today to oppose Resolution 2165 which seems to seek to regulate the mobility of supply tanks for fueling of water craft and boats.

To my experience, having been a boater for about 40 years, the spills which we're trying to prevent occur in the transfer from the supply tank to the boat; this legislation that's proposed does not address that issue. Furthermore, I have an outboard motor on my boat. I carry a can full of gas and oil that just clips into a hose, I don't transfer gas. I think that's the safest way of transferring fuel onto a boat for use with an outboard engine, and that would be prohibited under this regulation.

And I'm concerned that if it is outlawed, people who do have gas cans and have to pour it into a gas tank in a boat will be doing it at night to avoid penalty and that's going to be far more dangerous.

On the issue of enforcement, I'm concerned that the limited resources that we have available to protect our waterways would be better spent as they are now in addressing spills on our water ways. As for enjoyment on the waterways, this proposed legislation will increase our cost, increase the time to fuel up, reduce the amount of time we have for recreational activities on the water, and really prohibit use of boats that stay on Fire Island for a long time. Because to my understanding, I don't think there are any fixed storage locations on Fire Island for gasoline tanks. So I just want to say that I think this is adverse to our ideas of safety on the waterways, protecting our waterways, it's a violation, it's adverse to the ideas of open competition and recreational access. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Murray.

D.P.O. VILORIA-FISHER:

Joseph Edman followed by, last card, Frank Casiglia.

MR. EDMAN:

Hello. My name is Joseph Edman, I'm a lifelong resident of the Town of Islip. I live and work along the Connectquot River. I'm opposed to your resolution or the idea of Resolution 2165-08, a Local Law to ensure safe transfer of fuel to boats and water craft, for two main reasons. The first reason being I've owned a boat in the Town of Islip, registered, and I've had a clamming license dating back to 1976. I'm a customer of the only two fixed-fuel facilities on the Connectquot River, one a County facility, one private. I have never once, at either facility, had an attendant fuel my boat or assist in any way other than handing me the hose. So the idea that it's going to be safer or more environmentally sound, that doesn't work. I mean, I'm still the guy with the pump. The second problem I have is right now, if you take away the fuel trucks, which these trucks are manned by professionals, they don't hand me their equipment, and if you take away my portable tank, now the only supplier on the Connectquot River is far out-numbered by the demand. I can't -- right now, at the two facilities on a nice, summer day, I'll spend a minimum half-hour waiting on line for fuel. What happens if we change that?

I also own a company that manufactures fishing lures. If my customers can't fish, I'm out of business. And I'm not the only guy who owns a tackle shop on Long Island. So we've got a demand/supply problem and we'd also have the problem of I'm still the untrained person pumping the gas, even at a fixed-tank facility. I know from a family member who managed the County -- Timber Point gas pumping operation for three seasons, he had no training in spill response and no written plan in the event of a spill. So he was unprepared even at a fixed-pump facility. That's my opposition to it. I hope you guys consider that.

P.O. LINDSAY:

Thank you, Mr. Edman, for your insight. Thank you.

D.P.O. VILORIA-FISHER:

Last speaker, Frank Casiglia.

MR. CASIGLIA:

The last speaker, lucky me. Good afternoon, Presiding Officer Lindsay and Honorables all. My name is Frank Casiglia and I am AME Liaison to the Department of Social Services and a 30-year veteran of the Department of Social Services. Tomorrow starts a new day for DSS; the Southwest Center will be open from 12 to 8. And to clarify for some people, that is not an extension of hours, that extension would be 8 to 8, this is a modification of the existing work hours for these employees.

I'm not going to speak about the cost of cabbng any individuals from one center to the other when

they appear in the mornings at 7:30 and 8, because under the new policy and inclement weather such as we're dealing with right now, no one could be left outside of the center, they must be allowed in and cabled to the nearest center. So if Coram is open, they're going to be cabled to Riverhead; you can figure out the cost, you have budget people to do that. But keep in mind they also have to be cabled back to the original center and then transported home that day.

I'm here to enter a plea on behalf of the members that are being affected by this. As Debra Alloncius spoke, 44 members are being adversely affected by this change. They're ranging from child care, parent care, significant other care, additional schooling, secondary jobs to survive in Suffolk County. We put money out for child care centers for single parents. We have single parents working for the County also. Now those single parents will be telling their children, "Sorry. Mommy, Daddy won't be home until eight o'clock tonight. This nice new person will take care of you."

The other day at one of the committee meetings, I heard a security guard speaking. He spoke about caring for his 61-year old wife who is suffering from Alzheimer's Disease. What does he say to his wife, "Stay out of the kitchen. I'll be home when I can"? Understand again, these centers for the security guards will not be closing at eight o'clock, because in inclement weather, again, the residents cannot be put out until transportation arrangements have been made. Buses don't run that time of night, it will be cabs. The security guards have to ensure that every resident has been transported before they can close that center. So now he could tell his wife, "I may not be home until nine or ten o'clock, depending on when Lindy's gets here," and we know how quick they're ready to respond to DSS calls.

This was done in a very callous manner. And I applaud Legislator Kennedy and I support 1019. It's very commendable to want to assist the working poor with evening hours. Our members are working also, they're there to meet the needs of the clients. I'm asking that you meet their needs and support 1019. Thank you very much

P.O. LINDSAY:

Thank you. Okay, that concludes our cards.

MR. ESPOSITO:

If I may? I came a little bit late. My name is Evan Esposito.

P.O. LINDSAY:

A little late? We were taking cards up until 11:30.

MR. ESPOSITO:

I'm sorry. I met with the EPA --

P.O. LINDSAY:

Go ahead.

MR. ESPOSITO:

-- back on the 26th in reference --

P.O. LINDSAY:

Introduce yourself.

MR. ESPOSITO:

My name is Evan Esposito, I'm a member of the Port Jefferson Go Green Stony Brook Alliance. I met with the EPA recently and some of the County Legislators in regards to new licensing for green jobs. There's been a big push by the Federal Government. President Obama has announced the stimulus package and I think the County needs to do a little bit more to advance the growth of green energy on Long Island.

I spoke with Steve Levy after the address recently about the new plan for Suffolk buildings over 10,000 square feet to incorporate a mandate of solar energy. The problem is in the County, only master electricians are allowed to install solar panels. Now, I've dealt with many master electricians in the County, none of them -- I shouldn't say none of them, but almost none of them know how to install solar panels. And I'm pushing for County revenue, a State new licensing for the County, a solar installer license. And I submitted documents to both Jay Schneiderman and Daniel Losquadro, and I would like new legislation passed for solar-installing licensing.

On another note, in reference to the hate task force here in Suffolk County, I understand hate is like burning down your house to catch a rat. However, there are already laws in place. We shouldn't use the death of a young immigrant to transpire any additional task force. Okay? We have a major problem in the County. My mother lives in Farmingville where the Mexican and El Salvadorian people gather unlicensed, illegal, days-in, day-out, okay, and there's no control. So as far as hate, we have to look at the underlying cause, okay. I don't believe that we need to aspire to a new task force. Obama is the President of the United States, we've come a long way as a nation. And Jiminy Cricket here that was here before? He stated that when we were fighting wars on two fronts in World War II, he's a social studies teacher, you know what happened then? The Mexicans were coming in like there was no tomorrow into San Diego and impregnating the women with overseas people, okay?

D.P.O. VILORIA-FISHER:

Okay, time's up.

MR. ESPOSITO:

So we don't need any additional -- we need legality.

P.O. LINDSAY:

Okay.

MR. ESPOSITO:

And I want this new licensing passed --

P.O. LINDSAY:

Wrap up, your time is up.

MR. ESPOSITO:

-- and I want the illegal immigration stopped.

P.O. LINDSAY:

Thank you.

D.P.O. VILORIA-FISHER:

On that note.

P.O. LINDSAY:

We stand recessed until 2:30.

*(*The meeting was recessed at 12:54 PM and resumed at 2:37 P.M. *)*

P.O. LINDSAY:

Okay. Mr. Clerk, would you call the roll, please? Could I have all Legislators to the horseshoe, please?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. BEEDENBENDER:

Tim?

MR. LAUBE:

Sixteen.

*(*Legislator Alden entered the auditorium at 2:38 P.M. *)*

MR. LAUBE:

Oh, Legislator Alden is here. Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay, before we get into Public Hearings, I just want to commend our court reporting staff. I know they have been working very hard to get the minutes up-to-snuff, that anybody is requesting the written minutes, that we have them available. They're usually -- with the two meetings in December, it got a little backlogged and I know you have been working very hard to bring it up-to-speed and we do very much appreciate it.

Applause

In particular, Lucia Braaten, Alison Mahoney, Donna Catalano, Diana Kraus, Denise Weaver and Kim Castiglione. Thank you very much for your hard work.

LEG. ALDEN:

Good work.

Applause

LEG. D'AMARO:

Make sure you write applause.

P.O. LINDSAY:

Okay, the first ***Public Hearing is IR 1749-08 - A Charter Law to cap County fee increases (Schneiderman)***. I don't believe we have any cards on that subject. Is there anyone in the audience that would like to speak on 1749? Seeing none, Legislator Schneiderman, what would you like to do?

LEG. SCHNEIDERMAN:

Recess.

LEG. LOSQUADRO:

Second

P.O. LINDSAY:

Motion to recess, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1750-08 - A Local Law to increase and improve gasoline price notification to consumers (Losquadro).

LEG. LOSQUADRO:

Motion to -- oh, sorry.

P.O. LINDSAY:

I don't have any cards. Is there anyone in the audience that would like to speak on 1750? Seeing none, motion to recess by Legislator Losquadro, I'll second that. All in favor? Opposed? Abstentions? .

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1886-08 - A Local Law to enact a grading policy for food establishments (Losquadro). I do not have any cards on this subject. Anyone in the audience want to speak on this subject?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Alden).

P.O. LINDSAY:

Public Hearing on IR 1895-08 - A Charter Law to establish a Truth and Honesty Zone for clean campaign practices in Suffolk County by banning improper fund-raising (Alden). And I do not have any cards. Anybody in the audience like to address us on 1895? Seeing none, Legislator Alden?

LEG. ALDEN:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1976-08 - A Charter Law to reform and reconstitute a professional independent Suffolk County Ethics Commission (Montano). I don't have any cards on this subject. Anyone in the audience that would like to address us on 1976? Seeing none, Legislator Montano?

LEG. MONTANO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 2025-08 - A Charter Law to reform and reconstitute a professional, independent Suffolk County --

MR. NOLAN:

You did that.

P.O. LINDSAY:

Oh, I'm sorry, I did that one. *Public Hearing on IR 2025-08- A Local Law to promote accurate cost estimates for Capital Projects (D'Amaro)*. I don't have any cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, Legislator D'Amaro?

LEG. D'AMARO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay, *Public Hearing on IR 2165-08 - A Local Law to ensure the safe transfer of fuel to boats and watercraft (Romaine)*, and I have several cards on this subject. First is Robert Faulkner, you have five minutes, Mr. Faulkner.

MR. FAULKNER:

Hello again, everybody. Thank you for the second opportunity to speak with you today.

This morning I briefly discussed the fact that we're kind of on the same page as far as, you know, trying to protect the environment. You know, we all know sitting in this room that, you know, hazardous materials and waste that have been hitting the bays and the waterways certainly causes a lot of pollution and, you know, we're on the same page on that with you.

However, just kind of looking at the scenario and looking at the resolution as we have it, it kind of seems like it just missed the other half of the equation here. I also spoke about this morning about the Suffolk County Pollution Control Study that has been filed in November of 2008 by the author, Eileen Governale, titled Dockside Fueling Investigation. And as we discussed earlier, her findings was that there was no increased risk to the environment by fueling from a mobile, non-stationery fueling station versus a fixed fueling station.

What I want to do is kind of spend the next couple of minutes and kind of highlight the differences between what we do, Direct Marine Fuel and our mobile environment versus having a standing fixed location. Let's start talking about the tankage first. More often than not, these marinas have tanks that are buried under ground, okay. It's in a salt water marine environment, so we all know what happens in scenario; the soil has salt water, it mixes, it gets to the steel tanks and it starts to eat away at them. They're under ground, you can't see them. Yes, they go through their periodic inspections and, you know, going forward they're going to have to put in sensors to sense when the product is leaking; but again, it's already too late at that point.

If you take a look in the mobile environment, it's a truck. You can see it, you can inspect it every morning, you see all the piping, nothing is underground. So you can see what it looks like, you can inspect it every morning as we go through our DOT checklist to make sure that that truck is inspected. So we'll know at the beginning of the day whether there's something that needs to be addressed right away rather than trying to find an underground sensor that's going to sense it going forward.

Also at the end of the day, in the truck environment, you fuel it up in the morning, you go make your deliveries, you go back, you're empty. Fuel is not sitting in that tank. However, in the marine environment, you fill up a tank once, two, three, 4,000 gallons, however much is held in there, you sell 500 to a thousand gallons for the day, what do you have left overnight? You still have fuel

sitting in there, all right? So again, from a pollution standpoint, clearly you wouldn't want the tank sitting underground, you know, with the ability to leak. We have the truck off the premises, back to the safety of its yard, inland.

Obviously we have had some problems with underground tanks. You can see last year there was a big study going on, I know there was a lot of on-road gas stations that were cited for leaks. I happen to be about three blocks away, live three blocks away from one that was cited, one of the top five. Obviously a big plume that's leaked out of those tanks for years went undetected, finally they were found. So even to this day, they still have the remediation services in there working on that property. Don't have that situation in a truck environment.

Obviously it's been a problem for a while because they have what's known as the LUST Tax, Leaking Underground Storage Tank Tax that we pay for every gallon of fuel that we buy, whether it be gasoline, diesel or heating oil. Obviously, that's a fund that's created to obviously try to clean up some of the mess that's been created by these underground tanks.

I want to talk a little bit about the process. I don't know if anybody here is a boat owner, but if you own a boat and you go to a fixed station, you usually pull up, you have a young 15, 16, 17 year-old kid that's working a part-time job through the summer, walks over with the nozzle, hands you the nozzle. You as the boat owner are now responsible for fueling that boat, okay? Is the boat owner trained on fueling procedures? No, he owns a boat, he's going to fuel his own boat. That's all they're handed is the nozzle. They're not handing any other apparatus to help them fuel that boat to avoid spillage.

When we roll up to a vessel, we have the same set-up, we have the marine-grade hose, the automatic shut off valve in case it backs us. But we also use what's known as a collar; put the collar around the nozzle, put it in the fill pipe. What that does is it seals off that fill pipe, the top of the fill pipe. So if in the event that that fuel is going to back up in that tank, it's not going to come splashing back out at you or at the water.

What we also do is we control the environment by sealing that off and forcing all the air and whatever is going to come out through the vent. Normally there's a fuel vent on the side of the boat to release air. We have a cup, suction cups, goes up over the vent, so in the event it does spit out of that, it goes into the cup, does not go into the water. You will not find that type of apparatus at a fixed fuel dock; I've never seen it, I've been boating for 17 years.

What else? Let's talk about the cost. I mean, you know, we all know that it costs them a lot of money and I know that they have been kind of shouting up and down, they don't like the competition. And it costs them a few hundred thousand dollars to get these tanks installed, I understand that, I'm a business owner, I understand that as well. However, you take a look at our trucks, I mean, our trucks can be upwards of 120 to \$140,000 to purchase as well to set it up appropriately for this type of fueling

D.P.O. VILORIA-FISHER:

Your time is up, Mr. Faulkner.

MR. FAULKNER:

Okay, just in closing then. If you just took a look at my trucks and how they're set up, there is no technical difference between what you're going to find at a fixed fuel dock versus what's on my truck. So we are in compliance with everything else that we need to be in. So what that said, I appreciate it. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Faulkner. There is a question from Legislator Romaine?

LEG. ROMAINE:

Yes. First of all, Mr. Faulkner, thank you for your testimony. I have listened to all the boat owners today. This is going to be recessed, this resolution is not going to be moving forward, and obviously I'm going to be meeting with the boat owners. However, I just want you to be aware that the situations that you describe not only violate Suffolk County Sanitary Code, but New York State Fire Code, and specifically New York State Fire Code 2210.4, and I'm going to read it. It's entitled "Fueling of marine vehicles other than by approved marine liquid motor vehicle dispensing facilities: It shall be unlawful to fuel voting of floating water with liquid motor fuel at any other than a marine liquid motor-dispensing, fuel-dispensing facility, except fueling of marine vehicles and water craft performed by off-shore fueling vessels approved by the U.S. Coast Guard." I'll give you a copy of this. So right away, the situation you're describing is a violation of New York State Fire Code.

The New York -- the Suffolk County Sanitary Code, Section 760 through 1213.5 says, "A vehicle shall not be used for transferring toxic or hazardous material in situations where a permanently installed transfer facility is considered by the Commissioner to be more appropriate, such as multiple deliveries of fuel to small boats at a marina." So you should be aware that the Sanitary Code, my law isn't going to change existing code, it was to simply clarify the code. But right away the situation that you're describing is a violation of Suffolk County Sanitary Code and New York State Fire Code. And there's a couple of other points that I'll give you on this handout that my aide prepared that I think you should be aware of.

D.P.O. VILORIA-FISHER:

If you could try to keep it to a question, Legislator Romaine?

LEG. ROMAINE:

Yeah. I just wanted you -- were you aware of that?

MR. FAULKNER:

Well, I am aware. And as a matter of fact, if you look through that fire code, it does specifically say a particular class of hazardous materials, okay. So everything is not prohibited; certain classes are prohibited, other classes are not.

LEG. ROMAINE:

Right. And as a business man, I know you understand the expense all marine owners this year, by the end of this year, I don't know how they're going to do it -- the Commissioner of Health isn't here, he was here earlier this morning -- have to replace their single-hull fuel tanks with double-hulled fuel tanks. And I say I don't know how they're going to do it because right now you have to submit a plan to Waste Water Management in Suffolk County. And right now, if I dropped a plan and I had a plan for a double-hull tank, because I have to get it approved before I install, there's a 26 week backlog before anyone will even look at the plan let alone approve it. So Suffolk County, I don't know how they're going to meet the deadline for that.

But all of the points that you made were extremely valid points, but there are other counter points that are made and I'm trying to balance these counter points, and I'm happy to meet with all the boat owners to have a further discussion. This resolution is not going to move forward, it's going to be recessed until such time, and if it does move forward after we amend it, we'll let everyone that spoke here this morning and this afternoon at this hearing be aware of that so they can come and comment. But I certainly offer you the opportunity to dialogue with my office because we're looking for the best possible suggestion. Also, some people were under the impression --

D.P.O. VILORIA-FISHER:

Legislator Romaine?

LEG. ROMAINE:

Yeah.

D.P.O. VILORIA-FISHER:

Is there a question there?

LEG. ROMAINE:

Yeah. Were you aware that some people were under the impression this morning that they could get their small five-gallon can of gasoline to power their outboard motor? That is totally allowed, even under Suffolk County Code, and my legislation would have no impact on that whatsoever, they would still be allowed.

MR. FAULKNER:

And based on reading this, it seems that that would have been outlawed as well.

LEG. ROMAINE:

No, it's not.

MR. FAULKNER:

But if I may take a moment to respond to a couple of your issues there. Number one, the fire code I think we addressed already. As far as the other code, the 760123-5 has to do with parking a truck on the premises and letting it sit there all day to fuel water craft; we do not do that. We go by appointment, we roll in, we do our business, we roll out of there. I've talked to the Pollution Control about that particular statute as well and it does not apply if we are not parking it as a stationery vehicle there.

Just to answer one other thing about the double-wall tanks. You are correct, and it's not just in the marine environment, it's everywhere. It's the small station owners on the street as well. As we all know, they have all been closing up because it's just way too cost prohibitive for them to do that. Passage of this --

LEG. ROMAINE:

And the delay to even get an approval in this County is --

MR. FAULKNER:

Passage of this and prohibiting services such as we allow will actually be an even bigger issue going forward, because let's look at some of those marinas that are not going to be able to afford to change those tanks, or not be able to get through the process. Where are these people going to get fuel?

LEG. ROMAINE:

We'd be happy to work with you and all the boat owners on this.

MR. FAULKNER:

Okay. I welcome that.

LEG. ROMAINE:

This came -- this legislation --

D.P.O. VILORIA-FISHER:

Legislator Romaine, we have a number of other speakers on this issue.

LEG. ROMAINE:

Thank you.

D.P.O. VILORIA-FISHER:

If we can continue.

LEG. ROMAINE:

Sure.

D.P.O. VILORIA-FISHER:

Thank you.

MR. FAULKNER:

Thank you for your time.

D.P.O. VILORIA-FISHER:

Sorry for the interruption, but the day is moving along. Glen Spencer.

MR. SPENCER:

I'm Glen Spencer. I'm here on behalf of myself and Alex {Gallasso} who spoke at the last meeting; he was unable to attend today. I would like to start off by thanking Legislator Romaine and Schneiderman for taking the time to talk to us personally about this legislation. And I guess I would just like to clarify a couple of the issues that Legislator Romaine was trying to bring up briefly there with the New York State Fire Code. New York State Fire Code does expressly prohibit the transfer of fuel, Class 1 fuels, which is gasoline, to floating vessels. So any transfer to a floating vessel of gasoline other than at a approved facility is illegal, and that would, to my knowledge, include five-gallon jerry jugs. So in my opinion, and I'm not a lawyer and I don't play one on TV, that is already illegal according to New York State Fire Code.

As far as the Sanitary Code of Suffolk County, we did write a letter, I'm actually one of the people that initiated this conversation with Legislator Romaine, to find out -- because we have to replace our tanks, to find out if it was possible to fuel boats directly from trucks, because a hundred meters down the road from where we have our facility, there's a diesel truck and a gasoline truck pulling up to boats and dropping the tanks in, dropping the fuel in the tanks. So we were investigating abandoning the tanks that we have in the ground and replacing them with trucks so we could park a truck in our facility and fuel our boats with it. All the research we've done has pointed to that, that that's explicitly illegal, so we've kind of abandoned that search, and that's why I kind of gave Ed Romaine's office a call to find out who was enforcing this law.

According to the laws that we have found, New York State Fire Code says it's enforced by the local code enforcement, which would be Suffolk County Health Services. Ed Romaine was nice enough to write letter to the Commissioner of Health Services and he got a response that said Suffolk County Health Department is not responsible for enforcing that code, that it's the Department of Transportation. So that's where the conversation continued, so why can't we clarify this law so that there is an enforcing body to enforce a law that is already in existence and already on the books.

I don't really think that this, you know, proposal changes much for what's already on the books. I think it's pretty clear that New York State Fire Code, you know, prohibits this activity from occurring. Class 2 fuels, which is diesel fuel, gets a little more ambiguous, they get into a point where it has to be at an approved facility. Well, according to Suffolk County Department of Health, there are no approved facilities that are mobile because they don't enforce them. So there can't be any if they haven't approved them and since it's not their jurisdiction, this is why the conversation with Romaine went the way it did.

The other issue I do have is if this does continue to go through is with the actual enforcement of it. Since the Suffolk County Health services has not either been able to or was not of their knowledge that it was in their jurisdiction to enforce it, there was a task force designed over the summer that incorporates the 30 different vessels that actually patrol the east end borders to help enforce fireworks displays and things like that. And there is -- there's a huge presence on the water now to help enforce this. Suffolk County Department of Health Services, who's offices obviously are closed

on a Sunday afternoon at eleven o'clock when many of these violations are occurring, they're just unable to enforce these laws the way they are.

So that's pretty much our stance. We'd love -- you know, I agree with everything Mr. Faulkner said about the safety of their procedure. I don't necessarily find any fault with the way they do it. At our marina, we train our -- all of our attendants at the gas dock, they -- the attendant, not the boat owner -- fills the boat with fuel. We have spill containment, we have bilge booms ready to encircle the entire gas dock in case there is a spill. And that's pretty much all I have to say.

P.O. LINDSAY:

Thank you. Mark Deangelis.

MR. DEANGELIS:

Good evening. Thank you for the opportunity to speak once again. There's a couple of things that I hadn't mentioned this morning that did concern me.

When the fuel docks are closed for the season, the majority of work that gets done on the water, the majority of marine contractors that do all the dock building in Suffolk County, are required to bring fuel to their boats somehow, they're barges. It's obviously not an option --

D.P.O. VILORIA-FISHER:

Mark, can you bring the -- excuse me, Mark. Can you bring the mike a little closer to your face?

P.O. LINDSAY:

It's on, Mark, you just have to hold it right up.

D.P.O. VILORIA-FISHER:

Just a little closer to you.

P.O. LINDSAY:

There you go.

MR. DEANGELIS:

It's obviously that you can't bring a barge on a trailer and bring it up to a marine gas station on Montauk Highway. So where are these people that do the work in the winter time supposed to get their fuel if all the fuel stations that are on the water are closed?

As I mentioned before, the different environmental groups that we work with, such as The Nature Conservancy, Dowling College and Stony Brook, do their work all winter long and, again, they would be put out specifically by this. I know The Nature Conservancy was contacted from Suffolk County and were asked about this very issue and their specific response was that they were far more in favor of having fueling done from mobile trucks where the professionals are constantly the ones doing the fueling of the boats. Although some get -- the stations, like the {Gallasso's}, may have better training facilities. It's not very regulated, and in every marine fuel station I've ever been, there's been nobody over 18 years old or that has a permanent job doing it because, again, it's seasonal help and a seasonal business and it's closed.

The big problem, of course, is getting through the red tape. They've tried to create a situation where this is regulated. You don't everybody with a fuel truck simply going out on to the side of the road and dropping fuel into boats. We require the marine fuelers that come to our marina to have a policy of \$5 million, which I think is a good requirement to have, and to make sure that they have training. To have some sort of program in place where this is regulated and it's looked after will be something that's a benefit to both the marine fuel haulers themselves and to the marinas like the {Gallasso's} and the other marinas that are closer to us, but marine fuel stations are few and far in-between. To put that burden on to different boaters to have to find one that's open at that time of year -- and quite frankly, a great deal of boating goes on on Fire Island where there isn't a single

marine fuel station. So somebody that has, let's say, a sail boat docked on Fire Island would have to cross the bay, sometimes four, five hours in either direction, to be able to get a few gallons of fuel. Also, small boats such as smaller dinghies, anything that doesn't have portable tanks, would be forced into the same situation which could be an endangerment to have to go out into the wrong conditions to be able to get that fuel.

The one thing that New York State, Suffolk County does not have is a clean marina program. The majority of states on the eastern seaboard have created a marine program to certify different marinas and different fueling operations such as this with a clean certification. And with looking what they're building right next door to us, the first clean government building in quite a while, it's a program that I think we should look at as an alternative to this program in the short-term, to try develop a clean marina program that can both look at the fuel issue and the fueling issues and create a set of standards that both the marine haulers and the marine fuel stations would have to adhere to. Thank you very much for your time.

P.O. LINDSAY:

Thank you, Mark.

D.P.O. VILORIA-FISHER:

Thanks, Mark.

P.O. LINDSAY:

Kevin Rooney.

MR. ROONEY:

On December 16th I spoke in the Public Hearing, the first Public Hearing on this legislation, and we generally support the intent of this legislation. As I listened to the statement this morning and the statements from just before, there are a couple of things that really concern me here.

One is you have legitimate business owners who have gas docks who have in many, many cases spent hundreds of thousands of dollars installing tanks, upgrading those tanks, maintaining them in compliance with Article 12, and who also have on-hand environmental and safety apparatus in case there's a problem with the fueling of a vessel.

The other problem I have is that there is such a huge disparity in price, let's say for diesel fuel, when you include taxes versus non-taxes. And if this law -- if things are allowed to stand as they are, what is to stop a commercial fishing vessel or a large pleasure vessel from calling up a local fly-by-night company that delivers heating oil and saying, "I want 2,000 gallons delivered to my boat"; what's going to happen here? One, the heating oil truck that makes that delivery, usually if it's a 3,000 gallon single-axle or a 5,500 gallon double-axle truck, is going to pump it anywhere from 50, 60 gallons a minute up to maybe 80, 85 gallons a minute. There isn't a boat on the water, except a very large vessel like a ferry boat, that can handle that many gallons per minute. Most of them -- in fact, I talked to Mr. Faulkner this morning, he said his trucks are equipped to pump at 20 gallons a minute. And I will tell you that there is a huge difference between a heating oil truck pumping at 65 gallons a minute and one of his trucks pumping at 20. The heating oil truck that's going out and making an illegal delivery is an environmental nightmare simply waiting to happen.

Secondly, when you look at -- heating oil is dyed. It is non-taxable, except for the Suffolk County Sales Tax, I won't get on that. It is non-taxable and it is dyed red. Ultra Low Sulfur Diesel is not only significantly lower Sulfur content, but it is also taxed. There is the Federal and State Diesel Excise Tax, New York State Petroleum Business Tax and Sales Tax; add them all up and you're looking at about 64 to 65 cents a gallon differential. If I were the type of person that owned a large commercial fishing vessel and I wanted to save a heck of a lot of money on a two or 3,000 gallon delivery, I'd go in the Penny Saver, I'd look up a local heating oil company and say, "I need two, 3,000 gallons delivered to my boat," and I'm going to save myself about 65 cents a gallon.

Something needs to be addressed here, something needs to be clarified. Because very clearly, there's the potential for substantial tax evasion, there's the potential for a very substantial environmental problem, and there's the potential for a very substantial safety problem. If you allow any truck to pull up alongside the stern of a boat at a dock and begin fueling, you are asking for a nightmare, and it will happen, one of these fine days it will happen. So as you look at this, I think you really need to think about those kind of -- those kind of issues. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

I don't have any other cards on 2165. Is there anyone else in the audience that would like to speak on 2165? Seeing none, Legislator Romaine, you wish to recess?

LEG. ROMAINE:

I would like to recess. Motion to recess.

P.O. LINDSAY:

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

MS. LOMORIELLO:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 2207-08 - A Charter Law to prevent double taxation for Police Services in certain towns and villages (Romaine). I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MS. LOMORIELLO:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on 2248-08 - A Local Law to promote corporate sponsorship or sale of naming rights of suitable County facilities, parks or roads (D'Amaro). I don't have any cards on this subject.

Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator D'Amaro.

LEG. D'AMARO:

Motion to recess, please

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1000-09 - A Charter Law to enhance budgeting flexibility and

responsiveness (Schneiderman). I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1017-09 - A Local Law establishing the Toxin-Free Toddlers and Babies Act (Stern), and I have a number of cards.

Elsa Ford?

MS. FORD:

I'm Elsa Ford, President of the Brentwood-Bay Shore Breast Cancer Coalition. This is a picture of my granddaughter Devon as a baby.

As a toddler, when Devon saw this picture her reaction was, "Aah."

She showed me how we were wired to love and protect the baby. If a baby was in the road and a truck was barreling down, you would probably act to save the baby, even at your own risk. The baby is our future. In the case of environmental toxins, the danger is internal, out of you.

BPA is an environmental estrogen. A 19 -- a 2007 expert BPA Panel Consensus Statement on the effects in animals and potential to impact human health at current levels of exposure, increase in breast and prostate cancer, uro/genital abnormalities in male babies, declining semen quality in men, early on-set of puberty in girls, metabolic disorders including Insulin-resistant Type II Diabetes, obesity in children and adults, neurobehavioral problems such as ADHD, and this information came from -- this publication stated the evidence and by the Breast Cancer Fund and the researcher was led by {Vonsol} FS, et al, at Chapel Hill.

Standards for safety guidelines or acceptable risk standards have been set; these do not consider that BPA accumulates as it is stored in body fat. And in addition to other estrogens, natural and manufactured, often these are based on industry studies, think tobacco. For lead, these levels have been consistently lowered, especially in the case of children under six; this is because lead passes the brain blood barrier while the brain is still developing causing irreversible damage. Based on child blood tests now required in New York State, just taking the lead out of gasoline has sent our children's blood lead levels plummeting.

BPA is an unstable polymer and also fat-seeking. It can leach into infant formula and other food products, especially when heated. Brief exposure to environmentally relevant doses of BPA around the time of birth create changes in memory tissues, predictive of later development of tumors. Do we want to knowingly expose our babies to plastic estrogen from birth around the clock? I think not.

While we wait for the regulations of the manufacture and use of BPA to take -- we can take our own action by adopting a Local Law establishing the Toxin-Free Toddlers and Babies Act to prohibit the sale of children's beverage containers that contain BPA within the county of Suffolk.

D.P.O. VILORIA-FISHER:

Thank you, Elsa.

MS. FORD:

You're welcome.

P.O. LINDSAY:

Okay. Karen Joy Miller?

MS. MILLER:

Thank you, Legislator Lindsay. And to all of you here representing the entire County of Suffolk, I thank you for all your past focus on environment and health issues.

I'm Karen Joy Miller and I'm President of Huntington Breast Cancer Action Coalition and founder of a group called Prevention is the Cure. You'll be hearing from many of Suffolk County to Albany's focused health partners today, and I hope it will answer any of your questions and we're open to all of your questions.

I also want to acknowledge the organizations from West Islip and Islip who are here to show their support but are not going to be speaking today; thank you very much for coming. I want to thank Legislator Steve Stern for bringing this important initiative to the floor; Steve, thank you very much.

While some companies have recognized their responsibility in the widespread exposure to the chemical BPA, strong legislative measures are urgently needed to eliminate the use or sale of baby products containing this chemical. Several animal studies have demonstrated that small exposures to doses of BPA have posed serious health risks. Presently there's a Congressional inquiry into BPA contamination. Used extensively in baby formula packaging, baby bottles and plastics, daily exposure are posing serious health risks to the most vulnerable in our population, our children. Think about the amount of times in one day a baby is given infant formula. Is it fair to wait for more research to take action? Is it fair to slowly phase-out sales of products that contain this toxin? Absolutely not. And as the breast cancer community said 20 years ago, it's not acceptable.

Testing by CDC shows that Americans are now exposed at levels above those shown to cause harm in animals. Over the past year's research using animal models has shown an association with BPA exposure to early puberty, as Elsa said, behavioral problems, obesity, complications from an altered immune system, hyperactivity, adverse changes in male -- in the male reproductive system effecting the testes, testosterone and sperm development. As a breast cancer activist privileged to work with preeminent scientists on the effects of exposure to BPA, we're seeing every week in peer-reviewed science journals more and more evidence that exposure to the chemical BPA increases the risk of breast and prostate cancer. We have an opportunity and responsibility to act with prudence on the silence knowledge that we now have, protecting our children, our infants, our most vulnerable.

In 2007, each one of you, our Suffolk County Legislators, passed unanimously, I'll never forget it, the Safe and Sustainable Purchasing Policy; the very first County to pass such a legislative initiative to set the path for Suffolk County to pass the Green Procurement Bill in 2008. Now New York State has begun to focus on safe and sustainable green purchasing. Today, early in 2009, you all have another opportunity to lead. Please support the Toxin-Free Toddler and Baby Act, and when you do so it will demonstrate, once again, the continued support from our Suffolk County officials leading the way.

In most cases, each one of you is a grandma and a grandpa and an uncle and an aunt and a Mom and a Dad, so we're speaking directly to your hearts and your responsibility to your children. In Suffolk County, we always debate the issues but always are able to put politics aside when it comes to the health of our family and our neighbors families. We never waited for others to do their part; here in Suffolk we do our share. We have contributed to the national health landscape, increasing survivor support services, providing access to care for minority population, educating Long Islanders about environment and health issues. The Toxin-Free Toddlers and Babies Act offers us another opportunity to reshape our environmental policy, taking precautionary action that will make the difference for future generations.

On behalf of my organization, Huntington Breast Cancer Action Coalition, and many of the wonderful partners here today, I ask for your support in the passage of this bill. Thank you very much.

P.O. LINDSAY:

Yes, hold on. Ms. Miller, if you could come back, Legislator Horsley has a question for you.

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

LEG. HORSLEY:

Yeah, hi.

MS. MILLER:

Hi.

LEG. HORSLEY:

Good afternoon. And thank you for your report, it was very educational. Let me ask you, is there a manufacturer, is -- that is worse than another. Are there products that are better plastic, than another plastic, that doesn't seem to deteriorate or melt down as quickly? You know, what is the -- what are the guidelines here, or is it just any plastic bottle, any plastic that --

MS. MILLER:

Thank you for asking the question. Actually, I have a gift for all of you, and I'll ask --

LEG. HORSLEY:

A bottle?

MS. MILLER:

We always come laden with gifts. And while we're trying to raise the public's awareness about chemicals in plastic, remember, a lot of the chemicals that we are targeting are shaping plastics. It's not necessarily adding to anything, it's adding to the capability to shape the plastics, so there are numbers of plastics that are safer than others. Personally, as a grandma of three, I prefer, and have told my daughters-in-law, to use glass, Pyrex, Corning. And we're saying that five -- the plastic number, because the bottom of the plastic bottle --

LEG. HORSLEY:

The numbers, yep, I'm aware of the numbers, okay.

MS. MILLER:

-- has numbers, so if you remember the rhyme, "Five, four, one and two, all the rest are bad for you." So, basically, we have a card allowing me to just get it. I have it all ready for you. It was almost as if we planned this question. And these cards were created by Mount Sinai, and our County has been passing on these cards in the multiple, multiple thousands. So I'll ask -- Hi, Barbara --

MS. LOMORIELLO:

How are you?

