

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

MARCH 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 & TRANSCRIBED BY:

ALISON MAHONEY, LUCIA BRAATEN & DIANA KRAUS/COURT STENOGRAPHERS

*(*The meeting was called to order at 9:37 A.M. *)*

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

P.O. LINDSAY:

Mr. Clerk, call the roll, please.

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

LEG. ROMAINE:

(Not Present).

LEG. SCHNEIDERMAN:

(Not Present).

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not Present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

(Not Present).

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Thirteen (Not Present: Legislators Romaine, Schneiderman, Losquadro, Alden & Nowick).

P.O. LINDSAY:

All right, could everybody rise for a salute to the flag? And we're going to do something a little different this morning here. Our Chief Deputy County Executive is leaving us and we're going to let him lead the salute to the flag. Jim Morgo.

CHIEF DEPUTY COUNTY EXECUTIVE MORGO:

Thank you.

Salutation

P.O. LINDSAY:

And please remain standing, and we're also going to have Chief Deputy Morgo introduce our visiting Clergy. This is very unusual, only usually Legislators have the ability to introduce visiting Clergy, but Jim bought breakfast this morning, so we'll let him introduce him.

*(*Laughter From Audience*)*

CHIEF DEPUTY COUNTY EXECUTIVE MORGO:

For those of you who know me, you know I didn't buy breakfast this morning. It was Deputy County Executive Ben Zwirn; so thank you, Mr. Zwirn.

MR. ZWIRN:

Thank you, Mr. Presiding Officer.

CHIEF DEPUTY COUNTY EXECUTIVE MORGO:

It's an honor to make this introduction, and I thank the members of the Legislature, and especially Presiding Officer Lindsay for the opportunity.

I met Fred Quinones in the aftermath of the tragic murder of Marcelo Lucero; it was only a couple of weeks afterwards. I met Fred because Fred is -- and I'm going to read this in a minute, but Fred is in charge of Hispanic Outreach for the Diocese of Rockville Centre in the mid Brookhaven area where Patchogue is, of course. So Fred and I had a very long conversation that morning and Fred has become a part of the County Executive's outreach to the Patchogue area community. Let me read the introduction that was prepared for me for Deacon Quinones.

Fernando Quinones was born in the Dominican Republic in June of 1944. He settled in New York City in 1962 after completing his studies in Accounting and Finance at the University of Santo Domingo in the Dominican Republic. Fernando Quinones, for over 25 years, worked in the financial industry for {Luco} Securities Corporation and with JP Morgan Chase as a Vice-President. From 1987 through 1991, he attended the Immaculate Conception Seminary located in Huntington where he was ordained a Deacon. Deacon Quinones has a distinguished record with the Church Ministry throughout his career. He has been instrumental in organizing and directing charismatic retreats,

pre-cana programs for young adults, coordination of Spanish community activities, coordinated formation of the Spanish Liturgy Committee. Deacon Quinones has been coordinated -- he has been the Diocese and Coordinator of Hispanic Ministry for eight parishes in the greater Patchogue area. It's my pleasure to introduce Deacon Fernando Quinonis to you. Deacon?

DEACON QUINONES:

Thank you very much, Jim. And good morning, Ladies and Gentlemen. It is a great privilege for me to be here this morning and I would like to take this opportunity to thank Mr. Levy, Mr. Morgo, Mr. {Guadalupe}, Officer Cassella and all of you for having invited me here this morning.

This morning we are joining a collaborative effort to work towards the common goal of helping our brothers and sisters in Christ. Using the same words of our Lord, I have come to serve and not to be served. I rest assured that with his blessing and grace, we will face the challenges ahead. And now I invite you for a few moments to put yourselves in the presence of our Lord.

Lord, you said that where two or more were gathered in your name, you were there in their midst. Confident of this promise, we know that you are with us this morning. Open our hearts and our minds so that we can hear your word and we ask through our Lord, Jesus Christ, our Savior and your son, who lives and reigns with you, one God, forever and ever. Amen.

P.O. LINDSAY:

Thank you. Thank you, Deacon. And I'd also like to thank Mr. Morgo for that introduction, and this will be his last meeting before leaving County government and we --

CHIEF DEPUTY COUNTY EXECUTIVE MORGO:

I have one more.

P.O. LINDSAY:

Oh, you have one more. Oh, I'm sorry, the end of the month, but I wish him well.

While we're standing, I'd like a moment of silence for the following people. Denise Morpurgo, a former Legislative Aide who died last week; a 22-year veteran Suffolk County Police Officer Glen Ciano from the 2nd Precinct who was killed instantly when a drunken driver plowed into his patrol car sending it into a pole where it burst into flames; and for Mickie McGuire, after a long battle with cancer. William "Mickie" McGuire, the husband of Carol McGuire, Legislative Aide to Lynne Nowick, passed away recently. Mickie was formerly an Undersheriff in the Suffolk County Sheriff's Office. And let us remember all the men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Okay. First of all, I'd like to thank the many people that showed up in this horrible weather to attend this Legislative meeting. It leads me to believe you either have important business here or you don't have a life, one or the other. But to make this trek this morning was really a stress on one's ability to function.

We have a couple of proclamations. The first is Legislator -- Legislator Alden isn't here yet.

MS. BARBARA:

He should be here any moment. There was an accident on Carleton Avenue

P.O. LINDSAY:

Okay. And Lynne, I'm going to start with you.

LEG. NOWICK:

Okay.

P.O. LINDSAY:

I'm going to call to the podium Legislator Lynne Nowick, along with a delegation from the Women's Advisory Committee, led by Ms. Lori Green, for the purposes of presenting a County-wide award to the women -- the Woman of Distinction Award, and the recipient is Dorothy Maloney who I believe is a constituent of Legislator Nowick.

LEG. NOWICK:

Yes.

P.O. LINDSAY:

Okay.

LEG. NOWICK:

And I'm going to ask John Kennedy to come up.

P.O. LINDSAY:

Okay, and Legislator John Kennedy is going to go as well. So Ladies, if you would come forward. Ms. Maloney, if you would come forward. And the two Legislators.

MS. GREEN:

Can I say a few words?

LEG. NOWICK:

Sure.

MS. GREEN:

Thank you very much, Legislator, Presiding Officer Bill Lindsay. Dorothy Maloney is really an outstanding individual. And we were inundated with many, many wonderful accomplishments of women from every Legislative District.

Pursuant to Resolution No. 786-2002, to select a Woman of Distinction, whereas Women's History Month is celebrated in March of each year, the Suffolk County Women's Advisory Commission acknowledges and recognizes the contributions of Dorothy Maloney who shares her time and talent with myriad community organizations, such as Sweetbriare, Nature Conservatory, Smithtown PTA, Smithtown Library, Smithtown Rotary, Smithtown College Scholarship Fund, Smithtown Arts Council, Smithtown Rotary, Smithtown Historical Society, The Elks, The League of Women Voters, and she participated in the Avon Breast Cancer Walk where people have to walk from -- where was it that you walked?

MS. MALONEY:

Bear Mountain State Park to Central Park in Manhattan.

MS. GREEN:

And how many miles is that?

MS. MALONEY:

Fifty-five miles.

MS. GREEN:

Fifty-five miles.

MS. MALONEY:

For a good cause.

MS. GREEN:

For a good cause. So the Suffolk County Women's Advisory Commission is so pleased to present Dorothy Maloney to the Suffolk County Legislature as our choice for the 2009 Woman of Distinction. And now I'd like to -- proud to ask Legislator Lynne Nowick from the 13th Legislative District, this was her nominee, to present her with a proclamation.

LEG. NOWICK:

Thank you. Well, you don't have to introduce Dorothy Maloney to myself or to my colleague, Legislator John Kennedy, because we know Dorothy for forever. We know Dorothy's smiling face. I know you have been read all of -- all of the things that she does, but you don't know that she does it with her heart and her soul. She is an icon in Smithtown and all over Suffolk County, and is also evidenced by the fact that we're here at the Legislature and we're congratulating her, but I see -- I see her friends here, I see Carmen, Simon and Delores Keegan, I thought I saw Dan Hickey; these are people who cared enough to come out in this horrible, cold weather where, by the way, it took forever to get here. Dorothy, that's a tribute to you, that all of these ladies, your friends, myself and the Legislature, we all want to congratulate you for your years and years of volunteerism, all you have done, what you continue to do for Smithtown. You are indeed a very, very special person. I could not be more proud to have you not only in my district, as a friend, and to have nominated you. And I've asked Legislator Kennedy to join me because I know of your relationship and I know how proud he is, so I'm going to let him say a word.

LEG. KENNEDY:

Thank you, Mr. Chairman and colleagues. It's my pleasure to stand here and to acknowledge Dorothy's contributions and to commend the Women's Advisory Board for selecting her.

I've known Dorothy personally for about 40 years. And long before it was fashionable to be a woman of involvement and a woman of action, Dorothy, through her parenting and grand-parenting and involvement with Maloney Construction and involvement in so many groups in Smithtown, has truly been a force to be reckoned with. And I am very happy that she is my friend and very happy she's a Smithtownian and very happy we're here today to recognize her. Thank you. Thank you, Ladies.

Applause

MS. MALONEY:

Thank you very much. I'm really touched, but I loved every minute of it and I'm glad I did it. So thank you very much.

Applause

P.O. LINDSAY:

Congratulations, Ms. Maloney. Okay. You're going to do the pictures outside?

LEG. NOWICK:

Yes.

P.O. LINDSAY:

Okay. All right, next, Legislator Dan Losquadro. And I don't know which one you want to do first, so you pick.

LEG. LOSQUADRO:

Okay.

P.O. LINDSAY:

And we've been joined by Legislator Schneiderman who just had a two-and-a-half hour trip from Montauk.

LEG. SCHNEIDERMAN:

Three hours.

P.O. LINDSAY:

Three hours; oh, wonderful.

LEG. LOSQUADRO:

Good morning. Actually, both of these teams are from Mt. Sinai, both of these teams I have the honor of representing. We'll go from one side and come across.

The Mt. Sinai Girls Track Team, for the first time in their history, have won the Small-School Suffolk County Championship.

Applause

And I'll tell you, something that is a very impressive feat because this is a very difficult division that these girls race in. I know from experience because I graduated from Shoreham-Wading River who just edged out this team last year and this year they edged out my alma mater and took the -- have the distinction of being the County Champions. So I'd like to ask the coaches to come up here, I have a proclamation for them and the team.

Applause

Congratulations. We'll just have them file outside, we'll finish up with them.

Next, I'd like to tell you a little bit about these young women behind me here. Really a very impressive feat. These young ladies went to the UCA National High School Cheerleading Championship in Orlando, Florida. And out of all the teams that pre-qualified to be there, these young ladies placed 11th in the nation in the final round, right here from Long Island, New York.

Applause

So it's quite an accomplishment. This squad has only been competing in this division for the past four years. And really, for them to have accomplished this in such a short time is really a testament to not only their dedication, but also the professionalism of their coaching staff. Most of the teams that they were competing against have been in this type of competition for more than a decade. So I would like to congratulate them for really a wonderful job and an honor, well received. So if I could ask their coach to come up, I have a proclamation for the team as well.

UNKNOWN STUDENT:

The coach has not arrived.

LEG. LOSQUADRO:

See, the weather, their coach isn't here. So see? This is the type of professionalism you have on this team, they step right up. Leadership, that's what it's all about.

Applause

Congratulations. Just turn around.

Photograph Taken

Thank you very much

P.O. LINDSAY:

Thank you, Legislator Losquadro.

Okay, I think that concludes the proclamations. Is Cameron -- oh, you're here. I'm sorry, Cameron.

LEG. ALDEN:

That's all right.

P.O. LINDSAY:

Next I'd like to call Legislator Alden to the podium for the purposes of a proclamation.

LEG. ALDEN:

I know our Suffolk County Police are paid to take risks and actually to put themselves in jeopardy, but it's not often that we get a chance as Legislators to have somebody that is a resident in my district. And this actually took place only a couple of blocks away from my office, where an elderly gentleman fell in a canal and these two officers actually went and got this guy out. If they hadn't acted in a timely fashion, and actually kind of put themselves in jeopardy, too, this older man would have died.

So like I said, it's not often we get a chance to get you up here in front of the whole Legislative body and say thank you for what you do on a daily basis. And I know personally, my neighborhood's a lot better off because of these two gentlemen right here. And your Commanding Officer is a special guy, too, and has instituted a procedure whereby community groups and people that want to come in and talk to the Police are able to come in on a regular basis and discuss what's going on in their community and what's going on in their neighborhood. So I want to thank you in addition to your great officers here. Thank you very much.

Applause

P.O. LINDSAY:

Legislator Alden, maybe as soon as the kids clear out you can get a picture with those fine gentlemen.

LEG. ALDEN:

You think it will be crowded out there right now?

P.O. LINDSAY:

I think so; just give it a few minutes.

LEG. ALDEN:

All right, thanks.

P.O. LINDSAY:

Okay, now we can go to *Public Portion*. The first speaker is Noel Gish.

MR. GISH:

Good morning. As you know, I'm probably one of your newer Trustees on the Vanderbilt Board. You have an important vote today and I just want to reassure all of you that the Vanderbilt Board of Trustees have gotten your message and understand our task.

The Board of Trustees are pursuing that task with one voice and with one word, and that is sustainability. This is the key to the Vanderbilt in both the short and the long-term. We have already raised our visibility to the public as well as corporations and individuals interested in social investment here in Suffolk County. We are committed more than ever to ensure that the treasures given to Suffolk County by Mr. Vanderbilt 50 years ago are available for our children and our grandchildren to see; treasures that this Legislative Body has protected and preserved for over half a century.

There is a treasure of 40 acres of gold-coast property and shore front that normally would not be available to the general public. The Rolling Harbor Hill Moraine is a magnificent mansion, one of the few in public hands that stands to remind us of that Great Gatsby Era. Here on that same site, one can visit a planetarium constructed by this Legislative body 39 years ago. One cannot only view planetarium programs, but you can tour the skies on clear nights with our operating telescope and it is here where educators help young children not only open their eyes to the vastness of the universe, but the vastness of their own potential.

Treasures are found everywhere in this museum. One can view extinct animals that once called Long Island home, maybe take an African Safari in the {Stoll} Wing with wildlife dioramas or visit a recently rediscovered 15th Century della Robbia. Explore treasures of invertebrate animals, marine science or taxonomy. You can open a door of the mansion and find a treasure of information in our archives for researchers or open another door and find a room with an Egyptian mummy, one of the most complete and well preserved anywhere. Moreover, we have dinosaurs; not well displayed, as I'm sure you're aware, but treasures often are hidden and they need to be on Earth to tell their story. The Trustees are committed on working at that task as well.

If any one of you came down to Fun Fest Week at the Vanderbilt during the February school break, you saw thousands of young people, some with their parents, some with their grandparents, from all over Long Island taking part in a multitude of shows, author reading programs and tours. If you'd come on Friday morning, you would have seen a special Planetarium program arranged for a group of Autistic children who came to the Planetarium to explore as well. You may find that the biggest treasures at the Vanderbilt are just the every day people who come there.

I offer the Legislature the opportunity to see the Vanderbilt as well. For those of you who have never been there or for those of you who have not visited recently, come and see it again with fresh eyes. I know the museum is not in everyone's district, but it is in Suffolk County and this is the Suffolk County Legislature. This is as much a County issue as the condition of the roads that run between your districts. I promise, no cameras and no press unless you want them. You can come and get an updated view of the Vanderbilt. Sometimes you don't know what you have until it's gone. Let's keep this treasure alive and safe for the 21st Century. Thank you very much.

Applause

P.O. LINDSAY:

Thank you very much. Ron Beattie.

MR. COHEN:

Good morning and thank you for having me. Thanks, Noel. And yes, Noel is right, the Vanderbilt is a treasure and like the della Robbia, it's a treasure rediscovered.

When I was six or seven years old, my mother brought my brothers and sister to the Vanderbilt and I remember that around every corner there was a new surprise. This past Thursday, as a newly appointed Trustee to the Vanderbilt and decidedly older than my last trip, I was given a tour of the museum and I rediscovered the treasures found 43 years earlier.

In the past few weeks, I've been bringing myself up-to-speed as a new Trustee. And as a businessman and President of the Oakdale Chamber of Commerce, I can clearly see that the most immediate need for the Vanderbilt is to concentrate on fund-raising and business development in order to continue the strong educational mission that Noel outlined. Towards that end, as you consider this request, you should know that the Board of Trustees are reinvigorated, cohesive and are in strong agreement with this and will be a committee as a whole for fund-raising in the absence of development at the museum. We are also fortunate to have Trustees that have significant experience not only in education, but also in business, grant writing, public relations and together bring a variety of skills that will be applied to make the Vanderbilt a sustainable and viable entity.

Our short-term goals are quickly -- to quickly establish a marketing plan, to increase the public's awareness of the Vanderbilt which identifies and recruits corporate sponsors, identifies and obtains applicable grants from both private and public sources, designs and implements grassroots fund-raising and increase admissions. From there, we will develop a clearly articulated, strategic plan that will include self-sustainable educational programs, enhanced catering and special events revenue and reinvigorate our endowment.

We are well aware that this is a challenge during these tough economic times, but we as a group welcome the challenge because we believe the Vanderbilt is a treasure that is recession-proof. It is the implementation of this strategic plan that will result in achieving our goal of self-sustainable Vanderbilt Museum so that everyone can rediscover this treasure in our own backyard. And with that, let me introduce our Executive Director, Carol heart.

Applause

MS. HART:

Last week I was in Washington meeting with museum professionals from across the country to discuss the roll of the museum in the lives of Americans in the context of the worldwide economic crisis. The essential services we provide as caretakers of our heritage and culture, as teachers to our young and disenfranchised, as community centers of engagement for people of all ages and as economic engines for our regions. We met and talked with Senators and representatives of Congress and their aides and the message we brought to them I bring to you today as you consider the future of the Vanderbilt Museum.

The Vanderbilt brings communities together to share experiences and learn. We are an integral part of the economy of Suffolk County. The Vanderbilt is not frivolous, the Vanderbilt is not expendable. These are challenging times for all of us. Hard choices have been made, more will be coming. The Vanderbilt has to retool, retrench and rethink, and we have reenergized. The Vanderbilt has a new Director, a largely new board and a new planetarium coming next year. We speak of the treasures in our collections, but we also have other treasures, our donors, our volunteers, our friends with a capital F. Our Trustees, four of whom are here today, our sponsors, our supporters like Cablevision and Channel 55 who have donated time to run a 30 second commercial for us starting next week, and our students and visitors whose expressions of joy and wonder remind me every day why we must rise to meet the challenges before us.

With these challenges come opportunities; the opportunity to reevalutate what we do, restructure how we do it, the opportunity to work more closely than we ever have with the talented and resourceful people in Suffolk County government. We are forging new relationships and letting the people of Suffolk County and beyond know that we need help and they are responding, whether it is a \$10,000 check from a Vanderbilt or a \$1 donation from a young child for a paper star. The public is reminding us that the Vanderbilt Museum & Planetarium is important to them. We will not let them down.

Applause

P.O. LINDSAY:

Thank you, Carol. Fernando Quinones.

D.P.O. VILORIA-FISHER:

That's the Deacon, right?

P.O. LINDSAY:

Yeah. I'm going to skip over him and get back to him. Alice McVey.

MS. McVEY:

Presiding Officer Lindsay and your fellow Legislators, I'm Sister Alice McVey, speaking as a member of the Steering Committee of the Mobilized Interfaith Coalition Against Hunger. This coalition has the acronym MICA after The Old Testament Prophet.

This coalition represents over 350 congregations of all-faith persuasions. We would like to support the continuation of the opening of the Suffolk County Department of Social Service Centers for evening hours on a rotating basis. This will certainly serve better the needs of clients, the working poor whose numbers are growing. We recognize the many behind-the-scenes tensions that needed to be worked out in order to accomplish the openings that took place quite successfully in February. We'd like to thank all concerned who have attempted to be responsive to the needs of our citizens at this critical time, particularly as so many of your constituents are entering the system for the first time. So MICA requests that evening hours be continued in order to provide more time to properly evaluate it; one month is not sufficient time. So today, as you face the prospect of deciding the future of the evening hours, we urge you to be responsive.

We also recommend better advertising of the availability of evening hours for our people's convenience. We're grateful that the Legislature and the County Executive recognize the need to improve the working poor's access to welfare services, the persons who have jobs and who cannot afford to lose them.

And so in conclusion, MICA calls upon the Legislature and the County Executive to demonstrate responsible leadership on this issue by working out the differences so that the evening hours can continue to be implemented until a more adequate study can be done. Thank you.

P.O. LINDSAY:

Thank you, Sister. Fred Gorman.

MR. GORMAN:

Legislators, I come before you to suggest that you consider two inexpensive causes of action to protect the reputation of our citizens, Police force, County and Legislature.

In 1999, a public referendum approved by the Electorate in Suffolk County created a legal obligation for the Legislators to oversee LIPA activity. Although the County has some money in an account for this oversight, it has done nothing in the last five years. Today you are a Democratic controlled Legislature with a Democratic Executive, Democratic Governor, Democratic New York State Majority Leader and Democratic New York State Assembly Minority Leader. Of LIPA's 90 or so employees, eight are former County employees including LIPA's CEO Kevin Law.