MS. MILLER:

-- if you can just pass it. We're asking that everybody take these cards, put it in your wallet, and as you go up and down the aisle looking at products, you have this in your wallet and you can refer to safer plastics. We're not targeting. So, in answer to your question, we're not --

LEG. HORSLEY:

So, a baby bottle will be stamped six, or whatever it may be.

MS. MILLER:

It can be stamped one.

LEG. HORSLEY:

They will be stamped.

MS. MILLER:

We're actually saying that most of our water bottles have the stamp one, and we're telling people not to reuse the number one. Actually, most of us, me included, until the science came out, and I sort of said, "Well, this is great, I have an opportunity to know more" --

LEG. HORSLEY:

Recycle.

MS. MILLER:

Right.

LEG. HORSLEY:

Yeah.

MS. MILLER:

I used to refill my water bottle so that I got more wear and tear out of every bottle. We're telling people most plastic water bottles are number one, do not refill it or freeze it, so thank you for the opportunity.

LEG. HORSLEY:

Okay.

MS. MILLER:

I hope I've answered your question.

LEG. HORSLEY:

Yeah, you did. Are there -- so it's just a matter of the composition of the plastic, that is it's not where it's made, it's not the manufacturer, it's not --

MS. MILLER:

We're not targeting a manufacturer.

LEG. HORSLEY:

It's not a country, or anything like that, it is simply just the composition of the plastic itself.

MS. MILLER:

And -- yes. In other words, what makes a plastic become an intravenous bag, or a water bottle, or a wrist band, or a card.

LEG. HORSLEY:

And what if they're not stamped. Are all plastics stamped? I don't recall seeing them on everything?

MS. MILLER:

All plastics should be stamped, but there are people here that can answer that question better than I can. But I'm looking and seeing that most plastics do have numbers. I'm even saying, when you go to Chinese restaurants now and you're having take-home soup, you realize -- we're also saying, like I say to my grandchildren, "Bring your own container."

LEG. HORSLEY:

I've got a stack about this big (Indicating) that we reuse, sure.

MS. MILLER:

Yes. Thank you.

LEG. HORSLEY:

Interesting. Thanks.

P.O. LINDSAY:

Thank you.

D.P.O. VILORIA-FISHER:

Steve has a question.

P.O. LINDSAY:

Oh, Steven, do you have a question?

LEG. STERN:

Yes. Thank you, Mr. Presiding Officer. Karen, so specifically, then, what -- in your experience, what type of products are we actually talking about?

MS. MILLER:

Well, this particular legislation is so important, because it has to do with the most vulnerable in our population. So I think the most -- the thing that you're going to be hearing about mostly is what do we feed our babies. For those of us who are not able to breastfeed, we feed our baby right from plastic bottles, and we think that the first thing that we need to do, it's a simple but a profound request, is to create this ban to lower the risk on use of baby bottles, sippy cups and straws, and everything that will commonly -- we commonly use to come in contact with our babies.

LEG. STERN:

And you had mentioned in your statement that there are perhaps some companies or some chains across the country that have voluntarily withdrawn some of these products from their shelves. I'm wondering if you --

MS. MILLER:

Was it Walmart? Walmart and --

AUDIENCE MEMBER:

And Nalgene bottles.

MS. MILLER:

And Valgene?

AUDIENCE MEMBER:

Nalgene.

MS. MILLER:

Nalgene bottles. So there have been companies that have -- because of the science, they want to be ahead of the curve, they're doing the right thing, and they're voluntarily removing things with BPA off of their shelves.

LEG. STERN:

Okay. But maybe you can speak to what else you're seeing out there with the rest of the industry and the rest of the retailers across the country.

MS. MILLER:

Oh, well, this is -- we're looking at lining of baby formula, because in powdered and liquid formula, the linings on a lot of the products that contain liquid and powdered formula are made with BPA. And what does that do? Just like BPA or certain chemicals, shape, this is adding to the shelf life of the product. So it's not enhancing the product, it's actually showing signs of harming the most vulnerable in our population. And we need to move with the information that has been -- I think more than 20 years it's been out there on BPA.

LEG. STERN:

And maybe you can also speak to your experience with the industry, because, inevitably, the question will come up, Well, if there have been stores across the country that have gotten it, based on the plethora of information that's now available and they're starting to do this voluntarily," the suggestion will be, "Well, let's just leave it to the private sector to ultimately catch up and do the right thing.

MS. MILLER:

Right.

LEG. STERN:

Is that something that we can afford to do at this point?

MS. MILLER:

Well, the reason -- I've spoken -- I've said this before over the last 20 years. Basically, we are all -- everybody in this room, everybody behind the dais is part of an iron triangle. We cannot move and change unless the researchers have the proof, the advocate community, of which you are all a part, are bringing it to your attention, and there are legislation that drives that message home. So I think it's very important, this -- to have a piece of legislation here in Suffolk County is extremely important, and I think that we're in a unique opportunity -- opportunistic time. So --

LEG. STERN:

Very good. Thank you.

MS. MILLER:

-- I hope I answered your questions. Thank you very much.

LEG. STERN:

Thank you.

D.P.O. VILORIA-FISHER:

More questions.

P.O. LINDSAY:

Miss Miller, I'm sorry, there's another question.

D.P.O. VILORIA-FISHER:

Hi, I'm over here.

MS. MILLER:

Oh, hi.

D.P.O. VILORIA-FISHER:

Hi. I just have a question about going back to water bottles, because people do reuse them. You know, we're trying to cut down on plastic. I use a metal one. Poland Spring, though, has a new water bottle that they're calling a more environmentally friendly water bottle. Is it just that they're using less plastic or a different type of --

MS. MILLER:

It really needs to say, "BPA free." You know, we're looking that --

D.P.O. VILORIA-FISHER:

Okay.

MS. MILLER:

-- it is BPA free. Right.

AUDIENCE MEMBER:

It's just the shape that's different.

MS. MILLER:

Yeah.

AUDIENCE MEMBER:

Using less plastic.

MS. MILLER:

It uses just less.

D.P.O. VILORIA-FISHER:

The Suffolk County Water Authority bottles are --

MS. MILLER:

Vivian.

D.P.O. VILORIA-FISHER:

Yeah.

MS. MILLER:

In answer -- can I compliment you? We are also saying -- I think that's the new cool to go out with a stainless --

D.P.O. VILORIA-FISHER:

Okay, I am a trendsetter.

MS. MILLER:

-- steel sports bottle. And you'll be hearing testimony from our students who actually are a part of Great Neck Breast Cancer and Huntington Breast Cancer Student and Scientist Program who actually work on this research. So you're seeing that the new generation is really taking on the effort on how we think about our exposures and lowering our risks. Thank you, Vivian.

D.P.O. VILORIA-FISHER:

Okay. Wayne has another question.

LEG. HORSLEY:

Yeah, I do.

D.P.O. VILORIA-FISHER:

Wayne has another question.

MS. MILLER:

Styrofoam --

LEG. HORSLEY:

Thank you. And I won't -- I won't be long. Just quickly, I'm looking at my Styrofoam cup here that

the Legislature's using. It says six. Not good?

MS. MILLER:
Not good.

D.P.O. VILORIA-FISHER:
Oh, Styrofoam is bad stuff.

MS. MILLER:
Five, four, one and two, all the rest are bad for you, no exceptions.

LEG. HORSLEY:
There you go. Let me ask you, where is -- where is the Federal FDA on this? I mean, why -- if this is -- if this is proven science --

MS. MILLER:
Yes. Can I ask --

LEG. HORSLEY:
Where are they? I mean, this is going along with the peanut butter?

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

MS. MILLER:
Can I ask? She's in one of the cards, Bobbi Chase Wilding from Clean New York. Can I ask her to answer that question?

LEG. HORSLEY:
Sure. I mean, I --

D.P.O. VILORIA-FISHER:
When she comes up, Wayne. Why don't you wait until she comes up?

LEG. HORSLEY:
Sure, okay. Fine, yeah.

MS. MILLER:
Okay. Well, we marked your question.

LEG. HORSLEY:
Okay. Thank you.

MS. MILLER:
Thank you.

D.P.O. VILORIA-FISHER:
You want me to call the next person?

P.O. LINDSAY:
Go ahead.

D.P.O. VILORIA-FISHER:
Karen Joy Miller. Thank you very much.

MS. MILLER:

Thank you.

D.P.O. VILORIA-FISHER:

You've been really helpful. Thank you. Karen Joy Miller.

MS. MILLER:

That's me.

D.P.O. VILORIA-FISHER:

Oh, that was you. I'm sorry. Sorry, sorry. No wonder you looked up when I said that. Sorry. Tehreen Rehman. Rehman.

MS. REHMAN:

Good afternoon, everyone. Thank you for this opportunity to speak to all of you. My name is Tehreem and I'm currently a high school senior at Walt Whitman High School. I will be attending Columbia University this Fall where I hope to major in Earth and Environmental Engineering, with a concentration in Environmental Health. I am here presenting the Huntington Breast Cancer Action Coalition, along with the Long Island Teen Environmental Activists or LIT Group, which I founded two years ago. The purpose of this organization is to educate others on some of the most prevalent environmental toxins, what products contain them, and how exactly these chemicals are contributing to the increasing rates of diseases in humans. My efforts through this organization have been recognized, and Action for Nature's International Eco-Hero Awards will be featured in the Green Issue of Glamour Magazine this April. I write for different publications on environmental health, and have conducted research in the laboratory setting on dioxin, which, like BPA, is known for its endocrine disrupting properties and the onset of breast cancer, and more recently last summer on the bioaccumulation of methylmercury in fish and the neurotoxic effects this heavy metal has on humans.

Just yesterday evening, I had held a meeting for LIT, and I remember discussing the agenda of today's Legislative meeting to the parents of our members. I talked about how we are today striving to ban BPA in baby bottles, how over 90% of government-funded studies have demonstrated that BPA at low levels can adversely affect human health, and how 93% of all Americans have indicated to have some level of BPA in their bodies. The parents initially reacted with shock, "Can this be true," to fear, "Were my children also exposed to BPA in their baby bottles; oh, my God, if so, how much?" To ultimately anger. "If there is so much evidence indicating even the possibility of BPA contributing to human health problems ranging from breast cancer to attention deficit hyperactivity disorder, how come the government has not taken sufficient steps yet to protect me and my children?"

For far too long, the EPA and other government agencies have adhered to the "innocent until proven guilty" approach to its removing deleterious contaminants from consumer's products. They justify this by claiming that the supposed arbitrary removal of suspected environmental toxins will unnecessarily hurt production of various goods. With the current state of the economy, this rationale has become increasingly popular among the opponents of this particular legislation and similar ones like it. However, as history has consistently shown, cyclical fluctuations in the economy are inevitable, and that every time there is a recession, an expansionary period in the economy soon ensues. Yet, the damage that these chemicals are inflicting upon our health is irrevocable.

As citizens with rights, which includes the right to lead a healthy life, we must ask ourselves how much is exactly enough to prove that these chemicals are hurting our bodies? And not too long ago, the cigarette companies had challenged studies linking smoking tobacco to lung cancer, arguing that studies merely established a correlation rather than causation; now we know better. Likewise, why did the government insist on waiting further and putting not only our lives, but those of future generations, in jeopardy rather than taking action now?

As a young woman, I fear for my children, my grandchildren and their children who are given no say

in all the chemicals that are maternally transferred to their bodies, exposed to toxic chemicals before they're even born. As a representative of my generation, I believe that it is imperative that people in this community, state, nation and world realize that this has, indeed, become a global problem. A seemingly {waiting ball} of toxins has begun to endanger the human species. Thank you for your time.

D.P.O. VILORIA-FISHER:

Tehreem, I just want to say, this morning I did a presentation to a bunch of students from my district and I felt very proud. I feel very proud of you. I really feel that our future is in good hands with young people like you. It's great to have you here.

MS. REHMAN:

Thank you.

D.P.O. VILORIA-FISHER:

Zachary Rotter.

MR. ROTTER:

Good afternoon. Thank you for allowing me to speak here. An ancient proverb states, "We do not inherit the Earth from our ancestors, we simply borrow it from our children." In this case, I am the child.

My name is Zachary Rotter, and I'm a junior at Walt Whitman High School in Huntington Station. Although I am a high school student, I have had the opportunity to conduct BPA research as an intern at the highly respected Fox Chase Cancer Center in Philadelphia, Pennsylvania. My findings have motivated me, as displayed above, to become a strong supporter for the avoidance of products containing carcinogenic chemicals, specifically those containing BPA. Many scientific studies have linked BPA with breast cancer, as well as numerous other biological disorders. Through my research, I was able to discover a previously unknown genetic link between BPA and inflammatory breast cancer, a rare, virulent, and often fatal form of breast cancer. This research, which is supported by numerous carcinogenic links to BPA, constitutes a firm platform for passing this proposed legislation. This bill, if passed, could promote a fundamental shift in the consumer market towards finding safer, less toxic alternatives to offer to our toddlers and infants.

I speak for my generation when I say we want to grow up in a cleaner world, a world where prudent avoidance is valued and exercised. This legislation provides a prime opportunity to protect the children of this and future generations. Thank you.

D.P.O. VILORIA-FISHER:

Zachary, I have a question.

MR. ROTTER:

Yes.

D.P.O. VILORIA-FISHER:

Did you have a question, Legislator Stern?

LEG. STERN:

I did.

D.P.O. VILORIA-FISHER:

Okay.

LEG. STERN:

Yes.

D.P.O. VILORIA-FISHER:

Go ahead.

LEG. STERN:

Oh, thank you. Thank you. Thanks so much for being with us today; truly impressive. Maybe you can speak to the types of levels, maybe in your research that you conducted, or other research that you've come across, the types of -- we heard the statistics before that 93, 90% of all Americans have some level of BPA within their system. It is truly ubiquitous. Maybe you could speak to what -- in your research, what type of levels need to be prevalent in order for there to be considered some type of an issue? Maybe the impact on various ages, genetic makeup, who this really affects, and whether or not you believe that we can never be truly safe if there is any level of BPA within our system.

MR. ROTTER:

Well, my research was conducted on common laboratory rats and we used 250 micrograms per kilogram of body weight injected into the rat's mammary gland. Now, in proportion, this represents a correlation between the normal amount that would be found, as you mentioned before, in those 93% of Americans, in their bodies, and the results that I found, through a normal amount, was that there was a strong correlation between Bisphenol A and breast cancer, specifically in the genes. And even more so, my research was conducted on prepubescent rodents, which is exactly the type of, you know, child -- we're targeting toddlers and babies in this active legislation, which was the specific type of organisms which I was targeting.

D.P.O. VILORIA-FISHER:

That was exactly my question, what are the threshold levels, and where is there a danger, and what levels are we finding in the population, so same question. Okay. Thank you for the answer.

MR. ROTTER:

Thank you.

D.P.O. VILORIA-FISHER:

Any other questions? Thank you very much.

MR. ROTTER:

Thank you.

D.P.O. VILORIA-FISHER:

Very impressive. The next speaker is Rubab Rehman.

MS. REHMAN:

Hello. My name is Rubab Rehman and I attend Walt Whitman High School. I am speaking on behalf of preeminent Pediatrician Philip Landrigan and his associate, Maida Galvez.

"Dear Members of the Suffolk County Legislation, we appreciate the invitation to discuss the hazards of BPA. I am Maida Galvez, M.D., MPH, Region II Director of the Pediatric Environmental Health Specialty Unit. The testimony that I'm presenting today reflects my views and those of my colleagues at the Mount Sinai Center of Excellence in Children's Environmental Health.

In the face of growing economic challenges, an area for which there can be no compromise is children's health. There is an urgent need to invest in primary prevention strategies today in order to ensure the health of future generations to come. We, therefore, urge the Legislature to support a BPA ban on Long Island.

We have the ability to prevent exposures to the places that matters most, where children live, learn and play. Environmental exposures to these settings have been found to contribute to childhood

conditions, as well as diseases of adult onset."

We have provided you with his complete testimony, which is in your packet. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much. Our next speaker is Laura Weinberg.

MS. WEINBERG:

Good afternoon. I'm Laura Weinberg, President of the Great Neck Breast Cancer Coalition, Co-Chair of the Long Island Breast Cancer Coalition, and I'm on the Environmental Committee for the New York State Breast Cancer Coalition. Our Coalition has been working with a breast cancer research laboratory, the Soto Sonnenschein Lab at Tufts University Medical School, and we sent about eight different students to that laboratory and they all studied BPA. But I couldn't get them from Great Neck today in the snowstorm, and they would have absolutely loved to also present it to you on their findings of BPA as well.

I work with Karen Miller. We have a wonderful student program, and I can't tell you how proud I am today to hear the students speak. But what I do have today is from the lab that I work with, from the Soto Sonnenschein Lab, one of their leading researchers, Dr. Maricel Maffini has her -- has her submission to this legislation.

"Dear Members of the Legislature: My name is Maricel Maffini. I am a Research Assistant Professor at Tufts University School of Medicine. I have done research in mammary cancer for over ten years, and I have studied the association between Bisphenol A, or BPA, and mammary tumors for the last five years. Today I am writing to you to support the bill "Toxin-Free Babies and Toddler Act" in order to ban BPA.

BPA is a widespread synthetic chemical used in the manufacture of a plethora of consumer products, from baby bottles, to dental sealants, food and beverage containers, DVDs, reusable drinking bottles, medical devices, and PVC pipes.

BPA is present in over 90% of the American population tested. The highest amounts were found in children, adolescents and women. The exposure to BPA is chronic, and in humans it starts in the womb. The amounts of BPA found in the human amniotic fluid was reported to be five times higher than in the mother's blood.

BPA mimics the action of the endogenous female hormone estradiol. Like most hormones, it has profound effects at extremely low levels. Exposure to BPA during gestation and lactation has lifelong consequences in laboratory animals' health. Doses 2,000 times lower than the EPA safe dose of 50 parts per million has shown to alter many systems, including the brain, prostate, uterus, and the mammary gland. More specifically, mammary tumors developed in young rats after being exposed exclusively during gestation. Mice have also developed precancerous lesions, as well as abnormal mammary glands.

The consequences of BPA exposure are long-lasting in lab animals and there is no reason to believe that this is not the case for humans. Thus, the impact on human health in particular and public health at large are immeasurable.

For all of the aforementioned reasons, I fully support the ban of BPA and the "Toxin-Free Babies and Toddlers Act". Sincerely yours, Maricel Maffini, PhD.

D.P.O. VILORIA-FISHER:

Thank you very much.

MS. WEINBERG:

You're welcome.

D.P.O. VILORIA-FISHER:

The next speaker is Stacy Rebello.

MS. REBELLO:

Good afternoon. Hi. I thankfully share the Fifth District with Ms. Viloría-Fisher. I'm Stacy Rebello. On behalf of the Learning Disabilities Association of Long Island and the Learning Disabilities Association of New York State, we state our support for legislation that would reduce children's exposure to BPA.

BPA is a synthetic chemical found in many commonly available plastic items, including baby bottles, children's cups, water bottles, etcetera. BPA is known to leach out of the containers used for food and drink, entering the substance in the container and then consumed by the children drinking or eating from plastic containers. Studies have shown that even very low doses of BPA present a potential health risk to children, including the development of learning and other developmental disabilities. We, therefore, support the Suffolk County Legislature's action to ban children's beverage containers that contain BPA.

Learning and developmental disabilities present lifelong challenges to affected individuals and their families. In order to understand why this action to prevent learning disabilities is so important, we would like to take this opportunity to explain about learning disabilities and their impact on Long Island.

The facts about learning disabilities: Learning disabilities impede the ability to store, process and produce information. People with learning disabilities have trouble learning because their minds process words or information differently. Learning disabilities can affect the ability to read, speak, write, or complete math, and can impair one's ability to build social relationships, often as a result in a lack of competitive employment and/or successful independent living.

The impact of learning and developmental disabilities: One out of seven Americans have some type of learning disability. The incidents of learning and developmental disabilities are rising, some dramatically so, now affecting one in six children in the United States. The impact on learning disability on federal, state and local budgets is enormous. The impact on the affected individuals, their families, and their communities are incalculable.

The scope of the problem is experienced in a number of ways. In education, according to New York State Ed, nearly 25,000 Nassau and Suffolk school children are identified as having a learning disability, the second largest population of students with learning disabilities in New York State, only second to the City. This does not include children who have not yet been identified. Fifty-one percent of the students receiving special education services through public schools are identified as learning disabilities. Children who have learning disabilities, ADHD, compose of 10 to 15% of their school-age population, and represent over half of the children who receive special education. Specific learning disabilities have increased 22% over the past 25 years.

In the past decade, the number of students, ages 6 to 21, identified with specific learning disabilities has increased by thirty-eight percent. 35% of children with learning disabilities drop out of high school. This is twice the rate of kids with LD. Only 13% of students with learning disabilities have attended a four-year post secondary school program within two years of leaving high school. Two-thirds of high school graduates with learning disabilities were rated not qualified to enter a four-year college.

In society, up to 60% adolescents in treatment for substance abuse have learning disabilities. Sixty-two percent of students with learning disabilities were unemployed one year after graduating. Forty-eight percent of learning disabilities are out of the workforce or unemployed. Fifty percent of females with learning disabilities will be moms, many of them single, within three to five years of leaving high school. Learning disabilities and substance abuse are the most common impediments

to keeping welfare clients from becoming and remaining employed. Thirty-one percent of students with learning disabilities will be arrested three to five years out of high school, and 50% of juvenile delinquents tested were found to have undetected learning disabilities.

We'd like to take this opportunity to urge the Suffolk County leadership to support the continued funding of the Centers of Excellence for Children's Environmental Health. Two out of eight of the New York State funded centers are in Suffolk County, one in Huntington and in Stony Brook. Thanks to the exemplary leadership of several Long Island Legislators in our State Legislature, including Assemblyman Robert Sweeney, State Carl Senator -- State Senator Carl Marcellino, and former Assemblyman, Mr. DiNapoli, Long Island has a unique and extremely valuable resource with its Children's Environmental Health Center.

Thank you for this opportunity to present our support for your efforts to protect our children from the dangers of BPA. Thank you.

D.P.O. VILORIA-FISHER:

Thank you

P.O. LINDSAY:

Helene Aronson.

MS. ARONSON:

Hi. My name is Helene Aronson. I'm a Health Care Consultant for the Child Care Council of Suffolk. I'm a Pediatric Registered Nurse, and I work with licensed and registered child care providers in Suffolk County, assisting them in the development and compliance with health and safety procedures for their child care programs.

I believe Legislator Stern's proposed bill to ban the use of BPA is a crucial step in protecting the health of developing infants and young children in your County. Dozens of scientific studies in the U.S. have suggested that the chemical BPA, which is found in many infant formula can linings, plastic baby bottles, sippy cups, etcetera, could cause everything from cancer to reproductive and behavioral problems.

Although one might argue that some of the scientific evidence as to whether BPA is toxic is still inconclusive, I believe we must minimize children's exposure and practice avoidance to BPA, just because we don't know for sure yet all the possible effects it could produce. We must protect the health of the most vulnerable population, our infants and young children. The ban on the use of BPA could directly affect the future health of thousands of children being cared for by the child care providers we offer services to through the Child Care Council.

The Child Care Council of Suffolk enthusiastically supports Legislator Stern's bill, the "Toxin-Free Toddlers and Babies Act" for the protection of all our children. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Donna Jurasits. Donna, can you pronounce your last name for me?

MS. JURASITS:

Jurasits.

P.O. LINDSAY:

Thank you.

MS. JURASITS:

Good afternoon. I'm Donna Jurasits. I am the Director of the Babylon Breast Cancer Coalition. And just to backtrack a minute, we were talking again before about Poland Spring water bottles being labeled number one on the bottom. You should also be aware that home-delivered Poland Spring water bottles are labeled number seven on the bottom.

LEG. HORSLEY:

Oh.

MS. JURASITS:

So that's also something to be aware of.

LEG. HORSLEY:

Is Water Boy the same?

MS. JURASITS:

I don't know if Water Boy is the same. The Babylon Breast Cancer Coalition has long believed that there is direct correlation between BPA and the causation of many illnesses, including cancer. We fully support this new legislation that's been created by Legislator Stern. We hope that Suffolk County realizes that they enjoy a really excellent reputation as cutting edge environmentalists, and we hope that with the passage of this legislation they will continue to set -- to really blaze the trail for other legislatures and other government municipalities. Thank you.

P.O. LINDSAY:

Thank you very much. Stephen Rosario.

MR. ROSARIO:

Good afternoon, Presiding Officer Lindsay, Members of the County Legislature. For the record, my name is Stephen Rosario. I'm Director of the Northeast Regional Office for the American Chemistry Council, and we represent not only the business of chemistry and the plastics industry, but also the men and women who work in our industry. I'm sorry I couldn't get any of them to come here today. Unfortunately, most of them are working, and in this economy, with the strife that we all are facing, I believe that is probably a higher priority for them than being here with me today. But, more importantly, they are your constituents and your neighbors. And I believe we all have the same goal in mind, which is to protect children and grandchildren, because, I guarantee you, all of us have children, and some of us, not myself, have grandchildren. My mom has great-great-grandchildren, so we are concerned about children.

But I think we have to put this issue in context. What we deal with in terms of chemistry is very scary stuff. We live in a post 9/11 world. We live in an economy that is absolutely uncertain. I don't know if I will have a job tomorrow or not. I'm sure there are some people in the room who probably wish I wouldn't, but that's okay. So, in terms of what we do, because most of us don't understand science, myself included, I am an attorney by training, that it is very easy to make what we do very scary and to rely on the fears of people. But this issue is being addressed nationally, internationally, and through the market.

We always seem to think that they do it better in Europe and elsewhere, so I'm going to set aside what the Federal Government has been doing for a moment, just to go through some of what's been going on elsewhere. The European Food Safety Authority, in January of 2007, issued a report that has been updated twice, in July and October of 2008, and all studies reaffirm the safety of common consumer products, such as baby bottles, water bottles and food containers. This agency has stated that previously established safe intake levels provide a sufficient margin of safety for the protection of consumers, including fetuses and newborns. The European Union, in June 2008, the European Commission, published a comprehensive update on the risk assessment of Bisphenol A. They, again, confirmed that polycarbonate plastic and epoxy resins are safe for consumers in the environment in current applications.

Health Canada, we hear a lot about Health Canada. In October 2008, the Canadian Government announced the conclusion of their own risk assessment, stating, "The current research tells us that the general public need not be concerned. In general, most Canadians are exposed to very low levels of Bisphenol A. Therefore, it does not pose a health risk." Again, according to Health Canada, a 22-pound infant would have to drink 423 4-ounce bottles per day to reach the European food safety authority recently-set safe intake level of BPA.

What has the Federal Government been doing? U.S. FDA, which is the agency that is responsible for food packaging, baby bottles, etcetera, it's not EPA, had in August of last year also issued their draft safety assessment, basically indicating that food contact, baby bottles, water bottles, food containers, concluded by a cross agency Task Force of FDA scientists, included data and information from recent government reviews, stated an adequate margin of safety exists for BPA at current levels of exposure from food contact for infants and adults, and that was reaffirmed in October, and they're continuing.

What does all of this really mean? It means that, first of all, BPA has been around for over 50 years. There is a continual study, research. I applaud the young man from the junior high school who's done his own research. I would suggest to him that he submit it to the proper scientific authorities to have it peer reviewed, and just to have someone else take a look at it and make suggestions, because I think we do need more young people involved in science where we are very weak as a country.

Mr. Chairman, may I have a little leeway, since I'm the only person speaking here today?

P.O. LINDSAY:

Just wrap up, Mr. Rosario, please.

MR. ROSARIO:

Well, in terms of BPA, we believe that it is safe. We continue to research it and study it. And we would hope that the Legislature would take the weight of the evidence, not only in Europe, in Japan, and in the United States, which shows that we are not exposed to BPA in harmful levels. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Rosario.

LEG. STERN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes. Legislator Stern has a question for you, Mr. Rosario.

LEG. STERN:

Yeah. Thank you, Mr. Presiding Officer. I guess, first, a comment, then I do have a question, Mr. Rosario. BPA, of course, has been around for decades, but so has tobacco, lead and mercury, and, ultimately, I think we'd all agree that those are chemicals and substances that nobody can dispute are certainly harmful to all of us at any age. But I'd like to get your take. You had started off your comments by talking about what's being done, not so much here in the United States, but elsewhere. You touch on the European Union and perhaps studies that have been done there, but isn't it true that BPA has, in fact, been banned in the European Union?

MR. ROSARIO:

Let me respond to your first -- your second question. No, it has not. BPA has not been banned anywhere in the world. No state has banned it in the United States. There are certainly discussions about it, but it has not been banned.

In terms of your comment, Legislator, if I may respond. In terms of lead, and mercury, and tobacco, in those three instances, the science has clearly demonstrated harm, unlike Bisphenol A, where the weight of the evidence has not demonstrated harm, so I don't think you can compare BPA to those other compounds. That is not an apples-to-apples comparison, and I think that's a huge difference when you look at the fact that the science on one proves harm, whereas the science on the other does not prove harm.

LEG. STERN:

You would have said the same thing about -- anybody would have said the same thing if we were having this conversation about either of those substances 20 years ago, and how many people have gotten sick and died since then? But the European Union has, in fact, banned BPA. Canada has banned BPA somewhat recently. State of Washington and the State of California have banned BPA. So I don't understand, especially when you elude to what's going on elsewhere in the world, that there might be other studies that reasonable people can take a look at, but those countries and those states have, in fact, acted, haven't they?

MR. ROSARIO:

We will provide you information to show that BPA has not been banned by any of those states. You just mentioned European Union. I mean, there's proof, we'll show it to you, I'm not making it up. I'm not the tobacco industry.

P.O. LINDSAY:

Okay. Stay there. Legislator Horsley has a question.

LEG. HORSLEY:

It's good to see you again. Last time we interacted was with the plastic bags.

MR. ROSARIO:

Yes, that's correct --

LEG. HORSLEY:

The recycling bill.

MR. ROSARIO:

-- Legislator Horsley.

LEG. HORSLEY:

So it's a pleasure. I've got a question now. It is apparent from everyone that spoke today that BPA breaks down and is in the human body; do you agree with that?

MR. ROSARIO:

BPA, and, again, I'm not technical, but I understand is --

LEG. HORSLEY:

The question is, isn't it -- does it break down and it becomes part of the human body, whether it's --

MR. ROSARIO:

No, it doesn't.

LEG. HORSLEY:

It's not there?

MR. ROSARIO:

My understanding is that BPA metabolizes in the body and then is excreted within a matter of hours.

LEG. HORSLEY:

So what you're saying is the total opposite of all the body, of what people have been saying today, is that it does -- it does enter the body and is excreted?

MR. ROSARIO:

That's correct. Again, that's my --

LEG. HORSLEY:

And that there is no residual BPA contaminants that are left in the human body?

MR. ROSARIO:

Again, my understanding is, because I'm not technical, and as I told Legislator Stern's Aide that I was unable get our lead scientist on this issue on such short notice, but that we would bring him back. My understanding is that it metabolizes in the body and is excreted within a matter of hours.

LEG. HORSLEY:

So, if someone was to prove to you that -- well, how long would that excretion take place? It would be just like taking vitamins and then off it goes?

MR. ROSARIO:

Basically, it's excreted when you go to the bathroom.

LEG. HORSLEY:

When you go to the bathroom, okay.

MR. ROSARIO:

Yes.

LEG. HORSLEY:

So that's within a day's period or whatever.

MR. ROSARIO:

Yes.

LEG. HORSLEY:

So a little baby drinking a bottle that's been reheated, that will not be left to remain in the poor child's brain, or something like that, and it is excreted out with due course.

MR. ROSARIO:

Again, my understanding is, when related to infants, because they do metabolize at a slower rate, that it may take a little bit longer, but it is the same as adults, where --

LEG. HORSLEY:

So what you're saying is, basically, that this -- all this testimony we've heard today is hogwash.

MR. ROSARIO:

No. What I'm saying is that there's certainly a difference of opinion. And we would ask the Legislature to take a look at all the relevant information that is out there, and to then make that determination. One of the issues that we raise with Legislative bodies like here in Suffolk is, if you're going to get into this game, there's a lot of information, scientific and otherwise, and to plow through it. Everything that I read to you today I can provide reams of studies, and they're not industry studies, but reams of studies that have been done.

LEG. HORSLEY:

That was going to be my next question, are these industry studies? You're saying these are not industry studies.

MR. ROSARIO:

Some are.

LEG. HORSLEY:

These are very independent studies that are not channeling money through universities to help along with your end discussion?

MR. ROSARIO:

Well, again, a researcher is --

LEG. HORSLEY:

But, if we went back -- if we went back to the record, would you say that your industry has not given monies to these colleges that have -- or whoever have done these studies, you would say that?

MR. ROSARIO:

Similar to any advocacy group, whether it's us or an environmentalist group who provide grants for research. I don't think --

LEG. HORSLEY:

Was that a yes?

MR. ROSARIO:

I don't think our money is any more -- I don't --

LEG. HORSLEY:

I'm not saying you -- I'm not saying you shouldn't be spending monies on this, because it makes your argument. But is it these studies that you're citing, that there is no BPA in human -- in the human body and that it's excreted in a day's course -- you're saying that these studies that are saying that, you have no responsibility for them whatsoever?

MR. ROSARIO:

What I'm saying is that the researchers look at all the studies, whether it's industry, NGO, government, third party, doesn't matter. That is the job of a researcher, and good research is going to look at everything, including our studies.

LEG. HORSLEY:

Okay.

MR. ROSARIO:

And then they make their own conclusions.

LEG. HORSLEY:

Okay. You've left me as a skeptic. Okay, fine.

LEG. STERN:

On that issue, yes.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Mr. Presiding Officer, on that issue, I do have a question for Mr. Rosario, because I think Legislator Horsley brings up an important point, and this is an ongoing issue regarding the viability of FDA studies. And, I guess, one question for Mr. Rosario, isn't it true that there's presently a

Congressional inquiry going on right now that deals specifically with the issue raised by Legislator Horsley, and that is the influence on -- of the industry on recent studies that were submitted to the FDA? And isn't the FDA now going back and taking yet another look at everything that had been submitted because of that Congressional inquiry?

MR. ROSARIO:

I think that the inquiry came about, and, again, I would have to double check this, as a result of some comments that were made by a consultant group, and that raised the ire of Congress. I don't believe it was anything that a member of my industry did, but as a result of some of those comments, which led to the questionable activity, then Congress decided to investigate. The issue related to FDA. We actually went to FDA, as an industry, because of all the controversy that has been arisen around this issue, and we have asked -- we asked, about 18 months ago, we asked FDA to please undertake another assessment. We had no -- my understanding is we've had no involvement in that project. And what they came out with in -- what did I say -- October and August was as a result -- we're not the only ones who petitioned FDA. Obviously, there were a whole bunch of others. But we also wanted FDA to take another look at this in the hopes that they would conclude what other nations have concluded. And my understanding is, again, we had no involvement in that process.

LEG. STERN:

Thank you.

MR. ROSARIO:

And I will double check on that.

P.O. LINDSAY:

Thank you.

MR. ROSARIO:

Thank you.

P.O. LINDSAY:

You want to ask something, Legislator Alden?

LEG. ALDEN:

I'd like the -- this part of it, the discussion on contributions, I'd like that included with the hearing on 1895, because I think it's actually pertinent, very pertinent, so -- oh, I'll make that formal, in writing.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

What was 1895?

LEG. ALDEN:

1895 is Campaign Finance Reform.

D.P.O. VILORIA-FISHER:

Oh.

P.O. LINDSAY:

Bobbi Chase Wilding.

LEG. ALDEN:

Influence on money, the influence money can buy, right?

MS. WILDING:

Good afternoon. My name is Bobbi Chase Wilding. I'm the original Director for Clean New York, which is a State level environmental health advocacy organization. We are dedicated to creating a world in which all children grow up free from toxic chemicals.

In articulating our strong support for Introduction 1017, I want to make three main points, some of which have already been made for me, so I'm going to skip over some of that in my -- that's in my written testimony, and those are that Bisphenol A does pose serious dangers to human health, particularly during pregnancy and to infants and children. There are safer solutions for particularly these products that are under consideration and this introduction, and, therefore, they should be required.

And, finally, I just want to touch a little bit more on the role that industry has played in obfuscating the science that clearly has been brought to the fore, and hope that you will look at the independent research that's been done, and balance out the vested interest that the chemical industry has in continuing use of Bisphenol A.

So, just briefly, Bisphenol A was created in 1891. It was discovered in the 1930's that it was a synthetic estrogen. During the 1940's and the 1950's, it began to be used to create the rigid plastic polycarbonate. That's what you have in the baby bottles, the plastic sports drink bottles. It's also the rigid plastic that you'd find in your household blender, in your eyeglasses, CDs and DVDs, cell phones. It's actually used quite widely. Today -- it's also used to make epoxy resin, like in food can linings, which is also used in paint, adhesives, nail polish. It's in very -- a huge number of products that we use every day. In fact, roughly seven billion pounds of Bisphenol A were produced in 2007 alone.

It comes as no surprise, then, that Bisphenol A is, in fact, found in approximately 93% of American's bodies. This is -- the Centers for Disease Control did that research, it's there. And it's at low levels, it's at parts per billion levels. Now, normally, we think parts per billion, that's tiny. Why should we care about that? Well, Viagra works at parts per billion levels, pharmaceuticals work in our bodies at parts per billion levels. And what we've started to understand in the last 20 years, as science has broadened beyond looking at cancer, is that endocrine-disrupting chemicals act at these vanishingly tiny amounts in our bodies, because they communicate between cells. It doesn't take very many molecules in our bodies to communicate between cells or disrupt that communication. That's why you see this whole range of health effects with Bisphenol A that go beyond cancer, because they affect the genes and they affect the way the genes are expressed. It's why there's been evidence that -- when I was pregnant, and I'm a vegetarian, so I was eating a lot of canned beans at the time, my daughter, who's now four, was most certainly exposed to low levels of Bisphenol A. Her eggs were developing while she was being exposed, and we will never know, but there is evidence to suggest, that some of the DNA in her ovaries, in the eggs in her ovaries, have been affected. And so her ability to have grandchildren -- my ability to have grandchildren, her ability to have children may have been compromised unwittingly by me, an environmental advocate.

Bisphenol A has been shown in recent studies on monkey brains to affect the brain such that a young adult monkey brain, after being exposed to low doses, looks like it's been -- has Alzheimer's Disease. This is huge. Many of the diseases of the day that we are concerned about, heart disease, Type 2 diabetes, obesity, learning disabilities, attention deficit disorder, all have been linked back to exposure to Bisphenol A. The good news is that there are a lot of safer alternatives. You can use steel cans, as the Legislator demonstrated. You can carry your bottle around in that. You can use glass. Some baby bottle manufacturers are encasing their glass bottles in silicone to help prevent breakage, which is an excellent step forward.

It was noted that Walmart has stopped selling baby bottles that contain Bisphenol A. They are also joined by Babies R Us, Toys R Us. The manufacturers Playtex and Nalgene have moved away. And Born Free, which is a company that makes an alternative to Bisphenol A plastic baby bottles, actually

kept selling out in 2008, as consumers, as mothers and fathers became more and more concerned about plastic baby bottles.

So the real challenge here is that about 90% of the industry -- of the independently funded scientific studies have concluded that Bisphenol A does not -- does pose health effects, this whole range that I've been discussing. On the other hand, none of the 14 studies done by industry have done so. Industry studies -- research uses flawed designs, and they've been shown to use rats that are actually resistant to estrogen.

P.O. LINDSAY:

Miss Wilding, would you wrap up, please? You're done with your five minutes.

MS. WILDING:

In conclusion, I just want to say that I applaud all of you for taking action. You're joined, in considering this legislation, by 18 states that are considering legislation this year, and that our children deserve nothing less than getting rid of this very obvious opportunity to remove Bisphenol A from their daily lives.

P.O. LINDSAY:

Before you leave, Legislator Beedenbender --

LEG. BEEDENBENDER:

No.

P.O. LINDSAY:

-- no, does not have a question, I thought he did.

D.P.O. VILORIA-FISHER:

Can I just ask a question?

P.O. LINDSAY:

Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi, Bobbi. Thank you for being here. I just have a quick question about the literature --

MS. WILDING:

Yes.

D.P.O. VILORIA-FISHER:

-- because there was quite a dialogue going on with the industry representative. And both Legislator Stern and I asked the young man, who did this research himself, on levels. Now, the literature that you're quoting regarding the parts per billion having a direct effect on cancer, the occurrence of cancer, has -- is that published literature that has gone through scientific review, or are we talking about --

MS. WILDING:

Absolutely. And, in fact, this panel -- this research was presented to the National Institute of Health, and is going to be incorporated into a published paper, so it's moving through that process of scientific peer review. But all of the research that I've looked at that the scientists, who I've spoken with, have looked at, this is peer review data.

D.P.O. VILORIA-FISHER:

And the Tufts work is already published, and peer review that was referred to earlier?

MS. WILDING:

Yes.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Thank you very much. Sarah Anker, please.

MS. ANKER:

Hi. I'm Sarah Anker. I'm here today in support of Introductory Resolution 1017, and I'm here representing Community Health and Environment Coalition.

I started CHEC, Community Health and Environment Coalition, six years ago as a result of the New York State Cancer Mapping Project. The State conducted an investigation and found little evidence as to why the area I live in had a substantially high rate of breast cancer. However, Suffolk County took a proactive role and created Suffolk County Cancer Awareness Task Force, the pesticide CAC, and also a lot of proactive legislation.

I'm a member of many committees and organizations that support reducing chemicals in our environment, and I have to say Bobbi is one of the most respected and knowledgeable environmental advocates, you know, in addition to Karen and Laura, Elsa and Stephen. And one of the committees that I sit on is Congressman Tim Bishop's Cancer -- Breast Cancer Advisory Task Force. And as I sit on the committee, I had a conversation with a Sloan-Kettering surgeon and he related a story about Hiroshima, and how there was a study done that the adults did not get the -- did not have the cancer rate as the children did; a substantial amount of cancer with the children, not so much the adults.

So, again, there's a theory, and I think Karen -- you know, for more information, initiator, and promote a theory that when -- children are more likely, if they're exposed to toxic substance, to get cancer later in life. So that's the initiator which could be the plastic -- the BPA in the baby bottles, and then later in life, if you're exposed, you could develop disease.

CHEC strongly feels that we can do something about preventing cancer and that is reducing our exposure and our children's exposure to toxic chemicals in our environment.

Suffolk County has supported proactive legislation and moved issues to State and Federal levels to become law. Help us change our habits and become more aware of what we can do to reduce our risk of disease. Let's be safe than sorry. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

He's got a hand up.

P.O. LINDSAY:

Please come forward and identify yourself. You have to fill out a -- did you speak already?

LEG. LOSQUADRO:

Yes.

AUDIENCE MEMBER:

Yes, I did.

P.O. LINDSAY:

You can't speak a second time.

AUDIENCE MEMBER:

Okay.

P.O. LINDSAY:

Legislator Stern?

LEG. STERN:

I make a motion to close.

P.O. LINDSAY:

Thank you. We have a motion to close.

D.P.O. VILORIA-FISHER:

I'll second it.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

We have a second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. D'Amaro and Cooper)

P.O. LINDSAY:

Okay. That concludes the public hearings for this session. I'll take a motion to set the date for the following Public Hearings for March 3rd, 2009, at 2:30 p.m. in the Rose Caracappa Auditorium in Hauppauge:

I.R. 1024 - A Charter Law to impose further controls on County debt and debt service payments.

I.R. 1030 - A Local Law to increase the application fee for dry-cleaning establishments.

I.R. 1102 - A Local Law to amend Local Law 1-2000 to increase civil penalties for the acts of bias in Suffolk County.

I'll make the motion. Do I have a second?

LEG. BARRAGA:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. D'Amaro and Cooper)

P.O. LINDSAY:

Okay. We're at the agenda. If you turn to Page 4, if you have a written copy, 2215 - To Readjust, compromise, and grant refunds and chargebacks --

MR. NOLAN:

That's Consent Calendar.

P.O. LINDSAY:

Oh, I didn't do the Consent Calendar, forgive me. Okay.

LEG. ALDEN:

That was the Consent Calendar.

MR. NOLAN:

You were reading it, Bill.

P.O. LINDSAY:

No, I wasn't. Oh, yes. Yeah, I'm reading the Consent Calendar, forgive me.

LEG. LOSQUADRO:

Motion to approve the Consent Calendar.

P.O. LINDSAY:

Yeah, motion by Legislator Losquadro, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

Ladies, if we could please take the discussions outside so we can conclude our business.

RESOLUTIONS TABLED TO FEBRUARY 3, 2009

I.R. -- we're on Page 7, resolutions Tabled to February 3rd.

1987 - 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. Do I have a motion?

LEG. BEEDENBENDER:

Motion to table, Mr. Chairman.

P.O. LINDSAY:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Seconded by Legislator Romaine. All in favor? Opposed?

LEG. ALDEN:

I'm sorry.

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

Is this the piece where we're looking at the valuation?

LEG. BEEDENBENDER:

(Nodded Yes).

LEG. ALDEN:

And we didn't get any -- we didn't get any feedback as to how it was valued.

LEG. BEEDENBENDER:

I got feedback as to how it was valued, and the answer was unsatisfactory, so the discussions continue.

P.O. LINDSAY:

Any other questions? We only have a motion to table in front of us.

LEG. BEEDENBENDER:

No, he seconded it.

P.O. LINDSAY:

Right, but we didn't have a motion to approve. We'll just get it straight. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

LEG. GREGORY:

Excuse me, Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. GREGORY:

I'd like to make a motion to take I.R. 2227 out of order.

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

What page is that on? What committee -- is that yours?

LEG. GREGORY:

It's Public Safety.

D.P.O. VILORIA-FISHER:

Oh, that's the public -- oh, that's the Task Force bill?

LEG. GREGORY:

Right.

LEG. ROMAINE:

The hate crimes.

P.O. LINDSAY:

All right. We have a motion to take 2227 out of order. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. D'Amaro)

P.O. LINDSAY:

All right. 2227 is before us. I.R. 2227 - Establishing a Task Force on hate crimes in Suffolk County. Do I have a motion?

LEG. GREGORY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve, second by Legislator Vilorina-Fisher. Any discussion?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I just had a question of the sponsor, because I'm not on that committee. What's your total goal? Because some of the testimony we heard earlier today, they were all -- it was all over the place, as far as a goal, looking at people's motives and to clean up people's minds, and things like that. And what is your actual goal in putting forth a Task Force?

LEG. GREGORY:

My goal is to -- I think it's twofold. I believe that with -- particularly with the recent additional charges of the hate crimes for the young men out in Patchogue, with the hate crime that -- the incident that occurred yesterday, I think we should have a discussion and provide a forum where people can come forward as -- who may not have felt or who may have felt reluctant to come forward in the past that may have been victims of hate crimes. I think on our level of government, where we have a policy, we're a policy-making body, we have oversight over law enforcement officials, I believe there's a perception out there, if you're of a certain status, that your complaint may not be welcomed, and I think as a policy-making body, I think it's important that we send that message that any person who's a victim of a hate crime is welcome to come forward and we should welcome that.

LEG. ALDEN:

I read it a couple of times, but I don't remember, does this authorize this Task Force to hold public hearings?

LEG. GREGORY:

Correct.

LEG. ALDEN:

Okay. So you're anticipating that at the Public Hearing people will come forward. Are they going to hold it here in this building?

LEG. GREGORY:

Well, we haven't set that.

LEG. ALDEN:

Oh, okay.

LEG. GREGORY:

But I believe possibly at least one meeting, yes.

LEG. ALDEN:

Okay. And as far as what exists right now in Suffolk County, on the civil end of it, you do have -- you have a Commission, right, for civil rights, and on the criminal end, you do have -- in the Police Department there's a Task Force on hate crimes. And neither one of those provided any kind of -- any kind of basis for you to remedy what you feel is a problem?

LEG. GREGORY:

No. What I think is -- this Task Force, what I think is special about this is that there -- all the stakeholders are going to be a part of it. You have Legislature being represented, you have County Executive's Office being represented, you have people from the Human Rights Commission, Anti-bias Task Force, members in the community that deal with this issue on a daily basis, and at a public meeting, at a public forum that will look to address how our hate crimes are being reported as of right now. Do we need to make changes to the procedures that we have in place now? There's going to be a report that's going to be issued later on. There may be recommendations as to new legislation, there may not be recommendations. But I think the important part, I think, of this Task Force is to send the message that we want to hear if you've been victimized by a hate crime, that we're not indifferent to that, and we want to provide a public forum for people to feel comfortable to come forward and do so.

LEG. ALDEN:

There were at least three people that testified to us earlier today that felt that this was not all inclusive, and that there were some groups that were not included. What's your response to them?

LEG. GREGORY:

My response is that I appreciate their concerns. I didn't go at this lightly. I wanted to -- I didn't want to make the Task Force too big. I mean, you can really -- there's even groups that they didn't even mention that could be added to this Task Force. I think, if you seek to include everyone, you're going to forget someone, and then we'll have a Task Force of 40 people, and then it will just be -- I think it will lose its perspective. I think, in the end, there'll be representation where those parties will feel comfortable with the members that are put forward on the Task Force.

LEG. ALDEN:

And I don't know if you can answer this question, or maybe somebody else could, but I think I recall the Attorney General of the State of New York announcing an investigation of Suffolk County's reporting of bias crimes?

LEG. MONTANO:

The U.S. Attorney.

LEG. ALDEN:

And the U.S. Attorney.

LEG. MONTANO:

FBI.

LEG. ALDEN:

So that there's at least a dual track, right, FBI and U.S. Attorney?

LEG. MONTANO:

I believe so.

LEG. ALDEN:

Are you aware of that investigation?

LEG. GREGORY:

I have heard that there were requests for an investigation. I've heard varying stories as to whether or not the FBI actually is investigating, making an investigation. The Attorney General, I know there was a request to him, the State Attorney General. I haven't heard anything to the contrary that he's actually doing an investigation. Everything I've heard is speculative at this point. And I think that even makes it more incumbent upon us, before we have outside agencies come in and investigate our business, we should make the initial step to say, "Hey, we're going to clean our own house" before we have someone come in and tell us what we have been doing or what we should be doing.

LEG. ALDEN:

Through the Chair, if I could ask a representative of the County Attorney's Office if they've been served or if they've been contacted, because I remember some comments made by the County Executive that we welcome their investigation to the announcement that we were going to be investigated.

LEG. GREGORY:

Well, their presence is here, and the message that I got was that the Justice Department --

P.O. LINDSAY:

I think we have a question of the County Attorney's Office. I think it's a very simple question. Have we been served with papers?

LEG. ALDEN:

Or contacted by the Justice Department or --

MR. BROWN:

Yeah. The Chief Deputy and I were just discussing it. We don't really have any knowledge of that, not that we can recall.

P.O. LINDSAY:

Okay. That's simple, we haven't been --

MR. ZWIRN:

If I could weigh in, no, there's --

P.O. LINDSAY:

We haven't been served with any papers.

LEG. ALDEN:

And we haven't been --

MR. ZWIRN:

No, absolutely not.

LEG. ALDEN:

We haven't been contacted by the Justice Department or the FBI that they're going to come out and investigate us?

MR. ZWIRN:

No. I think the only thing that was ever reported in the paper that I think that was accurate was the FBI is working with the Suffolk County Police Department to look at some of the cases that are pending.

LEG. ALDEN:

Do you know if they're there now doing that?

MR. ZWIRN:

I don't know if they're there right now, but --

LEG. ALDEN:

No, no, I don't mean --

MR. ZWIRN:

But there's conversations going on, but that's -- in high profile cases, it's routine.

LEG. ALDEN:

Oh, okay. So we are aware --

MR. ZWIRN:

But there's nothing --

LEG. ALDEN:

We are aware of some investigations.

MR. ZWIRN:

It's not an -- they're looking at the cases that are pending and how they're progressing, because they're high profile cases, which is their normal routine.

LEG. ALDEN:

So, if it's not an investigation, what would you call that, then?

LEG. D'AMARO:

Monitoring.

MR. ZWIRN:

I think that's the best word, actually, is monitoring some of the cases that are pending.

LEG. ALDEN:

They're monitoring our cases?

MR. ZWIRN:

They're monitoring the high profile cases, which is what they always do.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Anything else, Legislator Alden? Are you done?

LEG. ALDEN:

That, I think, is a mischaracterization of what they're doing, but anyway, I'm done with the questions.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

On the resolution, I certainly want to commend the sponsor. I understand his intent, and his motivation, and his goal, and, certainly, something is needed in this particular area, because it's such a major issue in this County. Where we disagree is the methodology being used in the resolution.

I don't have a great deal of faith, historically, in so-called Task Forces and Commissions. They're usually put together as a diversion, a diversion to take accountability and responsibility away directly from the elected official and stick it with a group on the sidelines.

Now, I certainly understand the groups this morning speaking in the public portion, they're happy to see this, but the reality is I'm beginning to question about utilization of a Task Force, especially in terms of the time it takes, and the input we received this morning as to who is even going to be on it. There were three or four groups that are not even mentioned. They may be put on it, they may not be on it. But if one or two groups are not on it, that's cause for concern right to begin with, because those groups may very well criticize the findings, because they weren't part of the Task Force.

On this issue, direct accountability should be between the constituents, the voters, and this elected body. You politicized it when you put a Task Force there; nameless, faceless people that, for the most part, I don't know, and in six months, or whatever the time frame is when they come back in with their report, this may be a back-burner issue. Six months ago, you picked up the paper, you saw major articles on what was happening in Iraq, you saw articles on immigration. Today you can't find any articles on Iraq, and immigration in the Presidential debates were not even discussed by the Presidential candidates, much less brought up by the commentators. The point I'm making, by the time this Task Force gets around to doing what they're doing, this issue may be a back-burner issue, because some other so-called catastrophe has taken place.

The proponents of this may look like and feel like this is sort of a swan. It's been dressed up that way. They have an avenue to go to. And I hope I'm wrong, but I think this is a turkey. This diverts the issue away from us. There should be no barrier vis-a-vis a Task Force between you, the voters and constituents, and me, the elected officials. What should be happening here -- we have standing committees. The standing Committee on Public Safety, as far as I'm concerned, this being such an important issue, that's the Committee that should hold the public hearings; that you come down and you testify directly before us, we listen, the staff puts together a report, based on the report and the recommendations in it, we make a decision as to whether or not additional legislation or legislation is needed at the local level. Those people who were here this morning are not here now, but I don't think it's going to be too long before they figure out they've been had, not intentionally. But this is going nowhere, this is just a diversion.

It is unfortunate, very unfortunate, that I sat there 55 -- for 55 minutes and listened to the County Executive the other night giving his State of the County. And I said to my colleague, "It's been 40 minutes and there's been no mention of this subject." There was not one word on this subject. In my judgment, there are two major issues facing Suffolk County at this point, the economy and racial hatred, and this concept of racial hatred, this objective cannot be achieved in coming up to some sort of a reasonable certainty, in terms of what's causing it through a Task Force. It should be done between you, the voters and constituents, and us, the elected officials, no other way, because it's that important an issue.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I certainly disagree with the comments that were just made by my colleague. I respect his fervor, but I completely disagree with that, because I think Task Forces serve a purpose, and I believe that

that purpose was very, very clearly underscored by the dialogue that we just heard between Legislators Alden and Gregory, where Legislator Alden asked some very important questions. And much of the information that we receive seems to be by reading Newsday. And when you speak with various agencies in the County, you get different answers. They tell you that Newsday is printing half stories. The public is hearing -- reading something in Newsday and hearing something else from elected or appointed officials. And I believe that what happens with this Task Force is that we try to create a forum where we are gathering all of the different pieces of the picture here.

Yes, I agree with Legislator Barraga, that in the State of the County, if you are truly looking at the state of the County and you don't include the state that we're in regarding racial tensions, then you're missing or denying an important piece of the state of Suffolk County.

With regards to the members of the Task Force, in the second resolved, number one says, "Two representatives from the County Legislature to be selected by the Presiding Officer." The Presiding Officer is free to choose two representatives that can be within any one of the groups that were mentioned this morning, a representative from the County Executive, a clergyman, two representatives from the Suffolk County community at large, and that can be somebody from the NAACP, or it could be somebody from one of the other groups that might have been mentioned this morning, so that we can have a good cross-cultural view of this issue.

But I believe, and I can ask Legislator Gregory if I -- if he would mind if I cosponsored this as soon as I looked at it. The reason I did that is because we have had people from outside of Suffolk County weighing in on this, people -- some from very credible and well-founded organizations, and others from -- I had never heard of this Latinos Across America until this issue came up, and suddenly this gentleman was coming out here and holding public hearings at a Congregational Church. And then we had other -- very well-established group, Latino Justice, who is very well-established, and then was called a wack -- you know, people were called wackos by members of our administration.

What I believe we're doing here is trying to get different segments of our County together to try to see where we are going, and answering some of the questions that you've asked, Legislator Alden, which I think were very, very -- are very legitimate.

I met with the Commissioner yesterday and I went over -- is it called an incidence form -- and asked him about some of the things that I had seen on that incidence form, and he was explaining it to me how it's done. I would like to have forms like that looked at by a Task Group, a Task Force, examined, see what kind of an impact that has on our communities, and whether it's one of the problems that we've had in people coming forward.

I also spoke at Central Islip the other day to a group of immigrants, and Officer Lola Quesada was there, and we talked about women who are victims of domestic abuse who are afraid to report those crimes, because they're not legal residents, and how can we do outreach.

So there are many, many issues that I think need to be covered and probably our committees don't have the breadth of the kind of broad constituency within them that we need to answer some of these questions, and that's why I asked if I could be a cosponsor on this. I think it's very important to have this Task Force. Thank you, Mr. Chair.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. I looked at this bill and I was troubled by it, not because of the outcome. I think it's very timely that Legislator Gregory brought this forward, but I struggle with the bill based on some of what my colleague has spoken about, as far as our inherent capability. And I probably should have had this conversation beforehand, but to the sponsor, did you at any point approach the

Chairman of the Public Safety Committee to see if there might be an interest in that Committee to convene a special session to get at what we're looking at, as far as this underreporting of hate crimes, or incidents of hate crimes, or prevalence of hate crimes?

LEG. GREGORY:

No, I did not. And the reason I did that, I wanted to establish the Task Force this way, is because I felt that it would be more of a, for lack of a better term, Citizens Task Force. We have not just the members from the government, but from constituency groups that have an interest in this, because of past actions and things of this body, and the County Executive. There's a perception that we've been complicit in some of the things that have gone on, and have felt that maybe there would be even more of a distrust of anything that would come out of this body. But these two things or those two avenues are not mutually exclusive. The Public Safety Committee can proceed with its own inquiry with the Task Force going forward, if the Public Safety Committee Chairman deems that to be appropriate.

LEG. KENNEDY:

I appreciate that. Thank you. And I'm not certain as to whether or not I agree that there might be any work product that we, as Legislators, produce. But I checked with Legislative Counsel this morning, because I got concerned about whether or not we're looking at something that we inherently, as a body, have the ability and the responsibility to do, or, in fact, are we looking to go ahead and take what's really a very charged, hot potato and put it off to some kind of neutral entity. And I just want to double check and confirm for the record with Legislative Counsel. George, do we have the ability to go ahead and compel people to appear before us? Can we subpoena people?

MR. NOLAN:

The Charter gives the Legislature subpoena power. The way it's worked in the past is, generally, investigations -- the subpoena power has been used by committees of the Legislature, and the Legislature as a whole would pass a resolution authorizing committee to subpoena witnesses.

LEG. KENNEDY:

And we have done that in the past? Are there other types of things that we've investigated that may have been particularly poignant issues here in the County?

MR. NOLAN:

It's been done on at least several occasions. I believe the car lease issue.

D.P.O. VILORIA-FISHER:

I had done it with the Water Authority issue.

MR. NOLAN:

The Water Authority, there was an investigation done, and the committees were given the subpoena power.

LEG. KENNEDY:

And we were able to bring the principals in here, compel them to testify to a set of interrogatories, and then take action subsequent to that testimony.

D.P.O. VILORIA-FISHER:

Not so much.

LEG. KENNEDY:

Well --

MR. NOLAN:

I don't know -- I don't know what happened with those investigations, if people actually responded, or how many subpoenas were issued, but the Charter does empower the Legislature to issue

subpoenas.

LEG. KENNEDY:

Thank you. My point with this is only that I think that we can take this action on our own if we're of a mind to do it, either by a standing committee, or even a request to the Presiding Officer to create a group of us, a subset to do this investigatory stuff. I see it as something that's clearly our role and responsibility, if we need to be educated. And, certainly, I'm nowhere near an expert as far as the whole range of the various categories of hate crimes that might be out there, whether it's Hispanic or Hindu, or any other entity that might be out there that's being discriminated against and victimized in our County, but I think we can do it on our own. That's just my read on it.

P.O. LINDSAY:

Okay. Legislator Eddington.

LEG. EDDINGTON:

Yeah. As the Chair of Public Safety and the Legislator that represents the area of Patchogue, I have been very active in this. And as a -- I guess, as a person who's very experienced as a Clinical Social Worker, and had worked for the U.S. Education Department for 14 years all over the country doing problem-solving and conflict resolution, the research indicates that no one approach is the approach, that you need a comprehensive approach to solve a problem. And that's exactly what we're doing here in Suffolk County, and I'm very proud of it. And I had planned on talking to my Committee when these things had come to somewhat of a -- to a closure, or at least a little further on.

But I will tell you that I am a member of the New York State Human Rights Commission Task Force that they have started. There's 100 of us meeting and we've had some testimony. We are actually into the implementation stages right now of the different programs. I have been meeting personally with Hispanic groups in my community, with Officer Quesada and Laura Ahearn, who does victim help. So I've been meeting with them. I have been meeting in my District Office with immigrant leaders, both from the Turkish community and the Hispanic community. I've been meeting with Patchogue Village Officials on how they can be more proactive in their outreach in the programs they have in the Village. And now we have the Suffolk County Human Rights Task Force that Legislator Gregory is sponsoring and that I'm cosponsoring. And I look at this as many arrows being shot from different directions at a primary target, which is hate. And I believe everything we can do from any direction is only going to help us resolve this issue.

And I would say that my personal belief is to let some of this shake out, and then I would think that maybe our Committee, the Public Safety Committee, could come and gather up all the information and maybe really do a report and see where there may be some areas of more activity to make sure that this doesn't happen, to be more proactive for the future.

So that's what's been happening, and I'm really proud of Suffolk County, of what we have been doing. We're doing a great deal.

P.O. LINDSAY:

Anyone else? No? Did you want --

LEG. BROWNING:

No.

P.O. LINDSAY:

No? Before we vote, I just want to weigh in a little bit on the issue. I'm going to vote for this resolution. I, like some of my colleagues, don't hold out a lot of hope for Task Forces. I've seen many of them established around here, and everybody felt good when they went into effect, but they didn't produce much. But having said that, I'm hopeful that it does produce something, that it does produce a benefit, and that somehow this could help us to turn the page on this very, very ugly

incident. Having said that, I just hope it doesn't do any harm.

I know Legislator Eddington eluded to the Task Force that's operating at the epicenter of this problem in Patchogue that's chaired by the State Human Rights Commissioner, and that the Mayor is involved with, and Legislator Eddington and Assemblywoman Eddington, and a bunch of community people. And I had a discussion with the Mayor about it recently. He really thought that you were making progress over there, and I -- and, you know, I hope that that continues and it doesn't take anything away from it. He was a little bit concerned about that.

I also had a discussion with Rabbi Moss, who's the Head of our Human Rights Commission, and has been for many, many years, and he has some concerns as well. And, you know, I -- so I've always had a great deal of respect for Rabbi Moss. I think he does the very best with the Human Rights Commission, but God knows, we need something. I hope this is the key or the key to it. All right? So with that, let's vote.

LEG. GREGORY:

Just before --

P.O. LINDSAY:

Yes.

LEG. GREGORY:

If I could just make one comment. I appreciate everyone's concerns, and I've taken in everything that was said. I think we benefit just simply by passing this legislation and establishing this Task Force, because we're showing a step in the right direction. I by no means claim this to be a panacea that would cure all ills, and prejudice, and racism. We had a young man here earlier. You know, that's out there. We're not going to cure -- we're not going to legislate people the way that they feel deep in their hearts, but I think the -- we do send the appropriate message, and I think that's what would be the most value getting out of this Task Force. I thank everyone for their support.

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Back to the regular agenda.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

You have at least two picks for this Task Force?

P.O. LINDSAY:

Yes.

LEG. ALDEN:

I think the charge has to be made to him also that hearsay and third-party type of testimony is not something that we're looking for. We're looking for, as Legislator Barraga said, you know, come face to face with the Legislature and tell us what your problem is, not that you're guessing, or that you heard a story about something. So I think that the charge to this -- you know, this Task Force is going to have to be very serious, that you've got to not even -- not even participate if it's hearsay, or if it's something that is not direct testimony that's not really of value to us. So, if that charge can be made to those, I think we might end up with something that we could use.

D.P.O. VILORIA-FISHER:

I agree.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

We'll try our best. Back to Page 7.

RESOLUTIONS TABLED TO FEBRUARY 3, 2009

J.R. 1991 - Directing the Department of Public Works to issue an RFP to perform a study on the consolidation of Police Departments in Suffolk County.

LEG. BEEDENBENDER:

Motion to table, Mr. Chairman. We made some amendments after the deadline.

LEG. LOSQUADRO:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Okay. Motion to table by Legislator Beedenbender, and seconded by Legislator Losquadro to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2032-08 - Establishing Home Heating Cost Information Program for Suffolk County consumers. I'm still working on that, so I'm going to make a motion to table.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2048A - Pending Bond Resolution, appropriating funds in connection with construction of noise abatement structures on County Road 83, North Ocean Avenue.

LEG. BEEDENBENDER:

Motion, Mr. Chairman.

LEG. EDDINGTON:

Second.

MR. NOLAN:

You can't.

LEG. BEEDENBENDER:

No?

MR. NOLAN:

Can't vote.

LEG. BEEDENBENDER:

Why not?

MR. NOLAN:

Well, I understand SEQRA is still not complete.

LEG. BEEDENBENDER:

Oh. I assumed, because it was on the agenda, it was done. Okay. Well, then motion to table?

MR. NOLAN:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2081.

D.P.O. VILORIA-FISHER:

I'm sorry. Mr. Chair, can I ask George a question on the record about that? I'm sorry.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

George, I thought the Legislature was the lead SEQRA. Why are we doing -- I'm confused about that process. I should know it after ten years, but --

MR. NOLAN:

Well --

D.P.O. VILORIA-FISHER:

Why is --

MR. NOLAN:

We ultimately are the lead agency to make the determination, but --

D.P.O. VILORIA-FISHER:

Yes.

MR. NOLAN:

But, traditionally, we let CEQ -- you know, certain review is done and then CEQ makes a recommendation to us and then we act on it.

D.P.O. VILORIA-FISHER:

Right. So DPW hasn't --

MR. NOLAN:

The Department hasn't done the --

D.P.O. VILORIA-FISHER:

The presentation before CEQ.

MR. NOLAN:

Right.

D.P.O. VILORIA-FISHER:

Okay. All right. Thank you.

P.O. LINDSAY:

J.R. 2081 - Adopting a Local Law to promote the development of residential dwellings for first-time home-buyers. Legislator D'Amaro, what's your pleasure?

LEG. D'AMARO:

Yes, motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. COOPER:

Second.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender. Any discussion? Legislator Romaine.

LEG. ROMAINE:

Yes. I'm going to ask Counsel or the sponsor to correct me. It's my understanding that the purpose of this bill is to allow the County to sell to first home-buyers lots that don't meet the zoning requirements of the Town, and then place the burden on these people, if they buy those lots, to seek variances from the Town. Am I correct in the initial description?

LEG. D'AMARO:

Is that directed to me?

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

Okay, sure.

LEG. ROMAINE:

I guess it's to the sponsor or to the Counsel, whichever.

LEG. D'AMARO:

Sure. Thank you. The bill would make available lots to developers, or first-time home-buyers, if you so choose to go and bid at the auction, for lots that are slightly substandard in size. Not all substandard lots would fall under the parameters or the guidelines of this particular program. You have to have a minimum of 50 feet of street frontage, and be at least 5,000 square feet. And then the successful bidder would go through the Town process of applying for variances and building permits, just like everybody else. And so it would be really vetted at the Town level. All we're really doing is making those lots available to first-time home-buyers, if they want to take a shot and see if you can build a house.

LEG. ROMAINE:

Or developers.

LEG. D'AMARO:

Or developers, correct, and, hopefully, create some jobs as a corollary effect.

LEG. ROMAINE:

I appreciate -- and I'll just end my comment by saying I appreciate my colleague's efforts to try to create affordable housing, either through allowing developers or first-time home-buyers, or anyone for that matter, to bid on these lots. I just think that this legislation is misguided. I think this legislation is going to extremely undercut Town zoning, and is going to frustrate a number of people.

I had an experience several years ago in my community where someone came on a single and separate, claimed was a single and separate, and was able to develop in an area that is now one-acre zoning a 50 by 100 parcel. The lot stands out, the development is terrible. There is no side yards, no front yard. And he was able to get it on a single and separate, which, after I did research, unfortunately, it was too late, proved that it wasn't always single and separate. These type of things undermine the stability of neighborhoods. These things hurt the zoning in the various Towns. I think there's a lot of other ways to approach affordable housing. You're putting a tremendous burden on people buying these lots. You're encouraging particularly developers to buy substandard lots and then put the burden on the Town, and Town is under pressure. Oftentimes the Town will deny, ZBAs will deny, because there will be community opposition, because these will be substandard lots, by your own definition.

I would encourage the Legislature to think very careful before they vote for this legislation. I personally intend to vote against it. Thank you.

P.O. LINDSAY:

Legislator Beedenbender.

D.P.O. VILORIA-FISHER:

Actually, I'm before him.

P.O. LINDSAY:

Okay. Did you want to respond to that?

LEG. D'AMARO:

Well, if I could have that opportunity, just very briefly. Legislator Romaine, I appreciate your comments, as always. I did think long and hard about this. It really -- this legislation is an outgrowth of my experience right here on the Ways and Means Committee, and the last thing we want to do is create an untenable situation in any neighborhood. But there were many lots that have come before the Ways and Means Committee that would support, in my opinion, workforce housing, but you don't need to take my opinion. We're still going to ask developers at auction to purchase these lots and vet them through the Town process. Now, if you had a bad experience with a particular Zoning Board decision that resulted in a lot that was unattractive to a community, that's unfortunate and that happens. This bill didn't cause that.

LEG. ROMAINE:

No, I know that.

LEG. D'AMARO:

What this bill is trying to do is take lots that could support workforce housing, not in my opinion, but in the opinion of the Town process and mechanism that's in place to make that decision, and create housing for people so they can remain on Long Island. So, you know, I understand that there might have been unfortunate decisions floating out there, we're probably all aware of them in various communities, but then, again, there are thousands of Zoning Board decisions that have created very tenable nice homes that fit into the character of the community, and I've chaired many zoning meetings where people have come out in favor of those homes as well. Thank you.

P.O. LINDSAY:

Brian, I was reminded, Legislator Viloría-Fisher was in front of you, all right?

D.P.O. VILORIA-FISHER:

I had a question for Mr. Kent. Hi, Chris. Thanks for being here.

MR. KENT:

Hello. Yes, how are you?

D.P.O. VILORIA-FISHER:

My understanding is that there have been amendments that have been made to the bill, so that it's more workable for you, and you're the person that's out there on the front line working on setting up the auctions and dealing with the affordable housing issues, etcetera, in your Department. Is it a workable situation now for you?

MR. KENT:

Yes. What this -- what I want to start off by explaining is that this proposed -- proposal is an amendment to the Administrative Code which deals with how my Division handles direct sales. Direct sales are property that we receive for nonpayment of taxes that are sold to adjoining property owners, once we have already offered them to affordable housing; we offer them to the Towns, the Towns decide not to take them. What this proposal will allow is for us to offer them at auction, and people could buy them and make their own efforts to have the Town have them approved.

We first -- what we'll look at when determining those parcels that we'll offer for auction would be whether these parcels conform to the community. So we won't be offering 50-by-100 lots in communities where it's one-acre zoning. But, if you have a 50-by-100-acre neighborhood, or a 60-by-100-acre neighborhood, and we have an empty lot that adjoins -- that's between two houses and is the same size as the lots on either side, this would be the situation where we could offer that at auction with covenants, that the successful bidder at auction would have to make the effort to get a variance from the Town, and building permit, and have the house constructed within three years of us transferring the title to them.

So, yes, this is something that's come up many times at Ways and Means Committee when I come

in with direct sales of properties that are less than \$20,000 in value, and it's been brought up by the Committee. They asked me, "Wouldn't this" -- "Wouldn't this be a buildable lot? The lot next door is the same size, all the lots in the community are the same size." This lot no longer meets zoning, because zoning has been amended, and the Town is now saying they don't want to build a lot -- they don't want to go through the process of building a lot -- building a house on that lot, but a private buyer may, and it would create a lot that --

D.P.O. VILORIA-FISHER:

And, actually, it's assuaging the fears that have been presented by Legislator Romaine, because what we're talking about is, yes, the zoning has changed in the Town, but that use in that, let's say, development where there happens to be a lot is conforming with the existing homes in the surrounding area.

MR. KENT:

Right, so --

D.P.O. VILORIA-FISHER:

That's in a nutshell what we're asking for. And I was on the Affordable Housing Commission, and I know it's been very frustrating trying to reach our goal of getting more houses out there that are affordable. So, this -- if you're okay with it, I think it's a great tool for us to use.