In the last 30 days, about 16,000 Long Island ratepayers have joined Long Island Energy Surveillance. We are conducting a forensic audit of LIPA as I speak. Based on what we found, I humbly suggest you wake up your watchdog committee and start sniffing around. LIPA bonds were supposed to be paid off by now; instead LIPA just bonded \$600 million that doesn't pay down principle until 2030. LIPA bond debt is actually higher today than when LIPA purchased LILCO. Combine this with LIPA's rate surcharge increases of 80% over the same time, the CPI only increased by 27%. Add in the additional 17% of promised LIPA rate surcharge increases over the next five years, plus the Governor's decision that LIPA can increase rate surcharges without oversight or PSC rulings, it becomes very clear that LIPA needs a County watchdog.

In 2008, LIPA paid \$88 million in fines to pollute our water and air rather than fix the problem; that's charging us \$80 per ratepayer to poison us. LIPA has hedged us into a \$100 million 2009 oil increase. I wonder what speculator made four to \$500 million on that deal? When our FOILS uncover the speculators, we will let you know who they are. We have also FOILED LIPA's pension records, because we believe LIPA operates similar to school districts.

Furthermore, LIPA is running plants at 15% of capacity to enrich the plant owners and pay PILOTS (property taxes) on unnecessary plants. This is beyond wasteful and includes the dirty

cancer-causing plants. If every plant ran at 75% of capacity, we would save a fortune in generating costs, taxes and lives. Furthermore, senior citizen ratepayers from Elmont should not be forced to give up meals to pay Northport and Port Jefferson's school taxes simply because LIPA wants to run dirty, inefficient, cancer-causing plants at less than capacity to enrich energy barrens.

P.O. LINDSAY:

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

MR. GORMAN:

Okay. My second request is that you go to a website which I have marked on that file. This is very important. Our Police Force is the highest paid and best trained force in the nation. The Police mockery of our County Executive exceeds all honorable means of negotiation and brings shame to Suffolk. The "Cheep Jew" characterization of the Executive (pronounced jaw and big nose) is a terrible insult to Long Island Jews. Our Police degeneration of the Jewish community when the words --

P.O. LINDSAY:

Fred, you're out of time. You're out of time. Everybody gets three minutes, I let you have four. Thank you.

MR. GORMAN:

I'll come back next and we'll take care of the police thing ourselves.

P.O. LINDSAY:

Mary Finnin.

MS. FINNIN:

Good morning. I'm here today to speak in support of Resolution 1017. I'm a registered nurse, past President of the Professional Nurses Association of Suffolk County, past Treasurer of the American Nurses Association and current Secretary of the New York State Nurses Association. I'm here today representing the position of the American nurses Association urging the ban on the use of BPA in food, health care and children's products.

In September, 2008, ANA presented testimony to the food & Drug Administration voicing concern over the safety of the chemical BPA. BPA is a plastic hardening chemical used in baby bottles and food can liners. The National Toxicology Program, which advises the FDA, released reports finding that BPA posed significant risk to human development with specific concerns to the impact on children and fetus'. The greatest risk from this product are the very lives that depend on us for protection; developing fetus', infants and young children. A small exposure in a child is a big dose. Taking preventive action is our only option. Though we cannot reverse any damages already done, we can prevent further harm and protect others by banning BPA in key products; major bottle companies such as Nalgene & Playtex are phasing out BPA. We need more products held to the same standard.

ANA adopts a precautionary approach; according to a precautionary principle, there is an ethical imperative to prevent rather than simply to treat disease, even in the face of scientific uncertainty. ANA advocates a public policy that supports precautionary measures that provide opportunity for prevention instead of focusing most of our resources on curing diseases resulting from preventable exposure. I have a copy of the presentation to FTA by ANA and I will give it to the Clerk with a copy of my testimony. Thank you very much.

P.O. LINDSAY:

Thank you, Mary. Dr. William Hoyle.

DR. HOYLE:

Good morning. I'm Bill Hoyle representing the North American Metal Packaging Alliance, NAMPA. NAMPA is a not-for-profit organization committed to the safety of metal packing and metal-packed foods. I am pleased to be able to present testimony here today in opposition to bill 1017.

NAMPA is fully committed to an objective of safe -- delivery of safe, wholesome and nutritious food for everyone, especially our children. We also believe that it is imperative that any action taken in Suffolk County be based upon sound science and to consider the unintended consequences that will result from said action.

Simply put, in its present form this legislation has serious implications far beyond the simple elimination of some select groups of products. First, the definition of children's beverage container could be interpreted to include many additional products. But most importantly, the legislation incorrectly sends the message that Bisphenol-A is not safe. If BPA is declared not safe in infant bottles and cups, it is logical for mothers to assume that it is not safe for other foods packaged in containers. You know, really, how does the digestive track tell if it's safe from one product or another? This would have a significant adverse impact upon the ability, their ability to obtain safe, wholesome and nutritious foods necessary for a balanced infant diet.

The legislation's impact on the available food supply will be significant. A ban on the epoxy coatings will not only increase the risk of food-borne illnesses in food products, it will impact the availability of a variety of foods due to the fact that there is no alternative for epoxy-resin coatings in both metal and glass packages. Epoxy coatings have enabled numerous technological advancements yielding significant improvements in canned food safety. For example, the use of Epoxy coatings in metal packaging is the most effective way to protect food and to keep it safe for human consumption. Metal cans ensure food safety by enabling the high temperature sterilization.

Equally important, metal cans are essential to bringing nutritious, wholesome foods to people throughout the world because they dramatically increase shelf life, decrease food waste due to product spoilage and expiration. Moreover, no other food package performs as well in situations such as disaster response, homeland security or famine relief. And in today's economic climate, metal packaging is a critical component in the delivery of food to our most economically disadvantaged population via the food banks, the WIC Programs and many other programs. Individuals and families in need depend upon well-stocked food banks filled with canned goods and perishable -- non-perishable items to provide critical nutrition. For example, in New York about -- just over 250,000 infants were born last year, 48% of those depend upon WIC; in Suffolk County alone, 5,000 infants and 7,000 children are fed monthly on the WIC program.

Finally, if the legislation has ultimate banning limited use of Epoxy coatings, it ignores the extensive scientific evaluations conducted by regulatory agents -- agencies around the world and will have serious unintended consequences and compromised public health. For example, the latest report on January 30th of this year, issued by both FDA and Health Canada, again stated that Bisphenol-A is safe even for infants. Thank you.

P.O. LINDSAY:

Thank you, Dr. Hoyle. Barbara Crane.

MS. CRANE:

Good morning. Thank you for this opportunity to testify. My name is Barbara Crane and I'm a Registered Nurse in charge of the ICU at St. Catherine of Sienna Medical Center. I'm also the President of the Delegate Assembly of the New York State Nursing Association and I sit on the Board of Directors of the New York State Nurse's Association as well as the Board of Directors of the American Nurse's Association. I'm here to speak in support of Resolution 1017, the Toxin-Free Toddlers and Babies Act introduced by Legislator Stern.

As a health care professional. I strongly believe it's important to get baby bottles and toddler cups

made of BPA off the shelves in Suffolk County. All parents in this County deserve piece of mind when they buy these necessary items for their children knowing that every option now available will be toxic-free. As a hormonally active chemical in our bodies, BPA can have powerful effects at very low levels. And while traditionally regarded as acting as a synthetic estrogen, something that BPA has known since the 1930's, new science is emerging that shows that pathways of other activity are now aware. As the number and scope of studies of BPA's role in the development expands, BPA is found to effect more parts and systems of the body, including many of the disease that I treat frequently at St. Catherine of Sienna; heart disease, obesity, diabetes, breast cancer and brain degeneration.

As a nurse, our charge is "to do first no harm". Because of that, the American Nurse's Association is a firm advocate of precautionary approach regarding changes to public health and has testified to the National Toxicology Program about concerns regarding the health effects of BPA. Safer alternatives to BPA are available and currently in use, especially for the products this bill covers. Therefore, it's prudent to act with precaution to help prevent disease and pass this bill. Certainly when it comes to feeding our children, the tools we use should first and foremost do no harm.

I believe, Ladies and Gentlemen, you are in a very unique position, because any health care professional would want to be you today, because with the stroke of a pen, you can ensure the health and welfare of generations to come. I thank you very much.

P.O. LINDSAY:

Thank you, Ms. Crane. Laura Ahearn. Hello, Ms. Laura.

MS. AHEARN:

Good morning. My comments this morning were actually originally intended for the Public Safety meeting, but the weather decided otherwise.

Parents for Megan's Law and the Crime Victim's Center continues to support the County's policy of housing homeless sex offenders on the grounds of a County Correctional facility. It's not a perfect solution, but of the options available in the County, it is currently the most viable. While we appreciate those attempting to find better solutions, IR 1028, establishing new procedures for housing homeless sex offenders, ignores the obvious. Child and adult victims of sex crimes and witnesses go to Police precincts to report crimes. This legislation would have adult and child victims of sex crimes traveling to the residence of sexual predators to report crimes. We will not support legislation that will revictimize, discourage the reporting of crimes, violate victim's rights and compromise Police Department operational security. Clearly, this is not a better solution.

On IR 1026, Parents for Megan's Law and the Crime Victim's Center strongly supports the creation of a Silver Alert in Suffolk County. And we would like to thank Legislator Stern for making us aware of this important legislation.

According to the Alzheimer's Association, over 60% of people with dementia will wander at some point, and 95% of those with Alzheimer's who wander are found within a quarter of a mile of their place of residence or last location seen. The New York Times reported that of all 19 people for which the State of Florida issued several alerts, they were found. Establishing a Silver Alert in Suffolk County is proactive and will protect a vulnerable population from potential crimes being committed against them, from serious physical injury, or even from death. Parents for Megan's Law and the Crime Victim's Center strongly supports IR 1026. Thank you.

P.O. LINDSAY:

Thank you, Laura. Stephen Rosario.

MR. ROSARIO:

Good morning, Presiding Officer Lindsay, Members of the County Legislature. For the record, my name is Stephen Rosario, I'm with the American Chemistry Council. As many of you know, I had

submitted an e-mail to all of you, so this is just a follow-up to that.

We are asking the County Legislature to lay this bill over for your next meeting on the 24th. A number of our speakers, because of the short time frame, could not be here today. As I understood the Public Hearing of the committee that we attended, a number of our speakers were there, and part of the reason why the bill was reported to you all was so that you could hear what committee members heard. Unfortunately, one of our members is out of the country, in Japan, meeting with leading researchers on this issue, another is on the other side of the country this morning. So we would hope that that request, in terms of fairness and equity, could be granted.

You've heard a lot about the weight of the evidence, and then you heard Dr. Hoyle talk about FDA. And again, I submitted a document to that, and the key paragraph in that document is that, I quote, "With regard to BPA, generally based on all the available evidence, the consensus of the regulatory agencies in the United States, Canada, Europe and Japan is that the current levels of exposure to BPA through food packaging does not possess an immediate health risk to the general population, including infants and children." You will hear a lot about independent studies, what we would ask the County Legislature to do is to ask which independent studies. I have asked for that information for the reason that the County Legislature should ask, don't listen to us, but what have other countries said about these independent studies as you make your decision.

Finally, I just have a couple of props here. As Dr. Hoyle said, and the reason why a number of other associates are concerned with this legislation is because of the way it is currently written. All of these are packages that contain BPA. The two applications are in plastic, to harden the plastic, or as an epoxy-resin which is on the inside. This container here, it's actually in the paper board, this is aluminum, this is plastic, and the one that I forgot to bring with me are the juice boxes, what we call aseptic packaging. All of those, under the way the bill is currently written, could be impacted.

I can't tell you what companies are going to do. At the end of the day, they will have to make their own decisions based on their interpretation of the law, but what we're hearing at our level right now is the fact that they are concerned with the way that language is now and the impact it could have. Obviously, there are other products, such as this one which is not a liquid, but if you look at the foil, that foil does contain BPA; again, the purpose is for food safety content.

So we would ask the Legislature to consider laying this over, at least until the next meeting so that we can get some of the real experts to talk about this in greater detail. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Rosario. Frank Casiglia.

MR. CASIGLIA:

Good morning, Presiding Officer Lindsay and honorables all. My name is Frank Casiglia and I am the AME Liaison to the Department of Social Services. I come before you to ask your support in overriding the Exec's veto of Resolution 47, extending DSS hours.

There was an initial resolution directing a plan to be prepared and forwarded to this Legislature for review, prior to the implementation of any hour changes. That was not done; instead, hours were changed. A subsequent resolution was passed directing that the program be rescinded and again a plan be provided to this Legislature; that was vetoed.

I have been in attendance at several of these centers during the evening, even though one of them I was prohibited to go to, didn't want any sites there. It's proven to be a dismal failure for the clients. In the Southwest Center, the first night they had approximately one person show up in the evening. The following morning, over 200 clients showed up because they could not have access to the building the day before until 12 o'clock.

We've asked our members to do more with less and they have. Then we turned around and said,

"Alter your life because we're going to be changing your hours one day per month;" they did. And now I see that there's another plan coming out to put shifts on one day per month; we will ask the members again, "Alter your life, we'll try this plan." If that plan doesn't work, perhaps we'll try three shifts or four shifts or Saturday.

The bottom line is this body has asked for a plan that's reasonable. We are not in opposition to serving our clients. As almost a 31-year veteran of the Department of Social Services, I know how important it is that these people get the services that they require. But our members are also people, they have needs and their lives are being tossed to and fro because no plan has been put forth and presented properly. There's been no input from AME on this flex program proposal; we could sit down and we could show them where our flex program can work which would make it cost effective to the County. We have members who have served the community for over 30 years, they know how to get services to the clients and it would be cost effective to the County, there would be no cost. Nobody is being asked. We're just going to continue to try program after program, regardless of how it effects the members themselves, until we hit upon one that may or may not work.

Right now, based on the numbers that we've seen, the additional people coming in the evening only totaled approximately six, but we've had upheaval of over hundreds of workers. Please veto -- override the veto, let us sit down with the department, work out a plan that's workable for both the clients and the members and the services can be provided to all that are in need. Thank you very much.

P.O. LINDSAY:

Thank you, Frank. Ginny Munger-Kahn.

MS. MUNGER-KAHN:

Thank you very much, Presiding Officer. I am Ginny Munger-Kahn --

LEG. LOSQUADRO:

Can you just pull the mike down?

MS. MUNGER-KAHN:

I'm sorry.

LEG. LOSQUADRO:

Thank you.

MS. MUNGER-KAHN:

I'm Ginny Munger-Kahn, President of the Long Island Dog Owner's Group. LI Dog is a non-profit New York State corporation whose mission is to increase access to public parkland for Long Island dog owners and their dogs.

We would like to thank the members of the Suffolk County Legislature for their support for dog parks. Many of you were in the Legislature in 2007 when the five new dog parks bill came up for consideration and all of you voted in favor of it. So we want to thank you very much for supporting this forward-looking initiative.

As the County's experience at the Blydenburgh and West Hills Dog Park shows, there is tremendous demand for dog parks. The first day that Blydenburgh opened, hundreds of people showed up and attendance has remained strong ever since, but we need more dog parks. For too long, frustrated dog owners have been an under-served community. Forty percent, or 200,000 Suffolk County households, own at least one dog. We are here to support IR eleven thousand and four (sic), Kate Browning's -- Legislator Kate Browning's bill to create a dog park in her district. We have worked with Legislator Browning since early 2006 to find a suitable location for a dog park for her constituents. Among all the locations we researched, Southaven Park is the best place to create a dog park in this area and the field cited in this bill is particularly attractive . It is big; at 2.6 acres, it

is larger than either the heavily-used Blydenburgh or West Hills Dog Parks. It is located on an already established field so the dog park won't take years to develop; there are no homes near by, so local residents will not be disturbed. In fact, the South Yaphank Civic Association, which represents residents near the park, strongly supports this bill. And it is located in an already established park, so all the infrastructure, the parking, security, watering facilities are already there.

We understand the administration has plans for the now vacant stables nearby for the SPCA, and the Parks Department has raised objections to the field because it is used for overflow parking when there are events in the nearby pavilion. There's no reason the Parks Department cannot work with Legislator Browning to come up with a shared-use plan for this site within this beautiful 1,300 acre park. That's what other local governments do when dealing with parks that must accommodate multiple uses. We are confident such an arrangement could work here and we would be happy to help work on such an arrangement.

We urge you to support Legislator Browning's bill. Legislator Browning has worked to get the support of her community and our supporters. It's time to make this happen.

P.O. LINDSAY:

Thank you, Ms. Munger-Kahn. Johan McConnell.

D.P.O. VILORIA-FISHER:

Joanne.

P.O. LINDSAY:

Joanne, I'm sorry.

MS. McCONNELL:

Good morning. Thank you for letting me speak before your body this morning. My name is Johan McConnell, I'm President of the south Yaphank Civic Association.

As a dog owner and a Suffolk County resident who lives within walking distance of Southaven County Park, I wish to express my support for Resolution 1104, sponsored by Legislator Kate Browning, authorizing the Department of Parks, Recreation & Conservation to plan and design a dog park at Southaven. I had worked with Peter O'Leary when he represented the 3rd District at a dog park in Southaven Park. Legislator Browning has continued this effort by visiting the park, speaking with the neighborhood -- neighboring residents and with dog owners who now walk their dogs in the park.

The field that has been suggested for the dog park is located just east of the stables and would be a perfect location. It is large, 2.6 acres, easily accessible, has its own parking area which is separated from the field by a split-rail fence installed approximately two years ago, it would not interfere with other park activities. There is enough room for everyone to park, be it for the dog park or horse trailers. I believe that the park is large enough, it's approximately 1,300 acres, that all types of recreational uses can be accommodated.

Again, as a dog owner, I would like to have the opportunity for my dogs to run off-leash and to socialize with other dogs. I request that you approve Resolution 1104. Thank you.

P.O. LINDSAY:

Thank you. Regina Seltzer.

LEG. VILORIA-FISHER:

You're going to have to pull that mike down, Reggie.

MS. SELTZER:

Good morning. My name is Regina Seltzer, I'm a resident of the Town of Brookhaven. I was a

member of the Brookhaven Town Planning Board for seven years and a Brookhaven Town Councilman for four. I'm an attorney specializing in land use and in environmental law. I'm here to talk about the proposed development of the County-owned land located in Yaphank.

In January of 2004, the Suffolk County Department of Planning published an RFP for the development of approximately 255 acres in Yaphank owned by the County of Suffolk; it's where the County Board of Elections is and the other Police station, etcetera. At the time, the proposal, which called for transforming a historic, rural area into a, quote, "destination center", a dream world with, and I'm quoting, "sports, entertainment, industry and affordable workforce housing with a vision of thousands of people coming to Yaphank, enjoying unlimited commercial merriment," seemed to me like a drug-induced fantasy. Now, however, in the present economic climate, it's obvious, or it seems to me that this is just another scam on the public that would be an economic and environmental disaster for the taxpayers.

I have done quite a bit of research in the past three months and I would like to point out the following. The property is currently public property, it is being used for a public use. When public property is disposed of, the disposition of that property must be grounded on the premise that the sale is for the best advantage not of the politicians or of the developers, but of the County and its taxpayers. New York Courts have interpreted this to mean that public property cannot be sold, even to the highest bidder, if it were for a use that would be detrimental to the local community or be in violation of zoning ordinances or environmental laws.

The RFP clearly states that the project as proposed is in violation of the town's zoning ordinances and of the environmental laws of the State and town. The local community has repeatedly expressed their opposition and explained to all of you the devastating impact this proposal would have on their property, on their health, safety and welfare. And we can all agree that in this economic climate, the catastrophic impact would not be limited just to the local community.

There's a very similar project that was started in New Jersey at the Meadowlands; it was a \$2 billion investment. I know billions don't sound like much in this climate when we keep talking about trillions, but to me, two billion is still a lot of money. It's located in the Meadowlands right off the New Jersey Turnpike, a terrific location, and they had exactly the same sort of hopes and aspirations. It is now half vacant with structures in the -- built and not built, totally empty creating --

P.O. LINDSAY:

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

MS. SELTZER:

Excuse me. Creating a public nuisance and it is a real hazard for the taxpayers of the County. I ask that you abandon this proposal because it will be bad for the community, bad for the economy, bad for the environment and catastrophic for the taxpayers of Suffolk County. Thank you.

P.O. LINDSAY:

Thank you. Ms. Chaudry.

MS. CHAUDRY:

Good morning, Presiding Officer Lindsay and Suffolk County Legislators. I'm here to speak in support of Suffolk County DSS evening hours. My name is Neelofer Chaudry, I'm the Advocacy Director for MICA, the Mobilized Interfaith Coalition Against Hunger.

MICA reaffirms our continuing support regarding a plan for evening hours that will serve the needs of clients and will provide easier access for working families or individuals who have difficulty getting to a Social Services center during the work day. During a recession, evening hours are critical. We are grateful that both the Legislature and the County Executive recognized the need to improve the working poor's access to welfare services for those who have jobs.

There's evidence that a compromise between the Legislature and the County Executive can be reached. MICA calls upon the Legislature and the County Executive to demonstrate responsible leadership on this issue by working out differences so that evening hours can continue to be implemented. Thank you for the opportunity to speak this morning.