MR. KENT:

Well, I worked with Legislator D'Amaro. We did make some changes. I think it's workable through our -- through our Division when we offer them at auction. If they don't -- if they're not sold at auction, then we can go ahead and direct-sale them, as long as they're less than 30,000. This bill also increases the threshold for a direct sale to 30,000. So, if it's 30,000 or below, we can offer it as a direct sale to an adjoining property owner.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Legislator Beedenbender. I'm sorry I screwed that up.

LEG. BEEDENBENDER:

No problem.

P.O. LINDSAY:

It's that I'm old, Brian, you know.

LEG. D'AMARO:

Don't do it, Brian.

LEG. BEEDENBENDER:

I'm not going to make that joke again, Bill. I'm worried about what committees I'm going to start losing if I keep making that joke.

Thank you, Mr. Chairman. For those of my colleagues who do not have the benefit of sitting on the Ways and Means Committee, if I could just take you through what we've gone through, at least in the year and month that I've been here. And our Chairman, Legislator D'Amaro, has past experience on the Zoning Board, so he knows much more about this than I do, and I would venture to say many of us. What happens is we have a parcel that comes before that's supposed to be -- that would be sold to the adjacent owner, and what happens is we ask Mr. Kent, or whoever's here from the Real Estate Department, or Mrs. Rosen-Nikoloff, "Was this offered to the Towns for workforce housing," and they'll say yes, and what happens is, if the parcel is no longer -- is not in compliance with what the current zoning laws are, that Workforce Housing immediately says, "No we

don't" -- "We're not going to do that," and they pass it off. So, we end up in front of Ways and Means, and at the County level with all of these parcels that fit the character of the community, that if their zoning had not been amended would normally be buildable lots. So we end up selling them to an adjacent owner and missing an opportunity to build workforce housing.

So I understand my colleague's concerns, and I've spoken to many of you before this about the concern that we would build substandard lots, but it's only substandard in the sense that if you can live -- you know, the communities that I live in, we don't have one-acre parcels, so, if that was the zoning, we wouldn't build anything. And most of the community that they represent, they're quarter-acre lots, and in many cases lucky to have a quarter acre.

So I think what this bill does is it says that we're going to put our best foot forward, and actually not just take the first cut from the Workforce Housing Departments at the Town level, where they say, "Well, that doesn't fit what we have now," but if it fits the whole community, and like Mr. Kent, said, if all the houses in the community are built on this size parcel, there is absolutely no reason that we shouldn't send it to the Town and have an ability to try to build a workforce house at that location. It would not be degrading the character of the community.

And I think we have to have an understanding what a substandard lot is. There is wording in this bill that makes it very clear that the County is not going to be pressuring anybody to build on lots that are substandard and would change the situation in the community. It's quite to the contrary. What we're trying to do is make sure that the workforce housing is spread throughout Suffolk County in all places. And rather than Towns simply saying right off the bat, "Well, we're not going to do that," when there's Board of Zoning Appeals or the Zoning Board of Appeals would clearly in many instances provide the variance, we're going to -- we're trying to put -- to, you know, really push workforce housing in all of our Towns, all of our communities throughout all of Suffolk County, not in specific areas.

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

LEG. BEEDENBENDER:

And the second part of the bill, which came out of a suggestion that Legislator Alden made several times and I think makes a lot of sense, is this bill also ups the appraised value limit for adjacent sales. Because with the change in values, and this hasn't been changed in many years, it actually gives the County more opportunity to accomplish some of the goals; I'll allow Legislator Alden to speak about that for himself.

But I would urge my colleagues to think of this as a proactive piece of legislation, not something that is going to create further problems or substandard. I think the substandard word has become some sort of a catch-phrase and it gets us trapped in thinking about what this is doing rather than what we may think it's doing. So I would urge you to take a look at this and realize that we are not forcing towns to do anything, they retain all the power they had at the beginning. We're just really putting a strong -- a strong force behind workforce housing and trying to put it in as many communities as possible. Thank you.

P.O. LINDSAY:

Legislator Browning

LEG. MONTANO:

Is there a motion on this?

P.O. LINDSAY:

Yes.

LEG. BROWNING:

You know, one of the things that we have to look at is to create affordable housing, one of the first things you need is sewers. And I can tell you right now, in my district I have more than enough affordable housing. We have -- we do the 72-h process, the Town of Brookhaven has been very active. I think Chris talked about if it doesn't conform with the community, that that property will not be developed for affordable housing. I have the 50 by 100 lots in Coram, in the Gordon Heights area, in Bellport, in the Mastic-Shirley area, and now we're currently dealing with environmental issues because we're over developed on too many small lots and it's created a lot of serious problems in our communities.

So I think this process could also delay putting the property back on the tax rolls. And I don't know why certain communities that have already substandard lots that are built on, if they want to buy the property next to them to expand the size of their property, why shouldn't they be allowed to have a larger piece of property like someone in Smithtown -- sorry -- you know, someone on the north shore.

LEG. NOWICK:

Always in Smithtown.

LEG. BROWNING:

Why can't they have that? I can't support this bill. We're already providing the affordable housing. There's a 72-h process and I do believe -- a builder is not going to get the permission to build on a substandard lot, in any community.

So, you know, I just can't support it. I think I'm doing more than enough in my district to create affordable housing. We have boarded-up, abandoned structures, that's where we need to be looking instead of building on substandard lots. I just think environmentally it's not a good idea, and again, I think it's just going to come back to the same communities over and over again.

LEG. ROMAINE:

Absolutely.

LEG. BROWNING:

Like mine, Jack's district, there's various districts that are going to be hit with having to do that affordable housing, because there's other ones that will absolutely never allow it to happen.

LEG. ROMAINE:

Sound Beach, Rocky Point.

P.O. LINDSAY:

Anybody else?

LEG. LOSQUADRO:

Yep.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I have to agree with Legislator Browning entirely. I have -- excuse me.

LEG. BROWNING:

Sorry.

LEG. LOSQUADRO:

Rocky Point and Sound Beach specifically in my community were areas, much as some of the other

areas that have been mentioned, that began as summer communities, vacation communities. They're bungalows on very small lots that were held single and separate. The Town of Brookhaven specifically put into place small lot, substandard lot ordinances that prevented people from building on that. So the argument to say that, well, these conform to the building around them to me is not an intellectually honest argument because the town has not allowed people to build on those same lots who have tried -- who have held these properties single and separate, they have not allowed them to build on those because they changed the zoning. So for us to come forward now and say by some subjective, to me almost arbitrary process within our own Planning Department here that has no zoning powers, for us to be the ones who now say, "Well, that development will conform to that neighborhood," when the town, the one who has the zoning power, has said, "We won't allow that type of development." I don't think that's our place. I don't think we should be under-cutting the towns that way.

The towns have the right of first refusal on this when we offer it to them. If people want to move forward, if they hold these lots themselves, they can go forward to the town themselves and seek relief if they want to build on them. I don't see the need for the County to get involved in an area where they have absolutely no jurisdiction and give people what amounts to false hope, because going before the County -- going before the individual township in areas where they clearly do not have the right, as-of-right zoning to build homes on these parcels, I don't think is something we should be doing.

P.O. LINDSAY:

Legislator D'Amaro, you wanted to reply to that?

LEG. D'AMARO:

Yeah, just a couple of points. I do agree with Legislator Browning and with some of the other Legislators, that some areas have an over concentration of substandard development; in my experience, I've seen that in areas of Babylon and Huntington as well. But this bill is not going to change that nor impact that, and it's not going to encourage that. What this bill is going to do is say you know what, the other areas throughout Suffolk County that are traditionally not targeted for workforce housing, for one reason or another, not through zoning and planning boards but through town programs, are going to now be given the opportunity to support and share some of that type housing.

So there is a problem with over concentration of substandard development in various communities, but this bill didn't create it and this bill is not going to add to it. What it's going to do is make other areas of the County considered for workforce housing as well.

The other point that I wanted to make was in response to Legislator Losquadro. I don't see us as interfering in the town process in any way, shape or form. In fact, these parcels are not owned by private individuals who can go out and apply on their own, they're owned by Suffolk County, usually taken by tax default. So we as a County now have ownership of these parcels. These parcels have never been vetted through the town, never. They have been rejected by town workforce housing programs only because their standard is not whether or not this property would support workforce housing by looking at the character of the community, but just looking at the current zoning code, okay. And it's important that the town stay involved. I completely disagree with you that we're taking the towns out of this process; we're not. All we're doing is saying to a potential buyer to buy on a contingent basis, a builder, and say to that builder, "Go into the towns and see if you can get permission, through their zoning and planning process, to build on these parcels."

But I think just my final comment, what you're really seeing here really supports passing this bill. Because this is what happens with workforce housing; some areas have too much of it, some areas have none of it, those that have too much don't want anymore and those that don't have it just don't want it, okay? And this hopefully will start to not create housing that's a detriment to communities, but create some housing that will show some communities that you can have workforce housing that's well done, properly constructed, that's home -- consists of homeownership

where people care for their homes and communities and they can actually be a positive force in some of these neighborhoods that, frankly, don't have any.

P.O. LINDSAY:

Legislator Losquadro, you want to reply?

LEG. LOSQUADRO:

Thank you. I just have to disagree with the entire premise of what you first said, because simply by virtue of where these lots exist, these small lots exist in areas where homes, other homes have been built on small lots, for the most part.

And the other part of what you said, many of these small lots, while we do hold some of them and we're taking them for tax purposes, many of these lots are still held by private individuals. And to allow these to be purchased on some sort of subject-to basis and towns going out and giving a -- if people are successful, and I hope they would be if we could create some sort of affordable housing there, would the towns be concerned that that would somehow be precedent-setting, that the private owners who still hold these, what the town had considered some substandard lots in single and separate status, would they then be compelled to give approvals for homes on those lots that are still held by private individuals, that haven't been taken --

LEG. ROMAINE:

Setting a precedent.

LEG. LOSQUADRO:

-- by government for tax purposes. Because while we may hold some of them, the vast majority of them are still held by private individuals. And like I said, I can speak from experience in my own district with Sound Beach and Rocky Point where many developers were very upset with the Town of Brookhaven for their small lot ordinances. So I see this as very problematic, especially for my district or Legislator Browning's district with areas like Shirley and Mastic that have a preponderance of small lots.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And just for the record, the southern part of Smithtown has plenty of small lots, single and separates. As a matter of fact, over in Ronkonkoma we have lots that go under 4,000 square feet.

I was just looking at the legislation, though. And to the sponsor, I have a couple of threshold questions, then. I see this resolution, the subject lot must, at a minimum, have a 5,000 square foot dimension in order to be considered in this?

LEG. D'AMARO:

Correct.

LEG. KENNEDY:

Okay. I --

LEG. D'AMARO:

And 50 feet of street frontage, and also have been vetted through the Department of Real Estate in the first instance to determine that, just on an initial review, that it would conform in character with the surrounding community.

LEG. KENNEDY:

Well, I have to tell you, going back to my experiences from two years ago when we sat together on Ways & Means, in many respects I admire the fact that you've brought this forward, because we had very long meetings where I had no level of confidence that there had been --

LEG. D'AMARO:

Right.

LEG. KENNEDY:

-- a legitimate vetting of particular lots that, in fact, might have been buildable under certain circumstances.

LEG. D'AMARO:

That's the point, right.

LEG. KENNEDY:

However, there is another item in here that talks about a restriction or a reverts, if there is a sale of the subject property where there's 60% excess? Are we talking about a recoupment or a recapture provision?

LEG. D'AMARO:

Yeah, that's -- it's an interesting provision. What you want to do is you want to encourage not only first-time home buyers to buy these homes, which they have to meet certain threshold requirements just by definition, but also to hold them for longer periods of time, homeownership. If the house is flipped, it has to be flipped to a first-time home buyer, but if you flip it within first five years the County is going to recoup any equity --

LEG. KENNEDY:

In excess of 60%.

LEG. D'AMARO:

Right, and the reason for that is to promote stability in the neighborhood for homeownership. In the sixth, seventh, eighth, ninth and tenth year there's a sliding scale where that is -- the revert -- the amount refunded to the County, if you will, reduces.

LEG. KENNEDY:

Just like SONYMA; SONYMA steps down, too.

LEG. D'AMARO:

Correct. And then in the tenth year, if you sell there's no recoupment by the County, however the person you sell to must be a first-time home buyer, so you again have that limitation on sales price.

LEG. KENNEDY:

Okay.

LEG. D'AMARO:

Okay? So there are safeguards in there to ensure that if the towns decide that this property would support a home through their planning and zoning process, that it's going to remain -- the purpose of developing the parcel is going to remain throughout its tenure.

LEG. KENNEDY:

If the spec developer at auction makes a bid, acquires and then makes good faith efforts to go through the building permit process, does the single and separate, goes, you know, through the ZBA, gets his -- or attempts to get all his variances and ultimately doesn't succeed, what happens then?

LEG. D'AMARO:

The auction sale would be canceled or rescinded, I'm not sure what the proper terminology would be, and the down payment, if any, would be returned.

LEG. KENNEDY:

Fine.

LEG. D'AMARO:

And then the Department of Real Estate would be free to put them through the Local Law 13 process and auction to adjoining land owners.

LEG. KENNEDY:

Okay. Good, thank you.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Let's put this in perspective. We're not talking about a hundred thousand parcels.

LEG. D'AMARO:

Right.

LEG. ALDEN:

We're talking about a few parcels a year. We're also talking about by raising the limits from 20,000 to \$30,000, we're talking about five or six parcels that we can't sell right now. We are sitting here as a County paying all local taxes on them, and that's a waste of taxpayer's money, basically. If this gives us the opportunity to put two, three, four, five, or even up to ten parcels into an affordable housing program a year, why not do it? And we found that sometimes the towns -- not Islip, but other towns would refuse parcels for their affordable housing program. And unfortunately -- it's unfortunate, because that would have been a fast way to get it back on the tax rolls to actually allow some family to move into, you know, clean, decent housing. So we're talking about a few units --

D.P.O. VILORIA-FISHER:

Correct.

LEG. ALDEN:

This is nothing that's going to overwhelm a community. It's also got to go through, completely go through a town's -- whatever process it requires.

LEG. NOWICK:

Right.

LEG. ALDEN:

So if it's the Zoning Board of Appeals, if it's the Planning Department, they still have to get all the permits.

LEG. NOWICK:

Right.

LEG. ALDEN:

So this is just some way to save the taxpayers a couple of bucks, get these properties or give them the opportunity to get back into useful positions and maybe even come back on the tax roll where

we can make a few bucks.

P.O. LINDSAY:

Thank you, Legislator Alden. That was very positive, I'm proud of you.

D.P.O. VILORIA-FISHER:

I know, really.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Legislator Alden said what I was going to say, so I don't need to speak.

D.P.O. VILORIA-FISHER:

Excellent.

P.O. LINDSAY:

All right. Does anybody else want to speak?

LEG. D'AMARO:

Mr. Chairman, just an observation. I find it interesting, just as like an inside kind of observation to my colleagues, that for those of us who have sat on Ways & Means, we seem to grasp this concept of what I'm trying to do here. I'm not trying to circumvent towns, I'm not trying to dump on any communities or anything like that. But I cannot tell you how many times at Ways & Means, at least in my last three years, as Legislator Alden commented, we've seen these properties come before us time and again and say, "Well, why not?" And as Legislator Kennedy points out and Viloría-Fisher, we never really get a sufficient answer other than, "Well, the town said no." And I'm not saying that we're going to overrule that, all I'm saying is that we're going to give someone an opportunity to really truly vet it through the proper mechanisms that are created in the ten towns to do this. All right? And I hope you support the bill. Thank you

P.O. LINDSAY:

Okay. Okay, you's want a roll call on this?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yeah, okay. We have a motion and a second; roll call.

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

LEG. D'AMARO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes from Smithtown.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

That's what you call a bipartisan vote.

LEG. ALDEN:

Tim, you have me down as a co, right?

MR. LAUBE:

I'll make sure.

P.O. LINDSAY:

Okay. Folks, it's a quarter after five, we're on page seven, we have three and a half pages of resolutions yet.

D.P.O. VILORIA-FISHER:

It's snowing like hell.

P.O. LINDSAY:

It's snowing like hell.

LEG. ALDEN:

Let's come back tomorrow.

D.P.O. VILORIA-FISHER:

Mr. Chair --

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

-- speaking of snowing, I just spoke with Gail Vizzini who asked if we could take 1023 out of order because so many of -- so much of her staff is involved in this and she'd like for some of them to be able to leave.

LEG. MONTANO:

Where is that, what page?

D.P.O. VILORIA-FISHER:

Page ten, last in Parks, it's *to amend the user fee schedule for Suffolk County Parks.*

P.O. LINDSAY:

Yeah, we don't have to talk about it.

D.P.O. VILORIA-FISHER:

Mr. Chair, if we could just --

P.O. LINDSAY:

Do you have a --

D.P.O. VILORIA-FISHER:

-- vote on this?

P.O. LINDSAY:

Well, could you make a motion first?

D.P.O. VILORIA-FISHER:

I'll make a motion to approve.

MR. LAUBE:

No, take it out of order first.

D.P.O. VILORIA-FISHER:

Oh, I'll make a motion to take it out of order.

P.O. LINDSAY:

Take it out of order. Do we have a second to taking it out of order? I'll second it to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

I'll make a motion to approve.

LEG. COOPER:

Second

P.O. LINDSAY:

Motion to approve by Legislator Viloria-Fisher, second by Legislator Cooper. On the question.

D.P.O. VILORIA-FISHER:

Can we just go to a vote, Mr. Chair?

P.O. LINDSAY:

Well --

LEG. ALDEN:

No, I have --

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Before we go to a vote, I just want to make some people aware of a few things that's going on with the Vanderbilt.

LEG. ALDEN:

I need to be on the list, too.

P.O. LINDSAY:

I'll put you on the list, I'm not going to ignore you. There is two Procedural Motions in your packet that we're going to vote on later today. One is to drain down the trust to the bare corpus which will give a couple of more weeks of money to the Vanderbilt to keep continuing. That's a short term --

D.P.O. VILORIA-FISHER:

Can I say something?

P.O. LINDSAY:

Could I --

D.P.O. VILORIA-FISHER:

I'm sorry. I'm making a list for you.

P.O. LINDSAY:

Okay. The second resolution is more of a long-term solution here, and it's introduced by myself to hire a special Counsel to go back into court to address the trust, and I want that for two reasons.

First of all, I think our -- what we can do with that trust fund and what we can't do needs to be clarified and it needs some kind of court approval. And the second thing, in today's packet I am introducing a resolution to create, I hate to say it, but a task force, DuWayne --

*(*Laughter From Panel*)*

LEG. GREGORY:

Oh, a change of heart.

P.O. LINDSAY:

-- to specifically look at the Vanderbilt issue --

LEG. D'AMARO:

Sounds like a barrier to me.

P.O. LINDSAY:

-- to look at the concept of some kind of merger between the community college and the Vanderbilt.

LEG. NOWICK:

Really?

P.O. LINDSAY:

I've had some preliminary discussions, there's a lot of issues to vet and to look at to see if it can work. There are some synergies between the two organizations that to me make some sense. The Community College isn't represented in that part of Suffolk County. It is a teaching facility, there is some classroom space there, there certainly is room to expand and to maybe create some other classes over there, and they're both overseen by the State Education Department. So I'm not sure whether it can work or not, but it's certainly something that I would like to explore. And if they do come to some resolution, it's my -- it's Counsel's belief that we are going to need some kind of court approval on it. So I hope that you look at the Procedural Motion to hire Special Counsel to get into this whole issue.

Having said that, that's what's on the table as far as the Vanderbilt is concerned. And someone wanted to speak.

D.P.O. VILORIA-FISHER:

Alden and Beedenbender.

P.O. LINDSAY:

Legislator Alden

LEG. ALDEN:

Through the Chair, we have the Commissioner of Parks; if I could direct a couple of questions to Commissioner Pavacic. And as you're walking up, in the past you have not been agreeable or in agreement with the proposed increases. What is your opinion on these?

COMMISSIONER PAVACIC:

That's correct. Again, for the record, my opinion and my position remains the same, even with this amended resolution, that I would be opposed to it.

LEG. ALDEN:

Now, would you be opposed to actually looking at the parks fees and in some way realigning parks fees at some point in time this year?

COMMISSIONER PAVACIC:

This year -- as I've indicated in the past and as the County Executive has indicated, this is not the period of time, considering the economic situation, to be increasing parks fees on users, especially those who are going to be recreating here in our backyard this year.

LEG. ALDEN:

The next question actually goes to the sponsor of the bill. The money that's identified in this user fee increases, is that specifically targeted to go to the Vanderbilt?

D.P.O. VILORIA-FISHER:

No, it is not. As you know, any monies collected go into the General Fund.

LEG. ALDEN:

All right. And one of the arguments that was put forward in the past was that we have not amended our user fees for the parks in seven years. And now I notice that this is only a one-year bump up -- not a bump-up; when something goes up 25, 30%, that's a huge leap. But this is a huge increase in fees for one year and then there's a sunset; is that not correct?

D.P.O. VILORIA-FISHER:

That's correct. As you know, I was not really a proponent of that, but in this spirit of compromise, because there are some colleagues who asked if it could be sunsetted after one year and in order to have a bipartisan compromise vote, I was willing to make that accommodation.

LEG. ALDEN:

Then I'm just going to go down a couple of things that I expressed as far as opposition to this the last time.

One of the glaring things is, unless something happened between the last time we looked at this issue and now, the fee, the general admission fee to the Vanderbilt has not been increased. For certain --

D.P.O. VILORIA-FISHER:

Yes, it has been increased.

LEG. ALDEN:

So it was nine -- for the children it went from what?

D.P.O. VILORIA-FISHER:

Can Carol --

MS. HART:

Yeah. The --

MR. NOLAN:

No, no, no.

D.P.O. VILORIA-FISHER:

No, no, you have to come to the mike and you have to --

LEG. ALDEN:

You have to use a microphone.

LEG. MONTANO:

Are you done with the --

P.O. LINDSAY:

I have a question for the Commissioner.

LEG. MONTANO:

I have some questions, too.

D.P.O. VILORIA-FISHER:

Well, Cameron still has the floor, though.

LEG. MONTANO:

Yeah, that's why I'm asking.

LEG. ALDEN:

I'll stand down if you want to talk to the Commissioner.

P.O. LINDSAY:

No, no, no, no. No, that's all right. Continue, continue.

D.P.O. VILORIA-FISHER:

Carol?

MS. HART:

We have had increases in our fees. The planetarium show now for an adult has gone from --

LEG. ALDEN:

I saw that one.

MS. HART:

Okay.

LEG. ALDEN:

I'm talking about general admission to the Vanderbilt Museum for a student.

MS. HART:

The student fees in September will go up 10%.

LEG. ALDEN:

From what to what?

MS. HART:

They'll go up from about 4.50 to \$5 for students, with a class, on a class trip.

LEG. ALDEN:

Okay. General admission?

MS. HART:

The general admission for adults and seniors and students for planetarium shows has gone up from \$3 to \$5; for a mansion tour, from \$3 to \$5.

LEG. ALDEN:

General admission to the grounds has gone from what to what?

MS. HART:

The general admissions we didn't increase at this time because you have to pay -- if you go to a planetarium show, you also must buy a general admission ticket. So we've been in -- to go to a planetarium show, you must -- during the day you pay \$10, if you're an adult you now have to pay \$12.

LEG. ALDEN:

All right. Now, I don't know if everyone else got that revised business plan, but I didn't. So I'm a little bit disappointed that didn't get over to my office.

MS. HART:

Okay.

LEG. ALDEN:

Because you did do a business plan.

MS. HART:

Yes.

LEG. ALDEN:

But I didn't -- actually, I didn't get it, so I'm a little disappointed.

LEG. NOWICK:

You're a lame duck.

*(*Laughter From Panel*)*

LEG. KENNEDY:

Oooh. No respect, no respect.

LEG. ALDEN:

But you know what? You're right, you're right, and I won't be sitting here, but I'll be sitting out there paying my taxes and --

LEG. NOWICK:

I'm kidding.

LEG. ALDEN:

-- and the user fees that you guys are going to jump right through the roof. Just at the wrong time, when I'm unemployed, you're going to expect to just turn me upside down and drain all the money out of my pockets and my bank account.

D.P.O. VILORIA-FISHER:

You'll be retired, not unemployed.

LEG. ALDEN:

I'm going to be unemployed; unemployed is when you don't go to work every day. And when you have a chance to use the park system and go and play, just when I'm actually in that period of time, I'm not going to be able to afford it. So I'm a little bit perplexed that it only went up 10% and yet the golf fees and some of those other user fees here -- but you have nothing to do with that, you just --

MS. HART:

Yeah, we have a spread of fees. In general 10%, but some there was a more substantial increase.

LEG. ALDEN:

No, I'm talking about your hundred thousand people that come through the door, why didn't you just bump that 20% and that takes care of half of the deficit that you were talking about?

MS. HART:

We strategically raised pricing and --

LEG. ALDEN:

Strategic.

MS. HART:

Yes.

LEG. ALDEN:

And that's good that you said that, because strategically, if you raised it to cover the deficit, you'd have no one go to the museum. No, you'd have one person go to the museum, he'd pay a hundred thousand dollars and you'd still have a little bit of a deficit.

But now getting back to the fees, actually, as they pertain to the parks fees. Again, if you looked at all the parks fees and one was glaring, and I don't know if you amended it but I didn't see it see it on there, the admission to our ocean beaches, which has been at either seven or \$8, and I forget which it is; has that been raised? And maybe the Commissioner or proposed --

D.P.O. VILORIA-FISHER:

The non-resident fee was raised.

LEG. ALDEN:

The non-resident fee.

D.P.O. VILORIA-FISHER:

The non-resident fee.

LEG. ALDEN:

Well, that's less than 10% of the people that go to it. But the resident fee, which is hundreds of thousands of people that go to the beach, was that raised at all? No.

D.P.O. VILORIA-FISHER:

No, that was not.

LEG. ALDEN:

No. So we --

D.P.O. VILORIA-FISHER:

Only at the --

P.O. LINDSAY:

Speak into the microphone.

D.P.O. VILORIA-FISHER:

-- ocean beach. The other beaches, there were raises of resident fees at other beaches.

LEG. ALDEN:

Okay. Predominantly, our income comes from Smith Point, so that fee that really could have generated a hundred thousand or a couple of hundred thousand dollars by one or \$2, which would have been a 10, 15% increase, that fee was left alone. Yet golfers were looked at and a couple of other user groups, for instance, the campers, the people that use the beaches to go fishing, they were looked at and they incurred -- or the fees are proposed to go up 25%, or possibly even more. So I'm very, very disappointed that we chose to balance our budget for the deficit that's run at the Vanderbilt Museum on the backs of a few.

And the other thing I'm going to say, and I said it before, golf is a business. So some of our other recreational opportunities, people might not have any other choices, they've got to go to us and we can gouge them, if that's what you so desire. But golf, people have the choice. We've just put a lot of money into our golf courses in the past ten, 12 years, they've been rundown before that point. We've invested heavily in there of the taxpayer's dollars. We were seeing some return for those dollars; we were seeing increased people as far as the play. These are family-type of activities, golfing, camping and the rest of the things that we're increasing fees on.

People, families are hurting right now. Some of them have lost their jobs, others did not get the bonus that they were counting on, there's an increase in medical expenses, there's an increase in

fuel, although some people did get a little bit of a break because the price of fuel has gone back or retrieved a little bit. But LILCO -- or not LILCO, LIPA, if they use electric, they weren't rewarded for that. And with KeySpan they were not rewarded with that either, they saw higher bills. So we're going to hit people that use our parks, we're going to hit them at exactly the worst time for them. They are hurting, hurting very badly and now we're going to raise fees in the form of golf fees, boating, canoeing fees.

The canoeing thing, I don't know if anybody has ever been to, like, Blydenburgh and watched who goes and rents the canoes. Those are -- a lot of young kids go there and do that. If we think that they can afford to go in there and spend a lot more money so that we can keep the Vanderbilt going, then we're sorely mistaken. We run the risk -- and just as I said before, it's a business -- we run the risk of killing the golf business and some of the other businesses that were in here, because people can vote with their feet and they can go elsewhere.

If the Vanderbilt is important enough, and I think it is, then that burden should be spread out amongst our whole budget, not just pick out one or two people and selectively say that, "Now you're going to foot the bill for bailing out the Vanderbilt."

The other thing is, too, if we think that this is a one-year commitment to bailing out the Vanderbilt, you're sorely mistaken. Because an analysis of that business plan doesn't even hold out hope for it to be positive, a balanced budget at the end of this year or even probably at the end of next year. The main money-maker, money-generator is Goto projector; that doesn't come on-line into well into 2010. So again, this is -- if it's important to keep the Vanderbilt Museum going, then that should be spread amongst everyone in Suffolk County, let everyone feel the pain. But don't just penalize the people that we're counting on to come in and spend their dollars on our recreation that have come in here in the past and think that now we can gouge them and raise the fees; sorry.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Commissioner, I don't have any questions for you, so if you would like to sit.

COMMISSIONER PAVACIC:

Thank you.

LEG. BEEDENBENDER:

My first question is, like Legislator Alden, I know there was a business plan but I haven't seen it, and whether it's because I didn't review it, I didn't see it at my office or on my desk, or I didn't see it in front of me. But my question is, I guess, very simple; Lance, maybe perhaps you can answer. How much does the Vanderbilt Museum need to go from where we sit today to the end of the year? How much would they -- or Carol, if that's a question that you can answer, I don't know, whoever can answer it easiest.

D.P.O. VILORIA-FISHER:

It's in the business plan.

LEG. BEEDENBENDER:

Well, I don't have one so.

D.P.O. VILORIA-FISHER:

Okay. Oh, go ahead, Lance.

MR. REINHEIMER:

I don't have the business plan in front of me, but I think it's in the neighborhood of \$600,000.

D.P.O. VILORIA-FISHER:

It's \$636,000.

LEG. BEEDENBENDER:

Okay. Now, the business -- this business plan, does it include -- you know, we're talking in the future. Does it include a plan to create sufficient revenue to meet a year's worth of the Vanderbilt's expenses? And through the Chair, whether Carol wants to answer or Lance, it doesn't matter, whoever thinks they can answer it best.

MR. REINHEIMER:

The plan makes a lot of assumptions as to where they're going to be for catering, site rentals, planetarium fees when the projector, new projector is installed. It's scheduled to be -- arrive some time in, like Legislator Alden said, June, actually, of 2010, and it will take a couple of months to install it, so that takes -- you know, that will be lost revenue.

LEG. BEEDENBENDER:

Okay

MR. REINHEIMER:

Their plan, it's a multi-year plan that has some open projections, because they've never had the extent of catering that they're looking to do. They're looking to have a destination toy store on-site instead of their gift shop which will reduce the need for staffing it and possibly inventory purchases. So I would say you're looking at a three to four year plan before they could become self-sufficient, based on the business plan that they submitted.

LEG. BEEDENBENDER:

Okay. Well, thank you, Lance. My next question, just for those of my colleagues that may not have heard what Lance just said, we're looking at a three to four year plan before they can become self-sufficient. So I think the point that our colleague Legislator Alden made a few minutes ago, that this isn't -- you know, these fees may sunset, but we're going to be here maybe at the end of 2009 or the beginning of 2010 discussing how we fill whatever the hole is at the Vanderbilt at that point. So I think it's important that we realize this is a longer term commitment than one year.

And just -- I'm kind of confused about an exchange that happened a few minutes ago as well. I believe -- I think Legislator Alden asked Legislator Viloría-Fisher, obviously this resolution does not directly target it for the Vanderbilt Museum. But I guess through the Chair, Legislator Viloría-Fisher, would I be mistaken in assuming that the proceeds of this would be used for the Vanderbilt Museum? I mean, are you saying that they won't?

D.P.O. VILORIA-FISHER:

The proceeds -- we have to expend monies on the Vanderbilt Museum.

LEG. BEEDENBENDER:

Right.

D.P.O. VILORIA-FISHER:

We passed that resolution. When we do, it will leave a hole in our budget. When we have a hole in the budget, you have to have revenues coming from somewhere. We can look for offsets, as Legislator Cooper has done in a couple of other resolutions. I'm asking you, as one of the 18 members of this body, to look at the justification of the parks fees on its face. The people who are using our parks, and I'm particularly challenged by someone who comes and says that he camps in an RV for 40 days in the summer and he's complaining about his fees being raised, and we've had to raise the juice that we're using to serve those RV's from 30 to 50 or 60 amps because they're using so much power and there's a complaint about raising their fees. You and I are paying for that.

I had looked, as you know because you were in the working group, for an increase in parks fees before we were looking at the Vanderbilt. So these can stand on their own and certainly be justified. You know that they're going to the General Fund; we don't earmark funds that are coming into our budget.

LEG. BEEDENBENDER:

Well, with all due respect, I just simply -- I think Legislator Viloría-Fisher and I, we have a disagreement of a process here. I think if we were raising these -- and, you know, the argument about the parks I don't necessarily agree with. But if we were raising these fees to help deal with the costs at the parks and that's where the money was going, which would make sense, I think we'd have a different argument. I think what we're doing here, we're raising fees which is not a tax, but we're raising fees to facilitate a completely discretionary increase in spending.

The one thing that I would disagree with some of my colleagues, and I know this sounds harsh and cold, I do not think that this is a priority. I don't even think it's anywhere near the top of the list. I was there, it's a beautiful place. It is an exceptional thing and it's amazing that it still exists today. But, you know, we're raising fees so we can fulfill our desire to continue to spend. And when you look in the next packet of resolutions, we are simply spending from different pots of money and as a group, you know, maybe not all of us, but we -- Legislator Barraga has been exceptional in saying this over and over, meeting after meeting, we have to realize this is a reality. We have no money, and it's going to -- we're going to come to that realization eventually, and this is just a system of that entire problem of we haven't as a group come to the realization that we don't have any money. I completely disagree with this and I would urge my colleagues not to support it.

P.O. LINDSAY:

Legislator Nowick

LEG. NOWICK:

Just a technical question. If this legislation should be approved, what would happen with -- I know on January 2nd all the campers are down at the Parks Department getting out their permit. Are they grand-fathered in for this year?

D.P.O. VILORIA-FISHER:

You have to ask Counsel, I don't know the answer to that.

MR. NOLAN:

Well, if they bought their permit already, they'd pay what they're going to pay.

LEG. NOWICK:

Okay. Thank you.

P.O. LINDSAY:

Legislator Montano?

LEG. MONTANO:

Thank you. I have some questions to Carol; do you mind?

MS. HART:

No.

LEG. MONTANO:

And it's -- just to preface this, I had asked a while back for a report like this. I got a call from Steve Gittelman on Friday telling me that he was going to e-mail it, but I had told him that I was really wrapped up and I wasn't sure, you know, that I would look at it, but I really didn't have time to do an in-depth review of it. But I'm looking at it -- I'm looking at the budget part and I have some questions and I just want to get some clarification on some of the issues.

MS. HART:

Sure.

LEG. MONTANO:

You have the report with you?

MS. HART:

I do.

LEG. MONTANO:

Yeah, because there might be specific, you might know them off the top of your head, I don't know.

MS. HART:

Okay.

LEG. MONTANO:

Carol, I just want a brief explanation. It may be contained in the body, but if we go with the columns, you're doing your 2008 actual which shows admissions of 666,000.

MS. HART:

Yeah.

LEG. MONTANO:

Your 2000 -- I'm going to skip to 2012 which is, what, four years from now?

MS. HART:

Uh-huh.

LEG. MONTANO:

You show that you're going to double --

MS. HART:

Yes.

LEG. MONTANO:

-- your revenue from admissions.

MS. HART:

Yes.

LEG. MONTANO:

Is that realistic; what is that based on?

MS. HART:

It is realistic, largely with the introduction of the new Goto projector.

LEG. MONTANO:

Okay. Your membership, you're at 23,000 in 2008, you're projecting 110,000 which is, I would say, approximately five times where you're at now; how realistic is that?

MS. HART:

It's realistic --

LEG. MONTANO:

Based on what.

MS. HART:

-- because that membership figure is very low from where we should be, in part because we haven't had a membership person on staff for a few years. And now we have a huge volunteer corps, our friends group, and we're going to really be relying heavily. And again, with the increased number of people coming in to the new planetarium, we expect from those visitors a certain percentage we do get to join up. We'll also be increasing -- our membership fees are quite low right now, it's actually a bargain, and once we get the projector in I'll feel very justified in raising those fees.

LEG. MONTANO:

Five times you think you can -- all right.

MS. HART:

Yeah.

LEG. MONTANO:

All right. Your machines shop, your revenues today are 61,694 --

MS. HART:

Uh-huh.

LEG. MONTANO:

You're projecting a 140,000 increase, more than twice again; you feel that's --

MS. HART:

Uh-huh. Again, our numbers -- when projector was installed, the planetarium opened, the Visitation in the first year was more than it is -- twice what we get now. So just even using those 1970's figures, I feel we can do that.

LEG. MONTANO:

These explanations are contained within the report?

MS. HART:

Yes. Yeah, there's more explanation.

LEG. MONTANO:

Okay. And I apologize for not really having --

MS. HART:

No, that's okay.

LEG. MONTANO:

-- versed myself on it. Donations; you're at 51 now, you're projecting 300,000, that's over six times?

MS. HART:

Uh-huh. It's an aggressive report, but we do -- again, we are reaching out to the community, the friends organization. The exposure we will get with this new star projector and our new planetarium should be significant. We have been -- we haven't done what we should have in the past for a museum our size and we will be getting there, and reallocating our resources to build back a development department that -- a couple of years ago, to save money, all the people in that department were let go. We're reorganizing now to put our money where it will bring back more money.

LEG. MONTANO:

Let me -- and I want to go through this quickly, I don't want to take up a lot of time.

MS. HART:

Sure.

LEG. MONTANO:

On the expenses side, your salary, and I guess it's wages, 845,000; you're going, in four years, up to 1.3 million which is an increase of approximately half a million dollars. But I also notice that your professional fees are 447 --

MS. HART:

Uh-huh.

LEG. MONTANO:

-- and you're going down to 275, so you're cutting your professional but you're raising your salaries. Why is that; what are you doing there?

MS. HART:

And you'll see a big difference, and on the previous page you'll see a little bit of a breakdown. We have gone -- we experimented with outsourcing our security team, it cost about \$260,000 a year. We took it back in-house, we are going to be cutting the expenses tremendously by bringing it back in-house, using our own people. We have people multi-tasking, my human resource person is in the security booth. We're reallocating, again, our sources, so you'll see a drop in the outside professionals and a slight increase in the salaries.

LEG. MONTANO:

I beg to differ; it's not a slight increase. It almost comes out to be an increase in salaries --

MS. HART:

Uh-huh.

LEG. MONTANO:

-- because you're going -- you're reducing it about -- the way I read it, I want to make sure I'm right, you're reducing it about 250, but you're going up in salaries half a million, so you're really doubling that.

MS. HART:

By 2012. And again, because of the kinds of services and programs we offer, what we expect to be able to do with the new projector, we will be open many more hours, we will be providing many more programs; we need to staff these when we run more special events.

So all I can say is when you look at that increase in donations, that increase in memberships, there's a cost and the cost is going to be in the salaries. And for example, just this summer we will be running a full-day summer camp. We expect substantial revenue, but we're also going to bump up my salary \$20,000, maybe. So I have to reflect that the salaries are not netted out when we do a special event or increase our hours, and we do expect to increase our hours tremendously. And we will need more of a professional staff in the planetarium as well by -- in four years.

LEG. MONTANO:

All right. Now, just on the surplus deficit side. The 2009 projected deficit is 636, as Legislator Vilorio-Fisher said, right? You're projecting a deficit in 2010 for 453,000 --

MS. HART:

Uh-huh.

LEG. MONTANO:

-- and in 2011 for 190,000, that, I think, roughly adds up to about 1.3 million. Did I go through that fast?

D.P.O. VILORIA-FISHER:

No.

MS. HART:

Now, you know, there's a lot of assumptions in here. This is assuming only \$400,000 from our endowment, that might be low.

LEG. MONTANO:

My question is what we're looking -- what you're looking for is for the 600,000 to come from the County this year.

MS. HART:

Uh-huh.

LEG. MONTANO:

What's going to happen in 2010 and 2011, where are you going to make up that deficit?

MS. HART:

We are hoping -- we are looking for naming opportunities. We are looking for the big donors; it's hard to put that in a budget.

LEG. MONTANO:

But that's not -- that's not included in your --

MS. HART:

No, I haven't included anything that's unrealistic or un -- you know, a big give. These are foreseeable things with the staff I have, the volunteers I have. We can always hope for a wonderful arrangement with a catering or outside professionals for the big give, the naming opportunity. Those aren't factored in here, so that's -- or a big grant.

LEG. MONTANO:

All right. To cut to the chase, then, if we fund the 600,000, it's very likely, based on this projection, that we're going to have to fund 453 next year and a 190 the following year based on your own figures. So what we're really buying into is about \$1.3 million to bail out the Vanderbilt; is that a fair assessment of what I read here?

MS. HART:

Well, we're going to be very aggressively looking for other support. Realistically, we are going to need to supplement our earned revenue, but we have a lot of hopes and we're doing wonderful fund-raising.

LEG. MONTANO:

I understand that.

MS. HART:

And I have to also say that while many businesses are cutting staff because they can't sell their product, our product is education and entertainment.

LEG. MONTANO:

I understand that.

MS. HART:

Our numbers are going up as far as admissions right now. And we just have to keep in there and be able to grow that part of our business to be able to offer the programs, because that's what people need right now and they will come for that part.

LEG. MONTANO:

But the bottom line is that from a monetary standpoint, we're looking at the County dipping in \$1.3 million over a three year period, assuming that your projections are accurate; is that where we're at? I mean, that's what I see here, so.

MS. HART:

Yeah. I mean --

LEG. MONTANO:

Okay.

MS. HART:

-- I'm going to need help from someplace.

LEG. MONTANO:

I got you.

MS. HART:

I believe, though, by the time we get to 2,012, that 190,000 we will be able to get from corporate support.

LEG. MONTANO:

Thank you. I appreciate the explanation.

MS. HART:

Okay.

P.O. LINDSAY:

Legislator Cooper. Cooper?

LEG. COOPER:

I wanted to correct a statement that one of the speakers earlier today made where he referred to the Vanderbilt Museum as a private institution. I just want to reiterate again for the record that it's not a private museum, it's the Suffolk County Vanderbilt Museum and like it or not, it's our responsibility to maintain this institution.

And there are only a couple of avenues available to us. If we don't find this money, then we have to mothball the Vanderbilt; and we had estimates earlier, \$500,000, 600,000, upwards of 800,000 to mothball the place. If that happens, we'll obviously lose our accreditation at the museum. If the buildings are not maintained properly, then they're going to quickly deteriorate and these, again, are Suffolk County owned buildings and structures. They'll quickly deteriorate and they'll require even more money in future years to maintain and renovate.

So the bottom line is, I believe, we have to move forward with keeping the Vanderbilt open. We have to find some way to do that, and there are two options before us right now. One is to pass the increase in the park fees, which I believe are long overdue. With this 25% increase, they are going to just be at the level that they were eight years ago, so I think that could be justified.

However, if there's not sufficient support for that, the only other alternative that I can think of is to find offsets in the budget. And as Legislator Vilorio-Fisher mentioned, I have -- I am laying on the table two other resolutions that have found appropriate offsets that BRO has come up with; so if push comes to shove, that's another approach. But we need to find 10 or 12 votes for one or the other. If not, unless opponents of those resolutions have another alternative that I haven't heard yet, and I'm open to anything, we have to take action. We cannot afford not to act, it's going to cost Suffolk taxpayers even more money in the long run.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

And Jon, I couldn't agree with you more. But also as a reminder, the Suffolk County taxpayers put tens of millions of dollars into the Vanderbilt Museum and continues to put tens of millions of dollars into the Vanderbilt. So I'm going to throw out something, maybe it's unique, maybe it's not, but maybe we should just slow down our borrowing for our projects. We've got tons of projects in the works, we want to keep people working, but maybe we should just slow down the approval of new bond issues and maybe that would actually give us a little bit of a throw-off that we might end up finding an offset to send the money over to the Vanderbilt.

The other thing is, Carol, I don't want to leave you with the impression that I think you're doing a lousy job. I think you did a great job as the curator. I think that you're doing a great job now as the leader. The problem I see it as that you were standing next to the wheel when the Titanic was going into the iceberg and somebody said, "Okay, now you're steering." And that's unfortunate because you ran into a lot of problems that really didn't exist up until that point in time. Although I think I've been warning about that for years and years, that if we keep using our endowment, if we keep using that trust fund, we're going to come to the day where we don't have that trust fund, and that's the day that we have.

And that's why I want to just clear that up. I think you're doing a great job. I didn't mean to criticize your work on your budget, but the budget that you gave us, it just doesn't balance. You know, that's not a problem that you're having, that's a problem that every museum in the Long Island, metropolitan area is having right now. They are not going to meet their projections for any of their revenues and all their other fund-raising and other efforts to keep the museums alive and going, those are falling far short. So you're not alone, it's a problem that's going to really have to be confronted by every level of government. But I wanted just to correct that record, that I still think you're doing a fantastic job.

LEG. COOPER:

Bill, if I can just respond to one thing. I just had this vision of myself standing on the deck, the bow of the Titanic shouting, "I'm King of the World!" So I just wanted to share that.

LEG. ALDEN:

And then -- and then tumbling into the iceberg? I like that.

LEG. COOPER:

I don't know whether it would help my cause or not, but I couldn't resist.

LEG. MONTANO:

No, I don't think so.

P.O. LINDSAY:

Are you sure you weren't on the stern?

LEG. COOPER:

Is it the stern?

P.O. LINDSAY:

Legislator Kennedy.

LEG. D'AMARO:

No, it's on the bow.

LEG. COOPER:

Thank you.

LEG. KENNEDY:

Thank you, Mr. Chair. I guess I just wanted to hear some of what the additional efforts that are being done. I'm intrigued by what you talked about, though, with the concept of adding it over. The only other thing I was going to ask the Parks Commissioner about was he gave the example of the --

P.O. LINDSAY:

Well, let's bring him back up.

LEG. KENNEDY:

Sure, okay.

P.O. LINDSAY:

Because when you're done, I want to go at it.

LEG. NOWICK:

Yeah, we've got nothing to do.

LEG. KENNEDY:

John, we spoke a little bit before about, as an example, the canoeists over in Blydenburgh Park, and I do know that we have young people that go out there and rent canoes. I also know that on the Nissequogue River, right at Paul Givens Park, we have some very active private canoe firms. I'm curious, do they pay us anything as a licensing fee or do we --

COMMISSIONER PAVACIC:

Yes, they do. In order to operate, because they're a commercial venture, they have -- they have contracts with -- they have agreements with County parks.

LEG. KENNEDY:

So that they can go head and get access there.

COMMISSIONER PAVACIC:

Right.

LEG. KENNEDY:

Do we have similar arrangements for any of our -- Carmen's River, maybe, or any of the other rivers that we have throughout Suffolk County that we might have access from County park areas?

COMMISSIONER PAVACIC:

Not for commercial ventures. But the concessions there are operated by County parks, not a private concessionaire. The boat rentals at both there --

LEG. KENNEDY:

Yeah.

COMMISSIONER PAVACIC:

-- they're operated by County parks, not by a private, independent concessionaire.

LEG. KENNEDY:

Let me just ask you a question a different way, then, as far as your opinion with the whole scenario of parks fees. We've heard that, you know, your position is you're opposed at this difficult time as far as the economy goes. But what is your sense as far as the ratio or the relevancy or whether there's been any increase to offset costs in these park fees to keep us current?

COMMISSIONER PAVACIC:

I'm not sure I understand your question, whether there's been an increase in what?

LEG. KENNEDY:

Well, it costs more to go ahead and pay for our health care, it costs more to go ahead and pay for our parks workers, it costs more to go ahead and pay for the gas, it costs more to insure the vehicles. Has there been any increase in cost to use a boat or to go ahead and camp on a site or to go ahead and go into a beach or any of those things, concomitant with our cost to provide them?

COMMISSIONER PAVACIC:

Yes. I mean, obviously our energy costs have gone up, for one example. The cost of commodities have gone up, commodities such as toilet paper, things that are used on a regular basis, disposable commodities that we have to resupply at County parks, those costs have gone up. And in addition, you know, salaries of our full-time folks have gone up, so those costs have increased, as an example.

LEG. KENNEDY:

So then wouldn't that warrant somewhat of an increase? Even if the Vanderbilt had bundles of money, wouldn't that warrant some increase in what we recover from the public to utilize these facilities?

COMMISSIONER PAVACIC:

As I said before and I'll say it one more time, at this point in time I have to maintain my opposition to a fee increase. Basically it's a service that we're providing to the public. And at this point in time, you might have read in Newsday an article over the last couple of months that talked about that even under these difficult economic times, people are still going to look forward to that escape, that release to recreate in a park or undertake some other type of recreational activity as a form of coping with this very, very harsh economic environment. And for us to raise fees at that point on folks who are working folks who are trying to maintain their sanity who try to utilize our parks as a release and an escape from those harsh economic conditions, it's not something that I can support at this point.

LEG. KENNEDY:

That seems quite magnanimous of the administration, but I'll yield on that. Thank you.

D.P.O. VILORIA-FISHER:

Is there anyone after him?

P.O. LINDSAY:

Legislator Viloría-Fisher and then Schneiderman.

D.P.O. VILORIA-FISHER:

What a segway. Because you know what? We've been hearing our County Executive talking on and on about how we can't keep the John J. Foley Center open because it's going to cost the taxpayer millions of dollars, and yet his directive to his departments, his narrative in the budget was that we shall not raise park fees. Well, the total expenses to run our parks, Ladies and Gentlemen, in 2007 -- these are the numbers we have broken down here -- \$22,193,632. The departmental revenue, \$9,629,441. So we are willing to expend a net cost to the County of 12,564,191, yet when we talk about the cost of running the John J. Foley Nursing Center it's referred to as losing money. And there's a resistance here to raise fees for people who are recreating, raise fees when we have people in our RV's who have come before us and admitted spending 40 nights, 40 nights in an RV while you and I are paying for his air-conditioning, his microwave, whatever other appliances he has in that RV, you and I are paying for that.

As far as the one fee that wasn't raised. Well, I'm going to tell you something. When I was a single mother with three children, I couldn't even dream about playing golf. I couldn't dream -- I couldn't

afford an RV because that's like buying a second house, I camped in a tent. And when I took my kids out in the summer it was to go to the beach, and that's where other parents were with their kids; you could afford going to the beach with your kids. People who are really working hard and raising families here in Suffolk County don't have the time, the money, the equipment, the wherewithal to go out and play golf. Those people are taking their kids to the beach.

Now, some people have asked me, "Well, you're expending so much time and energy here on the Vanderbilt Museum, it's not even in your district." It's the Suffolk County Vanderbilt Museum; it's in all of our districts, it's not just in John Cooper's District. And I was talking to my kids about the Vanderbilt and I remembered, I have this great picture of myself and my kids that was taken in 1977. In 1977, there's a picture of me with two of my children and I'm expecting my third, who is now 31 years old. I took my kids to the Vanderbilt in 1977. As my kids grew up, they went there with their school, they went there with me. As they got older, they went to laser shows, and just this past Christmas season, my daughter-in-law went with my grandchildren. This is not just a place of history. History is such a cold word; history evokes something way in the past. This is a place of shared memories, shared memories.

I have a list -- there's one Legislator who said that his district doesn't have any schools that go to the Vanderbilt. Well, I can name for you; in Medford, Mt. Olive Church, Sappo School, Corner Stone Vacation Bible School, Harrison Hale Community Action Center, Eastern Suffolk BOCES, Miller Place School, Laddie A. Decker Sound Beach School. In Farmingville, the Sachem East Intermediate School, the Tecumseh Elementary School, the Holtsville Elementary School, the Waverly Avenue School, the Chippewa Elementary School. I have pages of lists of schools throughout Suffolk County where children are exposed to something that becomes a shared memory. That's what separates humans from the rest of the animal kingdom, that we have shared experiences and shared memories. It's part of what makes this a community. And Ben, you may think that's hilarious but it's not, it's important. It's important to civilized people. It's important to people who care about the education of their children and the values because you value the past, you value the culture, you value science, you value learning.

And as far as it being a discretionary spending, it is not discretionary. If we were to do nothing it would cost us \$800,000 to mothball this jewel that we have here; \$800,000 for -- to deprive our children of exposure to something that is worth while. Okay? It's not worth it, Ladies and Gentlemen, to waste \$800,000. It is worth our while to try to look at saving something that means something to our families, to our children, to our future. And to say that we cannot charge -- and by the way, I spent a great deal of time with the golf pro from Timber Point who went over this. And you know, people will not flock away from our golf courses because it's still the best bargain around, it's still the best bargain around. People will not go away from renting our canoes. The canoe rental went up \$1, \$1.

So let's not be absurd, okay. We've been spending the money, we've been subsidizing the parks to the tune of 412 million a year and I haven't started to talk about the capital expenditures, the capital expenses at our campgrounds, the capital expenses at our golf courses. Let's be honest, let's be genuine.

And somebody said this isn't the time to raise the fees? This is precisely the time to raise the fees because we cannot afford to subsidize these activities. People have to pay their way. You know they're not paying the same when they go to the movies, right? What would you pay when you went to a movie seven years ago? It wasn't what you're paying now. Be honest about things. Okay?

We need to raise these park fees. It's justified, it's correct, it's the right thing to do and it's the right time to do it. Please vote yes on this. Thank you.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I don't have a problem raising the fees to keep pace with inflation. I just have a procedural question that I would say is geared more towards Counsel.

As I understand it, this has not yet been to the Park Trustees for their approval and the Charter, Section 28-3(A)4 which outlines the powers and duties of the Board of Trustees, it says specifically that one of their duties is to approve all matters having to do with the regulation use of fees and charges in terms of parks and that it would be referred by the Board of Commissioners and they shall not become effective -- they shall become effective only upon the approval by the Board of Trustees. So I want to make sure that we can vote on this before the Trustees vote on it. And assuming that we can, maybe the sponsor can give -- shed some light as to whether we're likely to see the Trustees approve these fees.

MR. NOLAN:

Well, the answer is yes, we can vote before the Trustees vote; the Charter doesn't say which has to come first. But clearly, if the Legislature approves the increased fees, the Trustees would have to approve it as well before they'd go into effect.

LEG. SCHNEIDERMAN:

And then for Legislator Viloría-Fisher, have you coordinated -- I know you go to those meetings; are we likely to see an approval by the Trustees?

D.P.O. VILORIA-FISHER:

It seems to me that the majority of the Trustees are on board. I have spoken with them, I have attended their meetings and with the accommodations that I've attached, you know, the changes that have been made, most of them seem to be on board.

LEG. SCHNEIDERMAN:

Okay. And I thank you for working with me as well on changing one of -- in particular one of the fees. So thank you.

D.P.O. VILORIA-FISHER:

Sure.

P.O. LINDSAY:

Legislator Alden

LEG. ALDEN:

I can't let this be unsaid. Just Legislator Viloría-Fisher, I think you framed it in a way that is not honest and is not straight-forward. This is not whether we keep the Vanderbilt open or whether we don't keep the Vanderbilt open. This is responsibility. Who is going to pay for that Vanderbilt to stay open? This is whether we spread it amongst everyone in Suffolk County or whether we charge a few people. And there's a couple of other points, too.

With the Parks Department and this \$12 million subsidy, we can thank ourselves for that 12 million bucks. We have voted time and time again to buy open space. Who manages the open space? The Parks Department. So to come and say that there's a negative \$12 million budget in the Parks Department when you look at fees and you look at the amount of money that it costs us to run that Parks Department, that's totally misleading. I'm going to say not most, because I'm not the Commissioner of Parks, but I dare say that if you started pulling it apart, you've got the Park Police, you've got management, you've got workers that go out there and have to clear debris, you've got insurance, you've got settlements where people get hurt on our open space; that open space, that's given to the Parks Department to manage. So to say \$12 million lacking? What should we do, raise the fees \$12 million on the couple of people that go and rent a canoe or play golf or go to our beach? That would be absurd. If we are going to keep buying open space and handing it to the

Parks Department and telling them, "Here, manage the property."

So if we want to look at what fairness is, let's look at a fair way and an equitable way to actually fund the operations of the Vanderbilt Museum if we want to keep it open. Not dump it on people that are going and using our recreational facilities, because there's a little story, too, about killing the goose that lays the golden egg and that might be what we're doing right now.

P.O. LINDSAY:

Legislator Beedenbender. God, I hope this is coming to an end

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Legislator Viloría-Fisher, I admire your passion for this issue, I really do, and I'm not saying that flippantly. But I simply -- I categorically disagree with what I felt some of the categorizations you made in your defense of this proposal.

I think the idea that somebody who uses an RV or somebody who plays golf fits into some specific socioeconomic strata or some specific demographic is completely untrue. And I just -- I got the sense from that testimony that it is about, "Well, they're an RV and he has electronics in the RV;" well, that's what some people do and that's what our parks are there for. And I think it was incredibly offensive to characterize it as they should simply pay because they're in an RV and there's electricity in it; well, that's the most offensive thing I've ever heard.

LEG. NOWICK:

No.

D.P.O. VILORIA-FISHER:

Can I just respond to that?

LEG. BEEDENBENDER:

And I just simply think --

P.O. LINDSAY:

Let him finish.

D.P.O. VILORIA-FISHER:

That was personal

P.O. LINDSAY:

No, let's finish it. Finish it.

D.P.O. VILORIA-FISHER:

No, I'd like to respond. '

LEG. MONTANO:

Can he finish?

LEG. BEEDENBENDER:

But Legislator Viloría-Fisher --

D.P.O. VILORIA-FISHER:

No, that was personal.

P.O. LINDSAY:

No, stop!

LEG. BEEDENBENDER:

I just think that was patently off-base and had nothing to do with this particular discourse.

D.P.O. VILORIA-FISHER:

Excuse me. That was personal, so I'd like to respond.

P.O. LINDSAY:

No, no, no.

D.P.O. VILORIA-FISHER:

It was not -- it has to do specifically because you're paying for the utilities.

P.O. LINDSAY:

I haven't recognized you yet.

LEG. BEEDENBENDER:

But you -- you are offended by the people --

P.O. LINDSAY:

All right, stop.

D.P.O. VILORIA-FISHER:

No, I was not.

LEG. BEEDENBENDER:

-- not the process, and that's what you said.

P.O. LINDSAY:

Stop! Stop!

D.P.O. VILORIA-FISHER:

No, I was not.

P.O. LINDSAY:

Both of you, stop! It's six o'clock, I'm getting tired, we've got pages of stuff --

LEG. BEEDENBENDER:

This is important.

P.O. LINDSAY:

Just stop! All right? You haven't been recognized. You had your say four times.

LEG. BEEDENBENDER:

I talked twice, that's fine.

P.O. LINDSAY:

No.

LEG. BEEDENBENDER:

No, I'm fine.

P.O. LINDSAY:

No, go ahead, take a walk. Now, just to set the record straight -- and I don't want to hear any more -- you've talked about three or four times.

D.P.O. VILORIA-FISHER:

No. Excuse me, I've talked once on this. I waited.

P.O. LINDSAY:

Okay. Once? I think you've talked a couple of times.

D.P.O. VILORIA-FISHER:

No, I waited.

P.O. LINDSAY:

The point is we're not getting anywheres, all right? And --

D.P.O. VILORIA-FISHER:

Excuse me, Mr. Chair.

P.O. LINDSAY:

Are you going to --

D.P.O. VILORIA-FISHER:

That was a personal attack on me

P.O. LINDSAY:

Are you going to interrupt again? You are not recognized. How many times do I have to say that?

D.P.O. VILORIA-FISHER:

But I have a -- I think I can make a point of personal privilege.

P.O. LINDSAY:

You are not recognized. You are not recognized.

D.P.O. VILORIA-FISHER:

For a point of personal privilege you do not have to be.

P.O. LINDSAY:

No. No, I want to conclude --

D.P.O. VILORIA-FISHER:

Because I did not attack --

P.O. LINDSAY:

I want to conclude this debate.

D.P.O. VILORIA-FISHER:

I did not --

P.O. LINDSAY:

I will have order here!

D.P.O. VILORIA-FISHER:

I did not attack --

P.O. LINDSAY:

I will have order here!

D.P.O. VILORIA-FISHER:

-- a group and I will not be accused of that.

P.O. LINDSAY:

I will have order here. You are not recognized.

D.P.O. VILORIA-FISHER:

Well, then, will you recognize me? I was attacked personally.

P.O. LINDSAY:

I'm going to conclude this debate.

D.P.O. VILORIA-FISHER:

Well, I'm going to tell you that I did not attack any group. I said if you are not in an RV, you use less utilities.

P.O. LINDSAY:

If you would let me conclude this debate, I might straighten out the record.

D.P.O. VILORIA-FISHER:

Well, I've just made my point.

P.O. LINDSAY:

So just be quiet. You made your point, now --

D.P.O. VILORIA-FISHER:

I've made my point. Thank you.

P.O. LINDSAY:

-- let me talk because I haven't talked. I've listened to everybody

D.P.O. VILORIA-FISHER:

Well, I can't sit here while someone insults me.

P.O. LINDSAY:

Well, you said your point over my objection, so just be quiet.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

All right. First of all, and getting back to some of the pertinent issues here, is the issue about the park fees. Our Executive takes the position that everything has to be treated like a business, that our nursing home is running at a deficit, that the Vanderbilt is losing money. We're government, we provide services for the people. We don't make money on everything that we do. We don't make money on our park systems, we provide recreation. We don't make money on old people that we're taking care of in a Skilled Nursing Facility. We don't make money on a museum that's been in the inventory of this County for decades. But, you know, we have to be fiscally responsible, we have to raise revenues, we have to raise revenues and that's what this is about, because whether we like it or not, this facility is our responsibility. It is going to cost us more money to close it than to operate it, and I think we've gotten that verified by both Budget Review as well as the Vanderbilt Trustees. So I really don't see where we have a choice here. I mean, you can vote this down, but then we're going to have to find the money to mothball the facility.

What I'm trying to do is to try and come up with some long-term solutions, that's why I want to hire a private Counsel to go back into the trust. That's why I want to set up this task force with the college. That's why -- I don't want to see this facility closed. I don't want to see any County facilities closed, but we're in desperate, desperate shape and that's what this dialogue is about and that's why everybody is on edge. And we have to work together to keep this government working, that when we come out of this serious recession there is something left to Suffolk County, that we

don't sell all our assets, that we don't close our facilities. I mean, we could do all that and when all is said and done, Suffolk County don't mean anything, it doesn't provide any services for anybody.

So I'm sorry if I lost my temper. I just listened to more than an hour of testimony, it got testy and I just want to move this issue. So let's just vote up or down, okay?

LEG. NOWICK:

Let's vote.

P.O. LINDSAY:

We have a motion and a second.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy 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:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Pass. Oh, you know what? It'll be a yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Twelve.

LEG. COOPER:

Yes. Thank you.

P.O. LINDSAY:

Okay, back to the agenda.

LEG. NOWICK:

Let's just do it.

P.O. LINDSAY:

Okay, let's go back to *Tabled Resolutions*, page seven.

2137A-08 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,325,000 in bonds to finance the cost of storm water remediation on CR 80, Montauk Highway at Forge River (Phase 2) (CP 5516.112 and 311). Do I have a motion?

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Eddington. I have a question for Budget Review. Is this 477 money?

MR. NOLAN:

This is a Bond Resolution.

P.O. LINDSAY:

Yeah, I know that, but why isn't it 477 money?

LEG. ROMAINE:

There's no money left.

MS. VIZZINI:

What resolution are we on, Mr. Presiding Officer?

P.O. LINDSAY:

2137A, Bond Resolution for storm water remediation on County Route 80.

MR. REINHEIMER:

Water Protection is for ground water, this is storm water runoff; I think that's the difference for --

P.O. LINDSAY:

No, I beg to differ with you. We've funded many storm water remediation programs under 477.

LEG. KENNEDY:

Absolutely.

MR. REINHEIMER:

You're correct.

MR. NOLAN:

So it could be.

P.O. LINDSAY:

I mean, we have a dedicated fund of cash there. I'm not opposed to this project, but I'm opposed to additional bonding if we don't have to.

MR. ZWIRN:

Let me get the Commissioner. Can we pass over this one?

P.O. LINDSAY:

Sure. Okay, we're going to pass over it and see if we can shed some light on it. Maybe I'm wrong, I just don't understand why.

2158A-08 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$141,000 Bonds to finance the cost of planning for restoration of wetlands (CP 8730.111). I've got the same question. So if it's all right, I'm going pass over that one as well.

0008-09 - Designating depositories pursuant to Section 212 of the County Law (Presiding Officer Lindsay). Has this been rectified yet?

MR. NOLAN:

No, it has not been rectified. I believe there's going to be a meeting on Thursday with the Treasurer and Legislator Horsley with some of the people from the banks to try to straighten out the issue that has caused us to table this resolution up to this point.

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Alden, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Here comes Commissioner Gallagher. Commissioner Gallagher, we're stuck on two Bonding

Resolutions, 2137A for storm water remediation and 2158 for planning for restoration of wetlands. And what we want to know is why can't we use 477 money for that rather than bonding it?

COMMISSIONER GALLAGHER:

The short answer is that given the shortfall in the sales tax revenue, there is most likely not any money in the short-term to switch any projects over. I think the first --

P.O. LINDSAY:

Isn't this the beginning of the year? Correct me if I'm wrong, I think we have like \$7 million a year even at the old projection, so maybe if we lose a little, maybe six million?

COMMISSIONER GALLAGHER:

Well, there's --

LEG. ALDEN:

There's a balance in that fund.

COMMISSIONER GALLAGHER:

Yes, but that balance is -- there actually is probably no balance. I'm waiting for a confirmation, a further discussion with the Budget Office after the February receipts come in. But given what the Water Quality Review Committee has committed to or recommended, not all of it has come through the Legislature, there are a few projects that have not yet come to the Legislature for adoption, but given old projects that are -- that were already recommended and passed by the Legislature, and given the fact that we've been told that there was a shortfall even in 2008 receipts, that has to be accounted for. And the reluctance to commit future funds from 2009 when we're not sure of what sales tax revenue is going to look like, I'd be hesitant to say we could definitely, you know, switch them over to funding at this point.

P.O. LINDSAY:

Before I recognize you, Legislator Romaine. Ms. Vizzini, what do you guys show as a balance in that --

MS. VIZZINI:

When we did the Operating Budget, there was a fund balance of 4.6 million for the Water Quality component, the new program. We are reaching out to Commissioner Gallagher and the Budget Office to recalculate some of the numbers in light of the sales tax shortfall. We are projecting broad -- you know, the full Water Quality Program, a \$5.6 million shortfall of which about eleven, eleven and a half percent would be for the Water Quality Program. So if it's going to bring that 4.2 down by --

P.O. LINDSAY:

So with even your pessimistic numbers, what are you projecting would flow into 477 this year?

MS. VIZZINI:

I'll have to get that for you. We were focusing on the shortfall.

LEG. LOSQUADRO:

Well --

P.O. LINDSAY:

No, Legislator Romaine.

LEG. ROMAINE:

Thank you. One of my concerns, Commissioner Gallagher, and last week I asked the Budget Review Office, was to look at 477 money. Because we had made inquiry about certain projects and we were told, "Well, there's no money available," and I said, "Boy, that just rings wrong."

COMMISSIONER GALLAGHER:

We're not sure that there will be money available.

LEG. ROMAINE:

Okay. My concern is that the money that is available is considered those projects that the Legislature has approved. Not projects that the administration hasn't submitted to the Legislature and therefore isn't going to allow any other projects to go forward by claiming there's no money, because they're actually holding back projects that they're going to submit at some point at a later date or submit vouchers for more salary for the 477 or have some other uses. The only use that is legitimate that should be considered in the accounting of the 477 program is those projects that this Legislature has authorized. Not any hidden agenda that we don't know about as 18. We get to appropriate that money. The Executive has the ability to either accept our appropriation or veto it, we have the ability to override that. But essentially, there is and should be no hidden list, no secret agenda other than those projects that come before us and are approved.

I've asked Ms. Vizzini to give us an estimate of what is going to be available for 477 in 2009. I fully intend to share that memo with all my colleagues. If they have a legitimate 477 program such as the two that the Presiding Officer is talking about, we should appropriate that money for that program. That's a decision that's made collectively by the 18, not held back and say you have no more money. Because when I got told that answer when I asked my Aide to inquire, I immediately asked Budget Review to review that, because that simply does not ring true. Thank you.

COMMISSIONER GALLAGHER:

And I don't disagree with you, there are no hidden lists, no secret agenda. All of the projects I'm talking about either -- that we're accounting for either have gone through the Legislature or, as I said, were recommended by the Water Quality Review Committee and, therefore, all that information is publicly available. Members of -- Mike Cavanagh usually sits in for the Presiding Officer at those meetings, you know, votes on those projects. So there's no projects that have not yet gone through the Water Quality Review Committee am I talking about. I'm talking about those projects.

LEG. ROMAINE:

Could you do us a favor?

COMMISSIONER GALLAGHER:

And some of those resolutions were -- actually all of them had been sent up and just didn't make it at the end of the year.

LEG. ROMAINE:

We all have -- you can do blast e-mail to 18 of us; could you give us a list of all those projects that that committee has approved that hasn't come before us yet?

COMMISSIONER GALLAGHER:

Sure.

LEG. ROMAINE:

Thank you.

LEG. SCHNEIDERMAN:

And their cost.

P.O. LINDSAY:

And before we go further --

LEG. ROMAINE:

And their cost.

COMMISSIONER GALLAGHER:

Yes.

P.O. LINDSAY:

-- just a matter of procedure, just to move this along, if I can. If we table these two resolutions until we get that report on 477, would that harm anything?

COMMISSIONER GALLAGHER:

The only thing that would be harmed is on the Wetlands Stewardship.

We are trying to execute the contract with the consultant who's been selected, LKB, and of course we can't execute the contract if we don't know that the funding is not only appropriated but bonded; I mean, you know, if you don't know that the funds are going to be there. So we have been waiting on this particular issue.

P.O. LINDSAY:

It's just so upsetting to me to see us bonding 477 projects this early in the year.

COMMISSIONER GALLAGHER:

Well -- right, this is one from last year. I mean, it was --

P.O. LINDSAY:

Yeah, I know, but we're in a new revenue stream, even if it's a reduced revenue stream. I mean, if this was December I could understand it. Legislator Browning -- Alden, I'm sorry; Alden, Schneiderman and Browning.

LEG. ALDEN:

This actually brings up a larger question; when we pass this Quarter Cent, which this is only one little component of, the 477?

COMMISSIONER GALLAGHER:

Right.

LEG. ALDEN:

That whole success of that was predicated on a revenue stream that now has not materialized. The '08 has to be revised down, '09 has to be revised down. I think we're going to need a plan as far as -- or even just a road map, how much money we actually have. Because I'm not so sure we should go through with a lot of acquisitions that might be brought before us to be voted on if we don't have the revenue stream to support those acquisitions. So we really need to know where we are on all these, not just the 477 but the larger issue.

COMMISSIONER GALLAGHER:

Right, the open space component. And we are looking at that as well --

LEG. ALDEN:

All right.

COMMISSIONER GALLAGHER:

-- in the follow-up meeting. As you know, what we've been trying to do is bond because we have the ability through 2011 to bond and reserve all of the money that comes in the revenue stream on a yearly basis for the debt service.

LEG. ALDEN:

But when that was -- when that whole project was presented to us, it was predicated on revenue

coming in last year and this year at a high level. Because right now you actually -- you take away some of the ability to pay for debt that would be sustained by those two revenue streams, '08 and '09.

COMMISSIONER GALLAGHER:

Right. I don't think -- and Gail, correct me if I'm wrong, but I don't think that the projection was ever very high. I think there was always a reduced -- it had been reduced down from previous years. There was always an expectation that there was going to be a lower rate of sales tax revenue, both in 2008 and 2009.

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

LEG. ALDEN:

But I think we're into the safety zone where actually we end up paying out of -- or we could end up paying out of General Funds in a few more years; this is getting close.

COMMISSIONER GALLAGHER:

I'd have to defer to BRO or Budget Office on that one.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Something's not adding up and I'd like to get to the bottom of it as quick as we possibly can. Last time I asked about 477 Funds for Water Quality projects. I was told that -- and the economy was better, it was generating \$8 million a year. I asked how much of it was going toward salaries, around three million, leaving roughly five million available for projects. If the things dropped by 11%, then we're roughly talking a half million dollars, so maybe we'd get seven and a half million, take away the three million for salaries, that's four-and-a-half million, we've got 4.6 left over, that's roughly \$9 million. I don't understand how we could have no money to do these types of projects.

And I know we've approved some things, we approved some street sweepers, maybe some storm drains, maybe some scallop projects, but nothing that would wipe out this \$9 million. So I'd like to hear as quick as possible why we're being told that there's no money left for Water Quality projects, because it just doesn't add up.

COMMISSIONER GALLAGHER:

Again, I'm just saying that there's not a starting balance or we're not sure right now what the starting balance is. And again, I'm reluctant to commit money, we're waiting on -- I'm waiting to reconvene with the Budget Office, work with BRO, see what the discrepancy is. Remember, there's also a chunk of that money that every year is already committed in salaries, benefits, Cornell Cooperative Extension projects; it's already accounted for.

LEG. SCHNEIDERMAN:

Again, it's not adding up.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. I know that the Forge River, the stormwater remediations for my district, and I know that, you know, the Montauk Highway project is getting ready to start in a couple of months. You know, I wanted to know at what point were you wanting to do this? Is this going to be combined with the highway project?