P.O. LINDSAY:

Thank you, Ms. Chaudry. Jim Dougherty. Jim, let me first apologize. I didn't realize you were in the audience, we would have called you as a public official and not make you wait.

SUPERVISOR DOUGHERTY:

Not at all. I thank you very much for the opportunity to speak with you for a minute or two this morning. Jim Dougherty, Supervisor of the Town of Shelter Island. I'm here to speak -- well, two reasons; one, to say thank you very much for the very successful partnership on preserving open space and Shelter Island's rural character and many of your constituents come out and visit us all times of the year to enjoy our rural character and we appreciate that; and also, to help preserve our sole source aquifer. There are very few large pieces of open space left to preserve on Shelter Island, and in part that's because of the very successful partnership with the County and we thank you very much.

I'm also here to urge the acquisition by County and the town of 34 acres of the -- what we on Shelter Island refer to as the {Clanawickis} Property, I believe the term here -- because it is the St. Gabriel's edition because about five years ago the County and town acquired eight acres together of St. Gabriel's. St. Gabriel's, I understand from the committee meeting last week, the Environmental Committee, there was a question about a camp for children run last summer; it was not run on the {Clanawickus} property, it was run on St. Gabriel's. It was Camp Good Grief, a very wonderful camp that's run by the -- I think it's the East End Hospice for 125 terminally ill children, about 75 volunteers, and the State, I think it was New York State Department of Health Services asked that the camp be limited to four days rather than five because during the drought there were water quality problems. St. Gabriel's is across the street from {Clanawickus}, it's water front property, there's occasional salt water intrusion if you were not careful in drought conditions; fortunately, this large snow fall will help us next summer with the drought. But this points out very dramatically, in my view, the importance of Shelter Island's sole source aquifer and how critical the open space program is to conserving it.

The {Clanawickus} property is 40 acres, 34 of which we're proposing to acquire and preserve, sits right in the middle of the sole source aquifer at its deepest point, and it helps to push back the salt water intrusion and maintain the quality of the drinking water on Shelter Island. {Clanawickus} is one-acre zoning, it's open meadows, very beautiful, but it would be very conducive to development which would harm the sole source aquifer and also the character of Shelter Island.

So this is a wonderfully appropriate use of the Quarter Percent Drinking Water Fund revenues and I want to thank you very much for your support on this. And at this time, I'd like to yield to my immediate predecessor as Supervisor, the Honorable Al Kilb, to say a few words.

P.O. LINDSAY:

Yeah, our next speaker is Al Kilb.

SUPERVISOR DOUGHERTY:

Thank you very much. I didn't mean to --

P.O. LINDSAY:

Thank you, Supervisor.

SUPERVISOR DOUGHERTY:

Pardon me?

P.O. LINDSAY:

Thank you for coming today.

SUPERVISOR DOUGHERTY:

Pleasure to be here. Thank you very much for your attention.

MR. KILB:

Good morning, county Legislators, Presiding Officer. Just to echo my successor, this piece of land is located in a large basin on Shelter Island where water collects and winds up in a fairly substantial wetland. It's surrounded by some of the smaller lots, the half-acre lots where the Island is more densely populated. Preserving this land would definitely protect the sole source aquifer which is very shallow on Shelter Island. This is an inlet to that aquifer, this surrounding land, it's the northern slope of that -- of this dish and it would be an asset. It also is adjacent to the St. Gabriel's property which is the eight acre that we jointly own and St. Gabriel's itself which is substantial acreage, possibly 17 to 20 additional acres, and a New York State Preserve property which is right across the street which is about 50 acres. This is in an area where -- it's also an area where it's the head headland -- the headwaters of a large wetlands complex that runs south on Shelter Island and has very unique plants. It's the most northern example of white pine in a wetlands condition; rather than being upland, growing upland, they grow in the water itself and it's unique.

So I encourage the Legislature to support this purchase. The people of Shelter Island support it and it would be a great asset to our other open space. Thank you.

P.O. LINDSAY:

Thank you, Mr. Kilb, for coming. You know what else is unique is a former Supervisor and the current Supervisor coming and talking about the same issue.

MR. KILB:

A Democrat and a Republican, both.

Applause

P.O. LINDSAY:

The Reverend Thomas Goodhue. Hi, Tom. How are you?

REVEREND GOODHUE:

Good, Presiding Supervisor and County Legislators. I'm Tom Goodhue from the Long Island Council of Churches and I wanted to speak briefly about the extending DSS hours.

As folks who operate centers that people come to for assistance that DSS sends them to, we often have to send them back to DSS to get a determination letter. So I am delighted that both the Legislature and the County Executive recognize we have to do something to extend the hours for working families. And I support it, the Council supported the original resolution that called for there to be a study done as to how to best implement this. I think it's unfortunate you all haven't gotten that study, I hope that you will hold the County Executive's feet to the fire on that to come up with a good plan.

That said, I'm not against experiments in any way. I frankly think that the way in which this one month experiment was designed as not a very good experiment; at the very least, it needs to run a couple of months to figure out if you can get any decent data as to whether or not that plan works. I also personally don't see why, instead of closing in the mornings, we couldn't find a way to extend the DSS hours into the evening and give the employees flex-time that would allow them to decide what was least disruptive to their life. We do that at the council all the time and it actually makes people's lives better.

So I guess what I'm urging is that perhaps the experiment might continue, but that you would continue to demand that a plan be produced that you asked for in the first place. And that somehow together, working with DSS and the County Executive, we might find some way to extend the hours in a way that serves the clients and the staff well. Thank you.

P.O. LINDSAY:

Thank you, Tom. Lisa Krattia.

MS. KRATTIA:

Good morning. Thank you for allowing me to speak in front of the Suffolk County Legislative body. There are a few thoughts I would like share with you. My name is Lisa Krattia, I am a representative of Prevention is the Cure, the Huntington Breast Cancer Action Coalition. I am here regarding the Toxin-Free Baby and Toddler Act.

Having the recent privilege of viewing Arthur Miller's noteworthy play "All My Sons", I see a very distinctive parallel between the protagonist Joe Keller and some industry leaders of today. Joe Keller manufactures defective airplane parts during war time, knowing full well the risk innocent American pilots will face, crashing their planes ending their young lives. Joe Keller willingly takes this risk, after all, time is of the essence. Pressure is mounting to get these planes in the air; he grapples with his dilemma and rationalizes, "Maybe luck will be with us and no harm will occur." Besides, Joe Keller has a family to feed. Too much money is at stake to scrap the parts now. Little does he realize that his very own son will be one of the next fatalities, due to the choice his father has made.

Some industry leaders are more concerned with the economic hardship new materials will cost to replace more -- to replace existing plastics which are known to be toxic to humans. With mounting scientific evidence indicating that harmful toxins, particularly Bisphenol-A, are leaching into our liquids and foods, our obligation rests with protecting our children. Do we conscionably (sic) compromise the health of billions of people, primarily infants and children, in the name of cutting costs? When do we collectively rise to say that there is nothing more precious than human lives? After all, in my heart, I believe that each individual present here this morning values the importance of good health. Without the health of our families and those we care for, nothing else much matters. Please take a moment to think about what I have said and thank you very much for listening.

P.O. LINDSAY:

Thank you, Lisa.

MS. KRATTIA:

You're welcome.

P.O. LINDSAY:

Urvashi Rangan?

MS. RANGAN:

Good morning. My name is Dr. Urvashi Rangan, I'm a Toxicologist with Consumers Union, we're the non-profit publisher of Consumer Reports Magazine. We serve over seven million consumers and we've been informing, educating and protecting consumers since 1936. We're here today to register our support of 1017, the Toxin-Free Toddler & Babies Act.

We have been testing, reporting and advocating on the Bisphenol-A issue in particular. Over the last ten years, we were one of the first organizations to test baby bottles for Bisphenol-A and ever since then we have been warning parents and consumers about the potential dangers of Bisphenol-A exposure. We have also, over the last year or two, been strongly urging the Food & Drug Administration to eliminate Bisphenol-A from all food contact substances at this time. We do not believe that the current levels that people are exposed to, based on our scientific analysis of the data that is available including the human studies, it warrants this prudent action at this time. We

believe in the precautionary approach and we think it should be invoked at this time.

The current government safety limits that we've been hearing about today that Bisphenol-A is safe is frankly based on skewed data, it's based on an extremely old standard that was established in the mid 80's based on large-dose studies using animal models which were actually insensitive to DES, let alone BPA. And so the safety limits that are currently set today are not based on the totality of the evidence. What we know now is that extremely low doses of BPA exert their own effects, and BPA does not follow traditional, toxic, linear-dose response relationships. Because of that and because of its endocrine disruptive ability, it's actually an unusual chemical in that way in that the {lo-vo} effects need to be studied almost as a different entity all together than the high dose acute effects. The government safety limits simply do not acknowledge that body of work altogether, they're based on two very limited studies using very, very high doses, again using animal models that were insensitive to DES.

The Food & Drug Administration has been highly criticized by its own Scientific Advisory Board that their safety assessment deeming Bisphenol-A as safe is not correct and they have been sent back again, yet a third time, to reevalutate their own safety assessment. And just at a meeting I was at two weeks ago testifying, the Food & Drug Administration is being very tacet in terms of acknowledging the health effects of BPA, they certainly agree that there are problems they need to look at, they're launching more studies. But the fact of the matter is there is enough evidence today to warrant action for the FDA to set new safety limits, especially where extremely vulnerable populations are concerned.

There is mounting scientific evidence just in the last few months linking levels of BPA with widespread health effects in people including reproductive problems like infertility, diabetes, cardiovascular risk, health effects with very few causes known today.

P.O. LINDSAY:

Dr. Rangan, you're out of time.

DR. RANGAN:

All right.

P.O. LINDSAY:

I thank you for --

DR. RANGAN:

So for that reason, we're here today to register our support of 1017, we think it's landmark legislation and it would be great if Suffolk County could take the initiative. Thank you.

Applause

P.O. LINDSAY:

I thank you for coming today. Sarah Moeller

MS. MOELLER:

Good afternoon. My name is Sarah Moeller and I'm the Project Coordinator at Nassau Community College, one of the New York Public Interest Research Groups, Long Island Chapters. We appreciate the opportunity to present this statement in support of this important legislation that will eliminate Bisphenol-A from children's beverage containers.

The New York Public Interest Research Group, or NYPIRG, is New York's largest, student-directed, consumer protection, environmental preservation and social justice advocacy organization with chapters on 20 campuses across the State. For the past 35 years, NYPIRG has been working to protect the health of New Yorkers including leading campaigns to prevent childhood lead poisoning, ensuring that toys and other children's products are safe and removing playground hazards.

Through our work to protect children from environmental and product hazards, we have learned of the dangers of Bisphenol-A, particularly for infants and young children, and are here today to voice our support for the Toxin-Free Toddlers & Babies Act.

Since this information came to light, Canada has banned the sale of baby bottles that contain BPA. Many states, including New Jersey, California and Maryland, as well as the U.S. Senate, have introduced similar legislation. Many large companies such as NalGene and Babies-R-Us have voluntarily removed BPA from their products and shelves in order to ensure the safety of their consumers. Many hard plastic consumer products now contain BPA-Free labels touting that the product does not pose risks associated with the compound.

NYPIRG believes that consumers have the right to be protected from dangerous products. We believe it is necessary to act to protect human health, particularly of infants and children, when credible evidence of hazards comes to light. There's sufficient evidence demonstrating that the dangers of BPA exposure. Science has demonstrated that Bisphenol-A is harmful for infants and children and the burden should be on industry to provide healthy products, not for parents to take on the impossible task of avoiding these products.

Additionally, it is important to prevent children's exposure to problematic chemicals because of the extent to which multiple chemical exposure can lead to diseases and health problems is unknown. Research in this area has not advanced sufficiently enough to be able to determine which chemicals have additive and multiplier effects when combined with others. From pesticides, chemicals and foods and chemicals in products and degradation of our water and air, children are being exposed to a combination of chemicals daily. By limiting the potential of ingestion of BPA, the Suffolk County Legislature is truly taking steps towards toxic-free toddlers and babies.

We commend the sponsor for introducing this important piece of legislation and the Suffolk County Legislature for conducting Public Hearings on the issue. It is our hope that local Legislatures, lawmakers and Albany and other State Capitals and Congress will follow Suffolk County's lead. NYPIRG supports this bill and urges its speedy adoption. Thank you.

P.O. LINDSAY:

Thank you, Sarah. Tehreem Rehman.

MS. REHMAN:

Good morning, everyone. My name is Tehreem Rehman, I'm currently a high school senior at Walt Whitman High School and will be attending Columbia this fall where I hope to major in Earth and Environmental Engineering with a concentration in Environmental Health. I am speaking here today on behalf of the Long Island Teen Environmental Activists and the Huntington Breast Cancer Action Coalition.

It was mentioned at the last Legislative meeting that the other students and I who had given testimony looked perfectly fine, so obviously BPA wasn't effecting us, right? Unfortunately this claim stemmed from two major flawed assumptions. One, that all of the students, including myself, had drank from plastic bottles when we were younger; and two, most importantly, that the adverse effects on our health are sensible. For instance, Methyl Mercury, a known near-toxic chemical which I had done research on over the summer, has been shown to cause IQ level drops in children. And BPA, like other environmental toxins, have been shown to weaken our immune systems. One obviously cannot point at an individual and ascertain his or her IQ level or the state of his or her immune system. Or would you have preferred students behind me being wheeled here instead to prove the harmful effects of BPA? Now, that certainly is not being proactive in any sense.

I'm sure that many of you would jump in front of a moving car to save a baby; this situation is no different. Now, many of you are letting yourselves become confused by all these industry experts. Other industry experts just like these had in the past fought for keeping DDT and the drug Vioxx which was initially deemed to be safe for children. They claimed then, too, that evidence was

non-conclusive to ban the substance in question. The fact of the matter is that you're never going to receive that last ultimate finding in science which proves our substance is harmful or safe. Waiting for one will simply cause toddlers to continue being exposed to a carcinogen. Rather than looking at big name studies or even studies from national organizations that end up unveiling ties to industry, it is imperative that we strongly take the independent studies into greater consideration. For instance, a monthly journal and mental health prospectus published by the NIH issued a lab experiment involving human fat tissue which found that BPA can interfere with a hormone involved in protecting against diabetes, heart disease and obesity. In 2007, a consensus statement by 38 experts on BPA concluded that average levels in people are above those that cause harm to animals in laboratory experiments, and a panel convened by the USNIH determined that there was indeed some concern about BPA's effects on fetal and infant brain development and behavior. A 2008 draft report by the U.S. National Toxicology Program agreed with the panel concluding that there is some concern for neuro and behavioral effects in fetus, infants and children at current human exposures, and that there is some concern for BPA exposure in these populations based on effects in the prosy gland, mammary gland and an earlier age for puberty in females.

I realize there is concern over how to enforce this bill and assuming that anything that is not labeled "BPA-free" has to have BPA. Yet my question is this; if there are BPA-free options right now, why must we insist on leaving products with an ingredient that has been linked to cancer on our shelves?

P.O. LINDSAY:

Ms. Rehman, you're out of time.

MS. REHMAN:

Okay, I just want to finish up. As A young woman, I fear for my children, my grandchildren and their children who are given no say to all the toxic chemicals they're exposed to. The next generation, you can see from the numerous students behind me, want this, science confirms it, now it's up to you, the lawmakers of Suffolk County. Thank you.

P.O. LINDSAY:

Lauren Adamczak. Roberta Wilding follows Laura -- Lauren. Are you Lauren?

MS. ADAMCZAK:

Yes.

P.O. LINDSAY:

Please take the microphone.

MS. ADAMCZAK:

I apologize, but I was going to testify on behalf of Dr. Maricel Moffini, but she is here now, so she'll be testifying.

P.O. LINDSAY:

Okay. Thank you very much, Lauren. Roberta Wilding.

MS. WILDING:

Good morning. My name is Bobbie Chase-Wilding and I'm the Organizing Director for Clean New York, we're a State level environmental health advocacy organization and we co-coordinate, along with We Act for Environmental Justice, the Just Green Partnership which is a collaboration of over 45 organizations across New York State. One of the top priorities for the Just Green Partnership is getting Bisphenol-A out of products, particularly those where there are obvious safer substitutes. Introduction 1017 would do just that and we encourage the Suffolk County Legislature to pass that bill today.

A number of folks before me have already spoken eloquently about the science. There are a couple of points that I want to raise. There's an organization called The Endocrine Disrupture Exchange

which has done in-depth research on the studies done on Bisphenol-A and they concluded that without looking at who funded the study, 81% of the studies done on low dose Bisphenol-A exposure found that there were changes to the body, 81%; that's tremendously important, it's very significant.

On top of that, an analysis of the levels of Bisphenol-A in our bodies found that the most -- the populations that had the greatest levels of Bisphenol-A were young children, African-Americans and low income people. It's very important that while parents who are able to research and can look at the bottom of labels or paying attention to this issue can find sippy-cups that say BPA-free and understand what that means and why it's important. Parents who aren't necessarily paying attention to that because they're busy putting food on the table, dealing with their children, etcetera, might choose to go for a fun, little baby bottle with the New York Giants on it which is actually made out of polycarbonate. We shouldn't be leaving it up to busy parents to decide which product which you can't tell just by looking quickly at it as you're going shopping, is going to be safe. All of the products on the store shelves that provide our children with beverages should have -- be Bisphenol-free.

I know that there's concern about the need for new technology to address some of the other areas in which Bisphenol-A is used. I've been in conversations with the New York State Pollution Prevention Institute which has a number of technical experts on plastics and packaging and they're very interested in looking at how to help New York businesses develop the alternatives that will be the way to a BPA-free future. So in New York, by passing this law you can help send the signal that this is important and help generate the momentum needed to get Bisphenol-A not out of -- not only out of products like these, but out of all of the products that are in our lives, as there are very many outside of the realm of children's beverage containers that contribute to our body burden of Bisphenol-A.

Finally, I would just like to share that parents around the country are paying attention, I've been sent photos. These are the kids whose lives are at stake, your parent -- your children, your grandchildren, your aunts and -- your nieces and nephews; they're all counting on you to get rid of this toxic chemical. Thank you.

P.O. LINDSAY:

Thank you, Ms. Wilder. William Zhou.

MR. ZHOU:

Good morning. My name is William Zhou and I'm a freshman at Paul D. Schreiber High School and I'm here to support the passing of Resolution 1017, Banning BPA.

BPA is a chemical used in polycarbonate plastics where it's also found in PVC which is a material commonly used in water pipes, carbonless cash receipts, house dust and tap water. Now, what BPA does to the body is that it can lead to a decrease in luteinizing hormone which is necessary for a woman to menstruate as well as increased chances of breast cancer and early puberty in women.

It was mentioned at the last Legislature meeting that the use of lab animals such as rats were not specific enough to account for human diseases. However, according to Professor Chris Pointing who worked on the rat genome project, speaking about the genes of rats as compared to those of humans, "The disease genes are nearly all within 90%, they're conserved between rodents and humans. Therefore, in looking at the biology of human disease genes in rodents, it appears rodents make excellent models." In fact, almost every single known human disease has its rat counterpart. The claim that animals cannot be used to test for humans is simply untrue.

It was also mentioned that all of the major government bodies around the world agreed that BPA was a safe chemical and that there was no need for a ban. In October, 2008, the Government of Canada announced that it would immediately proceed with drafting regulations to prohibit the implementation, sale and advertising of polycarbonate baby bottles that contain Bisphenol-A. Even

though the government did say that the general public need not be worried, it continued to say that, "Due to the uncertainty raised in some studies relating to the potential effects of low levels of Bisphenol-A, the government of Canada is taking action to enhance the protection of infants and young children."

Japan has also taken the correct step, they have banned the use of BPA and all canned goods and have moved to use a safe alternative, ethylene lining.

Let's take some time to look at why the FDA has not yet banned this obviously harmful toxin. The studies that the FDA used for its decision making process regarding BPA reported absolutely no adverse effects of BPA at extremely low levels. There were, however, two fundamental flaws with these studies that the FDA failed to consider, the first being that the positive control drug DES was declared to have no adverse effects on the human body. This is obviously false because DES was banned in 1972 because it specifically mimics estrogen in the human body, just like BPA does.

The second flaw, and perhaps the most important, was that the rats used in these experiments were already exposed to BPA prior to testing. This is proven by a study done in Japan that reported a decreased sperm count because of low level BPA exposure in male rats. What's interesting about this study is that the sperm count of these rats was exactly the same as for the rats that were in the study that the FDA based its decisions on. All treated and untreated males had the same low level sperm count and all the rest exhibited abnormal estrogen levels prior to the testing. Even though the ongoing studies by the FDA are "inconclusive" concerning BPA, this is not the time to take a chance and continue BPA's use. Other government bodies have taken the better safe than sorry approach and I feel that Suffolk County should do the same. Any confusion about BPA should be lifted and the obvious solution should be clear, that the banning of BPA is imperative for the safety of Suffolk County.

P.O. LINDSAY:

William, you're out of time. Thank you.

MR. ZHOU:

Okay. I thank you all for your time and strongly urge the passage of Resolution 1017.

P.O. LINDSAY:

Thank you very much. We have Rubab Rehman followed by Karen Miller. But before you go, I need a motion to extend the Public Portion.