COMMISSIONER GALLAGHER:

I don't -- I think it was -- again, I'd have to defer to DPW. I think it was put in as one giant project which is much more expensive and there is a storm water remediation component. And I believe this was a project that was initiated before the inception of the 477 -- the Water Quality Protection Program. And there's also a 50%, I think it's a Bond Act Project, a State Bond Act Project where we're getting 50% reimbursement from the State.

LEG. BROWNING:

I'm just concerned that it would be affecting the project, period, the whole roadway project that we've got starting in a couple of months.

COMMISSIONER GALLAGHER:

Yeah, I'm not sure.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Hi. When I was Environment Chair, on a monthly basis you would give me a status report of where the funds were. And during these difficult financial times, I don't know whether it was monthly or bi-monthly, I can't remember, but perhaps that would be helpful if we could see what's in the pipeline, what we anticipate, what has come in.

COMMISSIONER GALLAGHER:

That's on the Open Space parcels. We don't have that information for the Water Quality Program per se, because really the Budget Office gets the -- has a handle on what sales tax revenues are coming in or not coming in, and I'm not sure how frequently, if that's done quarterly or not.

D.P.O. VILORIA-FISHER:

Well, perhaps, Jay, with the EPA Committee, maybe that's something that you could work with the Budget Office, have some kind of ongoing status report to know --

LEG. SCHNEIDERMAN:

That's fine.

D.P.O. VILORIA-FISHER:

-- what is coming in, what's in the pipeline, so that we can have a handle on this and really know what we're looking at because of the difficult economic times.

LEG. SCHNEIDERMAN:

Well, I think one interesting unknown is that the Water Quality Committee is coming up with their own projects, whoever is initiating them, we don't know the cost of what those projects are. We know what we've approved, some Stewardship Programs, some litter signs, some maybe questionable projects --

P.O. LINDSAY:

And we don't approve them?

LEG. SCHNEIDERMAN:

-- but they were small.

COMMISSIONER GALLAGHER:

Yes, you do.

LEG. SCHNEIDERMAN:

We do, but --

COMMISSIONER GALLAGHER:

You do approve all of them and Legislators are asked to submit, and have quite frequently submitted projects to the Water Quality Review Committee.

LEG. SCHNEIDERMAN:

Right. I think it should be coming from us to the committee, but apparently it's coming from the committee to us.

D.P.O. VILORIA-FISHER:

No, we do it the other way, too.

COMMISSIONER GALLAGHER:

It goes both ways.

D.P.O. VILORIA-FISHER:

It goes both ways.

LEG. SCHNEIDERMAN:

But I think we need an immediate accounting, we need to see each project that's been approved, what the costs were and where the funds are and what's encumbered and what's not encumbered, immediately.

P.O. LINDSAY:

And I think that's everybody, right? I hate to throw fuel on the fire and back it up to the last issue, but a lot of the positions that we're paying out of 477 is to the Parks Department.

COMMISSIONER GALLAGHER:

Yes, the majority of them.

D.P.O. VILORIA-FISHER:

That's right. That's right.

LEG. NOWICK:

Table it.

P.O. LINDSAY:

I'll make a motion to table 2137A.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Mr. Chair, I'd like to be recognized.

P.O. LINDSAY:

Let me get -- did you read the --

D.P.O. VILORIA-FISHER:

Yeah, he said it.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

P.O. LINDSAY:

On 2183? On 2158?

D.P.O. VILORIA-FISHER:

No, on my point of personal privilege. Because I asked -- it's not on you. I asked Counsel whether somebody asking for a point of personal privilege had to wait to be recognized and I believe Counsel said no. And I'm going to say -- and there was a personal attack made on me, which was unfounded; the record will prove that out.

Human rights issues and social justice have been a very important part of my life, and I do not put people into groups and discriminate against them. The arguments that I made were made based on economic realities, that if there are people using our facilities, there is a cost associated with that use. And those who are using facilities with a very high impact should expect to have some kind of increase in the cost of that use to them. And that was the point I made, and I believe it was seriously mischaracterized by Legislator Beedenbender and it was a personal attack. Thank you.
Mr. Chair.

P.O. LINDSAY:

Okay, you made your point.

IR 2158A, I'll make a motion to table.

LEG. NOWICK:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- eighteen.

LEG. MONTANO:

Eighteen.

P.O. LINDSAY:

Budget & Finance:

1010-09 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer (County Executive).

LEG. NOWICK:

Motion.

LEG. GREGORY:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Nowick, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Consumer Protection:

2251-08 - Confirming appointment of County Commissioner of Consumer Affairs (Denis J. McElligott) and amending the Operating Budget within the Department of Consumer Affairs (County Executive). I understand that we have to table this again, there's still some problems with the State.

MR. NOLAN:

The law creating the department and the position has not taken effect yet, so we'll have to vote this in the March meeting.

P.O. LINDSAY:

Okay. I'll make a motion to table.

LEG. LOSQUADRO:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

2214-08 - To appoint Linda A. Moran as a member of the Suffolk County Citizens Advisory Board for the Arts (Alden).

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Alden.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley?

LEG. HORSLEY:

Yep.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

*(The following was transcribed by
Kim Castiglione, Legislative Secretary)*

P.O. LINDSAY:

2229-08 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for Nana's House, Inc., 90% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. LOSQUADRO:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2230-08 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grants Program for AFCO Systems 90% reimbursed by State funds at Suffolk County Community College. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion by Legislator Viloría-Fisher, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2236-08 - To appoint Margarita Espada-Santos as a member of the Suffolk County Citizens Advisory Board for the Arts. (Montano)

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1002 - To reappoint Frederic DeFeis as a member of the Suffolk County Citizens Advisory Board for the Arts. (D'Amaro).

Motion by Legislator D'Amaro, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Environment, Planning and Agriculture:

1894-08 - A Local Law to reduce the use of fertilizer near surface waters in Suffolk County. (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine. Could maybe the sponsor explain how this differs from the previous bill?

LEG. SCHNEIDERMAN:

Back in '07 in November we passed the fertilizer bill restricting use from November 1st to April 1st. I had put in a fertilizer bill with a larger setback that never made it out of committee, which was a 100 foot setback. I reduced to -- there's a 20 foot setback for residential use of fertilizers from natural water bodies, so it's exempted an artificial pond. It also contains an exemption for if you have a natural buffer area, naturally vegetated buffer area of ten feet or more, then you'd be exempted from this 20 foot setback.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Who enforces this?

LEG. SCHNEIDERMAN:

It's the same enforcement mechanism and penalty as the earlier fertilizer bill.

LEG. ALDEN:

So neighbors will turn in their neighbors?

LEG. SCHNEIDERMAN:

Well, it's the Health Department and Consumer Affairs are in power to enforce it. I hope that people -- it also works as an educational tool. Fertilizers contain nitrogen and phosphorus which leaches directly into our waterways and reeks havoc on our shellfish populations, marine life. I think it's an important step. It really carries on the County's traditions going back to our phosphate ban trying to protect our water equality. I urge your support.

LEG. ALDEN:

It's feel good.

P.O. LINDSAY:

Okay. We've got a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2026-08 - Authorizing the Suffolk County Planning Commission to establish notice protocols for applications under commission review. (Schneiderman)

LEG. SCHNEIDERMAN:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Losquadro.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Legislator Alden wants an explanation.

LEG. SCHNEIDERMAN:

Okay. The Suffolk County Planning Commission reviews matters of local land use that get referred by the municipality, often zoning changes and site plans near borders. There's a whole bunch of various categories that get referred. If they're denied, it goes back to the Planning Board and requires a super-majority vote. Although there is a public comment period held by the Planning Commission there's no notice. So somebody whose application it is, even though they're paying for the Planning Commission to review it, I think there's a 50 or a hundred dollar fee, there was no effective way for them to know that their fate was about to be decided by the Planning Commissioner.

This is an open government type of initiative. It allows the person whose property is in question to know when this -- know when they're being reviewed by the Planning Commission. The Planning Commission also will post seven days in advance of the Public Hearing the -- it's not really a Public Hearing, but the review -- they'll post onto their website, the County's website, the agenda for that meeting. So it's the agenda plus the notice to the town and to the applicant.

LEG. ALDEN:

Through the Chair. Are they allowed to address the Planning Commission when they're reviewing their application?

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes, there's a public comment period.

LEG. ALDEN:

Okay. So --

LEG. SCHNEIDERMAN:

But they had no way of knowing.

LEG. ALDEN:

Good, then it makes sense.

P.O. LINDSAY:

Legislator Kennedy, do you want to ask something?

LEG. KENNEDY:

Mr. Chair, I guess through the Chair to the sponsor. We recently had a matter over in the 12th that involved the Village of Islandia, and because of proximity to another municipality being less than five hundred feet, it was an automatic referral over to the Planning Board. I traveled out to Riverhead and spoke on that issue, as a matter of fact, and there were a half a dozen individuals from the applicant. I'm not certain if we have somebody here from the County Attorney's Office or even to Counsel. I'm almost positive that there's notice to the applicant --

LEG. SCHNEIDERMAN:

There is not.

LEG. KENNEDY:

-- as far as scheduling for an agenda.

LEG. SCHNEIDERMAN:

Only if the town maybe notified that person, but there's no effective way to notify -- right now there is no notification to the applicant.

MR. NOLAN:

Tom Isles from the Planning Department and the Planning Commission was at our meetings and he, you know, he agreed that right now there is no protocol where the applicants are automatically notified by the Commission that something's going to appear on their agenda.

P.O. LINDSAY:

Mr. Zwirn, did you want to weigh in on this?

MR. ZWIRN:

I was just going to add what Mr. Isles said at the committee, what he was concerned about was that while Legislator Kennedy was out as an interested party, the protocols that are being suggested would leave out any interested parties being notified, adjacent neighbors, and they might be denied an opportunity to be heard at a particular part of the process where they would like to be notified. So if you notify just the applicant, you may be losing an important part of the process. He thought that should be worked out in some manner that interested parties, adjacent property owners, ought to be notified as well.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. Ben, just a quick question. If someone -- if it passes and then someone doesn't get notified and there's action taken, is there a remedy to open it up? I mean, what does that do to the process?

MR. ZWIRN:

I don't think that there -- that you can make any kind of application you want, but I don't think you would have grounds at that point if the process was --

LEG. MONTANO:

So it's more like a courtesy notice as opposed to a procedural notice.

MR. ZWIRN:

And what we're afraid of is that if one party is notified and someone isn't, that they're going to use that as an opportunity to try to say it wasn't -- the process wasn't fair.

P.O. LINDSAY:

Did I misunderstand you? The notice is on a website. Am I correct that the whole world could see it, right?

LEG. SCHNEIDERMAN:

Right, the whole world can see.

LEG. MONTANO:

Oh, okay.

LEG. SCHNEIDERMAN:

So if somebody is interested they can follow it by checking the County's website and seeing the agenda.

LEG. MONTANO:

So your bill --

LEG. SCHNEIDERMAN:

And also the municipality that referred it is notified and the applicant will likely be cc'd. How they get notified is actually up to the Planning Commissioner. And, you know, I discussed this at length with Mr. Isles and --

LEG. MONTANO:

I'm not on the commit so I --

LEG. SCHNEIDERMAN:

-- and it got to a point where you could accept this bill, so.

LEG. MONTANO:

I'm not on the committee so I just wanted to be clear. You're saying that the notification could be on the website, that's sufficient.

LEG. SCHNEIDERMAN:

No, no. The referring municipality will be notified by -- through a letter, probably certified mail, and the applicant will be notified as well in writing. It doesn't say whether it's going to be a cc or direct notice. That is up to the Planning Department, the exact mechanism, but they will be notified. The neighbors, adjoining properties, other interested parties, they would have to find out by checking the website.

LEG. MONTANO:

My only question was, and I don't want to delay this, is what if there's a failure, an inadvertent failure to notify under this bill? What does it do to the process, if anything?

LEG. SCHNEIDERMAN:

That may be better asked of Counsel. Counsel, if the Planning Department fails to do the notice, does it invalidate the hearing.

LEG. MONTANO:

If they take action --

MR. NOLAN:

If they take action without having made this particular --

LEG. MONTANO:

If the person isn't notified, they take action, you know, what are the consequences? I don't want to make this a big debate, I'm just curious.

MR. NOLAN:

I don't believe that the failure to make this notification that's set forth in this resolution would invalidate the action taken by the Commission.

P.O. LINDSAY:

Okay. That's it. Legislator Stern.

LEG. STERN:

Thank you. I have a question of somebody. We passed legislation here, maybe a couple of years ago now, in the case of a referral to the Planning Commission. There were certain requirements that had to trigger this new provision, but we voted and passed legislation that required that not only notice be given to the applicant, but that the applicant then had the burden, either the applicant him or herself, or the referring municipality had the responsibility to place area residents within a thousand feet on notice. We had that specific case, notice wasn't provided, it was delayed until the applicant then put everybody on notice. Maybe I'm missing something here, but we've had this situation before and we passed legislation to deal with it.

MR. NOLAN:

We did pass legislation several years ago, but that only applies to a certain class of cases that would end up before the Planning Commission. They would have to be large developments, as I recall.

LEG. STERN:

It was a large scale development, yeah.

MR. NOLAN:

Right. So this is a broader -- and as I recall that law, that was a more narrow set of cases. And, yes, the people would have -- the applicants did have to notify people in the surrounding area. I forget exactly what the requirements were, but we did pass that local law.

LEG. STERN:

So I understand that the circumstances might be different, but I would think that the procedure that we would follow could be the same, because now you're just expanding the class, really, the circumstances where that kind of notification is required. So I understand that that might not have been covered under the last legislation, but the procedure should be the same.

LEG. SCHNEIDERMAN:

Not necessarily in terms of the extensive notification. If you're talking about a large scale project

that's likely to have large community impacts, there I would think you would want a mechanism to notify, you know, through the newspapers, you know, a larger group of people posting the property. This is for much smaller residential type of projects so I don't know that you need to go as far with your notice requirements.

LEG. STERN:

I'm sure you don't, which is why, though the Chair, that the applicant then should have the responsibility for making the notification. In fact, I would think in these kinds of circumstances it's even easier for the applicant to have the responsibility for the notification rather than the large scale projects which is a much wider area. I would think it would be simpler.

LEG. SCHNEIDERMAN:

Put in an amendment, but this bill doesn't do that. This bill let's the person, the main affected party, know that the Planning Commission is reviewing their application on a particular date.

P.O. LINDSAY:

Anybody else? No? Okay. We have a motion and a second, am I correct?

MR. LAUBE:

You're correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2232-08 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Gerard Property - Wagner Farm - Town of Riverhead - (SCTM No. 0600-136.00-01.00-005.000 p/o). (Co. Exec.)

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstention?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

Cosponsor, please.

P.O. LINDSAY:

2238-08 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Afga property - Town of Brookhaven) (Losquadro).

LEG. LOSQUADRO:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Romaine. If nobody's going to weigh in, I'm going to weigh in. Okay, Legislator D'Amaro.

LEG. D'AMARO:

I just wanted to ask, I'm sure I have the information somewhere, but if Budget Review could just tell us what the impact is, what the debt service is on this acquisition. Oh, it's just the planning steps, right. Scratch all that. Never mind. Sorry.

P.O. LINDSAY:

I just want to go on record. I think we are out of our mind. You want to buy another mansion.

LEG. LOSQUADRO:

I'll be happy to explain.

P.O. LINDSAY:

Let me finish and then you can reply, and I know what you're going to say, that somebody is going to take over the maintenance of the mansion and whatever. I believe that's how we got involved with the Vanderbilt, all right? And you see what a mess we're in with that now. Besides that, Dan, it's nothing against this acquisition.

I am not voting for any more planning steps, because I seriously believe we have to slow down this process, that for us to be -- to continue on and to buy property without deriving some revenue from it is insane. We're cutting everything else, we're talking about all kinds of draconian cuts. For this program to go forward untouched I just think is just wrong. That's all I wanted to say.

LEG. LOSQUADRO:

Mr. Chairman.

P.O. LINDSAY:

And that's one man's opinion.

LEG. LOSQUADRO:

Thank you. And I appreciate your concern, and it's a concern that I share in these times. If this had been just even last year or a few years ago, you know, we wouldn't even be having this discussion about something of this historic importance. This is the last remaining laboratory. This property holds the last remaining laboratory of the inventor Nikola Tesla. The building was designed and constructed by Sanford White, the renowned architect, probably only second -- is in the Pantheon of American Architects by Frank Lloyd Wright.

My goal in this is to be proactive, to have Suffolk County take the lead because we, as opposed to some other levels of government, can, despite what we saw here today, that it's almost seven o'clock, can actually act in a pretty expeditious manner. So I would like us to be out front on this, to be the point of the spear. I do not anticipate us taking this on alone. In fact, if we were to move ahead with this process, I would want to see the land and the building carved out of a potential acquisition. I would not want to see the County take possession of this building.

I think we have serious opportunities here to move forward, not only with other levels of

government -- I'm meeting with members of our State Delegation later this week or early next week regarding this, but also with corporate sponsorships because of Tesla's pioneering work on wireless communications, that we have large, national telecommunications companies who might be interested in working with individuals regarding this. We have the Tesla Science Museum, who's already a willing partner to come on board with this. This is something I do not foresee Suffolk County taking on a loan, nor would I want to. If it ever were to come back to us in that fashion I certainly wouldn't be supportive of that nor would I be voting for it in that regard. But I do not want to see this languish and us being reactive as we have in the past to a developer coming forward with a site plan and the town or another level of government have to negotiate with them from a position of weakness. I would like government to be out front on this and be actively negotiating and bringing other levels of government, the not-for-profit sector and the business sector together to preserve a real piece of our nation's history here and do it in a way that it will not adversely impact the economy or the economics of our budget.

So I would urge my colleagues to move ahead with the planning steps on this because I do not see, nor would I endorse, coming forward with an outright acquisition of this property and the historic structure.

P.O. LINDSAY:

Up until about -- does someone else want to speak? Do you want to speak? Okay, Legislator D'Amaro. I spoke already.

LEG. D'AMARO:

Thank you. I just had a question, through the Chair, of the sponsor. I heard you say, and I apologize if I didn't catch everything that you said, that the acquisition would be at no cost to the County? What was the point you were making there?

P.O. LINDSAY:

No, he didn't say that.

LEG. LOSQUADRO:

No, I didn't say that. Although during the committee you may remember there is the possibility that after this property is appraised that this corporation might be interested in donating the parcel to a level of government, maybe the town, maybe the County, we don't know, for a tax benefit.

LEG. D'AMARO:

But this is for planning steps for the County to acquire the property.

LEG. LOSQUADRO:

That's what we have to do. That's the process. We have to go forward with an appraisal process for this property.

LEG. D'AMARO:

And let's say that comes to fruition and we purchase the property.

LEG. LOSQUADRO:

Well, it would be much more complicated than that because --

LEG. D'AMARO:

You're losing me there. What's complicated? We're doing planning steps for acquisition.

LEG. LOSQUADRO:

And I think we have folks here from Planning or Real Estate. Routinely once we appraise a property, individuals, say it's a farmland, individuals retain a portion where they're going to live. We carve out portions of parcels on a regular basis before it comes time for the actual acquisition of this parcel. I would foresee if the property were to be acquired by government in some sort of partnership,

whatever it may be, that the historic structure itself would be carved out of that acquisition so that it would not fall on to government in the future to preserve, restore and maintain that building.

LEG. D'AMARO:

So the County -- you're anticipating the acquisition would only be for the vacant portion.

LEG. LOSQUADRO:

If we even wind up having to acquire the property, that it would not be donated for a tax benefit by the corporation. That is a possibility. Certainly no one's committing themselves to that, but that is a possibility. This parcel has a very long history. It was contaminated, it was a Superfund site. The DEC just approved a clean up on it. It went through a many years long clean up process, which the DEC has now just signed off on. So it brings future development of this site, the viability of future development on this site, into question, which would suppress the value or it would make it difficult for them to even market this parcel. So the possibility of them wanting to donate it for a tax benefit to this corporation is a very real possibility.

LEG. D'AMARO:

I appreciate you answering my questions. I just had two other questions, very quickly. One, does the resolution direct the planning steps only to appraise the vacant parcel? Has it already carved out the developed portions?

LEG. LOSQUADRO:

No. We have to appraise -- any property is based on the highest and best use. The property, if you look at the information that we passed out, the rating form does not even reflect the fact that there is an historic structure on the building, because only the owner of the property can file for historic recognition status. So, it doesn't even recognize that this property would actually probably rate much higher if they did file for that status, but they have not.

LEG. D'AMARO:

Okay. And the second question was this is located in the Town of Brookhaven. Has the -- does the town even have the capacity to partner on this acquisition? Why isn't the town looking at this as an acquisition potential as well?

LEG. LOSQUADRO:

It's not that they have not, it's just something I have been following very closely for many years. Obviously all of you know, me being a history person, the historic nature of this. I've been following very closely and I've been following the DEC cleanup. When I saw that it was nearing the green stamp phase I filed a resolution. I wanted to be -- to have us out in front on this so we didn't wind up being reactionary as we have with other parcels in the past. I anticipate the town, the State -- I've had our State, members of our State Delegation, on both sides of the aisle contact me that they want to work on this because they understand the importance of this as well.

LEG. D'AMARO:

You know, you can get about ten workforce units on this property.

LEG. LOSQUADRO:

As I said before, the development potential is somewhat limited. There are monitoring wells and other things that the DEC has mandated, you know, for the lifetime of the property, so I think that puts us in a pretty good position of leverage.

LEG. D'AMARO:

All kidding aside, though, the Superfund considerations, I mean, if the County took title to this property, all the liabilities are not a concern at this point?

LEG. LOSQUADRO:

No. Any future cleanup or problems that are found in the monitoring wells the DEC has addressed all of that, and the Agfa Corporation, unfortunately for them when they acquired Peerless Photos many years ago, they didn't realize that they were absorbing this type of liability. But they are a huge, multi-national corporation and this has been, unfortunately, one of the thorns in their side and they're going to be responsible for this in perpetuity. But the DEC has approved the remediation that has taken place.

LEG. D'AMARO:

All right. Thank you, Mr. Chairman.

P.O. LINDSAY:

And just maybe the last word, because I don't think I'm going to carry the day on this. But the planning steps, I'm not -- I've always voted for everything as far as environmental protection if it had a decent rating. My reason for going against the planning steps is to slow down the process, and it's across the board. If, again, I had proposed something that's still stuck in committee that we could sell the development rights for extra revenue, and you can't get out of committee. I think we'd just have to slow down the process. We have to get revenue somewhere.

LEG. LOSQUADRO:

I appreciate your concerns, Mr. Chairman. I'll just point out that much like the 477 that you and I were in agreement on earlier, this is a dedicated source of revenue that we have for land acquisitions and I appreciate your concerns about wanting to --

P.O. LINDSAY:

And that dedicated revenue --

LEG. LOSQUADRO:

Is on the decline because it's based on sales tax.

P.O. LINDSAY:

-- could produce more revenue. It could produce more revenue if we sold the development rights.

LEG. LOSQUADRO:

You and I can disagree on that point as to what the intention of that resolution was when it was passed -- or the referendum was when it was passed by the residents of the County, but I think I've explained this adequately.

P.O. LINDSAY:

Okay. We have a motion and a second.

MR. LAUBE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? I'm opposed. Opposed?

LEG. EDDINGTON:

Opposed.

LEG. MONTANO:

Opposed.

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

MR. LAUBE:

Twelve.

D.P.O. VILORIA-FISHER:

I'm over here. Did you miss me?

MR. LAUBE:

You were opposed?

D.P.O. VILORIA-FISHER:

No, I'm for it.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

1020 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Kramer property - Town of Brookhaven)(SCTM No. 0200-984.60-03.00-037.000). (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender. All in favor? Opposed? I'm opposed.

LEG. EDDINGTON:

Opposed.

LEG. MONTANO:

Opposed.

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Health and Human Services:

2234-08 - Requesting Suffolk County Commissioner of Health Services, and the Board of Health, promote public health and fitness, and combat public health ailments, by promulgating regulations requiring chain restaurants to post caloric content on menus. (D'Amaro)

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. I have a question. Will we get a chance to look at the rules before they're issued?

LEG. D'AMARO:

Dr. Chaudhry in the Health Committee addressed that issue in response, I believe, to Legislator Kennedy, same question, and the answer was yes. And also we, of course, have a representative on the Board of Health as well. But his response was in the affirmative, yes, it will come back. It's not required, though, I just -- I don't want to misspeak.

P.O. LINDSAY:

Yeah, I know, but I'd hate to see the same thing happen as --

LEG. D'AMARO:

I agree.

P.O. LINDSAY:

-- our wish to have night hours for the DSS center and we were looking for a report and we got an edict.

LEG. D'AMARO:

That's right, and I agree. I think Dr. Chaudhry -- that's been made very clear to him and he's also made very clear his commitment to work with us and the industry.

P.O. LINDSAY:

Legislator Losquadro had his hand up first. Do you want to talk?

LEG. LOSQUADRO:

Just very quickly, just because I haven't looked at it in a little while. If you could just remind me what constitutes a chain restaurant. What's the minimum criteria for that?

LEG. D'AMARO:

Yeah. The definition in the bill is that in order to fall under the parameters of the menu posting requirement, you need to be operating at least 15 locations nationally.

LEG. LOSQUADRO:

Okay.

MR. NOLAN:

No, in the County.

P.O. LINDSAY:

No, in the County.

LEG. D'AMARO:

No, it's been amended to nationally, I believe.

P.O. LINDSAY:

Nationally?

LEG. D'AMARO:

Correct, yes. Well, you know, I mean, you have to have at least 15 locations throughout the United States.

P.O. LINDSAY:

Did someone else want to talk? Legislator Eddington.

LEG. EDDINGTON:

Yes. I just wanted to reiterate that, you know, I do believe that there are -- I'd rather educate than regulate through legislation, but at the committee Legislator D'Amaro did change his stand and did say that he believes that there are times when you do have to regulate through legislation. And I admire his ability to be flexible and for that reason I looked at this a little more carefully and I'm going to support it.

P.O. LINDSAY:

Anyone else? No? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

In the negative.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2235-08 - Requesting that the Suffolk County Commissioner of Health Services, and the Board of Health, promote public health and combat coronary heart disease, by promulgating regulations banning the use of artificial trans-fats in food establishments. (D'Amaro)

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator D'Amaro.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

Just a quick explanation.

P.O. LINDSAY:

Yeah, Legislator Alden.

LEG. ALDEN:

A quick explanation on who this actually would apply to.

LEG. D'AMARO:

Is that to me?

P.O. LINDSAY:

I guess so, if you don't mind.

LEG. D'AMARO:

I don't mind at all.

P.O. LINDSAY:

Unless you want Counsel to do it.

LEG. D'AMARO:

Whatever the --

P.O. LINDSAY:

You do it. Do it.

LEG. D'AMARO:

Okay. The bill would apply to restaurants operating within Suffolk County, where trans-fats would be across the board prohibited, but the prohibition would go into effect or be phased in over time to give the industry the time that it needs in order to, you know, change recipes, make sure that alternatives are readily available and things like that.

I just want to -- I know there's a few people who want to speak on this bill and I welcome that, but I just want to point out when this bill was also vetted at the Health Committee and Legislator Browning was kind enough to let me address Dr. Chaudhry on this as well, I just want to point out that he is committed in working with the Board of Health into working along with the industry, the baking industry and the restaurant industry, to make sure that the phase in meets their time line balanced against, of course, the need to improve public health. So he's committed to that process as well.

LEG. ALDEN:

Through the Chair. I had one or two specific questions. And to the sponsor, Lou, as you know, most bread -- so if you're running a restaurant and you order bread or you order muffins from some other commercial bakery that is not located in Suffolk County, most of those items contain trans-fats.

LEG. D'AMARO:

Not really, no. A lot of the trans-fats are being phased out right now.

LEG. ALDEN:

Right, but Thomas's English Muffins still has them in it. Most bread that you use on a commercial basis in a restaurant --

LEG. D'AMARO:

They don't have it in it in the State of California. In other words, the point I'm making is that when you remove the trans-fats there are substitutes that are available that don't affect the taste and it's already being done.

LEG. ALDEN:

This would ban --

LEG. D'AMARO:

Just let me -- I haven't read the specific label on English Muffins, okay, but this wouldn't apply to that bill anyway, to that food anyway. It doesn't apply to packaged food. It applies to food establishments.

LEG. ALDEN:

That was my question. When you're running a restaurant you buy, maybe it's a larger package than you or I would buy at the store, but you buy muffins, you buy bread. Then that gets incorporated into some of, you know, the foods that you sell as a restaurant. Would this apply to their supplies that they're using?

LEG. D'AMARO:

Absolutely, yes. Yes, it would.

LEG. ALDEN:

So somebody that doesn't --

LEG. D'AMARO:

Well, wait a minute. You're asking me would it apply to the prepackaged foods?

LEG. ALDEN:

Most restaurants don't bake their own pies, for instance. Most pies contain trans-fats. So if they buy them from a bakery in Pennsylvania or in Maryland, they ship them in, is this bill aimed at banning the sale of a slice of pie that would contain a trans-fat.

LEG. D'AMARO:

If you bought the whole product, let's say from another jurisdiction, is what you're saying?

LEG. ALDEN:

Well, they buy 20, 30 pies. They buy 100 loaves of bread, some of the larger establishments.

LEG. D'AMARO:

I think that in -- I think it would only apply to ingredients used by restaurants. I don't think that -- it would not -- let me answer you this way. That's a great question, okay, and I'm struggling with it a little bit. But what this bill is directing is only for the Health Department to go through these types of issues and come up with some reasonable regulations.

LEG. ALDEN:

Okay.

LEG. D'AMARO:

In my opinion, I think that if you're going to ban trans-fats then it has to be banned across the board and you have to ensure not only that your ingredients are trans-fat free, but then also anything that you're holding out to the public, that we're trans-fat free, that you aren't serving other products that have them anyway.

But, again, this bill is asking the Health Department to get into those types of nuts and bolts -- I'm sorry, the Board of Health working with the Health Commissioner, to determine whether or not or how we can enforce these types of regulations.

LEG. ALDEN:

All food establishments, a deli, a take out type of place?

LEG. D'AMARO:

Yes.

LEG. ALDEN:
Everything.

LEG. D'AMARO:
That's correct. It's across the board.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yeah. Just a comment on this, that since the Health Committee I have found myself looking at every package to see about trans-fats, and it seems that we've really taken on the issue of health in Suffolk County, and I think in a good way. I've now added looking to the bottoms of my bottle and of course the Tom Barraga obesity measuring scale is very dominant in my mind. So we're really doing a quite good health job.

P.O. LINDSAY:
I've used that a couple of times in the last week, too.

LEG. EDDINGTON:
Myself, too.

LEG. ALDEN:
I wasn't there. What was it?

LEG. ROMAINE:
Look down and if you can see him, you're okay.

LEG. BARRAGA:
I'm sure, Mr. Eddington, in your particular case as you looked down it was high visibility.

LEG. EDDINGTON:
God bless you.

P.O. LINDSAY:
Okay. Legislator Romaine.

LEG. ROMAINE:
Yes, just one question. Legislator D'Amaro, through the Chair, if I may. Have you been -- I know you've been working on this bill for a while. Have you been in contact with the Restaurant and Tavern Association of Suffolk County? Obviously you have been in touch.

LEG. D'AMARO:
I've been in touch with the Nassau Suffolk Bakers Association.

LEG. ROMAINE:
Well, what about the Restaurant and Tavern Association? Legislator Beedenbender can put you in touch. Jack McCarthy of Jack McCarthy's Pub I believe is the President from Centereach. They represent most of the restaurants and taverns in Suffolk County. Obviously to include them in your discussions would have been helpful before this bill came before us today.

LEG. D'AMARO:
Well, I don't disagree with that. The more voices we add, the more information is good. But they have not contacted me as far as any opposition, if that's what you're asking, and more importantly,

this is not the end of the process. The Health -- the Board of Health is going to be reaching out to the industry and all the associations.

What I was really trying to do here today was establish the need, especially through a lot of the testimony that you heard here earlier today and this morning, about the health effects, the ill health effects and the devastating effect it has on the health of residents of Suffolk County as well as the financial cost to the health care system.

LEG. ROMAINE:

Tom convinced me of that argument a long time ago.

LEG. D'AMARO:

So, you know, again, not to prolong this, but the bottom line is I think the need is well established almost universally across the board, every study from Harvard down to our local chapter of the Heart Association can confirm that trans-fats are, in fact, poison. There are reasonable cost effective alternatives out there. Other jurisdictions have already done this, including entire states, counties, towns have done it, countries, whole countries have done it. And I think, you know, we care enough about the people in Suffolk County that we should do it, too.

P.O. LINDSAY:

The only thing -- does anybody else want to say anything? No? Just to Legislator D'Amaro, is I think the way you're doing this is a wise way, by asking the Health Department to promulgate rules rather than just to come forward with an edict and it's done overnight. And if we do get to the point where we're going to issue rules, New York City already has them now, I would hope that the State of New York would take this on, because this is something that if you do it on -- you know, a statewide basis it's much easier to enforce. I would hate to see restaurants having to go through all their English Muffins and have to buy from a special supplier or something like that that happens when you're doing it on a county by county basis.

LEG. D'AMARO:

Yes, Mr. Presiding Officer, I appreciate those comments and completely agree with you. What I'm hoping here today, as this Legislature has done in the past, is we send that signal up to the State where bills are presently pending now to do precisely what this bill will do but on a statewide level. My understanding is that the Governor has also spoken recently in favor of this type of ban across the board. So, you know, we can lead by example here in Suffolk and hopefully we'll see it statewide sometime soon.

P.O. LINDSAY:

Okay. Very good. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Cosponsor.

LEG. NOWICK:

Cosponsor.

LEG. GREGORY:

Cosponsor.

MR. LAUBE:

Eighteen. (Not Present: Legislator Vilorio-Fisher)(Vote amended to seventeen)

*(*The following was taken by Lucia Braaten & Transcribed by Alison Mahoney - Court Stenographer*)*

P.O. LINDSAY:

1019-09 - To implement evening hours at DSS Centers (Kennedy).

LEG. KENNEDY:

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

P.O. LINDSAY:

Motion by Legislator Kennedy to approve. Do I have --

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. D'AMARO:

Just for purposes of discussion, I'll second the tabling.

P.O. LINDSAY:

Second the -- okay. To start the discussion, is this mistitled?

LEG. KENNEDY:

Very much so, Mr. Chair, and as a matter of fact, that's the first thing that I was going to state. While it's captioned or titled "a resolution to implement"; in fact, what the effect of the resolution would be is to put a hiatus on a plan that you actually just characterized before, that was thrust upon us that was a real -- it was a corruption of a previous resolution that we had adopted requesting a plan of various methods to implement evening hours. Instead, we were all greeted with a press release announcing that night hours were to commence at the various centers.

My intention with this resolution, as a matter of fact, with my cosponsor, Legislator Gregory, neither of us sought to go ahead and promote an overtime boondoggle for the workforce, but merely just to accommodate those individuals needing service who are our working poor. What we were presented with is a schedule amongst the four centers and a directive by the Commissioner that all employees in each one of those centers would one day a month now be forced to work a noon-time to 8 p.m. work shift. We were also told that there were efforts made to accommodate individual employee's hardships, but we had testimony at the committee meeting of 44 Social Service employees who had either child care, spousal issues or just were not provided with an opportunity to accommodate.

That's why I brought forward the resolution to put an imposition on this until we can work it out. And it's my intention to contact the Commissioner directly to go from a policy making role to actually try to assist in administering County government, because apparently the message didn't get brought across. That's my reason for putting this forward.

P.O. LINDSAY:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I'll be the first to admit that the way this was implemented was not in accordance with the way the Legislature passed the bill. And I think you're correct in that respect, Legislator Kennedy.

The one thing that I would bring up, I do have concerns about cost if we do it a different way, but I think the biggest concern I have now is it seems as though the problem we're having right now is a disagreement over process. How this was supposed to be implemented in accordance with the bill that was passed by the Legislature and sponsored by yourself, Legislator Kennedy, and I think you're correct. However, the County Executive has put forth a plan that would put in place these hours for people that are desperately in need of service. And I think it's kind of unusual that we find ourselves saying that we -- because some County employees have work and child care issues, we're not going to implement the evening hours which would be in place simply to help people who have work and child care issues.

So what I would like to see happen is us table this today and not pass a resolution that cancelled the evening hours services, but find a way where as a Legislature we could be comfortable that our desires were being met and maybe some of the concerns of the employees, those 44 that we hear about that haven't had a way to address their concerns, find a way to continue working forward while this is in place. Because from what the -- from what Mr. Blass told me earlier, the Department of Social Services sent out 35,000 mailings and contacted 200 advocacy groups who I believe may have planned to bring clients to these evening hours. And what I would hate to see is either that schedule or plan get truncated or cancelled while there are people who had made plans to come to either fill out applications or get service.

So Legislator Kennedy, I think your desire and intent here is absolutely correct. But what I would ask is that we find a way to accomplish that without cancelling the plan now. It may be that we should modify it, but I think that there's a real attempt and a real chance here for us to help some people who otherwise may have fallen through the cracks. I'm not sure how we accomplish that and I'd be happy to work with you in the coming weeks to find a way to do that. In my view, I would urge my colleagues to table this now and we should all work on this together because it's important that our process is filed. But I just would hate to see some people kind of fall by the wayside because we have to get our process right. Thank you, Mr. Chairman.