D.P.O. VILORIA-FISHER:

So moved

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (ACTUAL VOTE: 14 - Not Present: Legislators Eddington, Montano, Kennedy & D'Amaro).

P.O. LINDSAY:

Go ahead, Ms. Rehman.

MS. REHMAN:

Good morning, everyone. My name is Rubab Rehman and I am currently a high school sophomore attending Walt Whitman High school. I'm speaking to you today on behalf of the Long Island Teen Environmental Activists, also known as LITEA, and the Huntington Breast Cancer Action Coalition.

For those of you who argue that the concentrations of BPA found in humans are too small to have serious health effects, I refer to the first large-scale study in humans in which exposure to BPA was linked to cardiovascular disease, Type II Diabetes and liver enzyme abnormalities in adults. Dr. David Melzer of the Peninsula Medical School in {Exeter} Britian and his colleagues took advantage of results from the 2003-2004 U.S. National Health & Nutrition Examination Survey which, for the first time, measured concentrations of BPA in urine from a representative sample of 1,455 adults, ages 18 to 74. The researchers found that the quarter of the population with the highest BPA levels which were still at levels the FDA considered safe were more than twice as likely to suffer from Diabetes and cardiovascular disease as those in the quarter with the lowest levels.

Furthermore, it's universally known that the human endocrine system is particularly sensitive to exposure to environmental contaminants. As you know, DTP was banned several decades ago, yet it is still found in our bodies. BPA, like DET, which is also known for its endocrine disrupting properties, is a persistent chemical in the environment. Interactions among these chemicals intensify their effects. You're obviously not just exposed to BPA, but hundreds of other chemicals on a daily basis.

Now, responding to those who claim that animals studies do not equate to humans, many of you probably already know that humans and chimpanzees share 96% of genes; what you may not know is that humans and rats share 99% of genes. Subsequently, researchers often use rats as models for humans and their experiments. Just like my friend Zach {Rotter} who did an experiment last summer at {Fox J. Cancer Center}. The harmful effects of DDT were first realized when the United States National Emblem, the Bald Eagle, population was drastically diminishing; this was later linked to the thinning of their egg shells. Similarly, in humans, studies now show that low levels of DDT umbilical cord serum at birth are associated with decreased attention at infancy and decreased cognitive skills at four years of age.

It is cowardly to take comfort in the fact that the studies indicating the dangers of BPA were conducted on animals and not humans. Would the critics prefers we test on humans? Since the FDA has obviously failed to properly regulate the use of BPA, this piece of legislation will push companies to label their products and even to become BPA-free. We cannot leave the burden on consumers. In this case, however, the victim's babies are not even able to choose for themselves.

Another argument made at the last Legislative meeting was that non --

P.O. LINDSAY:

You're out of time, Ms. Rehman. If you could wrap up, please.

MS. REHMAN:

So another argument made was that non BPA products were more expensive, but most parents are willing to pay the extra money when it comes to their child's health. So therefore, I strongly urge the passing of the Toxin-Free Toddler & Babies Act. Thank you.

P.O. LINDSAY:

Thank you very much. Karen Miller followed by Dr. Maridia (sic) Galvez.

MS. MILLER:

Thank you for the opportunity. I'm here in support of the Toxic-Free Toddler & Baby Act. Actually, all of us are here for the precautionary principle. It's an international response to the socio, political and moral alarm in regard to decades of technological, scientific and medical practices that have for too long disregarded the lethal effects that advances in these fields have generated and we have marketed to the public. For years environmental and public health advocacy initiatives have been striving to implement methods to protect health by providing avenues to inform and empower the community to the toxic triggers of disease. To date, the public has typically bore the burden of proving that a certain activity or product is dangerous, while those implementing dangerous

activities or promoting dangerous substances are considered innocent until proven guilty. The precautionary principle ultimately demands the highest intellectual, scientific and legal obligations concerning all policies that impact public health. It realizes that policy makers, that is politicians and activists, are the gatekeepers through which needed advances in technology and legislation must pass. It has -- there has been strong evidence of the dangers of Bisphenol-A, BPA, in animal and human studies. I am here to ask that together we move this issue forward to ban Bisphenol-A.

The Toxin-Free Toddler & Baby Act offers an opportunity to revolutionize public health. The spotlight is on each and every one of you, collectively and individually. Suffolk County must step up to the plate. We cannot wait, we must pass this Local Law. By our actions today we will safeguard future generation. Thank you very much.

Applause

P.O. LINDSAY:

Dr. Galvez followed by nathan Woiwode.

DR. GALVEZ:

Good morning. I'm Dr. Maida Galvez and this is Dr. {Perry Sheffield}, we're from Mt. Sinai Center for Children's Environmental Health and there is a branch here in Huntington, and we represent not only our personal beliefs but that of our institution at Mt. Sinai.

So we're here to tell you that we get calls from parents who are very concerned. And what they ask us is, "Why is there BPA in baby bottles and infant formulas, and how come I didn't know about this? And how can I figure out which products to use without having mandated labeling on the products?" And it's a very difficult question for pediatricians to feel because there's very little training in children's environmental health; the pediatricians know just a little bit more than the parents do about these issues. And that's why we have a center here in Huntington, to be able to answer those types of questions from parents.

I can tell you not only as a pediatrician with training in environmental health, but as a researcher. We have a Federally-funded project at Mt. Sinai, it's funded by the National Institute of Health and the Environmental Protection Agency. And we're looking at BPA exposure in early childhood and we're looking at its relationship to obesity, an epidemic of global proportions, and early onset of puberty. And so in the study of puberty, we found that in 1,200 girls across the country, 13% of those seven-year old girls have begun puberty, and these are alarming rates of early development in girls. And there are a number of concerns related to early onset of puberty, including impacts on self-esteem and future risk of health conditions later on in life.

But the system is backwards, so why is -- why are these products being put out that are known to have estrogenic exposures? We're exposing the population, we're tracking these exposures in the U.S. population. We know that children have the highest levels of exposures and then we study them to see if they have health effects. So something is wrong with the system, we need to be more proactive, we need to be preventative. And that's why I think it's so wonderful that your Legislator -- Legislative body is actually considering a ban on BPA and you're joining the ranks of folks in Canada who have been precautionary and said, "We need to protect the most vulnerable, our babies." And we need to protect families and help them uniformly be able to make decisions for their families that promote a healthier life for kids around the world.

So we support your consideration of this proposal and we hope you'll shift the burden from the families and not to you all but to where it belongs, to the industry. And so we've already seen legislation make that shift with the Consumer Product Safety Improvement Act where they're requiring premarket tests, safety testing of products before it gets out to the market. So the model exists and it can work and it takes proactive -- a proactive Legislator to make that happen. So thank you very much for the opportunity to testify.

P.O. LINDSAY:

Thank you very much, Doctors. Nathan followed by Marian Lindberg. Maryann Lindberg.

MR. WOIWODE:

Good morning. My name is Nathan Woiwode, I'm with The Nature Conservancy on Long Island. This morning I'm also speaking on behalf of Citizens Campaign for the Environment, the Environmental Defense Fund, the Open Space Preservation Trust, Peconic Baykeeper and the Seatuck Environmental Association.

Our coalition strongly encourages you to support Bonding Resolution 2158A-2008, appropriating \$141,000 from Capital funds toward the continuation of Suffolk County's Wetlands Stewardship Initiative. This appropriation is a critical component of the County's commitment to wetland protection and health. Now more than ever, in times of rising seas, rampant development and the threat of permanent loss of acres and acres of valuable wetlands across the County, this commitment should be unfaltering. Suffolk County's Title Wetlands are important for the habitat they provide for countless bird, fish and invertebrate species, but they are equally important for the values they provide our human communities.

Wetlands filter our water, protect us from storms and sequester carbon from our atmosphere. Until very recently, Suffolk County left the important task of marsh management and stewardship in the hands of Vector Control which gamely attempted to balance the objectives of wetland health and those of mosquito eradication. In recognition of the fact that these objectives are not reconcilable, the County wisely created a Wetlands Stewardship Committee and resolved to develop a Wetlands Stewardship Plan to focus more directly on wetland health and functionality.

In order to fulfill the promise of developing a comprehensive wetlands stewardship plan for all of Suffolk County -- all of Suffolk County's Title Wetlands, not just those that are a concern for mosquito control, it is important to develop and implement a program for assessing the ecological health and restoration potential of those marshes based on the best available science. Marsh assessment and data collection are crucial first steps towards actual implementation of a stewardship approach that will make our marshes resilient in the face of development related threats and sea level rise.

The funds appropriated through this resolution would support a team of researchers in conducting this assessment. The information collected and the tools developed are invaluable investments in an effort to protect and restore wetlands which will pay dividends in water quality, storm damage mitigation and environmental quality down the road. You have already stated that you are committed to this approach and we applaud you for that. It's time to take the next critical step towards realizing that commitment. Accordingly, we urge you to voice your strong support for Bonding Resolution 2158A-2008, start the process of making wetland protection and restoration a reality in Suffolk County. Thank you very much.

P.O. LINDSAY:

Ms. Lindberg followed by Laura Weinberg.

MS. LINDBERG:

Good morning. I'm Marian Lindberg -- you were right the first time, it's Marian -- and I'm from The Nature Conservancy. Thank you very much for your perseverance, busy morning. I'm here to talk about the Kramer resolution again; I was here a month ago to talk to you about this project. It's a half-acre parcel on Sheep's Pen Creek in Mastic Beach. This parcel is a part of a wetlands system, most of the adjacent land is already owned by the County. The project was brought forward by the Town of Brookhaven, unanimously endorsed by the Environmental Committee of the Legislature and then the planning steps resolution was approved a month ago. However, there was a veto in the intervening month due to an apparent mistake. The Veto Message states that there is a house on the parcel and that is true, but as some of you may recall, the intention is to remove the house. It's a dilapidated structure, an eyesore, I understand it's caused a number of complaints in Legislator

Browning's district. So the plan is to remove the house and that will enable the marsh to be restored. It will also prevent a new house from being built in a place where a structure should never have been built in the first place. Some of you may remember the photos that I distributed which show the house in the middle of a very in-tact marsh.

This is a small project, but an important one. It will give a boost to everyone in the County who wants to see the County do restoration projects and get a handle on some of our pressing coastal issues. The issue of whether the town or the owner is going to pay for the removal of the house can be addressed down the road, but at this point we urge you to override the veto so that the Real Estate Division can proceed and order appraisals. There's no commitment, of course, at this stage, if the terms turn out to be unsatisfactory, the County does not have to go forward. But if you do not vote to override, we'll never know and a one time opportunity to remove this house and restore the marsh will be foreclosed. Thank you very much for your consideration.

P.O. LINDSAY:

Okay. Laura Weinberg followed by Dr. Marcel Maffini?

MS. WEINBERG:

Hi. Good morning. My name is Laura Weinberg, I'm President of the Great Neck Breast Cancer Coalition, Co-chair of the Long Island Breast Cancer Network, and I'm on the Environmental Committee for the New York State Breast Cancer Network.

At last week's Suffolk County Health Committee meeting, we heard from representatives from the industry that agencies around the world, in particular the World Health Organization, are saying that Bisphenol-A is safe. Dr. Pete Myers, who's a policy expert on BPA and CEO of the Environmental Health Network, and information that is readily available on the Internet offer clarity on the position of current governing agencies regarding BPA.

Number one, the FDA. Regarding -- their process regarding the evaluation of BPA has been deeply flawed, I'm echoing what William Zhou said. According to two documents which I brought today, one is called the Failure of FDA's Risk Assessment Process for Bisphenol-A and written by Frederick vom Saal. Also, according to Pete Myers, the European union is also reconsidering its position as well as the FDA is. The World Health Organization position does not reflect recent science. When it comes to being timely and accurate on environmental health issues, the World Health Organization is unfortunately not the best authority.

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

The WHO, or World Health Organization, has only set a Tobacco Control Policy Framework Convention in 1995 and '96, decades after knowing the weight of evidence regarding the hazards of tobacco use of which is so commonplace for us today. The WHO never sought to ban tobacco companies to control nicotine levels. Their control measures were mainly the package warnings and advertising restrictions. Only in 2003 did the WHO set up an intergovernmental negotiating body on tobacco that came up with tobacco control measures. Can you imagine all the lives that would have been lost if we were to depend on the untimely decision-making of the World Health Organization? With tobacco as a model, it will take the WHO another 50 years to set any policy on Bisphenol A, when today, in 2009, there is such a huge body of sound scientific evidence that shows harm.

The National Toxicology Program, which is the FDA's formal scientific advisory on these issues, identified concern about BPA, specifically with respect to neurodevelopmental issues and prostate. Convened by the National Institute of Environmental Health Sciences and the Environmental Protection Agency, a panel of 36 of the world scientists -- world-renowned scientists working on BPA identified serious concerns about BPA. Specifically, they concluded in over 700 studies that average levels in people today are above those sufficient to cause a wide range of adverse effects in laboratory animals, such as neurodevelopmental problems, cardiovascular disease, prostate, breast

cancer, diabetes and obesity.

Canadian policy, as has been mentioned here several times today, currently shows that they have officially banned the use of BPA in baby bottles, and Health Canada's October 2008 press release states that the Canadian Government will also take action to eliminate the amount of BPA that is being released into the environment.

Regarding the safety of low doses, which you've heard over and over again, but I will reiterate, a report by Professor Vom Saal from the University of Missouri states that none of the 11 funded studies by industry reported adverse health effects at low levels, whereas in 94 of 104 government-funded studies found effects. These government studies were conducted in academic laboratories in Japan --

P.O. LINDSAY:

Dr. Maffini (sic), your time is up. I'm sorry, your time is up.

MS. WEINBERG:

My time is up.

P.O. LINDSAY:

If you could wrap up, it would be great.

MS. WEINBERG:

Okay. Just one last. Sixteen Legislatures around our country, including that of Suffolk, have also introduced bills on -- to ban BPA in children's products, and the State of Washington's House Appropriations Committee recently approved the bill, now which awaits a vote in the full house.

I just want to thank you for time. And this bill ultimately will save lives and prevent illness, and I certainly hope that you all will pass the bill. Thank you.

P.O. LINDSAY:

Thank you very much, Doctor, for coming this morning.

MS. WEINBERG:

Oh, I'm not a doctor.

P.O. LINDSAY:

Elsa Ford.

MS. FORD:

Good morning. I'm Elsa Ford. I'm President of the Brentwood-Bay Shore Breast Cancer Coalition. And yesterday the Associated Press reported that the Center for Disease Control reported a stunning improvement in children's health due to aggressive efforts to get lead out of paint, water and soil, 9% in '88, 1.4 in '04. Our government considers 10 micrograms of lead per deciliter to be elevated, although authors noted that this is -- there is no known safe level of lead for children.

And so we go to BPA. As a resident and breast cancer advocate, I'm just so proud of the Suffolk County Legislator Steve Stern's resolution, 1017-2009, to prohibit the sale of children's beverage containers that contain BPA within the County of Suffolk. In response to Karen Miller's initiative and leadership, that addresses our concerns.

I look forward to our Suffolk County Legislators deciding to act today to pass this resolution into law. Thank you.

P.O. LINDSAY:

That concludes the cards. Is there anyone else in the audience who would like to speak? Please,

identify yourself.

DR. MAFFINI:

Good morning. I'm actually Dr. Maffini. The lady that spoke before was Laura Weinberg.

P.O. LINDSAY:

Oh, I'm sorry. I'm sorry.

DR. MAFFINI:

It's okay. Good morning. As I said, my name is Maricel Maffini. I'm Research Assistant Professor at Tufts University School of Medicine in Boston. 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. I would like to start saying that our research on BPA is funded by the Federal Government through the NIEHS, and we don't have any conflict of interest or financial disclosure to reveal.

Many of the things that I provide in my written document have already been said. I just would like to add a couple of other things about BPA. For instance, that it was first synthesized in 1891. This is not new. And due to its estrogenic activity, it was later investigated in the 1930's to be used as a synthetic estrogen.

Due to its widespread use, the exposure to BPA is chronic and inadvertent, and, in humans, it starts in the womb. And how do we know this? This is because BPA has been measured in human amniotic fluid that was reported to be five times higher than in the mother's blood. It has also been measured in the fetal serum, providing evidence that the developing human being is exposed to BPA during the critical period of formation. And why is this important -- why is this important to minimize or avoid altogether exposure to BPA, is because any alteration or disruption in the normal development will be irreversible. Many organs and tissues continue to develop after birth, and examples are the brain, the mammary glands, the prostate, immune system, and the liver, among others. And animal studies have shown that the consequences of exposure to BPA are very long-lasting.

The human brain continues to develop after birth and is considered fully developed after four to five years of age. There are areas in the brain that are characteristic of a male or a female, and these areas control gender-specific functions. Studies in our laboratory have showed that low doses of BPA altered the number of neurons present in those sexually dimorphic areas of the brain. For instance, the exposure of mice during gestation and lactation to very low doses of 250 nanograms per kilogram of body weight per day made a female offspring brain look like a male brain. In other words, there were fewer neurons in the gender-specific areas of the brain in the BPA-exposed female offspring compared to the nonexposed animals. In addition, the number of neurons was similar to the BPA-exposed males.

Behavioral studies reveal that the behavior of BPA-exposed female was also different from the unexposed females, and it was similar to the behavior of male offspring.

P.O. LINDSAY:

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

DR. MAFFINI:

Another study that we conducted in the laboratory deals with the effect of BPA in the mammary gland. We have seen effects in the abnormal mammary glands in animals and all ages that we looked at, before birth, all the way to a year-and-a-half of age. We have seen the development of pre-tumor lesions and tumors both in mice and rats. The type of tumors that the rats developed are the same type that are diagnosed in women. If a woman is diagnosed with a carcinoma in situ, this lady will undergo surgery, a surgery called lumpectomy, and depending on the diagnosis, there will be a treatment and followup.

Just to finalize, I would like to say that the consequences of BPA exposure are long-lasting in laboratory animals, and there is no reason to doubt that this is also the case in humans. Based on the studies obtained in laboratory animals, perinatally exposed to various low doses of BPA, we are confident that the conclusion drawn by us and others are relevant to the human population at large. Ignoring the data collected using animal models will not stop endocrine disrupters from causing harm to the human population. For all these reasons, I fully support the Toxin-Free Toddlers and Babies Act.

P.O. LINDSAY:

Thank you.

DR. MAFFINI:

Thank you for your attention.

P.O. LINDSAY:

Tim Mooney.

MR. MOONEY:

Good morning. My name is Tim Mooney, President of Fire Island Ferries. I'd like to thank you for this opportunity to speak with you today. Before you today you have two resolutions, one for our cross bay license renewal, and the other for our lateral ferry service renewal. The good news is Fire Island is still there after yesterday's storm, so we still have a requirement to have these licenses.

Licenses expire on the 15th of this month. I know there's a CN in front of you, or in front of the Legislature at this point, to get this done in a timely manner. I'd like to thank the Legislature for their assistance with that, Tom and Brian.

So that's it. If there's any questions, I'll be here for the better part of the day and --

P.O. LINDSAY:

Thank you, Tim.

MR. MOONEY:

You're welcome.

P.O. LINDSAY:

Okay. That concludes our speakers. Is there anyone else in the audience that would like to address the Legislature? Seeing none, I'll make a motion to close the public portion, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

Okay. I'll take a motion on the Consent Calendar.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Barraga.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

There's just -- there's two resolutions that they claim they're technical resolutions or technical changes. Could we just get an explanation on those two?

P.O. LINDSAY:

Which two specifically?

LEG. ALDEN:

I'm looking for it right now. It might have been Ways and Means.

D.P.O. VILORIA-FISHER:

It was in Ways and Means.

LEG. ALDEN:

1025 and 1054.

P.O. LINDSAY:

Okay. Do you want to answer that, George?

MR. NOLAN:

I've just got to get to it.

P.O. LINDSAY:

All right.

LEG. MONTANO:

1025 and what?

LEG. ALDEN:

And 1054. I called yesterday, but I didn't get an answer to my --

D.P.O. VILORIA-FISHER:

I wonder why.

LEG. ALDEN:

-- to my question or to the phone call, but --

P.O. LINDSAY:

Where did you call from?

LEG. ALDEN:

No, I actually called from my office.

LEG. MONTANO:

1025, right?

LEG. ALDEN:

1025 and 1054.

MR. NOLAN:

1025 changes a Capital Project point number.

LEG. ALDEN:

Okay.

MR. NOLAN:

On a -- okay. And the second one?

LEG. ALDEN:

1054.

P.O. LINDSAY:

Wait. What do you mean a "point number"?

MR. NOLAN:

Capital Projects get assigned a number.

P.O. LINDSAY:

Oh, a rating?

MR. NOLAN:

Yeah.

P.O. LINDSAY:

A rating.

MR. NOLAN:

Not the rating. They actually have a number that delineates what they are and it's just a point number.

P.O. LINDSAY:

Okay.

MR. NOLAN:

1054?

LEG. ALDEN:

1054.

MR. NOLAN:

And this resolution changes a revenue code for a grant.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Okay. With that, we have a motion and a second to accept the Consent Calendar. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Resolutions tabled to March --

LEG. STERN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. STERN:

Before we go to the calendar, I would make a motion to take Introductory Resolution 1017 out of order.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Stern to take Resolution 1017, which is on Page 9, if you're following the paper agenda, first resolution in Health and Human Services, and seconded by Legislator Cooper. Any discussion on taking it out of order? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Okay. The resolution is before us. Do you want to make a motion to approve?

LEG. STERN:

I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second -- motion by Legislator Stern, seconded by Legislator Cooper. And Legislator Barraga would like to speak on the issue.

LEG. BARRAGA:

Thank you. I sit on the Health and Social Services Committee, and at the meeting last week we had the opportunity of listening to all of those who probably spoke this morning. Some of us, this particular issue requires that we pay a great deal of attention and do our own research.

At that meeting last week, in fairness to all the members of the Legislature, especially those who are not on the Committee, there appeared before us in terms of not only individuals who were supporting the bill, but there were several people there who had a different point of view. Unfortunately, today they are not present. And what I'm going to do is ask that this particular resolution be tabled just for one cycle, to give these people an opportunity to come down here and express their viewpoint. I think that's to the benefit in terms of fairness for the entire body, because, you know, last week we had the Commissioner of Health, we had a number of experts who had a different point of view. We are not seeing that this morning.

Well, some of you can say, "Well, if it was that important, they should be here. Maybe there's a case to be made for that, but I was advised by certain individuals several days ago that these two or three, and some of you were there last week when they did testify, would not be present this morning, and to see if we could do anything in terms of tabling it just for one cycle. Now, it may make no difference. Maybe the members have heard enough already to make a decision, maybe I've heard enough, but there's always two sides to every story, and in this public session this morning, we've heard basically only one side. So I'd like to make a motion to table.

P.O. LINDSAY:

Okay. I have a motion to table. Do I have a second?

LEG. NOWICK:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Nowick?

LEG. NOWICK:

Yes.

P.O. LINDSAY:

Okay. And Legislator Alden?

LEG. ALDEN:

And some of these are addressed to the sponsor of the bill. Have you contacted the FDA, and if you have, what was their response to why they haven't acted on this?

LEG. STERN:

Through the Chair. Legislator Alden, I have not spoken with any representatives of the FDA. The FDA has conducted a couple of different efforts. Many of those efforts have since gone -- needed to go back to the drawing board because of fundamental flaws that were found over and over again in the systems that they followed. Most recently, the FDA had ruled that there wasn't a concern. A couple of weeks later came out a follow-up report that the information that the very limited studies that the FDA based their decision on was again fundamentally flawed. In fact, I think it's important for you, Legislator Alden, and all my colleagues to know that as a result of that most recent effort, that most recent process that was or was not followed by the FDA, there is now a Congressional inquiry going on in Washington as to just how fundamentally flawed that process was. The FDA has been ordered then, because it failed to consider the scientific and independent studies that were conducted by its own scientists, to go back to the drawing board and start once again.

And I have to tell you that it was primarily because of that last pretty significant failure on the part of our FDA that I chose to move forward with this resolution.

LEG. ALDEN:

Okay, because this seems to be clearly under FDA jurisdiction. No product is introduced into the stream of commerce in the United States, especially when it has something to do with foods and food containers without full FDA approval. So that's why that just triggered a little bit of a -- the other thing was one of the speakers came up and put a number of products on the speaker's podium and indicated that this ban would apply to all of those. And a number of those products are pretty much used very, very commonly, like milk containers, orange juice containers, even some of the energy drinks and things like that that are out there now. Does your bill ban the use of those containers for all products, or in any way does it ban the use of those containers?

LEG. STERN:

No. In fact, this legislation was specifically meant to be very tailored and very targeted to a specific group of products. Not one of the products that were placed up on that ledge would be -- would be covered by this legislation. In fact, there are many other efforts across the country, both at other local levels and even our Federal level, where there is proposed legislation pending right now that would have a much broader effect than this bill before us today. It was meant to be very targeted, so that we can go to the products that, quite frankly, the preponderance of the evidence certainly shows that we have cause for concern to go to the most vulnerable within Suffolk County where there are plenty of viable, cost effective, and safe alternatives. In fact, we had handed out information for all of you to take a look at, I believe it's in your gray folders. This was really just a sampling that we took off of -- I believe it was amazon.com. Everybody knows how to get to amazon.com, and it will show a listing of BPA products, that there were over 700 products that came up on this list as a result of this search on over 63 pages. So there are plenty of viable and safe alternatives, so moving towards a BPA-free County here in Suffolk, particularly when it goes to these specific products, that by their definition are intended to be used by our babies and by our toddlers throughout our communities, that there are viable, and safe and cost-effective alternatives.

LEG. ALDEN:

The last question, really, has to do with some of the things that you just mentioned and that's the cost factor. Is there product that will be affected by this and has to be taken off the shelves and sent back to the manufacturers? So is there a cost to either a retailer or a distributor that might be located in Suffolk County the way this is going to be implemented?

LEG. STERN:

Well, this is going to be implemented within 90 days after the Secretary of State signs off, so by the time that it takes to go through signage and go up to Albany and come back to us, there's going to be many months as, I guess, a de facto phase-in here. And, by the way, you have to keep in mind that there are already numerous companies, both manufacturers and retailers, that have already gone to BPA-free products. Avent, Playtex, Nalgene, Nuby, Gerber are the manufacturers. Substantial retailers are Toys R Us, Babies R Us, Walgreens, Wegmans, Walmart, CVS, Safeway. These are already manufacturers and retailers that have moved towards providing BPA-free products.

LEG. ALDEN:

A little more specific, though, in Suffolk County, is there a manufacturer or a major distributor that will have a significant economic impact by having to get rid of this inventory, or by having to either destroy the inventory, or will they go out of business because that's their primary source of revenue?

LEG. STERN:

I'm not aware of a company where BPA products are their primary source of revenue. And again, this is a several month phase-in, so that there should be time to adequately prepare in advance.

LEG. ALDEN:

So we're not sure whether there is or isn't a large distributor or some manufacturer located in Suffolk County?

LEG. STERN:

I'm not aware of a manufacturer, and I'm not aware of a manufacturer or a supplier where BPA products are their primary source of the products that they distribute.

LEG. ALDEN:

Thanks.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I just had a couple of quick questions. First of all, are the minutes available from the Health and Human Services Committee? Are they online?

MR. LAUBE:

The last one from last week?

LEG. MONTANO:

Yeah, the one that -- where this was discussed?

MR. LAUBE:

No, they're not yet.

LEG. MONTANO:

They're not, okay. Just curious. I read some of the -- some of the information in the package you

distributed earlier, Legislator Stern. What jurisdictions have passed this type of legislation? I read there, you said Canada has passed this legislation. Countrywide, I understand that Senator Schumer has a bill in the Senate. Are there any other jurisdictions that have addressed this issue, that you know of?

LEG. STERN:

There are many jurisdictions throughout the country that are addressing this issue, several other states. I'm not aware of any other localities on our scale. But several other statewide jurisdictions, including the State of New York, Assemblyman Englebright is the primary sponsor of a bill pending in Albany right now, Senator Schumer is the primary sponsor of legislation pending before the Congress.

By the way, both of those pieces of legislation are, again, far more reaching than the legislation before us. This legislation before us today was meant to be narrowly tailored and targeted in a way that we believe, I certainly believe, balances the interest between ensuring safe products on our shelves with the idea that there should be safe and viable alternatives available. This certainly does that. If you take a look at Senator Schumer's legislation, it's much more far-reaching in going to packaging and products of all types, regardless of age. So the legislation before us is much more narrowly drawn.

LEG. MONTANO:

And that begs the question, is this something that should be done at a State level or a broader jurisdictional basis? How would it be implemented here in Suffolk, as opposed to what would happen in Nassau County?

LEG. STERN:

Suffolk County would enact this legislation, which would go to the sale of these kind of products on our store shelves throughout our County. Our hope, like many of the other resolutions that have, and initiatives that have originated here in Suffolk County would be emulated by our other counties and, ultimately, the State, and other states in our Federal Government. But we here in Suffolk County, I'm sure we would all agree, take a proactive approach, and we are the model for others to follow.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Through the Chair, I have a question for the sponsor, since I'm not a member of the Health Committee. By the way, I was congratulating myself that all my children were nursed, and then Dr. Maffini said they they're exposed before birth, and I don't know what I was drinking, what I was drinking from before they were born. But congratulations. This is a very important piece of legislation. But, as I was beginning to say, since I'm not a member of the Health Committee, I understand that the Health Commissioner did have some problems with the enforcement. Has that been resolved, or do you foresee the way it can be resolved?

LEG. STERN:

Well, through the Chair, the Commissioner raised the concern about how one would identify these types of products. I think that was the Commissioner's main concern. And in your handouts, not today's handout, but one that was given to all of my colleagues prior, it's very simple. Actually, we're all familiar with the numbers that are placed on plastic products, and those numbers indicate, you know, certain type of makeup, chemical makeup of these individual types of plastic. Some are safe and some are not. And as to those products that are not marked, I think that should raise primary concern for all of us as consumers, and parents and grandparents, but that was one of the

concerns that was raised.

And see now, we went back to my office. This is a product that we purchased off of a store shelf. It's actually fairly popular, and it's not marked, it doesn't have the number, and so how would one possibly know whether or not it contains Bisphenol A? We called the company. We called the company and we got an answer, that it does contain Bisphenol A. You know, this tremendous amount of time and investigation to determine whether or not this was a safe product, I can tell you, because I have there, it took less than 30 seconds to find out which products contain it and which do not. I really have to tell you, I do not see it as a significant challenge for us.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah. First, I want to commend the sponsor of this bill, because, in my opinion, any time we can help young people, I'm on board. And the testimony that I heard today was very convincing. However, I just want to ask my colleagues to consider one thing. I am not a member of the Health and Human Services Committee, and I hear my colleague, Legislator Barraga, say there was other testimony that would be rather important to all of us before we make a final decision. So we meet again March 24th. All I'm asking is, certainly, not that the testimony we heard today would be repeated, all I want to know is the testimony that was heard in the Health and Human Services Committee. Possibly, we can hear that on March 24th, I believe the next meeting is, which is -- I know we have two meetings this month. Just to get the other side, just so we can vote responsibly. Again, the testimony today that we heard was very convincing. We don't have to hear it again. That's all I'm asking for is just --

P.O. LINDSAY:

Thank you.

LEG. NOWICK:

You're welcome. We do not have to -- okay. Just for those few days, that's all I'm asking for.

LEG. STERN:

Mr. Presiding Officer, if I may, the -- much of the testimony that we would hear has been provided to us via E-mail, so we would really only be hearing the verbal version of testimony that's before us. In addition, if the -- if those in opposition coming before us were going to represent different views, or coming from a different angle than those that we've already heard from was going to be different, then I might agree with my colleagues. But the -- those that they're referring to that are not here today are representatives of the industry, and we have other representatives of the industry. I don't believe that what we would hear from others is going to be substantially different than what we heard already on other -- on other occasions.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I am a member of the Health Committee and I was in the majority that voted to discharge without recommendation to bring it to -- before us today, because I felt that it was an issue that was important for us to consider. However, I remained unconvinced as to really a huge volume of material that we've all attempted to try to put into place.

And to the sponsor, I was contacted by a representative of the Infant Formula Association, actually somebody with Abbott Labs, on -- I think it was Friday afternoon. I wound up speaking with her,

and she expressed a concern about being able to continue to vend pre-made infant formula containers to hospitals, and, in particular, to neonatal intensive care units, NICUs. And we had a brief conversation about the action clause in the resolution itself. And each one of us, when we put forward legislation do so, I think, with an effort to try to address the issue before us. But, nevertheless, intent sometimes is established by others than us.

We heard from the Health Commissioner. I'm wondering if the County Attorney's Office or somebody else might agree with our conversation about this intent to limit only to containers for individuals below three years old.

And secondly, I do have a significant concern, if we're talking about product that's going to go for compromised infants, notwithstanding the fact that this most recent testimony from our last speaker, Dr. --

D.P.O. VILORIA-FISHER:

Maffini?

LEG. KENNEDY:

Maffini goes to some hard science. There just seems to be an abundant amount of hard science out here on the different sides. But I have a concern about that infant formula industry, and I'm wondering if a one-cycle tabling might not let that at least come forward to have a better idea of how this is going to impact.

LEG. STERN:

Yeah. That is -- it's a good question and it's a concern that was raised, particularly by the Administration. I'm not sure if it came from the Administration or the County Attorney's Office. And so what you should have before you, I believe it's been out there for a sufficient amount of time, is an amended copy going to that very concern that was raised, that in our effort to make this a tailored result, that there may be, as we're always concerned about, unintended consequences, and so the legislation was actually amended to go to that very issue.

The legislation really goes very specifically to those products that, by their design, by definition, are meant to -- that are meant to -- for children who are under the age of three to hold liquids, for consumption by infants and children. There was -- it was much broader than that, actually originally, but we did listen and actually act upon the concerns of the County Attorney's Office that it might be construed to be broader than the actual intent, so we did make a change in that language. And, by the way, if that was a real concern, particularly as you point out Legislator Kennedy, you know, certainly, it's important to raise the question, but we did hear from a few different members of the medical profession themselves, as well as nurses from the American Nurses Association who said that they are in support of this legislation. Certainly, this is a question and an issue that they would have considered.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. Yeah, I'm on the Health Committee and I heard a lot of information, and good information. But I voted to table it, because I didn't want to have happen now what's happening now. I wanted everybody to get the chance to see, because I thought this was a very important bill. And I commend the sponsor. The more I hear, the more I'm like -- when I heard the two pediatricians and Dr. Maffini speak, it made me think more. I mean, I have two young granddaughters, so I'm leaning more to accepting this. However, I do have some concerns, because, you know, my one granddaughter drinks Juicy Juice cans and boxes and I think that might have a problem, and the

liners in soda cans, which my other grandchildren drink. It will have no impact on me drinking canned beer, but other than that, I am concerned. So this has made me really think.

And maybe we have to target what Legislator Stern is saying, but I want everybody to hear all the information. What I heard today has changed my mind on how I was feeling last Thursday, and I think every Legislator should have that opportunity to hear, and read, and make the decisions, because I think we will make the right decision. Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. Like some of my colleagues that have already spoken, I'm also a member of the Health and Human Services Committee. And my gist of the testimony that was provided on, let's say, the other side, because I'm in favor of the sponsor's bill, was that we should hold off decision until the FDA makes an approval to ban it and I'm against that. I don't think the FDA -- in my mind, has not gained much confidence as of the past few years, and I'm not going to hold off, when we could protect our children, for the FDA to get off their butts and do the right thing. They have done -- their solution is to put warning labels on things. They very rarely ban things that are poisonous and dangerous to our children and to people in general.

So I think we should be proactive. We've led the fight in many issues in the past. This is something that we can lead the fight in. Our children of Suffolk County can benefit from it. I don't think that we should sit around and wait for the FDA to make a decision that they may not even make a decision on.

The science has been put in question, but at what point do we hold that threshold? You know, there's science on both sides that BPA is bad, that it's -- and on the other side that it's not so bad, but I think there's enough evidence out there that we should take some pause and seek to protect our children. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Yeah. All I'm asking is that the entire Legislature avail itself of both sides of the testimony, just as the Health Committee had last week. Those experts are not here. They will be here at the next Legislative session. And in all fairness to the prime sponsor, you know, he indicates that, well, people from the industry did testify this morning. That basically is a person who's -- doesn't have the expertise in this area. He's basically an individual who works for the industry who lobbies; all right? What I want is are there two or three individuals who spoke to our Committee last week to come back and speak to the body as a whole, and I think that's the appropriate way to go. This way there's -- you know, we hear both sides of the story and we can make a much more legitimate decision.

P.O. LINDSAY:

Legislator Stern, you want the last word?

LEG. STERN:

Thank you, Mr. Presiding Officer. You know, look, as I said before, if there were going to be others that would come and speak in opposition to the bill that would be substantially different than what we've already heard from those who are in opposition, I might tend to agree with my colleagues, but that's not going to be the case. There are going to be additional representatives from the industry, they're already on the record, they've already made their presentations. The gentleman who I think we're talking about was here. There was opportunity during the Public Hearing for him to come. They're the industry, and they know that this is part of our agenda. And, look, if I'm the industry,

I'm not coming next time either, because I know that I'm going to continue to get it put off over and over again.

LEG. BARRAGA:

With all due respect to you, all right, and I may well support your bill, but characterizing "the industry" as if it's a mortal sin I think is inappropriate.

LEG. STERN:

That's not what I've done.

LEG. BARRAGA:

There are people who testified last week who have a different point of view and they are experts in the field. And this Health Committee asked those individuals certain questions. They are not here today, so the other 12 members who are not on the Health Committee cannot benefit from their testimony, nor ask them any questions, but they've indicated they will be here the next cycle. All I'm asking is that -- and the outcome may be the same, Steve. But the point is all I'm saying is that table it just for one cycle so we can hear their testimony.

LEG. D'AMARO:

Bill, can I just --

P.O. LINDSAY:

Yeah, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I'm just listening to that debate, and I think we should vote today on the bill, and I'm going to oppose the tabling. You know, somewhere in Suffolk County today, this morning, there's a mother who has a small child who wants nothing but the best for that child, and is preparing a bottle, and is going to feed her baby, or it could be a father, too, of course, and they're putting a chemical into their child that we have a volume of evidence indicating is not good for the baby, so I don't really see a need to delay. I've read the literature on both sides. I've listened to the experts on both sides. I don't think I would hear anything next week that wasn't presented to me already, and I think that we can't act soon enough. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I would ask, if it's possible, for an accommodation. Maybe we could just get the testimony that was established at the Health Committee. We could get that transcribed, get an opportunity to read that while we're at lunch, or at some point in time today still take this bill up. I don't know if it's possible. I'd ask through the Chair.

MR. LAUBE:

We can have something ready for today. Actually, we're working on it right now.

LEG. ALDEN:

Thank you. I think that's a compromise that --

P.O. LINDSAY:

To the sponsor, would you -- would you pass over this and let everybody get that testimony, and we'll bring it back later this afternoon.

LEG. STERN:

How long?

MR. LAUBE:

In a few minutes. It was actually mostly -- it was mostly done already a couple of days ago.

LEG. STERN:

Yeah. Certainly, in deference to all of my colleagues, I want everybody to have all the information as is practicable, and that certainly sounds practicable.

P.O. LINDSAY:

Okay. So we'll pass over that. Why don't you just leave all the motions in place and we'll just pass over it and we'll address it this afternoon. All right? Okay.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

You're such a reasonable person.

D.P.O. VILORIA-FISHER:

Oh, that Cameron, I'll tell you, he's Mr. Diplomat.

LEG. ALDEN:

I appreciate it.

RESOLUTIONS TABLED TO MARCH 3, 2009

P.O. LINDSAY:

Okay. Resolutions tabled to March 3, 2009. ***1987-08 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number District 0200 Section 726.00 Block 07.00 Lot 006.000 pursuant to Section 125 of the New York State Highway Law.***

LEG. BEEDENBENDER:

Motion to table, Mr. Chairman.

P.O. LINDSAY:

Motion to table by Legislator Beedenbender. Would you refresh our memory why we tabled this in the past?

LEG. BEEDENBENDER:

This is a parcel that a constituent in the southern part of my District has been looking to buy from the County. There's been some question between my office and the Department of Public Works over the procedure used to come to the -- to come to the appraisal of the property, but, actually, we had our breakthrough last week and I'm hopeful we'll be able to vote on this next time. But we couldn't amend the bill in time for this meeting, so, hopefully, next time.

P.O. LINDSAY:

Okay. I'll second your motion to table.

LEG. BEEDENBENDER:

Thank you.

P.O. LINDSAY:

Any other motion, any other comments? All in favor? Opposed? Abstention?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1990 - Amending Resolution 1340, to authorize a license agreement with Montauk Observatory, Inc., and to construct and use an astronomical observatory.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. I've got one question.

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Cooper, second by D'Amaro. Do we -- is this any cost to the County?

LEG. SCHNEIDERMAN:

There's no cost to the County on this. That's --

P.O. LINDSAY:

No cost to the County.

LEG. SCHNEIDERMAN:

The resolution has been modified, there's no cost to the County. It's just technical corrections that the County Attorney asked for so that the license agreement can move forward. It's -- the park, instead of being called Third House, is called Theodore Roosevelt County Park. The telescope, which has already been purchased, isn't a 24-inch telescope, it's a 20-inch telescope. It's very minor. I just ask that it move forward. There's a group of volunteers out there who are anxious to build this Observatory, who are waiting for this so that they can move forward.

LEG. COOPER:

Mr. Chair, I just wanted to clarify. So the resolution makes it very clear that there is no cost to the County to fund the Observatory?

LEG. SCHNEIDERMAN:

Reiterates the language at no cost to the County, operator --

LEG. COOPER:

Okay. I withdraw my tabling motion.

P.O. LINDSAY:

This is wonderful, I'll tell you. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1991 - Directing the Department of Public Works to issue an RFP to perform a study on the delivery of Police Services in Suffolk County.

LEG. BEEDENBENDER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator --

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

-- Beedenbender. Motion to table by Legislator Losquadro. I need seconds.

LEG. COOPER:

Second the motion to approve.