P.O. LINDSAY:

Legislator Romaine?

LEG. ROMAINE:

I appreciate Legislator Beedenbender's comments. And he recognizes the kernel of truth in why Legislator Kennedy brought this forward. We all adopted a resolution that asked the Social Service Department and the Commissioner specifically to come up with a plan; that did not happen. The Commissioner decided on a plan, did not consult the Legislature, did not come to the Health & Human Services Committee and announce the plan, seek feedback, e-mail us, do anything of that nature. Simply put out a press release and by dictum decided what that plan should be. It's certainly within her right to do that. The problem is is how much are we going to get kicked around as a Legislature? We asked for something, it wasn't provided, we were ignored and they went ahead with it. But, I mean, I guess if you're willing to accept that, that's your choice. I mean, as a Legislator, I'm personally offended by this Commissioner. She -- and this is not a personal attack because she's a very competent, capable individual, but she was tone deaf on this. It's as if Commissioners are being told, "Ignore the Legislature, you only have to worry about the Executive." Well, this is a two-branch government. We passed a piece of legislation that was promptly ignored. Yes, this would be inconvenient, Legislator Beedenbender, but it also would send a message, the Legislature is serious about legislation that it passes, that it comes collectively to an agreement on, and when Commissioners ignore that they do so at their own peril. Thank you.

P.O. LINDSAY:

Anybody else?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. You know, I am Chair of Health and Human Services and, you know, I do see the need to have those evening hours. Again, like Brian said, I don't agree with how it was presented to us. I am requesting, through my committee -- and John, you can join me -- I think it's important that we meet with DSS, with the Commissioner and see if we can come up with some kind of a solution for this problem. It was implemented wrong in the first place and, you know, the union came with concerns about employees who are now being forced to do something that they really don't want to do, and that's not fair to them.

I would support a tabling motion at this time. I know that tomorrow night, I believe, is the first night it's going to be open, you know, so it's going to continue to happen, even if we pass this bill tonight. So I think to allow them, you know, that time tomorrow, they're going to continue to do what they're doing, I think as soon as possible we need to meet with DSS and try and come up with a solution to the problem. So if you -- I will support a tabling motion for one cycle.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I think process is very important. And when we as a Legislature pass a resolution and create a -- set a policy, that policy should be adhered to by department heads. And I don't think that we should table this, because -- I think we should pass it because it's not going to impact what's going to happen this month. We'll pass it tonight, it will be vetoed by the County Executive --

MR. ZWIRN:

Not necessarily, no.

D.P.O. VILORIA-FISHER:

-- and then we'll have to work on whether or not we're going to --

MR. ZWIRN:

Not necessarily.

D.P.O. VILORIA-FISHER:

Well, whatever the case, it's not going to impact what's happening this month.

MR. ZWIRN:

That's not necessarily true.

D.P.O. VILORIA-FISHER:

May I finish, please?

MR. ZWIRN:

Yes, but --

D.P.O. VILORIA-FISHER:

Tomorrow we begin the evening hours, passing this tonight will not change that. So I believe that

we, as a coequal branch of government, must insist that when we pass resolutions here that they mean something.

P.O. LINDSAY:

Legislator Barraga, did you --

LEG. BARRAGA:

Just a -- Mr. Blass, let me ask you a question, if I may.

CHIEF DEPUTY COMMISSIONER BLASS:

Yes.

LEG. BARRAGA:

When I took a look at this legislation last week, I mean, I heard your comments and, you know, some of the comments centered around a discussion with reference to flex-time. I noted in the legislation what you're doing is once a month, on a Wednesday, you're delaying opening from 9 to 12. As a result of that, that's where you have problems because everybody's locked in from 12 to 8 p.m.. Now, I'd like your input. What's the problem, in terms of a solution, opening up at nine o'clock and have a flex-time schedule for the day? In other words, Mr. Kennedy here, he might have to work from 9 to 4:30, but I might like coming in at 12 o'clock and working until 8 p.m.. So in essence, I'm sort of volunteering because it works for my benefit to work until eight o'clock. The plus for you is that you're open all day; you're open at nine o'clock so anybody showing up -- because remember, even one day a month on a Wednesday, most people, unless they're really in tune, they're going to be showing up at nine or ten o'clock in the morning and be disappointed that you're closed. But with the flex-time approach, I think that works a lot better. The ones working from 9 to 5 can continue to do so, and then anybody who thinks, "Well, that's a good deal for me. I'll work that day from 12 to 8," and you take all this dissension right out of the mix. It doesn't cost you any more money, everybody's working eight hours.

CHIEF DEPUTY COMMISSIONER BLASS:

The problem with that is that the centers have been -- since our study in April when we had a different view on evening hours, the centers have been inundated. We are seeing application rates and crowds of people who have never applied for government assistance before. Most of them are working families, most of them have, at this time anyway, transportation availability for themselves, and they are yet in a position where it's very difficult for them to take off time from work during their daytime schedule. Getting to flex-time means that we would have inadequate staffing when we're really very -- in a very difficult staffing situation as it is, as all departments are. So if we start putting skeleton crews in, there are going to be gaps in our ability to meet the demands that our centers are being hit with.

Now, I just want -- I don't mean to interrupt, I just wanted to say one thing. We have addressed those employee concerns that have come to our attention; I'll give you two examples. One is a student who said that she is unable to miss a class on Wednesday evenings, so she has been taking off that duty until the end of her semester and then she goes back on. Another one had medical problems, we're taking care of that by providing a locked refrigerator for his medication at a time when he needs to get to it after hours. And we asked the union and they agreed to provide us with any names and any situations that we will address on a case-by-case basis.

We did not hear anything from that meeting until last week's committee meeting that there were 44 people who were having problems, and yet we are still anxious with an exercise of reasonable effort and mutual good faith -- I hope it's mutual, it is on the department's part -- to work with the union and the employees to address any of those concerns.

LEG. BARRAGA:

All I'm saying is that if you implement the flex-time approach, you eliminate all those problems, because the people who cannot work late will work a regular day.

CHIEF DEPUTY COMMISSIONER BLASS:

But how do we address the crowds --

LEG. BARRAGA:

Well, you don't know --

CHIEF DEPUTY COMMISSIONER BLASS:

-- and the applications and the demands on staff.

LEG. BARRAGA:

Let me give you a good example. Years ago I used to be the Town Clerk of Islip, and one of the things I decided to do is to open up evening hours. And I instituted flex-time, and the flex-time went instead of a normal day of 9 to 4:30, we went from 8 to 7. And it was all volunteer, because some of those ladies didn't mind working late in the evening. You know something, after two-and-a-half months, you know what I had to do? I shut it down.

CHIEF DEPUTY COMMISSIONER BLASS:

Well --

LEG. BARRAGA:

We had nobody coming in in the evening, and we were open five days a week.

CHIEF DEPUTY COMMISSIONER BLASS:

That gets to the point that I would like to suggest. Far be it for me to intrude upon the prerogatives of an elected body by going beyond the merits of an issue into the area of procedure, but the procedure that I would respectfully suggest is that if you do table this, then resolution then will act as a catalyst. It wouldn't be -- if it's passed, it puts the department in a very uncomfortable position of carrying out evening hours for the time being while the Legislative process unfolds, at the same time when the policy-making body of the government of Suffolk County is opposed to it, that the Legislature is opposed it. And I'm hoping that if you table it, you give it -- it will always be there to be revisited and we'll try to iron out these difficulties that have been anticipated. We'll try to see whether we can iron out the employee issues that we'll make a reasonable effort to address on a case-by-base basis, and we'll try to interact with the committee of Health & Human Services to make sure that the evening hours process does develop into the kind of plan that is acceptable to everybody.

I certainly did not wish and I certainly did not expect this anxiety to have developed in terms of the process, but I have no control over that. What I have control over as a department, what the department has control over is implementing what was a plan that was shared with the Legislature, basically simultaneous to the decision by the Executive to implement it, and that's because there's a tremendous need for it. There is a tremendous need to address these services. So if you could use it as a catalyst --

LEG. BARRAGA:

Just finally --

CHIEF DEPUTY COMMISSIONER BLASS:

-- table it.

LEG. BARRAGA:

Yeah. All I'm saying is that as long as you have an approach that basically dictates this to your employees, it will fail. It's going to fail.

CHIEF DEPUTY COMMISSIONER BLASS:

That's if we don't address them on a case-by-case basis, which to those that have been presented to

us, we have.

LEG. BARRAGA:

I don't think you should address it on a case-by-case basis. You say to your employees, "Look, let's go to flex-time. Who would like to work till eight o'clock?"

CHIEF DEPUTY COMMISSIONER BLASS:

How do we address the needs of a full staff all day, for those eight hours?

LEG. BARRAGA:

Well, you know, it's interesting. And I don't want to see it -- my comment as associated to the Social Services Department, but the average American worker works four hours out of every eight hour day; I think they can handle this.

CHIEF DEPUTY COMMISSIONER BLASS:

You won't find that at our centers, sir.

LEG. BARRAGA:

Well, I know --

CHIEF DEPUTY COMMISSIONER BLASS:

I guarantee it.

LEG. BARRAGA:

I expect you to say that.

CHIEF DEPUTY COMMISSIONER BLASS:

No, I saw it.

LEG. BARRAGA:

I expect you to say that, and it may be true.

CHIEF DEPUTY COMMISSIONER BLASS:

Legislator --

LEG. BARRAGA:

All I'm saying is that's what the charts show.

CHIEF DEPUTY COMMISSIONER BLASS:

I respectfully disagree. I went undercover, I actually dressed in old clothes and went to two of our four centers and sat in the lobby and watched for hours what happened in them. Nobody in our centers, not one staff person, on the Medicaid side or on the DBA benefit side, is taking any time to themselves, they are killing themselves in these centers. It is --

LEG. BARRAGA:

They know who you are.

CHIEF DEPUTY COMMISSIONER BLASS:

It is remarkable what is happening.

LEG. BARRAGA:

Even under cover, they knew who you were.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I appreciate Mr. Blass' comments and I agree, and I agree with Legislator Beedenbender. Because, you know, I really don't want to see this become the battle of the titens; you know, the Executive Branch and the Legislative Branch. And I'm a visual person and the picture I have right now is across the way somebody saying, "Oh, they want to cancel the night hours, huh?" And then the papers come out on Tuesday saying, "Three hundred people stand in the cold because the Legislature closed the health -- the center". I think we need to resolve this so that the people are taken care of, and I don't think we really have any other choice. I think we have a month, so that they're pretty clear that in a month we can do what we're talking about possibly doing now, but nobody is going to be hurt and in the cold. There's obviously a lot of people that need to be there. And unfortunately, the only people right now that are going to be a little upset I think are the union people, but I'll tell you the truth, I know them, if we tell them what we did here today they will understand the greater good. I have to believe that. So I want -- I'm voting to table it.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I'm truly conflicted. Being a cosponsor of the original bill, I was annoyed. I was actually sitting at my computer when I got the plan, the e-mail, and approximately five minutes later I got the press release announcing the implementation of the plan. That really annoyed me. It really -- I think it's a slap in the face to this body.

I have constituents come into my office all the time that need this service, need evening hours. But, you know, in my mind, I wasn't set on evening hours as a definite thing to happen, I wanted a plan to come before us, let this body make that determination, if it's feasible and reasonable. I think I'm a reasonable man, I think this body is a reasonable body. Yes, there was a plan that was submitted, but times and circumstances have changed, staffing levels have changed. I would expect that the plan that was presented last May would have changed, at least in the numbers presented to us. So I really don't know where -- what I'm going to do, but I hate to have -- I think tomorrow is the first day that this plan is going to be implemented, it's going to be implemented in my district. I hate to see my constituents left out in the cold. I just wish that the Executive body would play nicely, I guess.

P.O. LINDSAY:

Legislator Kennedy.

LEG. EDDINGTON:

Amen.

LEG. KENNEDY:

Mr. Chair, I do not want to go ahead and prolong this as far as a debate as to whether or not we are relevant or not. I've sat here since 9:30 this morning, I believe that what I do as far as my job does matter, does count, is relevant. And as a matter of fact, I'm going to ask Deputy Blass to step to the podium again so we can talk a little bit more about the realities of this matter. Far be it from me to ever say this to you, because you were in a position to say this to many other people. We're talking about people who may be disenfranchised by coming to centers, but this is what we called a self-created hardship, because we did not get the opportunity to go head and review the options that we as the policy making entity thought prudent to put into place and, in fact, were usurped by the administrative entity who decided how he'd do it, not how we would do it as far as the policy goes. And now we're anguishing over individuals who are hungry, who need help and who need rent and what it is doing is it is putting those most vulnerable in play as far as a political football. And I'm not going to politicize the poor, but I am going to say I put this in to have some say over how it would be done and I believe that's my responsibility and what I got elected to do.

I went to the South Shore Center, I talked to the center director. Of the 140 employees there, 70 of them do face-to-face; of those 70, about 35 maybe do rent and do food services. You don't need 140 people there from 12 to 8; that's an administrative choice and I reject it. I want to move the resolution, Mr. Chair.

P.O. LINDSAY:

Legislator Alden, did you want to answer Mr. Blass?

CHIEF DEPUTY COMMISSIONER BLASS:

Just by briefly saying that notwithstanding the dilemma and the conflict that you've expressed, I am offering by the suggestion of tabling a middle ground. Because if you have a tabled resolution, it's not gone, it's still there, but in the meantime we cannot forego that privilege that you felt you've been -- you may have well been deprived of. You will have a chance to work on the planning. You will have a chance, during the tabled status of the resolution, to develop and to expand on this plan. Notwithstanding the fact that it started, it can be amended and I'm telling you the department would be open to working with the Legislature in that regard.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

What's the plan for tomorrow? We're opening from 12 to 8; what's the plan for the people that show up at the normal business hours tomorrow morning?

CHIEF DEPUTY COMMISSIONER BLASS:

Tomorrow morning, the security guard at Coram, they will be allowed to use -- stay in the lobby of the Health Department, because we share that building at that center, until the doors open at eleven o'clock. And at the other centers, they will be allowed in at eleven o'clock, unless they have an immediate need to have something handled and then we will arrange for them to get to another center.

LEG. ALDEN:

Tomorrow is three centers?

CHIEF DEPUTY COMMISSIONER BLASS:

I don't follow your question.

D.P.O. VILORIA-FISHER:

It's only one tomorrow.

LEG. ALDEN:

Tomorrow morning, three centers are affected?

D.P.O. VILORIA-FISHER:

One.

CHIEF DEPUTY COMMISSIONER BLASS:

No, one.

LEG. ALDEN:

No, because -- actually, though --

CHIEF DEPUTY COMMISSIONER BLASS:

The other three will be open.

LEG. ALDEN:

Okay. So what time does the health center that's going to be affected -- I'm sorry, it's not a health center. What time does the center open tomorrow morning?

CHIEF DEPUTY COMMISSIONER BLASS:

Tomorrow morning, all -- the other three centers will have regular hours, the one that has the evening hours will open -- the lobby will open at 11 and windows will open at 12.

LEG. ALDEN:

And normally it would have opened at?

CHIEF DEPUTY COMMISSIONER BLASS:

Eight thirty. Eight o'clock they open --

LEG. ALDEN:

That's a little bit of a problem, because unless you advertise it, and I don't know if you did --

CHIEF DEPUTY COMMISSIONER BLASS:

Yes, we did. We sent a mailer to 35,000 clients, a postcard to 35,000 clients we have on record for each center. And we also have the advocacy groups, more than 200 of them, we have noticed them who were in turn notifying their constituencies.

LEG. ALDEN:

I'd like a report on how many people show up there tomorrow. Because if you show up at 8:30 or nine o'clock, and as you stated before, your people have been busy, overwhelmed all day long, that's a lot of clients that will be coming tomorrow morning. My guess would be some of them are going to be there tomorrow because they're going to be affected by the snow tonight, they're going to schlep through that snow to get there for assistance tomorrow morning and they're going to end up sitting there for two, three, four hours. I would really like a head count.

CHIEF DEPUTY COMMISSIONER BLASS:

We are going to monitor that very closely. And as I said, that will be part of our effort to try to work with the Health and Human Services Committee, and anybody else in the Legislature, to arrive at what will be the best way to meet the real need here which is the increasing number of working families who can't get there during the working hours.

LEG. ALDEN:

I hope you can understand our frustration and our anger at having put a piece of legislation in that would study that and come up with a workable plan and then having something just like thrown at us; I hope you understand that.

CHIEF DEPUTY COMMISSIONER BLASS:

I can only tell you that that is really something that others in the Executive Branch have to address.

LEG. ALDEN:

Well --

CHIEF DEPUTY COMMISSIONER BLASS:

I would not be in a position to address that.

LEG. ALDEN:

But you were basically directed to come up with a plan, correct?

CHIEF DEPUTY COMMISSIONER BLASS:

Yes, and we provided the plan to the Legislature and the Executive.

LEG. ALDEN:

And you were directed by who to come up with a plan?

CHIEF DEPUTY COMMISSIONER BLASS:

Let me explain something to you, Legislator Alden. Whenever a department is directed to do anything, it has to clear it with the Executive. It's a natural sequence of events in any Legislative and Executive branches of government. When a department is told to do something by the Legislature, by the Executive or by both, we do it but we first submit it to the Executive, we are part of his cabinet. Thereafter, we submitted it to the Executive and the Legislature at the same time, as the resolution you're eluding to called for.

LEG. ALDEN:

So you just -- you took our resolution and you were developing a plan in response to our resolution?

CHIEF DEPUTY COMMISSIONER BLASS:

In response to the resolution that was not just yours but also the County Executive's, he signed it. And then when we complied with it, we submitted it to him for review, and then after we submit anything that we submit to the Legislature, we submit to the Executive first, we then submitted it, as the resolution called for, to everybody. The Executive chose to implement it during that process.

LEG. ALDEN:

Oh, okay. Because I think our resolution required you to come back to us and have some input, a little back and forth on what would be the plan.

CHIEF DEPUTY COMMISSIONER BLASS:

And we did that, too. We did, we submitted it to all of you the same day that it was ready. Unfortunately it was eight days after the deadline you set because we couldn't get it done in time; we regret that.

LEG. ALDEN:

You submitted it to us when it was implemented.

CHIEF DEPUTY COMMISSIONER BLASS:

We submitted it to you within hours of it being ready. And the fact that the Executive chose to implement it was his prerogative, we could not prevent it.

P.O. LINDSAY:

Legislator Viloría-Fisher?

D.P.O. VILORIA-FISHER:

Greg, can you just walk me through something? If we were to pass this this evening, clearly, although it says to rescind the plan, it wouldn't be rescinded for the people who are coming out tomorrow, because that's already a wheel that's set in motion, a process that's already in motion. And so my sense is that passing this this evening would really promulgate a situation where I feel there would be greater incentive to work really hard with the Legislature to come to a compromise next month when this is signed, maybe.

CHIEF DEPUTY COMMISSIONER BLASS:

But tabling does the same thing, and it doesn't have --

D.P.O. VILORIA-FISHER:

No, it really doesn't because it weakens our position.

CHIEF DEPUTY COMMISSIONER BLASS:

Well --

D.P.O. VILORIA-FISHER:

If we table it, it weakens the position of the Legislature which is saying that we passed a resolution -- and I'm not going to go through that again, you know what I'm going to say. Having passed this, there are weeks when you can work with the sponsor of the bill or bring it back to the Legislature, have a group of Legislators who will go back to the rest of us and talk about it and then we can say, "Look, we've reached a compromise." I don't think that passing this tonight precludes what's going to happen tomorrow. People aren't going to be out in the cold tomorrow night because those wheels are already set in motion. I don't think it's unreasonable to pass this tonight.

CHIEF DEPUTY COMMISSIONER BLASS:

I think it would be -- I don't dispute the points you've made except to say this. It would be more prudent to let the first steps of this plan unfold and then we can develop, iron out the wrinkles and develop it into a better plan with the interaction that you've talked about. If you feel there's a need to assert a certain Legislative prerogative, my only hope individually is that it could be some other issue, which they're presented many times in every meeting and in every committee meeting, that another issue would be chosen.

P.O. LINDSAY:

Mr. Zwirn, did you want to say something? Because I wanted it make a comment.

MR. ZWIRN:

If I might, Mr. Presiding Officer. I sat before the Health & Human Services Committee for forever, I mean, the last five years I've been there, and I heard the request and the concerns of the Legislative members of that committee about how their constituents needed night-time hours to be able to use DSS, they couldn't get to the centers, over and over again. The County Executive heard you, and I bring that information back, the notes are brought back. We tried to work on a plan that would not affect overtime in these dire, financial conditions that we have, and yet listen to the Legislature's concerns about their constituents getting night-time access to DSS centers. They looked at the DMV model which has been successful with night-time hours, and worked to implement this plan. The union brought a temporary restraining order against the County; the County, which usually loses these matters in court, won. The case was not -- the judge in that case, it was Judge {Cohn}, did not grant the TOO and set it down for a date some time in late February.

If we had gone and debated this plan, with the kind of demand that is out there in this economy for Social Services that we have never seen before, we would very well lose February and perhaps a good part of March, two months. While the Legislature and the County Executive can point fingers at each other, there are real people out there who need these services. And I don't think we can get -- I know process is critically important, and if the Legislature feels they were slighted in this thing then that's -- we're sorry, but that's not the point. We're trying to help the people in this County. And if you pass this legislation tonight and tell the County Executive in no uncertain terms that you want this night-time -- these night-time hours rescinded, then that's -- I'm guessing, without speaking to him personally today, that he will do that because that's your wish, and then you will lose -- we don't meet again for the entire month of February.

Now, when the people came down from the union, they're inconvenienced three-and-a-half hours to four hours one day a month in order to accommodate your constituents who need these services desperately. Now, will the system morph along the way, as we find whether we need as many people at DSS at these centers; Legislator Kennedy doesn't think you'll need that many people, we're not sure how it's going to work out. But the system will morph. Again, the County Executive is trying to respond to the needs of his constituents and to the concerns of the Legislature. And we got this thing going and going fast with the support of the outreach programs who are so much in favor of this. And to stop it and turn it back now, the only people that are going to suffer, the only

people that are going to suffer are the people in your districts who've you've asked to get these services.

So you may be angry at the County Executive, but usually it's because you're saying he's not soft and fuzzy enough, he's not meeting the concerns of the people that he represents. That all he is is just trying to be bottom line. Well, he's trying to manage the bottom line. Look, you saw what happened in Nassau County yesterday, the bottom fell out. So here he has a plan that addresses the needs of the taxpayers and balances that with the needs of the people who need these services. Don't punish them tonight. Do not punish them, because you may get what you ask for and these people will be standing around who need these services.

So I say, table this bill tonight, see how this process goes forward and then we can tweak it along the way. Let's not lose sight of who we're trying to help here tonight, and that's all I have to say.

P.O. LINDSAY:

I know, Legislator Eddington, you want to go, but I've been quiet on this and I just have to say something.

LEG. EDDINGTON:

Go.

P.O. LINDSAY:

Mr. Zwirn, in all due respect, some of the stuff you just said is revisionist history. You know, how this came about is the Welfare-to-Work Commission came forward with their thoughts and their request about a skeleton workforce that could open one center a month and move around, that the working poor could have an opportunity to file papers. Because we heard testimony that although the center closes at 4:30 or five o'clock, they don't take applications after 3:30 or four o'clock. All right? That's the same commission that DSS, from time to time, refused to participate in, refused to participate in. All right?

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

P.O. LINDSAY:

They came back to us and we moved forward with a resolution. And at that point, the administration said, "It's too expensive, it's all overtime. We can't afford it." And it was pointed out, we just want flex-time to put a few people on at night to take applications, and your response to it was put the whole center on, 140 people, with half of them doing back work, clerical work that serves no purpose to work from 12 to 8; I mean, they get the same work done in their normal work hours. And now you're characterizing it that the Legislature is being a baby because we didn't get our way, you didn't live up to the resolution as we passed, which you didn't, you absolutely didn't. And you're saying that we're cow-towing to the union? I mean, I'm a union man, but in all honesty, in these troubled times, and I know our employees work hard, but everybody's lucky to have a job, all right, and we need to help the people that don't have a job. And you guys in your very smart way are using them as a pawn between these different forces to see who is going to come out on top in this PR game. I don't know how I'm going to vote on this, but I don't like it, I don't like it at all. Legislator Eddington.

LEG. EDDINGTON:

Yeah, I want to echo what you said, Legislator Lindsay, but I'll put it in a different way. Anna Freud Sigman's daughter came up with a whole thing of "ego-defensus". And I want to tell you, I've been in clinical practice for 20 years, I have never heard a better defense than you just gave. You did projection, justification, rationalization; I mean, you are a master. I don't know what else I can say. I've never had a client been able to throw all those together in one defense.

LEG. ROMAINE:

Doctor spin.

LEG. EDDINGTON:

You are awesome.

LEG. BEEDENBENDER:

Wait, wait; did you say you're treating him?

LEG. EDDINGTON:

Believe me, he's definitely under my treatment.

P.O. LINDSAY:

Okay. It's a quarter to eight. We have a motion --

LEG. COOPER:

I'm going to make this easier by withdrawing my tabling motion.

P.O. LINDSAY:

The motion to table has been withdrawn.

LEG. BEEDENBENDER:

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

LEG. HORSLEY:

I'll second the motion.

P.O. LINDSAY:

Okay. Motion to table by Legislator Beedenbender and seconded by Legislator Horsley. The tabling motion goes first; roll call.

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

LEG. BEEDENBENDER:

Yes to table.

LEG. HORSLEY:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes to table.

LEG. GREGORY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No to table.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to table.

LEG. BROWNING:

I think no.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay, the tabling fails. Motion to approve; roll call.

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

LEG. KENNEDY:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen (Opposed: Legislators D'Amato, Horsley, Eddington & Beedenbender).

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

2216-08 - Approving the reappointment of Walter Kirby as a member of Suffolk County Public Employment Relations Board (County Executive).

I'll make a motion. Do I have a second?

LEG. LOSQUADRO:

Second

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2219-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes (SCTM No. 0500-183.00-01.00-045.000) (County Executive).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. ALDEN:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2220-08 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Islip for affordable housing purposes (SCTM No. 0500-315.00-01.00-063.000) (County Executive).

LEG. ALDEN:

Motion

P.O. LINDSAY:

Motion by Legislator Alden.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2249-08 - Amending the Suffolk County Classification & Salary Plan in connection with a new position title in the Department of Health Services (Associate Hydrogeologist) (County Executive).

LEG. LOSQUADRO:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All -- go ahead.

LEG. ALDEN:

We're creating a new position; are we eliminating one?

D.P.O. VILORIA-FISHER:

No.

LEG. ALDEN:

Okay. So --

D.P.O. VILORIA-FISHER:

I think there had been a Hydrogeologist existing.

MS. VIZZINI:

Yes, this creates a Grade 32, Associate Hydrogeologist and abolishes a Grade 29 Hydrogeologist; actually two of them.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2250-08 - Amending the Suffolk County Classification & Salary Plan in connection with a new position title in the Department of Health Services (Associate Chef - Public & Environmental --

LEG. LOSQUADRO:

Chief.

LEG. ROMAINE:

Chief.

P.O. LINDSAY:

Chief.

D.P.O. VILORIA-FISHER:

You're hungry.

P.O. LINDSAY:

I'm hungry, I'm hungry. ***Public & Environmental Health Laboratory)(County Executive).***

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. ALDEN:

(Inaudible).

P.O. LINDSAY:

Do I have a second? Let me get a second first.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Same question by Legislator Alden, does it abolish any positions with the creation of this position?

LEG. NOWICK:

Yes.

MS. VIZZINI:

That's correct. It creates a Grade 29, Assistant Chief, and abolishes a Grade 26, Forensic Scientist III, Hazardous Materials.

P.O. LINDSAY:

Okay. Legislator Romaine, did you have a question?

LEG. ROMAINE:

Yes, I had a question, but I don't see the Executive Branch here.

My question was is this position going to be involved in doing the monitoring of the Peconic Estuary? In the December report of the Health Department, it was recorded that there is not enough staff in the laboratory to continue monitoring and as a result, Suffolk County is in danger of losing federal funds and may not be keeping up with its responsibilities under the Peconic Estuary Program.

P.O. LINDSAY:

Legislator Romaine, would you like us to pass over this until you can get your question answered?

LEG. ROMAINE:

This is well worth supporting.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

But it's a question that I will be looking into.

P.O. LINDSAY:

Well, maybe when someone comes back in the room, I'll recognize you and can ask it after the fact.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen. Check that, seventeen (Not Present: Legislator Beedenbender).

P.O. LINDSAY:

1012-09 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-055.00-03.00-062.000) (County Executive). Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Beedenbender).

P.O. LINDSAY:

1013-09 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (SCTM No. 0100-058.00-04.00-023.000) (County Executive).

LEG. GREGORY:

Motion

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator Horsley.
All in favor? Opposed? Abstentions?

LEG. GREGORY:

Tim, cosponsor

MR. LAUBE:

Seventeen (Not Present: Legislator Beedenbender).

P.O. LINDSAY:

1014-09 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-951.00-06.00-031-000) (County Executive).

LEG. BROWNING:

Motion

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Beedenbender).

P.O. LINDSAY:

1015-09 - Authorizing the sale of County-owned real property pursuant to section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (County Executive).

LEG. GREGORY:

Motion

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator D'Amaro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Beedenbender).

P.O. LINDSAY:

Parks & Recreation:

1990-08 - Amending Resolution No. 1340-2005, to authorize a license agreement with Montauk Observatory, Inc., and to construct and use an astronomical observatory (Schneiderman). Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I was hoping for a CN, it never came through. There's one minor point that needs to be changed for the County Attorney, so I'll have to make a motion to table.

LEG. ROMAINE:

Second.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to table, second by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2228-08 - Authorizing license agreement with Starflower Experiences, Inc., for Berkeley Jackson County Park, Huntington (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2252-08 - Appointing Lynn E. Dwyer as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 15)(Eddington).

LEG. EDDINGTON:

Motion.

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2253-08 - Appointing Ronald A. Beattie as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 5) (Presiding Officer Lindsay). I'll make a motion, second by Legislator Cooper.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1005-09 - Authorizing use of Smith Point County Park property in 2009 by the Mastics-Moriches-Shirley Community Library's Family Literacy Project (Browning).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Eddington.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1008-09- Amending Resolution No. 727-2007, authorizing additional space for the Long Island Maritime Museum (Presiding Officer Lindsay). I will make a motion.

D.P.O. VILORIA-FISHER:
Second

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Public Safety:

2093-08 - Adopting Local Law No. 2009, a Local Law to protect Suffolk residents by permitting the seizure and forfeiture of vehicles engaged in unlawful fleeing a Police Officer in a motor vehicle (County Executive).

LEG. EDDINGTON:
Motion.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion by Legislator Eddington and second by Legislator Losquadro.
And I have some questions, I wish someone was here to answer them.
My question --

LEG. ROMAINE:
Do you want to pass over?

LEG. SCHNEIDERMAN:

Pass over or table?

LEG. LOSQUADRO:

We discussed it at length.

P.O. LINDSAY:

Okay. My question is simply this; I'm not opposed to this, but my opposition could be is where are you going to put the vehicles? We're up to 3,300 vehicles in West Hampton.

LEG. LOSQUADRO:

Release some of them.

P.O. LINDSAY:

Well, we're trying to, we're trying to release them. We just had a meeting last week with the DA, PD, Public Works; we're trying. But if we load any more in there without starting to get rid of some of them, we're in trouble.

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Number one, I mean, I would be hopeful that this would not be a rash of vehicles that we would be -- that we would be seizing.

P.O. LINDSAY:

I would hope so, too, but --

LEG. LOSQUADRO:

I would assume that, you know, if anything it might be one here, one there. So I don't expect that space would be as large of a concern. My concern that I had raised in committee, which was addressed by our Counsel and by the County Attorney's Office, was the one of no predicate offense from a Constitutional standpoint, but that was addressed by both Counsels, so.

P.O. LINDSAY:

Okay. Legislator Browning.

LEG. BROWNING:

Yeah, just briefly. I know that they do, when they seize vehicles for drugs, the Police Department do use them. I'm wondering, is that possibly -- I think they may be using them for that, too. That's generally what they do when they seize vehicles, if they're in decent shape.

LEG. LOSQUADRO:

That's a possibility.

LEG. BROWNING:

No, they use them for undercover work.

P.O. LINDSAY:

Okay, we have a motion and a second. I'm not going to hold it up. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. LOSQUADRO:

Tim, if I'm not on there?

P.O. LINDSAY:

2191-08 - Accepting and appropriating a grant in the amount of \$25,500 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement Program with 85.3% 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:

We already did 2227.

Public Works & Transportation:

2233-08- Authorizing transfer of surplus County computer systems and hardware to the Long Island Maritime Museum (Presiding Officer Lindsay). I'll make a motion

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Veterans & Seniors:

Procedural Motion No.1-2009 - Designating Veterans Organizations to receive funding for Memorial Day Observances for 2009 (Stern).

LEG. STERN:

Motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Stern, second by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

I salute you, Legislator Stern. We used to forget to do this and do it on the last meeting in May and have to rush it through.

LEG. STERN:

Plenty of time.

P.O. LINDSAY:

So for taking advantage of the time.

LEG. D'AMARO:

Cosponsor.

LEG. GREGORY:

Cosponsor.

P.O. LINDSAY:

Ways & Means:

1832-08- Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law, Town of Brookhaven (SCTM No. 0200-929.00-02.00-009.001) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1947-08 - Authorizing certain technical correction to Adopted Resolution No. 608-2008 (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. ALDEN:

On the motion.

LEG. BROWNING:

On the --

P.O. LINDSAY:

On the motion.

LEG. LOSQUADRO:

Mr. Chairman, do you have a Capital Project number?

LEG. ALDEN:

I opposed this because it said for furniture, I was told that it was equipment to do some kind of restoration. I was supposed to be contacted what kind of equipment that was; no one ever contacted me. So I'm going to still be in opposition to spending this money.

D.P.O. VILORIA-FISHER:

Oh, the Commissioner is there.

COMMISSIONER GALLAGHER:

Yes, hello. So this is a project, this actually is the technical correction that the Budget Office requested because a portion of the money, roughly one-third of it, is for equipment and supplies, no furniture. It's equipment and supplies for creating the seed bank, things such as weed fabric for screening out weeds from seeds, harvesting equipment, shelving units, propagation supplies, weed whackers and power tools and cultivation and storage equipment.

So because there was -- they just felt that for budgetary tracking purposes, it was important to have it coded in that category.

LEG. ALDEN:

Up until this second, no one contacted me, and I asked that at committee.

LEG. MONTANO:

Yeah, but it's not going to -- as long as --

LEG. ALDEN:

I was told that that information would have been forthcoming prior to the meeting and it hasn't.

COMMISSIONER MEEK-GALLAGHER:

I apologize for that, that message was not conveyed to me. But I was aware there were questions and so I was coming tonight in case --

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Abstain.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Sixteen.

MR. LAUBE:
No. And Romaine, too, right?

P.O. LINDSAY:
Jay, what did you do?

MR. LAUBE:
Fifteen (Opposed: Legislator Alden - Abstention: Legislators Romaine & Schneiderman).

LEG. SCHNEIDERMAN:
Abstain.

P.O. LINDSAY:
Abstain. So 15, okay.

2149-08 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Estate of Mary E. Dodson a/k/a Mary Dodson, by Bernadette parks as Executor (SCTM No. 0200-546.00-01.00-011.002) (County Executive).

Do I have a motion?

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro.

LEG. GREGORY:
Second.

P.O. LINDSAY:
Second by Legislator Gregory. On the question? All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Opposed

LEG. KENNEDY:
Abstention.

LEG. BROWNING:
Opposed.

LEG. SCHNEIDERMAN:
Abstention.

LEG. EDDINGTON:
Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Raise your hand, opposed.

LEG. BROWNING:

Opposed.

LEG. SCHNEIDERMAN:

Abstain.

LEG. MONTANO:

Yeah, abstain, I'll abstain.

P.O. LINDSAY:

All right, go ahead. I think you've got to do a roll call, Tim.

MR. LAUBE:

You want a roll call?

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

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Abstain.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes. It failed, I'm trying to figure out why.

LEG. MONTANO:

Yeah, I'll support it.

MR. LAUBE:

Is that a yes?

LEG. MONTANO:

She's Mary Dobson, infamous.

P.O. LINDSAY:

I know, but she's dead.

LEG. KENNEDY:

It don't make any difference.

LEG. MONTANO:

What was the count?

MR. LAUBE:

I'm waiting on your vote, I couldn't hear it.

LEG. MONTANO:

Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

I thought it was nine and he would have made ten.

LEG. D'AMARO:

What was it?

D.P.O. VILORIA-FISHER:

Nine.

LEG. D'AMARO:

That was as a matter-of-right, a Local 16.