P.O. LINDSAY:

Motion to approve, seconded by Legislator Cooper.

LEG. ALDEN:

Second the motion to table.

LEG. SCHNEIDERMAN:

I'll second the motion to table.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

Okay. On the motion, Legislator Montano.

LEG. MONTANO:

Is there any cost associated with this resolution, Legislator Beedenbender?

LEG. BEEDENBENDER:

Yes, there will be a cost to pay whoever wins the RFP.

LEG. MONTANO:

And do you know how -- I don't have the bill in front of me.

LEG. BEEDENBENDER:

The bill doesn't -- the bill doesn't lay out the cost. The estimates that I've been given are anywhere between the 20 and \$35,000 range, but that's an estimate, so that's the guesstimate that I was given.

LEG. MONTANO:

All right. Thank you.

P.O. LINDSAY:

Legislator Losquadro, and then Romaine.

LEG. LOSQUADRO:

I'll just reiterate my previous concerns, which are that if there is another governmental entity out there, and in the past the County Executive's Office has even -- representatives have concurred with this, that that entity should come forward and share in the cost, a potential cost associated with this RFP. If this is going to be a benefit to another municipality, then they should share in the cost. Thus far, perhaps for political reasons, no one wants to come forward and say that they're interested in joining the Suffolk County Police Department. Well, we shouldn't give them cover and cover their cost at the same time. I think that's wrong, especially in these economic times. Let someone come forward and say they're interested in taking part in this and let them share in the cost, very simple.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. We have nine Villages and five Townships that have their own Police Departments in Suffolk County. None of them, to my knowledge, have expressed any interest in giving up their Police Departments, or having them join the Suffolk County Police Departments. And I suspect one of the reasons that the five eastern Towns probably don't have too much of an interest in doing that is it has to do with assessed value. While the five eastern Towns make up about 10% of the population of Suffolk County, they make up in excess of 30% of the assessed valuation. Therefore, their burden, in terms of a Police District, would be a tremendous shift of tax from west to east. And, as Robert Lipp walks in -- from west to east. Robert.

P.O. LINDSAY:

Now Robert Lipp's sitting down.

LEG. ROMAINE:

What is the assessed -- approximately, the assessed value of the five eastern towns versus the five western towns?

LEG. MONTANO:

What's the question? I'm sorry.

LEG. ROMAINE:

The assessed value.

LEG. MONTANO:

The assessed value?

LEG. ROMAINE:

Because, obviously, that's going to have to do with the property taxes that they pay if there's a Countywide Police District.

MR. LIPP:

The five East End Towns pay approximately one-third of General Fund property taxes.

LEG. ROMAINE:

So I doubt that the five Eastern Towns, and I don't wish to speak for them, but none of them have expressed interest to this point, and I doubt that they will be expressing interest in the near future for that reason. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I just had another question to the sponsor. Is there -- have you looked at ways of maybe getting this done without cost to the County, you know, either in-house or -- is there another vehicle to get it done without laying out money? That's really the issue for me.

LEG. BEEDENBENDER:

Well, originally, when I looked at this back at the beginning of 2008, we had asked Budget Review to take a look at it. But as we started getting more in depth and looking at it, it just became a much larger animal than -- I don't want to say they couldn't do it, but in terms of the budget process and all the things we were accomplishing or undertaking at the time, it had become a much larger endeavor, so -- and it seemed also a little bit more appropriate that we have somebody independent of the government do the analysis as well.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

To the sponsor, I'm just reading a memo that you sent out, dated February 25th.

LEG. BEEDENBENDER:

Uh-huh.

LEG. ALDEN:

So it does give like some aim of your study.

LEG. BEEDENBENDER:

Yep.

LEG. ALDEN:

Because that was my question, what do you want to accomplish here?

LEG. BEEDENBENDER:

Well, in answer to your question, I'll just give you an overview. This bill was amended, and it's a little bit broader than simply consolidation at this point, but, to answer your question, I'll give you what I'd like to accomplish.

It talks about the delivery of police services and an investigation of savings that may or may not result from consolidation. So, essentially, we have this 50-year-old governmental structure. You know, in 1958, the voters approved the Charter and the Police District. So, for roughly 50 years, we've had police services in this function -- given in this fashion. So there are many other police models throughout the United States that offer savings and different coverage. Now, they're from small things to changes in work hours and structure, which, obviously, we have to talk to the unions about, to large things. There's even this unusual concept of menu policing, where each Town gets to decide what they want in terms of police, and then the Towns pay for that. Now, I'm not advocating any of those, I'm just saying there's a whole menu of different ways that we may be able to provide police services, either in a better fashion for a cheaper cost, or at a cheaper cost at the current fashion. So I'd like to look at that, in addition to the possibilities of consolidating some districts.

Now, independently, some Mayors and Supervisors have contacted me to discuss the issue. I wouldn't go so far as to say they're supporting it, because if they were they would be here. Some of them have suggested they were favorable to the idea. However, I want to dispel really quickly the notion that -- because there was an edit -- there was an article written in an East End paper

suggesting that the "Big Bad West End" was trying to force the East End.

In the memo that I've sent out, it mentions the section of the County Charter, C13-5, and, basically, it says that, at any point, an East End District can come in whenever they want. The East End Districts, or Village, any -- excuse me, I shouldn't say "East End". The Towns or Village Districts can come in at any point in time, regardless of what the current Police District wants. So, they are empowered, not dictated to. And there is no way for us to dictate to them, they would have to hold a referendum.

So it's a broader idea, that we've been looking at special districts statewide and it's been a big issue. There are many of these in Suffolk County. This is the largest aspect of our tax bill, for those of us that -- for those of us that represent people who live in the Police District. And I thought it might be a good idea to go forward and look at this issue to see if there's possibilities to be saved. Once every 50 years seems like a good idea, a good time to reevaluate what we're doing. So those are my goals, and I hoped I was as clear as possible as to what they are and what they are not.

LEG. ALDEN:

Well, I just need a clarification on --

LEG. BEEDENBENDER:

Sure.

LEG. ALDEN:

On the original question I asked.

LEG. BEEDENBENDER:

Sorry.

LEG. ALDEN:

How far reaching were you looking? Because you're not old enough to remember this, but I am and a couple of the members are, New York State Police at one time were the primary people that came in to augment some of your Town Police forces. If they had a problem, they would send a State Trooper. How far up and down the chain are you looking, because on Long Island, as everywhere, we have federal, state, local, municipal. So what are you looking -- are you looking to go into the whole realm of --

LEG. BEEDENBENDER:

Well, I would like to look at the -- my vision would be to look at the broad-base, the Counties and the Towns, and, you know, how our Sheriffs Department fits into that, how the State Police Department fits into that, and all those things, but -- because, initially, I think we'll all agree that there are some problems. I mean, if we want to focus exclusively on the East End for a moment, the revenue sharing has always been an issue that we've been debating back and forth, and I would be hopeful that this bill would offer some answer. Legislator Romaine has a bill dealing with double taxation, which shows that this system isn't exactly working. And I would hope that this study would provide some forward motion on that as well.

LEG. ALDEN:

Well, I'd actually like to see something along this line, but I'm not so sure we can afford to even look at this at this point. If our financial situation is anywhere near in reality what it's been hyped up to be, this is a luxury to go and look at all this stuff that we really can't come forward with right now. And, as Legislator Romaine pointed out, you don't have a whole bunch of people lining up to say, "Yeah, this will benefit us, and here's some money towards it." So we do have some examination of a few of those issues that was done by our Budget Review, which I would think that that should be a preliminary upgrade of those reviews, and then we can take it from there. But, if there's any cost at all involved in this, like I said before, it's a luxury that I don't think we can afford.

LEG. BEEDENBENDER:

Well, I would just -- I respect your opinion, Legislator Alden, but I would just disagree in terms of classifying it as a luxury. I do agree that there's a cost and we are in a terrible fiscal climate, but I think this is something that may offer us a possibility for some savings, and that's why I would like to move it at this point.

LEG. ALDEN:

Then just one clarification, through the Chair. When do you think something like this could be implemented --

LEG. BEEDENBENDER:

Well --

LEG. ALDEN:

Within the next month, two months, six months?

LEG. BEEDENBENDER:

Well, we are --

LEG. ALDEN:

I'm talking about from -- after you get the results from your study, when would that be implemented?

LEG. BEEDENBENDER:

Well, first of all, I don't think it would be one or two months. You'd have to do the RFP, which takes sometime, and then it would have -- you'd have to have the study period, for whoever it was awarded to, to give us a study.

Now, but the difficulty -- the difficulty with implementation is it depends on what you're talking about, if you're talking about -- if they suggest a restructuring of the Suffolk County Police Department, or, as some are suggesting, that we could implement or we could pass a bill. If they're suggesting other broad-ranging things that require Charter amendments and things of that nature, then the implementation period is much longer.

LEG. ALDEN:

Right. Then we're talking about something in the future, so this would be more of a dream than something that we're going to really see cost efficiencies or cost savings in my lifetime.

LEG. BEEDENBENDER:

Well, I don't know. If you mean your lifetime, that time that you'll be at the Legislature, then I would agree. But, considering that this -- they're in the fiscal climate, we're not just talking about an '09 problem, we're talking about '09, '10, '11, and hopefully not that long. I think this is something that, you know, if we can effectuate some savings and maybe have our constituents realize some savings on their tax bill, whether or not it's a larger group of constituents or just the ones that are in the Police District now, I think it's something well worth taking a look at.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Certainly, in this -- is this mike on? Certainly, in this financial climate, nobody wants to waste even a dollar. I know, speaking for my constituents, they're very happy with the delivery of Police service out on the snowy East End right now. They are happy they didn't join the Police District originally. They're happy with the level of services that they currently receive. There is zero interest in consolidating in Suffolk County Police Department. And I also

understand that this can't happen without the consent of those Departments, so, therefore, to study that issue is to throw money away and we shouldn't be doing that, so I'm not going to be supporting it.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. Another quick question. Gail, I don't have my backup information because of snow yesterday. Where is the money coming from, assuming that we pass this resolution?

MS. VIZZINI:

This resolution just authorizes Budget Review to do the RFP. That would be a determination later on in terms of, once we get the responses, what the magnitude of the responses are, where we would find the money from. It's not specifically indicated in the legislation.

LEG. MONTANO:

So we would -- let's backup. You would do the RFP, send it out. Based on your responses, then we would try and get the money, is that --

MS. VIZZINI:

Well, that would be the default, because there is no funding specifically identified for this.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I had the opportunity to talk to my Village Mayor, and, actually, my Mayor, and my Police Commissioner, and they are totally opposed to losing control over their Police District or Police in the Village. I wouldn't say it's a waste money, I wouldn't characterize it as Jay characterized it, but we've had a similar situation, from what I was told from my Mayor, two times in the past in the Village of Amityville and voted against it. So I will be stating my opposition supporting my constituents.

P.O. LINDSAY:

Okay. Anybody else?

LEG. BARRAGA:

Yeah.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

Yeah. I certainly can understand the fiscal ramifications at this point. Does the attitude change with reference to doing the study if a so-called, quote, Task Force is put together, or a group where you're not spending a great deal of money? Or is the attitude just the same, it's just not going to do it, because everybody's got a pretty good deal in Suffolk County? It's a good deal, nobody wants to change anything, no matter how bad things get. I got a good deal in my Village, no change.

So, if this was modified and a, quote, Task Force was put together, does it stand a chance of passing this Legislature, or do we find some other reason for not doing it, because things are pretty good just the way they are in these Villages with all these different Police Departments?

P.O. LINDSAY:

I wanted to weigh in a little bit, too. I'm going to be supporting the resolution, simply because it's an RFP to take a look at what it's all about. And it might prove to be -- show that we are doing things the right way, and then again, it might prove just the opposite. And I really think that we owe it to our taxpayers, all of them, to take a look at everything we do to see if we're doing it the most efficient way. So, with that, we have a motion to approve and a motion to table; am I correct?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

Tabling goes first. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. LOSQUADRO:

Yes to table.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. BEEDENBENDER:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Is this for tabling?

MR. LAUBE:

This is for tabling.

LEG. NOWICK:

Okay. No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay. Tabling fails. Motion to approve. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

No.

MR. LAUBE:

Ten.

P.O. LINDSAY:

Okay. *2032-08 - Establishing a Home Heating Cost Information Program for Suffolk County Consumers.* I'm going to make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Yeah. What this does is it directs Consumer Affairs to create a website where they would solicit bimonthly the cost of home fuel oil and post it free of charge on the website to give consumers more information.

LEG. ALDEN:

Would the information include individual contractor's names that they could buy --

P.O. LINDSAY:

Yes.

LEG. ALDEN:

-- fuel from.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

So we would have to put everybody's -- anyone that's licensed to sell fuel --

P.O. LINDSAY:

What we would do is we would invite all fuel -- home fuel oil delivery services to post their prices on the website. It's voluntary. If they choose not to post it, it will be listed on the website that they choose not to list their prices.

LEG. ALDEN:

This could turn into a legal nightmare for us.

P.O. LINDSAY:

How is that?

LEG. ALDEN:

If you're promoting certain companies and other companies are not promoted, because somebody is going to say they don't want to put their price on there.

P.O. LINDSAY:

So we won't put their price on there.

LEG. ALDEN:

For this reason: It's only updated once a month.

P.O. LINDSAY:

Twice a month.

LEG. ALDEN:

Or twice a month. And they might -- they might take deliveries every day. The smaller companies have to go to the rack every day and get a delivery. So they're going to say that you're actually trying to force us out of business by putting us on there as an incomplete listing of their price, or an inaccurate listing of their price.

P.O. LINDSAY:

I think any time that you give consumers information, I don't think it's a bad thing. And, right now, we have major fuel oil companies that refuse to quote their prices over the phone to customers.

LEG. ALDEN:

Well, I think, in light of some of the recent stuff that we looked at, they might be a little bit gun shy as far as voting a price over the phone.

P.O. LINDSAY:

Why is that?

LEG. ALDEN:

Because, you pay a secretary, or someone, maybe not the president of the company. If they quote a price and then that consumer actually feels that, oh, now you're locked in on that price because I got a quote over the phone, that could lead to another legal battle.

P.O. LINDSAY:

Home heating fuel is a commodity that's a necessity in our jurisdiction. We can't live without it. You need that as much as you need food. I think it's totally irresponsible by the industry to hide their pricing.

LEG. ALDEN:

Well, they can't hide their prices. And, actually, when I was running consumer protection, we would have testimony every month, as far as what the high prices are, what the low prices are, so we would find out what the range was, what the rack price was, too.

P.O. LINDSAY:

But not what the individual prices were.

LEG. ALDEN:

No, but we had the high and we had the low.

P.O. LINDSAY:

I know that, but not --

LEG. ALDEN:

And we also had the rack price.

P.O. LINDSAY:

But not what the individual prices were.

LEG. ALDEN:

I don't see what -- so us --

P.O. LINDSAY:

Don't you think, as a tool, the consumers should have the ability to electronically go to a web page and find out what the cost of home fuel oil is selling for?

LEG. ALDEN:

Right. But, if you hit it on the wrong day, you could be as much as a half a month out of -- out of -- and --

P.O. LINDSAY:

But it's a half a month across the board.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

First of all, I want to commend you, Presiding Officer, for introducing this, because, obviously, as you say, information is key. Here's my problem, though, and I think Legislator Alden was hitting on some of this. First of all, I assume we're just going to do COD prices; is that correct?

P.O. LINDSAY:

We're going to do the 200 gallon delivery as a base.

LEG. ROMAINE:

Two hundred gallon and that's it?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Now, the other problem is what obligation is it? For example, I'm a fuel company, you -- is everyone giving you the price the exact same day as of the 1st and the 15th of the month.

P.O. LINDSAY:

What the resolution calls for is the Consumer Affairs Department --

LEG. ROMAINE:

Right.

P.O. LINDSAY:

-- to develop a criteria for doing this.

LEG. ROMAINE:

I assume they would try to tell all these people, "Give us your price as of the 1st of the month or the 15th of the month, so that everyone's giving the price the exact same day, because if I could give a price on the 3rd or 4th of the month, it might be different than the guy that gave the price on the 1st of the month simply because fuel has gone up or gone down, or whatever.

P.O. LINDSAY:

What -- in my discussions with the interim Consumer Affairs Commissioner, who we should I think confirm today, was that this would be done electronically, like the industry loves to ballyhoo that they're electronically friendly, that an E-mail would be sent out to the entire industry asking for their prices as of this day.

LEG. ROMAINE:

As of that day.

P.O. LINDSAY:

Right.

LEG. ROMAINE:

Now, what is the obligation to the County? I'm a consumer, I go on the price, I see that it's, you know, two-forty-four, \$2.44 a gallon if I order 200 gallons, and they've posted that the 1st of the month. I call up on the 13th or 14th of the month, they deliver, because it looks like a good price, the oil guy is around the corner from me, they deliver and they charge me 2.68 a gallon. I mean, what obligation do we have as a County? And then they start calling Consumer Affairs and say, "I saw your posted price for this company and, bingo, I called up and that wasn't the price I paid, I paid much more"?

P.O. LINDSAY:

There'll be a disclaimer on the website that the prices as of this day, and the consumer -- to strongly suggest that the consumer, when he orders, or she orders, the fuel oil, to request the price as of that delivery date.

LEG. ROMAINE:

As of that delivery date.

P.O. LINDSAY:

Yeah.

LEG. ROMAINE:

Okay. Thank you. You've answered a lot my questions.

P.O. LINDSAY:

Okay? Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I think both previous speakers have touched on it a bit, and, unfortunately, we have to think this way in today's day and age. But, again, I harken back to my experience in the insurance industry, and companies have to be very careful, even when doing something as simple as a customer asking for a recommendation of where that person might take their car to have it repaired, because you can imply legally that you are endorsing a particular business. And I think consumers -- you know, an educated consumer is a best consumer, but I think we may put ourselves in a bit of a legal predicament here.

I know you're talking about disclaimers on the website, but I don't know if we've thought this through entirely, if we've had people who are real legal experts in this area to attach the right sort of disclaimers that are going to absolve us of any potential liability exposure here if we're going to be putting things, you know, on a County website, that people might get the impression that we're somehow endorsing this, or saying that this is the best price when, I mean, we're clearly saying that this is a price they may not get themselves when they call up, so I have concerns.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Actually, now, on the second thought, I think something along these lines could work. But the disclaimers that you need to put in there, for instance, if you're under contract to some other company, you know, you can look at this and it's nice for your own personal information, but don't try to order fuel in contravention or in violation of your contract, because there could be financial repercussions and legal repercussions to yourself. But does this authorize the head of Consumer Affairs to actually go and create the website or come back to us with an idea?

P.O. LINDSAY:

No, to create the website.

LEG. ALDEN:

All right, because I think that --

P.O. LINDSAY:

With Information Technology.

LEG. ALDEN:

I think that when you start looking at some of the -- like even the colleges, they have, you know, the blackboards where you can assign an I.D. number to everyone that's licensed in Suffolk County to sell fuel oil, give them an I.D. number, and let them go in and every day post their price, because when you start getting stale information, especially prices, they can move very, very quickly, as we've seen in the past, either one way or the other. I think that there's an inherent problem with that if we're trying to inform the consumer. So, this could be, like I said before, 15 days out of sync with reality.

The other thing is it's going to require somebody in Suffolk County, and we don't have anybody working in Consumer Affairs right now, so it's going to require somebody in Suffolk County to gather all this information, post it, make sure -- confirm it, and then make sure it gets changed twice a month. And I'm not so sure that we have enough people in there to do what they're supposed to be doing to add on another burden to maintain prices that could or couldn't go out of sync. So something in the lines of let the industry themselves make the postings and we'll maintain the -- whatever you want to call it, the website for it. But I think that you might be onto something as far

as the disclosure of prices on a very, very wide basis, so the internet is very wide. But I would like to see two things. I would like to see the data be actually up to date, and I would like to see the cost defrayed or the maintenance of this system pushed over to the industry.

P.O. LINDSAY:

Anybody else? Yeah, Legislator D'Amaro.

LEG. D'AMARO:

Just a question for yourself, Mr. Presiding Officer, as the sponsor. I think a series of disclaimers would be very effective, disclaimers to the effect that this is not an endorsement of any one company, it's the information is provided for comparison purposes only, prices may not be up to date, and that the information is provided by the individual company itself. But my question was -- is going to be about the accuracy of the information. Is the data being put onto the -- whether it's posted by the industry, or whether it's posted by someone in the County, how are we going to know that the price being posted is the price that they're actually being charged?

P.O. LINDSAY:

The resolution simply asked the Department of Consumer Affairs, along with Information Technology, to develop this website. It's a concept. How that's done we're leaving up to the experts.

LEG. D'AMARO:

Right, because I agree with you, that more information will benefit the consumer, and we just want to make sure that it's accurate. But I think the disclaimers will go a long way in letting consumers know that when they're looking at a County website, that if the disclaimers on there saying that the information is provided by the industry itself, and that the best way to get an accurate quote is to call for a quote, I think that can only help the consumer.

P.O. LINDSAY:

Thank you.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass.

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes. Yeah, okay. Let's go to lunch.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. With that, we are at the lunch hour. I'll take a motion to recess --

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

-- until 2:30. Motion by Legislator Eddington, and I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

[THE MEETING WAS RECESSED AT 12:40 P.M. AND RESUMED AT 2:35 P.M.]

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

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
(Not Present)

LEG. GREGORY:
(Not Present)

LEG. STERN:
(Not Present)

LEG. D'AMARO:
(Not Present)

LEG. ALDEN:

Silent majority.

LEG. COOPER:
(Not Present)

P.O. LINDSAY:
You're the silent majority?

D.P.O. VILORIA-FISHER:
(Not Present)

LEG. ALDEN:
No, that was --

P.O. LINDSAY:
Here.

MR. LAUBE:
Twelve. (Not Present at Roll Call: Leg. Horsley, Gregory, Stern, D'Amaro, Cooper and Viloría-Fisher)

P.O. LINDSAY:
Okay. We've got Public Hearings. ***I.R. 1886 - A Local Law to enact a grading policy for food establishments.*** 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 anyone, Legislator Losquadro?

LEG. LOSQUADRO:
Motion to recess.

P.O. LINDSAY:
Motion to recess.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Twelve. (Not Present: Leg. Horsley, Gregory, Stern, D'Amaro, Cooper and Viloría-Fisher)

P.O. LINDSAY:
1895 - A Charter Law to establish a Truth and Honesty Zone for clean campaign practices in Suffolk County by banning improper fundraising. I have no cards. Legislator Alden?

LEG. ALDEN:
Motion to recess.

P.O. LINDSAY:
Motion to recess. Do I have a -- I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fourteen. (Not Present: Leg. Horsley, Gregory, D'Amaro, and Viloría-Fisher)

P.O. LINDSAY:
1976 - A Charter Law to reform and reconstitute a professional independent Suffolk County Ethics Commission. I don't have any cards on this subject. Anyone in the audience want

to address us on this subject? Seeing none, Legislator Montano?

LEG. MONTANO:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen. (Not Present: Leg. Horsley, Gregory, D'Amaro, Vilorio-Fisher)

P.O. LINDSAY:

2025 - A Local Law to promote accurate cost estimates for Capital Projects. I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none --

LEG. STERN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, Legislator Stern.

LEG. STERN:

If I may, Legislator D'Amaro is expected back in in just a couple of seconds. I'm wondering if we can skip over it and then allow the sponsor to come back in the room.

P.O. LINDSAY:

No problem.

LEG. STERN:

Thank you.

P.O. LINDSAY:

No problem. So we'll skip over 2025. 2207 -- wait a minute. Before I skip over it, Legislator D'Amaro, we just were on 2025. What would you like to do, to recess that or close it?

LEG. D'AMARO:

Motion to recess.

P.O. LINDSAY:

Recess.

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

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

LEG. D'AMARO:

Okay. Thank you.

MR. LAUBE:

Fifteen. (Not Present: Leg. Horsley, Gregory, and Viloría-Fisher)

P.O. LINDSAY:

2207 - A Charter Law to prevent double taxation for Police services in certain Towns and Villages. I don't have any cards on this subject. Anyone in the audience like to address us on this subject? Seeing none --

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Viloría-Fisher)

P.O. LINDSAY:

2248 - A Local Law to promote corporate sponsorship or sale of naming rights of suitable County facilities, parks or roads. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator D'Amaro?

LEG. D'AMARO:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1024 - A Charter Law to impose further controls on County debt and debt service payments. I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Gregory?

LEG. GREGORY:

I make a motion to recess.

P.O. LINDSAY:

Motion to recess. I'll --

LEG. ALDEN:

Second.

P.O. LINDSAY:

Legislator Alden will second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 1030 - A Local Law to increase the application fee for dry-cleaning establishments. I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1102 - A Local Law to amend Local Law Number 1-2000 to increase civil penalties for acts of bias in Suffolk County. I have one card, Anthony Durhain.

MR. DURHAM:

Durham.

P.O. LINDSAY:

Durham. Come on forward, Anthony.

MR. DURHAM:

Do I have to use this?

P.O. LINDSAY:

Yes.

MR. DURHAM:

Okay. Hello. Good evening. My name is Anthony Durham. I'm here today and I stand before you as a black man, and I say that with much pride. Regrettably, living in this county, I don't feel that pride or that love. And the reason why is I'm currently dealing with an act of discrimination. And what really is scary and concerning about it is that I've been through the highways and the byways of Suffolk County and no one is stepping up to the plate.

Let me just recite where I've been. Suffolk County Division of Human Rights. They did little or no investigation, they just said it's a sucky place to work, verbatim. Suffolk County Minorities Affairs. I went to them because our -- my agency at the time, I am now terminated for bringing forth a good-faith complaint, Minority Affairs asked them to mediate between myself and this funding agency, so this way we can address this matter. That particular person just found a need to make a phone call. The end result was I got a letter from my Human Resource Officer asking me to show up, you know, to discuss this matter that I came to the County complaining about, because they're funded by the County heavily. I then show up at this meeting, and I had someone with me, because I'd met with them three or four times and it didn't bear fruit, so this way I wanted to have someone there with me to support me. The end result of that meeting was they decided all of a sudden not to have the meeting, okay, because they wanted their attorney there. So I said, "I can't make this up." I said, "Give me a date." So they give me a date. My friend went with me, accompanied me to this meeting with their -- at their attorney's office and we were supposed to confront each other, this way they have their support and I have someone there for me. At the end of the day, they never showed up; okay? But, yet -- and still, this is an ongoing problem everywhere I went.

I went to the County Executive's Office, got nowhere. The NAACP, nothing. And for me, December

2nd or 9th, I believe there was the meeting at the Congressional Church. That was for victims, or people feel that they were being victimized by discrimination or a hate crime. I called, and I still have the recording. My recording says that, unfortunately, I will not be able to attend, as it's for Latinos and Hispanics only. And I see that as problematic, because we're all human; okay? When, you know, when one suffers, the other suffers.

And my point of coming here today is to let you know I need your help; okay? I have no problem. I have the complaint right here, if any of you would like it. It is a big problem. And more so, the undercurrent of -- I guess, as a result of me telling you where I've been, maybe you can tell me where I can go to get help as a black man here in Suffolk County. Thank you.

P.O. LINDSAY:

Thank you. I don't have any other cards on 1102. Is there anyone else in the audience that would like to address us on 1102? Seeing none, Legislator Horsley?

LEG. HORSLEY:

Motion to close.

P.O. LINDSAY:

Motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1113 - A Local Law specifying procedures and requirements for the use and acceptance of electronic agreements for the purchase and sale of home heating oil. I have one card, Kevin Rooney.

MR. ROONEY:

Good afternoon. I feel quite confident in saying that over the past few months you have heard and read more information about oil price contracts, the dynamics of energy commodities markets, the structure of the heating oil industry and its business relationship with its customers than most of you probably ever wanted to know. Unfortunately, Ladies and Gentlemen, this discussion isn't quite over yet, since you now have before you for your consideration Introductory Resolution 1113.

It has been well established that, as a matter of law, local or county governments cannot prohibit or impede the use of electronic or telephonic agreements in the exercise of commercial transactions. Given that indisputable fact, the question before you today is quite straightforward. Should telephonic and electronic agreements be regulated in some form, and if so, how should such agreements be regulated without expressly prohibiting them? Resolution 1113 answers this question by clearly stipulating a series of procedures which must be followed if an oil company and a customer engage in an electronic or telephonic oil price agreement. These detailed procedures not only modify the manner in which oil companies conduct their business practices, but, more importantly, provide a significantly higher level of security and protection for heating oil consumers who seek and desire to have some form of oil price protection program. Specifically, the resolution requires the following:

One, that the agreement in electronic form provide the following terms and conditions: A, the duration of the agreement; B, the price per gallon, if it is a fixed price agreement; C, the maximum

or ceiling price, if it is a cap price agreement; D, separately itemized surcharges fees, interest and penalties; and E, prepayment -- payment terms.

Two, that the seller provide to the purchaser in a paper form these terms and conditions no later than five business days after entering into the electronic agreement.

Three, that the agreement in electronic form, either on a computer -- sorry. That the medium of the agreement, either on a computer hard drive or electronic recording, be maintained by the oil company for a period of six years.

Four, that remedies, including cancellation of the agreement without penalty, be made available to the consumer in the event that the paper confirmation they receive is at variance with the agreement in electronic form maintained by the company.

And finally, five, that a penalty of \$500 for a first offense and a thousand dollars for subsequent offenses may be imposed following a consumer complaint hearing and disposition of such complaint before the Office of Consumer Affairs.

Please, make no mistake, these are substantial requirements, which, as I noted earlier, will change the manner in which my industry conducts this form of business with its customers. These requirements will make electronic and telephonic agreement procedures uniform and consistent throughout the industry, regardless of which oil company a consumer chooses to do business with. And they will provide additional protections and legal recourse to aggrieved consumers.

What happened with oil energy prices this last spring and summer was truly an aberration, a deviation, if you will, a departure from what is considered normal, standard and acceptable. The record-high oil prices which many Long Islanders experienced caused enumerable problems for both my industry and our customers. These prices and their extension to customer agreements clearly brought to light a number of issues relating to the manner in which some price agreements were reached, and how various consumer problems and complaints were handled and resolved. This resolution, I.R. 1113, addresses those very same issues in a clear, concise, comprehensive, and unambiguous manner. It is a good and well-crafted resolution, which is worthy of your serious consideration. And notwithstanding the fact that it imposes additional requirements on my industry, we support this resolution and we sincerely hope that you will do likewise. Thank you very much for your time and attention.

P.O. LINDSAY:

Is there anyone else that would like to address us on 1113? Seeing none, do I have a motion?

LEG. ALDEN:

It's the County Executive's. Motion to close.

LEG. LOSQUADRO:

I thought we had a motion to close.

P.O. LINDSAY:

No, we didn't. We just finished the public testimony.

LEG. LOSQUADRO:

I apologize. I'll make a motion to close.

LEG. ALDEN:

Close, second.

P.O. LINDSAY:

We have a motion to close and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Kennedy and Stern)

P.O. LINDSAY:

Procedural Motion Number 4 - Authorization for approval to extend lateral ferry license for the Fire Island Ferries. And I have one card, Tim Mooney. Mr. Mooney.

MR. MOONEY:

Mr. Lindsay, if you have any questions, I'm here to answer any questions.

P.O. LINDSAY:

Does anybody have any questions for Mr. Mooney? No? Okay. Thank you, Mr. Mooney. Is there anybody else in the audience that would like to address us on this Procedural Motion? Seeing none, I'll make a motion to close.

("SECOND" SAID UNISON BY LEGISLATORS)

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Kennedy and Stern)

P.O. LINDSAY:

Procedural Motion Number 5 - Authorization for approval to extend cross bay ferry license for the Fire Island Ferries, Incorporated. I assume Mr. Mooney's here to answer any questions on that particular Procedural Motion as well. If nobody has any questions, I'll make a motion to close.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

That concludes our public hearings for today. I'd like to set the date of March 24th, 2009, at 6:30 p.m., in the Rose Caracappa Auditorium in Hauppauge, for the following I.R.'s:

I.R. 1121 - A Charter Law to increase Legislative oversight of RFP process.

1122 - A Local Law to ensure fire hydrant operability and safe water pressure levels in Suffolk County.

1123 - A Local Law amending Local Law No. 53 of 2008, to provide parking for "Clean Pass" vehicles at County facilities.

And I.R. 1139 - A Local Law to ensure safe operation of helicopters. Sounds familiar.

LEG. ROMAINE:

Here we go.

P.O. LINDSAY:

That sounds familiar.

LEG. ALDEN:

Can this one be limited to one shot, one meeting?

LEG. BEEDENBENDER:

Guess where the next meeting is, Cameron?

LEG. ALDEN:

I don't want to see this recessed and then end up popping up in Riverhead on us.

D.P.O. VILORIA-FISHER:

That's where it's going to be.

LEG. ROMAINE:

Recessed, recessed, oh, Riverhead, Let's go.

LEG. ALDEN:

That's it, it gets disposed of.

LEG. NOWICK:

This is going to be 6:30.

D.P.O. VILORIA-FISHER:

Right. It's in -- oh, it's not in Riverhead.

LEG. ALDEN:

This is Hauppauge.

D.P.O. VILORIA-FISHER:

This is Hauppauge.

LEG. ALDEN:

He's going to recess it.

LEG. NOWICK:

At night.

LEG. ALDEN:

You could see him.

LEG. ROMAINE:

I'm recessing, recessing until we get to Riverhead.

LEG. ALDEN:

No, we're closing this, closing the hearing.

LEG. ROMAINE:

Riverhead's a day meeting.

P.O. LINDSAY:

As soon as they stop bantering, I'll get a second.

LEG. ALDEN:

Motion to close that hearing right now. As soon as you say it, motion to close.

P.O. LINDSAY:

I need a motion and a second to set the hearing dates.

LEG. ALDEN:

Motion to set it.

P.O. LINDSAY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Stern)

P.O. LINDSAY:

Just to digress for a minute, what do you mean by you just got one shot at the helicopter?

LEG. ALDEN:

That's what it is.

P.O. LINDSAY:

That's another way of solving the problem. Okay. Introductory Resolutions for March 3rd.

MR. NOLAN:

We're still on the tabled resolutions, Bill.

MR. LAUBE:

Tabled resolutions.

P.O. LINDSAY:

Oh, we are. We didn't finish tables. I'm sorry, I'm sorry. I thought we progressed faster than we did. Oh, there we go.

Okay. We've got ***2048A - A pending bond resolution, appropriating funds in connection with construction of noise abatement structures for County Road 83, North Ocean Avenue.***

Mr. Counsel?

MR. NOLAN:

We do not have a bond on that resolution. We probably should remove it from the agenda until such time we have a bond resolution. SEQRA still has to be completed, so we should take no action on this.

P.O. LINDSAY:

Okay. Sponsor, do you want to remove it or do you want to continue to table it?

LEG. BEEDENBENDER:

Well, I mean it's not really -- it's a bond resolution, but the EAF is moving forward slowly. So I don't predict we'll be able to do this any time soon.

P.O. LINDSAY:

Okay. But my question is do you want to make a motion to withdraw this resolution, do you want to make a tabling motion?

LEG. BEEDENBENDER:

Either way. I mean, whatever Counsel thinks is right. Withdraw it from the agenda.

MR. NOLAN:

Yeah, withdraw it from the agenda.

LEG. BEEDENBENDER:

All right. Then withdraw it from the agenda.

MR. NOLAN:

There's no bill, there's no resolution.

LEG. BEEDENBENDER:

There is no bill, yeah.

P.O. LINDSAY:

All right. So that motion is withdrawn.

J.R. 2137A - A bond resolution of the County of Suffolk, New York, authorizing the issue of \$1,325,000 in bonds to finance the cost of stormwater remediation on County Road 80, Montauk Highway, at Forge River, Phase 2.

Now, when this came up last month, the reason it was tabled is we wanted to know why this couldn't be done under 477 Program and paid for with cash instead of bonding. Is there anybody in the audience that could explain that to us? I'm looking for someone from the Executive's Office. I've seen one of them leave. Gail, can you --

MS. VIZZINI:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MS. VIZZINI:

This is a combination of a presentation that was made to Environment and Energy, as well as a memo I will be issuing to each of you shortly. Basically, what has happened is the amount of money available in Water Quality -- first of all, because of the sales tax concerns, the revenue coming in is more in the area of 7 million dollars. We have close to 5.1 million already committed in the '09 Operating Budget. A portion of that is for salaries, a portion of that is for ongoing contracted projects that we do. So you have a window of about 2 million dollars. Most of that has already been -- it's equivalent to projects that have already been approved by the Water Quality Review Committee, many of which have not as yet come forward to you in the form of a resolution. So a project of this magnitude would certainly eat into that 2 million dollar window. So the point is that there really isn't enough money to do this on top of what has already been approved by the Water Quality Review Committee.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

But, as a point of order, is it our resolutions that are sent to Water Quality Review, or are these proposed resolutions from another branch of government that bypass -- well, not bypass the

Legislature, but went to Water Quality Review first?

MS. VIZZINI:

You raise an interesting point. The projects that actually come to you in the form of a resolution, those determinations are made after Water Quality reviews them, and they're probably made somewhere in Energy and Environment and/or the County Executive's Office in terms of which one of the approved projects moves forward via resolution, as opposed to perhaps a list coming to you and then you determine which projects might move forward with the Water Quality money. You're getting one resolution at a time, other than what you already approve in the Operating Budget.

LEG. ALDEN:

Then we might have to go to some kind of procedure similar to what we do in the Capital Budget for the 477 construction account anyway. That would make it a little bit more fair as far as opening it up to all Legislators to put in their propositions, then we could prioritize and then go forward early in the year with what we want to do out of 477, rather than reserve money for projects that I don't know if I support, and I don't know what the projects are. At least this is something that's in front of us. We can make up our minds whether yag or nay on it.

P.O. LINDSAY:

The only thing that I would like to add, and then I'm going to recognize Legislator Romaine, is I don't think we've been faced with this dilemma before. We've always had enough money in 477 to do whatever we wanted to do on an annual basis. And now, I think for the first time, and probably somewhat because of the sales tax revenue is we don't have enough money to do everything that should be done under 477.

LEG. ALDEN:

No. But my point would be --

P.O. LINDSAY:

I know, you want to create a priority list.

LEG. ALDEN:

No. But it would be similar to what you just said, except for the fact that a sponge was already thrown into the -- you know, the water, the pool of money and it got sopped up by salaries and other things, and some of them I disagree with, some of them I agree with. But, you know, a lot of that money is now on an annual basis, it's already committed before we even know how much money is in there, or before we even know what projects we want to do. So that's why I'm just suggesting something that might be a little bit more fair going forward, that we adopt some kind of procedure like we do with capital.

P.O. LINDSAY:

I think that's a good idea. Legislator Romaine.

LEG. ROMAINE:

Well, first of all -- first of all, I want to compliment Legislator Alden. That is an excellent idea. We used to be in the policy-making body of this County, and, obviously, we should continue to set policy when it comes to the expenditure of funds such as 477. And I would work with Legislator Alden and our Legislative Counsel, George Nolan, to draft a resolution that would establish that no 477 money can be expended unless all projects are reviewed and we establish a rating system, much like we do when we purchase open space, or farmland, or whatever, that we rate these so that we're doing the projects that make the most sense environmentally.

Also, if I'm not misunderstanding, the 477 Program is open to all municipalities to apply for that if they have a worthwhile project. And yet, as a County, we have not sent that out to any of the Towns or Villages to see what their projects might be as well. I think, if we have a rating system, and we control the money and decide how to expend that money, we would be doing a great service

for the environment, because then all projects would compete against one another, instead of the Executive Branch deciding which projects come forward and which projects are held back, and there is no rating system. And while a project in and of itself may sound like motherhood and apple pie, there may be other projects out there that may serve a better purpose or rate higher environmentally. So I certainly will work with my colleague, Cameron Alden, and our Legislative Counsel to draft such a resolution to establish that policy for the expenditure of all 477 funds.

The one thing that disturbed me at the last meeting of the Legislature is we were told the money's all spent. And I was like, okay, I don't remember voting for that. Well, you don't have to, we make those decisions behind closed doors, and then, when we're ready, we bring forward the resolution. That's not the way this system was supposed to work. And I certainly think transparency, openness, a fair rating system where each project competes against all other projects would be the best way for us to get the bang for the buck that we can from the limited pool of money we have. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just a quick comment. Thanks. Thanks for throwing the ball at me to rewrite it, but, actually, I wrote it in 1999, the Quarter Cent, and you guys decided to do away with that allocation and that procedure, so --

LEG. ROMAINE:

I wasn't there then.

LEG. ALDEN:

No, no, no. Recently, you just changed the Quarter Cent. You made it so we would borrow against that stream of income to buy open space, and you decreased the amount of money going to the 477 portion of it. But all those were contained in the original bill that I did craft in 1999, but got overturned. But I appreciate the second shot at the apple, or bite at the apple.

LEG. ROMAINE:

Need to do that again.

P.O. LINDSAY:

Mr. Zwirn, I mean, I called you back in the room because of my original question, why it was this and the next resolution was initially tabled.

MR. ZWIRN:

Right.

P.O. LINDSAY:

We didn't want to bond the money if we didn't have to, we wanted to see if we could pay for it with cash out 477.

MR. ZWIRN:

Yeah, that's why I ran in. But it was -- BRO gave the accurate answer that we would have given. But if I just might elaborate just a little bit on what I've heard. And I didn't want to debate this, but the Water Quality Review Committee reviews projects that come forward. The Legislature has three representatives on that Review Committee, it's not as if we -- the Legislature is removed from the process. And none of this money is spent unless it comes back to the Legislature for a vote, so the transparency is there.

As the Presiding Officer points out, this is an unusual year, because we don't have revenues coming in to pay for a lot of the projects that we've had. In the past, it was much easier, because we had

the money to do it. So this Legislature is going to be more selective, and I think that's why some of these projects have gotten stopped here at the Leg., that's the prerogative of the Legislature. We're not going ahead with these projects without the approval of the Legislature. And so I would say that some of the comments were made -- as Legislator Romaine says, there's no transparency, we have no control, that's really not true.

P.O. LINDSAY:

Okay. Legislator Browning.