LEG. MONTANO:

Yeah, that's the problem.

D.P.O. VILORIA-FISHER:

I know.

LEG. ALDEN:

Of right; was that announced?

D.P.O. VILORIA-FISHER:

No.

LEG. D'AMARO:

Just through the Chair --

LEG. MONTANO:

Why don't we -- can we reconsider it?

MR. LAUBE:

The vote? I said nine.

LEG. ALDEN:

Oh.

LEG. MONTANO:

Can we reconsider it? Because it is as-of-right.

LEG. LOSQUADRO:

This is an as-of-right?

P.O. LINDSAY:

Well, someone on the prevailing --

LEG. D'AMARO:

Yes, it is.

LEG. MONTANO:

Yes, it is.

LEG. LOSQUADRO:

On the prevailing side, I'll make a motion to reconsider.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay, we've got a motion to reconsider. Do I have a second? Second. Okay, all favor? Opposed? Abstentions?

MR. LAUBE:

Who was the motion and the second?

MS. MAHONEY:

Just the second.

LEG. D'AMARO:

Beedenbender.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Beedenbender to reconsider. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, it's back --

LEG. MONTANO:

Oh, that's to reconsider.

LEG. BROWNING:

It's back to the vote.

P.O. LINDSAY:

It's back before us. Do I have a motion to approve?

LEG. D'AMARO:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender, did I hear?

LEG. BEEDENBENDER:

Yes, correct.

LEG. SCHNEIDERMAN:

Roll call.

P.O. LINDSAY:

Legislator Romaine

LEG. ROMAINE:

Just a brief comment. If these resolutions are pro forma, they shouldn't even come before us. If they come before us, we have an option to say yes, no or abstain. I'll just leave that for the record. Thank you.

LEG. MONTANO:

I think the problem --

P.O. LINDSAY:

Okay. Now that we've got the ground rules, okay. Sometimes there's a fourth choice that some of us use, you know?

LEG. KENNEDY:

Gotta go.

P.O. LINDSAY:

Okay, you want to talk, Legislator Browning?

LEG. BROWNING:

No.

P.O. LINDSAY:

Okay. All right, roll call.

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

LEG. D'AMARO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

I'm thinking of that fourth choice; yes.

MR. LAUBE:

You can leave the room.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Maybe.

*(*Laughter From Panel*)*

MR. LAUBE:

I'll take that as a pass?

P.O. LINDSAY:

That's five.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Abstain.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay, *2217-08 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act, Estate of Mary E. Dodson a/k/a Mary Dodson, by Bernadette Parks as Executor (SCTM No. 0200-527.00-01.00-020.000) (County Executive).*

LEG. D'AMARO:

Motion

LEG. BEEDENBENDER:

Second

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Beedenbender. Instead of a roll call --

LEG. D'AMARO:

On the motion, very quickly.

P.O. LINDSAY:

Go ahead.

LEG. D'AMARO:

I just want to point out to my colleagues here that these two Local Law 16's were put on the agenda at the request of one of the committee members. So, you know, in deference to respecting that request, that's why you're seeing these two today.

LEG. MONTANO:

You lost me.

LEG. BEEDENBENDER:

Ric, they should have been on the Consent Calendar.

LEG. MONTANO:

Ooooh, okay. I got it, now it makes sense.

LEG. BROWNING:

I wonder who that was.

P.O. LINDSAY:

Okay. Can we do same motion, same second, same vote?

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

We only have one CN. If we can go to the Red Folder, get that out of the way, *it's amending the Temporary Classification & Salary Plan for Licensed Practical Nurses*. And I should explain --

LEG. LOSQUADRO:

Why this is --

P.O. LINDSAY:

-- why this is coming about. This came about out of the Foley Oversight Committee. I should mention to everybody that the Foley Oversight Committee has been up and running, I think we've had six meetings so far. I think we're making progress. I think everybody is very pleased with the new administrator there and we're -- for one thing, we're collecting a heck of a lot more money, and I'll just throw out some numbers and hopefully next month I'll give you all a more in-depth report on how we're doing.

From the information we're projecting, 2008 revenue from Medicaid will be two -- be \$4.2 million more than included in the 2008 estimate that was adopted in the 2009 budget. Medicaid revenue is based on the composite daily rate of \$314.16 per occupied bed. The 2009 Medicaid revenue is estimated to be \$3.5 million more than included in the 2009 Operating Budget.

LEG. ROMAINE:

Wow.

P.O. LINDSAY:

What this represents is one of the ideas and one of the things that we've been discussing in the oversight group is if we, if we get rid of the contract nurses that we've been using out there all along, can we establish our own pool of part-time nurses? And the Health Department worked on this and came back and said yes, we can, and if we do that, we could save \$440,000 a year.

LEG. ROMAINE:

Wow.

P.O. LINDSAY:

But in order to do that, we need this resolution to raise the part-time salaries of our nurses, and that's what this resolution is about. Once this passes, I am told that the Nurse Recruiter is going to start recruiting nurses and we're on our way to eliminating the temporary nurses that have been employed out there.

LEG. BEEDENBENDER:

Bravo.

P.O. LINDSAY:

And one other thing, and it's just a side note, doesn't have a huge financial impact, but we think by early Spring the \$7 million man will be on Medicaid.

D.P.O. VILORIA-FISHER:

Oh.

P.O. LINDSAY:

If you know what I'm talking about.

LEG. BROWNING:

Yep.

D.P.O. VILORIA-FISHER:

Yes. Very good.

P.O. LINDSAY:

All right? So we're making progress.

LEG. ALDEN:

One guy costs us \$7 millin.

P.O. LINDSAY:

Right, and nobody could figure out how to file the money. Although he was in the country illegally, they figured out how to do it, finally after about seven years. Mr. Fine did, our new Director. Unfortunately, we can't go back in time and collect any revenue from him staying there for all these years.

Okay, so we have a motion and a second?

MR. LAUBE:

No.

P.O. LINDSAY:

Oh. I'd like to make a motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. If we go to the folder, we're almost there. On top is Resolution No. 2168B, it's a Bond and George is going to explain it.

MR. NOLAN:

This is a new bond for the Vanderbilt Boathouse, I think it was \$475,000. At the last meeting we approved the Capital Budget amendment, but we did not have 12 votes, so the Bond went down. Legislator Cooper asked that we get a new Bond Resolution prepared with a different number, and that's what is before you right now. It still needs twelve.

LEG. LOSQUADRO:

Where is this?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

2168B.

LEG. LOSQUADRO:

I don't see it.

D.P.O. VILORIA-FISHER:

It was handed out, Dan.

LEG. MONTANO:

Yeah, it was.

LEG. LOSQUADRO:

Oh, I got it.

D.P.O. VILORIA-FISHER:

Dan, it was handed out separately.

P.O. LINDSAY:

Okay. We have -- you have it now? 2168 B, anybody want to make a motion?

D.P.O. VILORIA-FISHER:

I'll make a motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Anybody on the question? Okay, all in -- well, we have to do a roll call; roll call.

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

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:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

MR. NOLAN:

You just made it.

D.P.O. VILORIA-FISHER:

Right on the button.

P.O. LINDSAY:

Okay, the next one is *Procedural Motion No. 2-2009 - To retain outside Counsel in matters relating to the Suffolk County Vanderbilt Museum*. I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Losquadro seconds it. I explained it before. If anybody has any other questions? Yes, Legislator Romaine.

LEG. ROMAINE:

I hate to raise this question, but we have a County Attorney; usually in these matters, the County Attorney acts as our representative. I just throw that out there because it has me wondering why we would need outside Counsel. Whether I've agreed with the County Attorney's Office or not, I have to say that they have a group of skilled practitioners.

P.O. LINDSAY:

I'm going to ask George to explain it because he recommended that we hire outside Counsel.

MR. NOLAN:

Okay. Well, first of all, let me just explain that what the resolution does is authorize the Parks Committee to conduct a search to try to identify Counsel, an expert in trust and estates, to act at the point when the Legislature, if and when the Legislature decides to either try to go into the principal to fund the operations of the Vanderbilt in the future or tries to work with a separate entity like Suffolk Community College. If we try to do something different, much different than what we're doing now with the Vanderbilt Museum, we're going to need court approval to do something like that.

I've recommended this to the Presiding Officer because I'm not an expert in trust and estates. I don't believe the County Attorney has somebody like that in -- they have --

LEG. ROMAINE:

That's fine. Thanks.

MR. NOLAN:

Did that work?

LEG. ROMAINE:

That worked.

LEG. MONTANO:

It may work for you, it don't --

MR. NOLAN:

But that --

LEG. ALDEN:

Don't go too far.

LEG. MONTANO:

It doesn't work for me.

MR. NOLAN:

But let me just mention that at the point where we identify somebody and what the hourly rates are and what a ballpark figure would be to pay them, we'd come back with a separate resolution to get approval at that time.

P.O. LINDSAY:

Legislator Montano, you have --

LEG. MONTANO:

No, he answered my questions. I'm not going to support this.

P.O. LINDSAY:

Okay. Anybody else? Okay. Legislator D'Amaro, did you --

LEG. D'AMARO:

Well, I was just curious, are we authorizing an action today, or just seeking Counsel?

P.O. LINDSAY:

No, what we're authorizing is to bring -- is for our Counsel to identify three law firms that would be -- have expertise in this field that we would bring in before committee to interview to make a recommendation to hire special Counsel.

LEG. D'AMARO:

And just the special Counsel would be retained to pursue what type of action was it?

P.O. LINDSAY:

Well --

MR. NOLAN:

That is undetermined at this point, Legislator D'Amaro. Because when we've talked about the future of the Vanderbilt Museum going forward into next year, particularly it's unclear how the museum is going to be funded. Many Legislators have expressed the idea that we're not going to continue to provide operating support, so other options may have to be decided on by this Legislature. Are we going to try to partner with somebody else to operate the museum? Are we going to need to go into the principal to operate the museum for the next couple of years until such time as the Vanderbilt might be able to sustain itself. But the point is that any of those options, which we have not determined yet, we're going to -- we're going to have to do some work in court to get a court to approve it, maybe the Attorney General. And I thought it was a prudent step to try to identify Counsel as an expert in this area to advise us at that point when the Legislature makes a determination, where are we going to go with the Vanderbilt Museum.

LEG. D'AMARO:

Okay. Thank you

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I'm just going to suggest that we've done this in the past. Why simply can't we have -- if we're not going to use the County Attorney because we don't think that there is enough expertise in the office to bring the action, why can't we simply have them give us a review first and let them get a first crack at whether or not they can, what the issues are, and then we can make a decision on whether or not we want to go through the process of hiring outside Counsel. Trust and estates is a

different court, but it's not that complex; I don't think, you know, I've been there. But that's my opinion in terms of this resolution. I don't think -- I think we may be going a little bit ahead of ourselves in terms of the steps. I would rather see the County Attorney review it and get back to us, I don't think that's going to take a long time, outline the issues and outline what steps we have available before we start hiring outside Counsel at a great expense

P.O. LINDSAY:

Well, what I was hoping to do is I don't necessarily disagree with you, but is to go down a dual track. It doesn't cost us anything to put on a search --

LEG. MONTANO:

That's true also.

P.O. LINDSAY:

-- and to talk to some counsels with expertise in this field, and we certainly at the same time could ask the County Attorney if she thinks she can handle it.

LEG. STERN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. STERN:

If I may. I agree with Legislator Montano, but perhaps we could start that process right now. I mean, a representative from the County Attorney's Office is here, at least we can ask the threshold question and then see where it gets us.

MR. BROWN:

I can't speak for her, of course, and I haven't spoken about this with her before. But from my own perspective is there's not a doubt in my mind that we have the ability to evaluate whether or not we can invade the corpus of the trust.

P.O. LINDSAY:

Well, I think that was just one issue here.

MR. BROWN:

It is.

P.O. LINDSAY:

You know, one of the complaints is that nobody has a long-term plan for the Vanderbilt, that's why there was great reluctance to fund it on a short-term basis. And what this would do -- well, you know, if we could get court permission, yeah, we certainly have a lot more money to play with until it could turn itself around, or if somehow the synergies between the college and the museum worked out, you know, that as well could produce a long-term solution.

So I don't know if we know where we're going yet, but we're going to get there pretty fast because this thing is coming to a head. And I just want to be in a position to be prepared to find out if we can do one or the other, if the court's going to put a stamp of approval on it.

MR. BROWN:

You know, I don't want to be drawn into the debate, I haven't seen the text of the matter before you now. But from what I hear, it sounds -- the dual track that you're proposing, Mr. Presiding Officer, sounds reasonable. You're not incurring any costs, you know, currently, and any legal questions pertaining to the invasion of the corpus in the trust or rather use of the property I'm absolutely confident we could handle.

LEG. D'AMARO:

Bill, if I may, just very quickly.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I'm going to support the resolution also. We're not at a point where we're actually retaining Counsel, we're just starting a search. It's being proactive. And if it turns out that we need that real expertise, we'll have it at our right hand and I think that's a good position to be in as well.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

We just funded anywhere between half a million and we might be into the museum for 1.3 million, if we go this route, we're going to incur significant legal expenses. I don't know whether or not -- are you looking at we're going to pay this up-front, or are you looking to do this on retainer? Do you have any clear sense of how this would be paid for?

MR. NOLAN:

Well --

LEG. MONTANO:

Once we make the decision, and the truth is that once we start interviewing Counsel, it's going to be very hard to backtrack, in my opinion, and not move forward. I would prefer to see the County Attorney's Office come in with some preliminary analysis before we start throwing more money at the museum. This has become a very expensive entity at a time when, you know, we're running into some real financial -- but we keep saying we have financial problems but we want to throw more money at this problem.

MR. NOLAN:

No, we're not -- just to clarify, at this -- this resolution doesn't spend any money.

LEG. MONTANO:

I understand that. That I understand.

MR. NOLAN:

It authorizes a search for Counsel, as I indicated. I don't know what the arrangement is going to be, you know, if it's going to be an hourly fee. You know, these firms will make a -- they're going to talk to us about what their proposal is in terms of representing the County and the committee would pick the best one from their point of view and recommend it to the full body. And I believe at that time, that information would be provided to the Legislature and a dollar figure attached, at least a preliminary number that we would pay, and I would anticipate it coming out of the Legislature's 456 account. That's the plan

P.O. LINDSAY:

Okay. If nobody else -- we have a motion and a second. All in favor? Opposed?

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Montano & Barraga).

P.O. LINDSAY:

Procedural Motion No. 3-2009 - Authorizing remittance of monies from the Maintenance Fund to the Vanderbilt Museum. And what this does is there's still money in the Trust above the corpus and this would authorize us to draw that down to keep the place operating and we would still be within the Trust agreement.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Beedenbender?

LEG. BEEDENBENDER:

Mr. Chairman, I have a question, I don't know if it's best asked -- answered by the Counsel or BRO. But my concern is if we reduce this account to 8.2 million, the exact corpus, how could we ever reinvest it? Because, you know, the stock market goes up and down, you reinvest it, it goes down and now we're underneath the corpus and we've violated the Trust. So my concern is that if we want to reinvest this in whatever it is, stock market, bonds, mutual funds, whatever it may be, it needs to be significantly above 8.2. So am I incorrect?

LEG. MONTANO:

No, you're not.

P.O. LINDSAY:

Well, I don't know how it would get above 8.2 because it needs the money to operate.

LEG. BEEDENBENDER:

No, no, I understand. What I'm saying --

P.O. LINDSAY:

And if it closes, it will cost more than that.

LEG. BEEDENBENDER:

Right. But what I'm suggesting is that at some point, if you wanted to reinvest it, a brief blip in the stock market might go under. So I think we should keep this as high as possible.

LEG. MONTANO:

Can I --

LEG. BEEDENBENDER:

Because is it end-of-day? Like is it by the close of business it has to be above it? Whomever knows the answer.

D.P.O. VILORIA-FISHER:

Actually, there were different opinions about that. We spoke with several people --

P.O. LINDSAY:

Legislator Viloría-Fisher

D.P.O. VILORIA-FISHER:

And if we were to invest it -- and Lance, you might have been at this meeting where the question came up if we were to reinvest it and we were down to the corpus, and through no action of our own but through the vagaries of the market it went down, would we, in fact, be culpable and would it be a problem, and that wasn't really clear. So if that -- you know, it's not a clear answer. And this is why the Procedural Motion we just voted on is so necessary because it's a complex situation

LEG. BEEDENBENDER:

Yeah.

D.P.O. VILORIA-FISHER:

And you need an expert to really answer those questions.

LEG. BEEDENBENDER:

Well, and that's my concern. Because I know we got out, we took the money out because we were concerned that the market fluctuations could cause it to go below, and it just seems that it might be difficult for us to move forward.

D.P.O. VILORIA-FISHER:

But subsequent to that we had differing opinions on that.

LEG. MONTANO:

Could I ask --

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, could I ask the County Attorney to step up? Dennis, I want to follow-up on Legislator Beedenbender's point. I obviously haven't read the agreements, but my understanding of the explanation with respect to the corpus was that if we dipped -- if it dipped below the 8.2, the property would revert back to the Vanderbilt Estate.

MR. NOLAN:

Might.

LEG. MONTANO:

Might.

MR. BROWN:

Yeah. I have not looked at the documents that closely either.

LEG. MONTANO:

I don't think anyone has probably looked at them in years.

MR. BROWN:

I cannot say that.

LEG. MONTANO:

But I think Legislator Beedenbender's point is that right now it's 8.2 plus 1.2 million on top of that.

MR. NOLAN:

No.

D.P.O. VILORIA-FISHER:

Ric, did you just hear my answer to Brian?

P.O. LINDSAY:

Legislator Montano has the floor.

D.P.O. VILORIA-FISHER:

Which that there were other --

P.O. LINDSAY:

Legislator Montano has the floor.

LEG. MONTANO:

Yeah, don't interrupt, Vivian.

D.P.O. VILORIA-FISHER:

Well, I answered the question prior.

LEG. MONTANO:

Please don't interrupt.

P.O. LINDSAY:

Legislator Montano has the floor.

LEG. MONTANO:

Dennis, my point is that it's 8.2 plus 1.2 million that's sitting there now?

MR. BROWN:

I don't know.

LEG. MONTANO:

Do you know, Legislator Beedenbender?

P.O. LINDSAY:

No, it's nowhere near that amount of money.

MR. NOLAN:

It's not that much.

MR. REINHEIMER:

No.

LEG. MONTANO:

How much is it?

LEG. BEEDENBENDER:

I thought it was a little less.

LEG. LOSQUADRO:

Does BRO know?

LEG. MONTANO:

All right. Who knows?

MR. REINHEIMER:

We do. The value is 8.3 million, so there's approximately \$100,000 over the corpus of the fund.

LEG. MONTANO:

So we're going to take out 1.2 of the 8.3?

P.O. LINDSAY:

No, no.

LEG. LOSQUADRO:

No, 100,000.

MR. NOLAN:

A hundred thousand.

MR. REINHEIMER:

No, only 100,000 is above the corpus. We're not intentionally invading the corpus, we're distributing funds over the 8.2 million.

P.O. LINDSAY:

If I might, Legislator Montano?

LEG. MONTANO:

Go ahead. Go ahead. Go ahead. It's late and I want to get an explanation.

P.O. LINDSAY:

We had set parameters on an annual basis that we could only draw down the Trust Fund \$1.2 million a year, and we would have drained it right down to the corpus except we hit that 1.2 million on the last day of '08 and we can't take it down any further without a Procedural Motion. And why it's important now, although, you know, somebody made the observation that we passed the bill before with the park fees, that's still subject to the County Executive, so we can't get any cash to operate the place for at least another four weeks.

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

So I'm not absolutely sure, but I think we're going to need some of that money just to keep the doors open.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I wanted to ask a question, either to the County Attorney's Office or to our Counsel. We could wake up tomorrow and watch the stock market drop another thousand points. So if we draw this down to 8.2 --

P.O. LINDSAY:

None of its in the market anymore.

LEG. MONTANO:

It's not in the market, right.

D.P.O. VILORIA-FISHER:

It's fixed.

P.O. LINDSAY:

It's all in safe investments.

LEG. D'AMARO:

Oh, so we're going to -- well, what are safe investments? I mean, there's no fluctuation in this?

P.O. LINDSAY:

A decision was made I think in --

LEG. LOSQUADRO:

December.

P.O. LINDSAY:

December?

LEG. D'AMARO:

Well, it's still in bonds, I believe.

MR. REINHEIMER:

Yeah, we have about four million in bonds; most of that is in a Bond Fund. And you're right, Bond Funds do fluctuate and you could have erosion of the principle, but it's --

LEG. D'AMARO:

You could also default on bonds.

MR. REINHEIMER:

Which would obviously impact the value. But we're in a Bond Fund which is -- it's diluted so you wouldn't have a significant drop in the fund. We do have a couple of individual bonds also, but if you held those to maturity they would reach their face value, provided they don't default.

LEG. D'AMARO:

Do we have -- this -- these funds that we're talking about drawing down right now are operating as a cushion or a hedge against something catastrophic happening, a without that curb default on bonds or a fluctuation in the market. Without that cushion, are you comfortable that we're not going to violate the Trust agreement and go below that 8.2, in this climate, in this market?

MR. REINHEIMER:

Well, I think these are -- those are the legal questions that, you know, we've had conflicting --

LEG. D'AMARO:

Well, that's not a legal question, really. I mean, if you're advising me on this investment, which in no way, shape or form can go below \$8.2 million, I need to know -- I need to be guaranteed that it's not going to because then we're opening ourselves up to liability and violating a Trust agreement.

MR. REINHEIMER:

There's no way that any of us sitting here can guarantee what the future of the market is, and I don't think anyone would want to be taking that responsibility. It could go below 8.2 million today with the investments we have.

LEG. D'AMARO:

I agree.

MR. REINHEIMER:

It's a --

LEG. D'AMARO:

But we're taking away this cushion, you know, which is a hedge against that type of liability.

P.O. LINDSAY:

On the other hand, if you don't authorize this -- and I don't know about the cash flow as we sit today; do you, Lance?

MR. REINHEIMER:

No, it's -- they're not getting that much in income. The will allows us to make distributions from income. Right now the value of the fund and what it's invested in, it's about a 3% return, they're getting a little over \$200,000 is the projected annual income. We can remit the income under the guise of the will. What we're looking here is distributing prior realized capital gains from prior periods and prior years.

P.O. LINDSAY:

And that isn't where I was going. Where I was going is I don't know what kind of cash they have on-hand for operating money, but it's conceivable, I think their big week is the President's Week, they get huge revenue that week; we might need some money to keep the place open before then. I think if we make it to President's Week, we'll have enough money to get through whatever is going to happen with the park fees and get that we can get them a more certain revenue stream. So this is just to back up if they need additional money in the subsequent month.

LEG. D'AMARO:

Well, I appreciate that. I'm concerned, I know we're not really invested "in the market". And the fact that we're taking it from the Trust, the which is the primary source and I think the right source, if we're going to take a risk anywhere, that's where it should come from. So I'll support it.

P.O. LINDSAY:

Legislator Alden, did you want to talk?

LEG. ALDEN:

Well, just briefly. This is a mistake we've made for all 12 years that I've been here, or eleven plus years. We kept taking money out of the Trust, we never had a plan to run the museum where it would actually balance, balance out. We never had a plan where we would take money out of the -- if that was our will, to take money out of our Operating Budget and supplement their Operating Budget, if we can -- now we're continuing down a route that brought us to the place we are now which is chaos.

This is not a good idea, it hasn't been a good idea for the past eleven or twelve years. Actually, what was touched on by Legislator Cooper earlier, if he's got -- and if he's identified areas in the budget that would be appropriate as an offset to give the museum some operating capital, capital or cash, then that would probably be the best route, and leave this alone. You're never going to grow this, the corpus, not even with the Bond. It's going to throw off \$200,000 a year and we're going to suck that out and we're going to hand it over to the museum. And then, actually if you market-to-market, we could go below the 8.2 million at any second. And you just have to hope that the interest rate doesn't tick up, because if the interest rate ticks up, the Bond Fund that we're in can lose 10, 20, 30, 40, 50% of its value in a matter of minutes.

So I think there's just too much risk at this point. We've sucked all the money out of this for eleven years. Why would we do this? Why don't we look for the offsets that were identified by Legislator Cooper earlier? Although he wasn't specific with it, he did say that Budget Review looked for that. And why don't we go in an intelligent way? Even the other way that we went with those revenues, they're not even going to start coming in for another three, four, five, six months. And I'm just predicting, you get bad weather, you get -- well, right now people are hurting, so maybe people don't even bother going to our golf courses, don't bother going to other recreational facilities and our revenues come in under what we've even budgeted before we went and committed to six or

\$800,000 going over to the Vanderbilt. So that's speculative type of income, we passed that before. This is even worse. But whatever the will of the body is.

P.O. LINDSAY:

Anybody else? Legislator Stern.

LEG. STERN:

Yeah. Maybe -- Gail, maybe you know the answer. I would be interested to know what the timing would be. I guess what has been said, that we don't necessarily know the exact number that the Vanderbilt still has to apply towards these operating expenses as of right now; do we have any kind of an idea? And how quickly can this be done? How quickly can we get other monies to the Vanderbilt through searching for other offsets rather than going this route?

MR. REINHEIMER:

Okay. As part of the agreement, or part of the resolution that we passed to adopt the 2009 Operating Budget, the Vanderbilt Museum is required to provide us with cash flow analysis the month prior to when they need cash. They provided us that by January 15th in accordance with the resolution and they needed \$45,000, or they anticipate that they need \$45,000 in additional cash to make payroll and to pay bills that they have to pay, taken into consideration with that is the revenue that they expect to receive during the February break. So they're looking at their expenses and projected revenue for the month of February and they feel they're short \$45,000.

LEG. STERN:

For the month of February.

P.O. LINDSAY:

You know, let me just point out that, you know, this is a Procedural Motion that we pass every year. And that doesn't mean that the money leaves, it just authorizes Budget Review to transfer the money on request on a month to month basis. We don't have a Procedural Motion in place now; we had one, we did one I think the first meeting of last year and they drew it down throughout the year.

MR. NOLAN:

Right. The resolutions we've passed year-to-year to authorize \$1.2 million payouts to the Vanderbilt always uses language about, you know, pay "X" amount of dollars as long as it doesn't go below the corpus amount of \$8.2 million. So this is standard language year-to-year, but obviously the circumstances have changed, they're not getting \$1.2 million, they're going to get much lesser amounts.

LEG. STERN:

Is it possible that as we go into the month that we can pass this resolution giving the ability to access the account if needed, but to also proceed on another track and identify offsets and so that when we come up to our next session that we have someplace else to go.

P.O. LINDSAY:

Well, the offset resolution I don't think Legislator Cooper filed, but the Executive is much opposed to it for the simple reason that he says we're going to need -- if we have an excess of revenue or our expenses are down in one account, I think he's using fuel oil as one of the offsets, but we have ten other areas where expenses are up. So it isn't really the most fiscally responsible thing to do, and I'm sure the Executive is going to point that out to us. I'm sure he'll veto that. I don't know what he'll veto, but he'll probably veto both. I'm just trying to keep the doors because when the doors are open at least we can bring in revenue; when the doors are closed, it doesn't earn a dime.

LEG. D'AMARO:

And Bill, the downside really is if we go below that 8.2, so there is a risk but, you know, these are tough times and we're going to take that risk. We think it's {de minimous} because BRO is going to do a nice job of keeping it above, and what better source than, you know, right at the Vanderbilt

funding. But if it goes below, we've probably opened up, then, the door to that lawsuit to take back the property.

P.O. LINDSAY:

And I tell you, the way things have been going, that doesn't look too bad a deal.

LEG. D'AMARO:

Right. Well, you know, we'll save that for another day.

P.O. LINDSAY:

All right, we have a motion and a second -- could I have everybody's attention? We're almost done -- on Procedural Motion No. 3. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. MONTANO:

Opposed.

LEG. BEEDENBENDER:

Abstention.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Okay. You want a roll call? Roll call.

MS. ORTIZ:

We don't have a motion on this.

P.O. LINDSAY:

Oh, I'm sorry. I'll make a motion.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

Second

P.O. LINDSAY:

Second by Legislator Losquadro. Roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yep.

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:

No.

LEG. EDDINGTON:

Abstain.

LEG. BEEDENBENDER:

Abstain.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Thirteen.

MR. NOLAN:

I just wanted to advise the body that the Clerk's folks just advised me that the Bond Resolution for the Vanderbilt Boathouse, which was originally announced as 12, was in fact -- only received eleven votes, so that Bond actually failed again.

P.O. LINDSAY:

Okay. We have one veto, it's the --

MR. NOLAN:

We've got a couple of more Procedurals.

P.O. LINDSAY:

Oh, we have more Procedurals.

MR. NOLAN:

Just setting dates for Public Hearings.

P.O. LINDSAY:

All right, there's two *Procedural Motions on setting dates to set a Public Hearing regarding the authorization of approval of extended lateral ferry license for Fire Island Ferries, it's Resolution No. 4.* I'll make a motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And *Procedural Motion No. 5-2008 - To set a Public Hearing regarding the authorization for approval to extend Cross Bay Ferry license for Fire Island Ferries, Inc.* I'll make a motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We have the one *veto on the Local Law, amending the Suffolk County Code to prevent deceptive practices in the home heating oil industry.* And I'll make a motion to override.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

Just one --

P.O. LINDSAY:

On the issue.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Mr. Chairman, you know, you and I have worked very well on a number of issues over the course of the past couple of years. This -- and sometimes it pains me to say this, but I have to agree with the County Executive, and you know you and I have differing opinion on this resolution. I think while well-intentioned, it has certain inherent problems in terms of its implementation and I think could actually wind up being a detriment to the consumer. Thank you

P.O. LINDSAY:

Go ahead, Legislator Alden.

LEG. ALDEN:

Did you file the other legislation that could be labeled as a compromise?

P.O. LINDSAY:

It isn't a compromise. The County Executive has a bill in the packet, but I'm not filing it.

LEG. ALDEN:

Oh, that wasn't yours.

P.O. LINDSAY:

No, no. Okay, let me just make a couple of points. I don't think anybody would disagree with me that the oil industry hasn't been consumer friendly. I mean, we just saw a horrendous year of 2008 and we've seen Exxon/Mobile record the largest profit for a corporation ever, ever. I think that's disgusting and I'm upset that our Federal government let's them get away with that.

And although the home heating fuel industry is certainly not Exxon/Mobile, I think it's part of the problem. And home heating fuel oil is absolutely a necessity to our citizens in Suffolk County; it's probably as important as food. You know, I've been asking some of the same questions since we started this debate. Last year when we were in an escalating oil market, why was home heating oil sometimes going up twice a day? And in this period that we saw over the last few months where it's been going down and crude oil dropped I guess 60% or 70%, it wasn't dropping as fast as it went up. What this simply does is it articulates a very simple concept, and the simple concept is this. If you are bound by a contract you should have a right to read it, and I don't know anybody that would disagree with that.

Mr. Rooney, you know, from the Oil Heat Institute, which he likes to remind us, is a lobbyist, folks. I mean, he lobbies on behalf of this industry, and pretty effectively. You know, he says that if we do this, it will reverse the process and actually cost the consumer more; I don't believe that. And why I don't believe that is last fall we surveyed over 40 fuel oil companies in Suffolk County. There was only three or four that used this oil contract. The ones that had a full service contract and had capped prices and had locked-in prices still do it the old fashioned way, with a contract. I know that for a fact because I just executed a contract like this I think in October or November, where I called up, we made a deal, the guy sends me the contract, I signed it, I sent it back. So I'm not buying that, I'm really not buying that. I think this can be done.

I think it's very disturbing that the oil heat industry does not want you to read the contract, they want you to agree over the phone to terms and conditions. And the compromise that you talked about from the County Executive is that you get the written contract within five days and if it differed in any way that you would be out of the contract; that isn't a compromise, they're doing that now. You get the written contract after you agree to the oral contract, and one of the problems is there's more stuff in the written contract than there was in the oral contract. A lot of the escape clauses that favor the oil company is in the full written contract. I just think that's wrong.

It's been a long day, I'm not going to argue over this anymore. What I propose is we just take a vote up or down and get it over with. But I honestly believe that this industry is not consumer friendly and that we, in our due diligence, as local lawmakers, should do something to try and rein them in. The major oil companies that this affects is part of the Star Energy Group which is big

guys, meaning Petro. And the other guys, if you call them up for a price they won't give it to you, you know, "We'll have a salesman call you back." I don't know what you have to sell with a vital community like fuel oil. "I need fuel oil. How much is it?" So I think there's a lot of flaws in this industry and I'd like to see us take a more active role in controlling that, that's all. Legislator Barraga.

LEG. BARRAGA:

I'll just be brief because it's late. I think this is a very anti-consumer bill. The only reason this stands any chance whatsoever to be overridden is that the volatility that existed in July and August doesn't exist right now, but that does not mean it wouldn't exist in three or four months from now.

And I have constituents and consumers that have come into my office and basically, when the volatility was in existence and they realized it was going up so quick, a gallon of oil, they wanted their home heating guy on the phone and they wanted to lock in a contract. They didn't want to have to have wait two or three days until a contract came to them, because waiting two or three days, in reality, increased a gallon of oil by 10, 20, 30, 40 cents. Now, you can blame this guy or that guy, all I know is that we as consumers have to deal with the reality of the market at any given time, and that's what that market was. To put a situation in place where, you know, you really can't do anything until a contract arrives at the house several days after you speak to the heating company, it's no good, especially in a volatile situation.

So even though I understand Mr. Lindsay's point of view, this is almost irrelevant now in the sense that, you know, the market is relatively calm and prices are going down. But let this flip the other way and you'll see people, for whatever reason, they'll get desperate again. When they get on that phone and they speak to their oil company, they want to cut the deal right then and there. They're not interested in waiting three or four days to see a contract and sign, because they know at that point it may be 30 or 40 cents more. Don't let this decline in oil lead you in the wrong direction. This thing is going to turn around again. The demand from places like China and India, they are there. This is not in the best interest of the people we serve. It's a legitimate difference of opinion here.

P.O. LINDSAY:

And the situation that you describe, Legislator Barraga, isn't what's happening in the market place. The few companies that use the oil contract by your scenario should be cheaper and they're not; they're charging as much money as the people that send out the written contract that you physically have to sign. And I should offer that I have offered compromises here. I would be very happy if they could do this electronically over the computer. If somebody could read the terms of the contract in front of them and agree to it over the phone, I don't have a problem in the world. Or if you want to make an oral contract, send it to me in writing that I can look over the paperwork and when I get it, if I don't like what I see, I can get out of the contract, but the oil industry is unwilling to do either.

So with that, we have a motion and a second. Let's call the roll.

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

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. LOSQUADRO:

No.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to override.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

MR. LAUBE:

Eight

P.O. LINDSAY:

Okay. We have *Late Starters*. I would like to make a motion to waive the rules and lay on the table 1108, accepting and appropriating a grant award for the New York State Education Department, and that's assigned to Economic Development, Education & Energy; 1109 to Economic Development, Education & Energy, accepting and appropriating a grant award from the New York State Education Department, the University of the State of New York, for General Educational Development Test Administration Program, 100% reimbursed by State funds by Suffolk County Community College, again, Economic Development; 1110, accepting and appropriating and amending the College Budget and grant award to the U.S. Department of Education, to Economic

Development; 1111, authorizing the transfer of six surplus computers, monitors, mouses and keyboards to Suffolk County Vanderbilt Museum, Public Works; 1112, approving the appointment of Gregory F. Schimizzi to the Suffolk County Motion Picture, Television Film Commission, Economic Development; 1113, a Local Law specifying procedures and requirements for the use and acceptance of electronic agreements for the purchase of sale of home heating oil, to Consumer Protection with a Public Hearing at 2:30, and I just hope you don't vote for that bill, because that's a sham.

1115 -- oh, wait a minute, 1114, to implement Sunday bus service and extended weekend morning/evening service in Suffolk County, to Public Works; 1115, authorizing the transfer of property to Suffolk County Department of Parks, Recreation & Conservation and creating a new Suffolk County Park; 1116, approving Cross Bay Ferry license for the Fire Island Ferries, Inc., and 1117, approving a Lateral Ferry License for Fire Island Ferries, to Public Works; 1119 -- did I skip one?

MR. NOLAN:

You did.

P.O. LINDSAY:

Okay. 1119, reappropriating unexpended funds in connection with a Comprehensive Shellfish Restoration program for the Great South Bay, to EPA; 1120, authorizing the acquisition of land under the new Suffolk County Drinking Water Protection Program, Hamlet Greens, Grace Presbyterian Church Property, Town of Brookhaven, and I think that's it. Do I have a motion to --

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Motion, Mr. Chairman.

P.O. LINDSAY:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? Is that it?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'll accept a motion to adjourn.

LEG. LOSQUADRO:

So moved.

P.O. LINDSAY:

So moved. I'll second it. All in favor? Opposed? Abstentions?
We stand adjourned.

MR. LAUBE:

Eighteen.

*(*The meeting was adjourned at 8:53 P.M. *)*

{ } Indicates Spelled Phonetically