LEG. BROWNING:

Yeah. The Commissioner is here right now. And I know that I had mentioned that this is part of the Montauk Highway project, and I absolutely agree, 477 money should have been used for this. If the Commissioner would like to respond on it. I mean, I -- my question is, is it time-sensitive, and being that the project is going to be starting in a month or so?

COMMISSIONER GALLAGHER:

Yes. I believe that the Forge River project, CR80 to Forge River, that project predates originally the existence of the Water Quality Protection Restoration Program. It is 50% reimbursable through the State, because it is Water Quality. You know, bond act money has been -- has been approved to that project. It is in the State's program. But it's also -- right now, it's too expensive a project for what would potentially be available in 477 if all the revenues that are projected to come in come in, and if the Legislature decides to approve the projects that will be coming before that were already recommended by the Water Quality Review Committee and have not yet come before you in the form of a resolution, because it's 1.3 million dollars.

P.O. LINDSAY:

Commissioner Gallagher, is that our share, or are we laying out the whole thing and get reimbursed half from the State?

COMMISSIONER GALLAGHER:

I believe that our share is \$677,000.

P.O. LINDSAY:

Okay. But we're going to bond the --

COMMISSIONER GALLAGHER:

But you have to -- but we -- usually, the way it works is that we do lay out the money and then submit for reimbursement through the State. That's normally how it works on these projects.

P.O. LINDSAY:

Yeah, Legislator Alden.

LEG. ALDEN:

Commissioner, do we bond the 1.3 and then pay the bond off, or whatever we get back, the 600 or --

COMMISSIONER GALLAGHER:

I'm not positive about that process. I'm not sure how it normally works.

LEG. BROWNING:

BRO?

COMMISSIONER GALLAGHER:

I don't normally deal with these -- with the Bond Act projects that goes through DPW.

P.O. LINDSAY:

That's a good deal, if we could bond it --

MS. VIZZINI:

Typically --

P.O. LINDSAY:

-- and then put the money back, and then put that in a cash account.

LEG. ALDEN:

But then we'd spend it in that General Fund.

MS. VIZZINI:

Typically, when it's anticipation of Federal or State Aid, you approve a resolution for short-term borrowing for the Federal and State Aid. And then, you know, it's also your policy decision, but lately we have been doing serial bonds for our own share.

LEG. ALDEN:

So 12 months or less on the State Aid part?

MS. VIZZINI:

Yes.

LEG. ALDEN:

So we could still fool with the money if we got it real early, then we'd have six, eight months, right? All right.

P.O. LINDSAY:

Okay. Thank you, Commissioner Gallagher, for clearing this up. Legislator Browning, now that we have all those questions answered, what would you like to do, being that this is in your District?

LEG. BROWNING:

Well, like I say, it is in -- you know, it's in my District and I understand the need to use 477, but I know that this is going to be tied in with the highway project that starts in a couple of months, month or two. I'd like to make a motion to pass -- to approve.

P.O. LINDSAY:

To approve.

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Okay. Seconded by Legislator Schneiderman.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I know I've said this before, and, actually, I said it for a couple of years now, but we seem to be in an economic situation that's a crisis, a huge crisis. And I would like to support something like this, because I think it's a start to that whole area to really cleaning up the water supply and the aquifer. And I do believe in the sewer system and the sewerage system for Suffolk County to go forward, to

ensure jobs and to ensure a little bit of economic viability and survivability, but I can't support this because of the economic situation we're in. We have to go through and we have to look at what we've already approved, the debt that's out there. The amount of money that we're running up in debt seems to be a lot. And we're also approved, or the voters approved it, to go and spend part that have quarter cent on acquisitions. And I think in this time and this age, if that question was put before the voters again, do you want that sales tax to go to eliminate an increase in your taxes, or do you want it to go to buy open space, there might very well be a different answer from the voters. Should we use -- in other words, should we use it for our General Fund, or should we continue to rack up debt and pay it back over the next 20 or 30 years, which could increase the price of our purchases immensely.

Having said that, I would support this if it was a 477 account, especially with the explanation. It's not 1.3 million. It might be 1.3 million for 10, 12 months, but then it drops down to 600,000. And that to me is not a bargain, but that's money well spent. But we've got to look at our whole economic situation, and we've got to look at what we've actually borrowed money to go and do, and what we're going to have to borrow money for from now until the end of the year to do. And I really -- I find it hard to support any borrowing until we've prioritized, until we've tightened up our belt. I really find that we're in a very bad position, because people are failing, they're losing their houses. They have not got the ability to feed their families or to go buy the drugs that are needed for their kids. And for us to rack up this, which is going to have to be paid back by future generations, I just think it's not a good move on our part, and it really shows that we're not serious about the needs of our constituents.

LEG. BROWNING:

You know, the Montauk Highway project is 80/20, 20% County money. And the reason why they want to get this done, too, is the roads are getting dug up this year, and I think for us not to do it now, it's going to cost us more money to have to dig up again to do it all over again, to do the storm water remediation. So it's -- why we're paying the money now -- are we going to pay this much now or pay more later, so -- and appreciate and I respect your opinion.

LEG. ALDEN:

But what debt that we already approved is this more important than? And that would be my suggestion, you find something else that we've already approved that should be kicked down the ladder, and then we replace that program with this. But we can't continue to keep piling on debt. And I'm not going to take it seriously if this Legislative body keeps approving more and more debt and then keep saying that, but we've got to cut veterans benefits, and we've got to cut the money that we give to the -- to shelter the homeless, and other programs that are very important. I can't take that seriously, because we go and we bond and we borrow more and more money, which has to be paid back.

P.O. LINDSAY:

Anybody else? Okay. We have a motion to approve and a second?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Okay. Roll call.

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

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

No.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

Okay. **2158A - A bond resolution of the County of Suffolk, New York, authorizing the issuance of \$141,000 in bonds to finance the cost of planning of restoration of the wetlands.** And again, we tabled this last time for the same reason, that we wanted to see if we could use 477 money. Ms. Vizzini, we don't have 141,000 in that?

LEG. SCHNEIDERMAN:

We do. Mr. Presiding Officer, I believe there was testimony at the Committee, Environment Committee, by the Commissioner, that this one she felt could be done, and maybe Ms. Gallagher will step forward, out of 477 funds. But it does have to then go back to Water Quality Committee, so there may be some timing questions.

COMMISSIONER GALLAGHER:

Or we would prefer that it go back to the Water Quality Review Committee, since we are trying to follow that process for all of these projects, that it goes through the Committee first before we recommend it to you.

P.O. LINDSAY:

Yeah.

COMMISSIONER GALLAGHER:

So there would -- again, assuming that all the sales tax revenue projections for the year stay as they are, and taking out all the existing expenditures in the Operating Budget, the projects that have already been approved, etcetera and so forth, we -- and taking -- subtracting, assuming that you would approve the projects that come before you that have already been recommended by the Committee, we should have roughly \$537,000 in 477 funds through the end of this year. So you could use \$141,000 for this.

The concern was that, again, that going through that would delay the project at least three months. We had gone out to bid, we have a contractor ready to go, and we've been holding up signing the contract and finalizing the details until we had the funding secured, because we had initially thought that this -- when the appropriation went through, that the bonding reso went through and, obviously, it didn't, so we've been holding that up. And this is a project that we -- when you pass the finding statement for the long-term plan, the Vector Control long-term plan in 2007, what -- part of what you adopted was that we would produce a stewardship strategy by 2010. So that's -- time is, you know, ticking. We're trying to get that stewardship strategy started and underway, and we do need the consultant on board with the wetland scientist experts to get that underway. So those are the considerations.

P.O. LINDSAY:

I've got a couple of questions. Legislator Viloría-Fisher, and then Legislator Alden.

D.P.O. VILORIA-FISHER:

I don't understand why it has to go back before the Water Quality Committee, especially because it's part of the long-term plan. And the Water Quality Committee certainly was aware and was very cognizant of the long-term plan and what was going on with that. And didn't they also have approval of that, of that piece of it?

COMMISSIONER GALLAGHER:

No, not the Water Quality Review Committee.

D.P.O. VILORIA-FISHER:

No?

COMMISSIONER GALLAGHER:

They didn't have approval of that.

D.P.O. VILORIA-FISHER:

They never looked at the long-term plan.

COMMISSIONER GALLAGHER:

No, not --

D.P.O. VILORIA-FISHER:

So they've never seen this before?

COMMISSIONER GALLAGHER:

I'm sure they're aware of the project, and certain members of the Water Quality Review Committee are very aware of this project. And you're right, it doesn't -- technically, it doesn't have to go back to the Committee, because the Committee is only advisory to the Legislature. So, if you decided to put it into 477 funds, I'm sure that you could do that quickly, or we could put a resolution together quickly. I'm not sure how it could be done. Otherwise, it's just -- again, as I said, we've been trying, procedurally trying to follow that process so that everything's done as it was laid out in the new referendum that was passed, but --

D.P.O. VILORIA-FISHER:

But, since this is a little exceptional, given that it's already in the long-term plan, it's not similar to all of those other projects that are more of a stand-alone or unique?

COMMISSIONER GALLAGHER:

Right.

D.P.O. VILORIA-FISHER:

This is already a piece of a master plan.

COMMISSIONER GALLAGHER:

Yes.

D.P.O. VILORIA-FISHER:

So I think it would make sense for the Legislature to be able to, well -- or for this particular plan, for us to forego the Water Quality Review Committee, because we know that it's already been approved by the Legislature, vis-a-vis the long-term plan.

COMMISSIONER GALLAGHER:

Okay.

D.P.O. VILORIA-FISHER:

That would just be my recommendation for this.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Commissioner, this is for planning of restoration of which wetland?

COMMISSIONER GALLAGHER:

All 17,000 acres of tidal wetlands in Suffolk County.

LEG. ALDEN:

Okay. Now, correct me if I'm wrong, but for the last 11 years there has been a plan that's been evolving for the restoration, and part of that have included -- I'm thinking that we went back at least two decades with cutting trenches in the wetlands, and we don't do that anymore, because that was

part of a plan to allow the wetlands to regenerate themselves. I thought we already had a plan for the wetlands in place, at least over the past 11 years.

COMMISSIONER GALLAGHER:

No. The only plan we have in place is for how to treat wetlands for vector control purposes. We don't have a plan in place for how to protect, restore, enhance and help our marshes become self-sustaining.

LEG. ALDEN:

What was the money that we spent for Cornell Cooperative to study the wetlands, and also to assist us in restoration, certain types of grasses they looked at. There was reports --

COMMISSIONER GALLAGHER:

Oh, eel grass restoration?

LEG. ALDEN:

No, no, no. This was for -- they specifically looked at wetlands. There was two or three projects in the past 11, almost 12 years that specifically targeted wetlands and restoration, and how to actually care for them and to get them going again. And part of it was involved when we looked at fish, and when we looked at regeneration of some of our other fishing industries, and also the clams, scallops, that type of industry, how this is a -- the wetlands are a filtration system, and we've looked at that many times over the past 11 years, and there were plans that we looked at. Even crafting the old legislation, we had a plan for the wetlands.

COMMISSIONER GALLAGHER:

All right. I'm not aware of any of those projects dealing specifically with wetlands. I'm aware of them dealing with eelgrass restoration, with shellfish restoration, with agricultural stewardship, with integrative pest management, pesticide phase-out in terms of the Cornell Cooperative Extension Programs. I'm not aware of the program you're talking about, nor does it sound like, is the Wetland Stewardship Committee, because we've been talking about this.

LEG. ALDEN:

Going back to 1999 --

COMMISSIONER GALLAGHER:

Right.

LEG. ALDEN:

-- we actually used studies, and some of them came out at Cornell, to justify a 477 program.

COMMISSIONER GALLAGHER:

For Vector Control? There was a lot of 477 monies spent on the Vector Control long-term plan.

LEG. ALDEN:

Right, and that's recent, that's within the last six or eight years.

COMMISSIONER GALLAGHER:

Right.

LEG. ALDEN:

I'm going back even a little bit further than that to justify the 477, where we went to source-point pollution and the elimination, especially where it flows into tidal wetlands. That was part of the program to restore the wetlands. And we used a lot of testimony from Cornell and from other Suffolk County agencies, Health Department, to actually justify, or to put together a plan for a source-point pollution, and why that would be one part of a plan to restore the bay and its commercial and its recreational abilities. And the wetlands definitely were things that we -- we paid

for studies on how to restore our wetlands, we already paid for that.

COMMISSIONER GALLAGHER:

Okay. I'm not aware of that. And having just finished putting together the annual report for the Water Quality Fund. I didn't see any projects that fit that description. I'll have to check and see if there are records again. But most of our projects are dated from 2002 and forward. I haven't seen anything that's prior to 2002.

LEG. ALDEN:

All right. Could you give me just the copy of the RFP, then? You sent something out to experts and they're going to respond for 141,000, they're going to tell us how to restore our wetlands.

COMMISSIONER GALLAGHER:

No. We already sent out an RFP and got responses and selected a winning bidder.

LEG. ALDEN:

Well, I'd like to see that RFP.

COMMISSIONER GALLAGHER:

Okay.

LEG. ALDEN:

Because I think we just duplicated things that we paid for over the past 11 years, if this is what we're going to do, spend 141,000 to restore our wetlands.

COMMISSIONER GALLAGHER:

Actually, right, their bid came out -- back much higher, so we're trying to get enough funds to get us through 20 -- the stewardship strategy in 2010. And then, if we get additional funding, we'll do the other pieces. Otherwise, we're not -- we've already scaled back the entire scope of work for, hopefully, 361,000, which will get us through 2010 and the stewardship strategy, which is my concern, since that's what we're legally obligated to produce.

LEG. ALDEN:

One of my points is, though, that we already know how to fix our wetlands. I don't think we needed to spend \$141,000 at this point. Plus, it would be another 50,000 in interest, if we go out to bond, to find out how to restore our wetlands. That's my point.

COMMISSIONER GALLAGHER:

Okay. I'll get you a copy of the RFP.

P.O. LINDSAY:

Okay. I've been just talking to Counsel while the dialogue was going back and forth, and we don't -- the issue that Legislator Alden raised is about whether it's a duplication of stuff that we've already done in a side issue. If it isn't a duplication, I know I've been getting letters from environmental groups that they think that this is a really important project. In the interest of time, I just asked the Counsel to file a bill funding this under 477, and we'll have the bill in the hopper, and, simultaneously, you can take it back to Water Quality to see if they agree. How is -- do you have any problem with that?

COMMISSIONER GALLAGHER:

No, none at all.

P.O. LINDSAY:

Okay.

COMMISSIONER GALLAGHER:

Thank you.

P.O. LINDSAY:

Okay. So we'll do that. So I'm going to make a motion to table this to keep it alive --

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

-- until we can see if we can resolve. Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Romaine and Barraga)

P.O. LINDSAY:

Okay. Mr. Zwirn, did you want to --

MR. ZWIRN:

No, with respect to the next bill, because the --

P.O. LINDSAY:

Oh, I know Dennis is here. I was just going to call him up.

(2251) Confirming appointment of County Commissioner of Consumer Affairs, Denis J. McElligott, and amending the Operating Budget within the Department of Consumer Affairs. How are you doing, Dennis?

MR. MC ELLIGOTT:

Good afternoon.

P.O. LINDSAY:

How are you doing?

MR. MC ELLIGOTT:

I've been better, but this is --

P.O. LINDSAY:

Huh?

MR. MC ELLIGOTT:

I've been better, but this is a nice place to be for this afternoon. It's a pleasure to be here. It has been just about six weeks since I've been dealing with the Department of Consumer Affairs. It's been an interesting time. I've spent a lot of time on the phone with some of your staff. I hope that I've developed a relationship with them, and we're working with each of your constituents to resolve problems. I can't say that I've always been -- we've always given your constituents the answers they want, but I can say that I've always given them an answer one way or another.

Legislator Alden, you -- back on December 22nd you asked me about some specific -- whether I would have some specific ideas about the Department, and I do. And my first suggestion would be, is that -- and this would answer one of Legislator Kennedy's. I think we're going -- I would like to spend more time doing some public outreach and education. It fits with the issues Legislator Kennedy brought to me regarding some of the oil contracts and the home heating oil contracts. And I think that there is an opportunity there for this Department to reach out to the public in a more proactive way. Let's see if we can solve problems before they happen, rather than listening to

people after the problems happen.

It's been an interesting couple of weeks for me. I have enjoyed it. I look forward to working with each of you. Legislator Fisher and Legislator D'Amaro, I know we've got certain issues that we have to -- that we have to deal with and with regard to past history of my Department. I look forward to working with you and being very open with regard to any potential issues that we have with my Department.

Other than that, I'm here to answer any questions anyone has. Other than that, I'm looking forward to a long run here. Its an interesting time and it's an interesting office. I look forward to serving the people in the County of Suffolk.

P.O. LINDSAY:

First of all, Dennis, I'm very happy that you articulated that about working with the different Legislators, because we all represent a little pocket of Suffolk County and usually we're the first ones a lot of times hear the complaints. And the Consumer Affairs Department is extremely important to us and extremely important to the citizens of Suffolk County, especially in today's world. I mean, we're in a very tough economic crisis, and there is a tendency by the unscrupulous ones in our community to rip off the consumers and we need a "cop" on the block.

MR. MC ELLIGOTT:

There's a lot of politics which goes on here in the horseshoe; okay? There's no -- there isn't anything political about protecting consumers. And, therefore, I want to make sure I'm available to every single one of you and every single one of your constituents. There's a lot of disagreements that might happen here when it comes to all 18 of you talking to me, and protecting your constituents. There's no parties here. I mean --

P.O. LINDSAY:

And you'll get no argument from me. That's all I want, is I want the citizens of Suffolk County protected, and I want a dialogue between your office and each one of us.

MR. MC ELLIGOTT:

Every one of you has my phone number, and every one of you have my home phone number.

P.O. LINDSAY:

Okay. I have just two specific programs. Last year we passed the item pricing legislation, and I know it went into effect January 1st. I just want to know how that -- how is that going, because I think that's important to all of us. And just to relay an interesting story, really to everybody here, I stopped in a Stop and Shop the other night and they've taken item pricing to another level. In a very short time, they're going to give each customer a scanner when they walk in the store and they'll scan their products as they take it off the shelf and keep a running total, and verify the price themselves, and then they get the total at the end and they just hand it to the cashier and pay them.

MR. MC ELLIGOTT:

There are two things going on with item pricing, and just so the public is aware. Before January 1st of this year, Suffolk County's Code required every single item on the shelf to have a price, a sticker on it. This body, beginning January 1st, allowed for a waiver of that. The waiver required the business to spend a particular amount of money, for the larger stores, it's up to \$5,000, and allow for -- and provide for scanners in the area. We have taken in just about \$300,000 in six weeks in terms of item pricing waivers. In addition to doing -- in addition to taking in that amount of money, Department of Consumer Affairs is making sure that those businesses are in compliance with the law, but also making sure that the businesses that have not paid for the waiver are also in compliance with, in essence, what is the old law. We're about at 350 -- just in six weeks, we're about at 325 to \$335,000 that we have -- that the County has taken in with regard to these issues.

It has worked tremendously well.

I've been in touch with the corporate folks from Costco, and I anticipate another \$45,000 when Costco and their four stores buy into our -- your Legislative scheme. So it's working out very well, but it's working out well in terms of both your -- both in terms of what you, this Legislative body has decided is appropriate, and also working at enforcing the old law as well.

P.O. LINDSAY:

And I'm glad you said that, because I think that's important, that the ones that don't choose to go into this system, that we make sure that they're living up to the original legislation.

MR. MC ELLIGOTT:

Our Office's policy right now is for every investigation of somebody -- of a business that has bought into the waiver, we will do an investigation of another business in that same hamlet that has not. It's only fair.

P.O. LINDSAY:

Okay. Okay. And the other issue is we passed earlier this morning the legislation for Consumer Affairs to set up a website for the pricing of home fuel oil. So, you know, it still has to go to the County Executive, but we'll be looking for you to work out an adequate system of doing that.

MR. MC ELLIGOTT:

I look forward to working with you on that. I've got some concerns about the legislation, but let's see if we can -- let's see if we can work together to get a resolution that solves all the problems.

P.O. LINDSAY:

And especially for our consumers.

MR. MC ELLIGOTT:

The problem --

P.O. LINDSAY:

Because the industry hasn't been fair to the consumers.

MR. MC ELLIGOTT:

Mr. Presiding Officer, the problem I have is that what your legislation is asking my Department to do is to present to the public information which may be comparing apples and oranges. I don't know if it's -- if it's as easy as gasoline pricing, and because of that, I have some -- I have some concerns about it. And I don't mind presenting the information on my website. The question is, when I present the information on my website, am I doing a disservice to the public because it takes a tremendous amount of energy and effort from my employees to present information which may not be all that useful?

P.O. LINDSAY:

It's interesting. I mean, when we first had this discussion, you talked to your employees, you came back and said it would be no problem at all, and then, after you talk to the industry, you come up with all of these stumbling blocks?

MR. MC ELLIGOTT:

The issue -- the amount of time and energy it would take to put it on the website is irrelevant, it really is. It's not a problem at all. The issue I have is, right now, we do 50 -- every two weeks we do -- we do a review of 50 different oil companies.

P.O. LINDSAY:

For what purpose?

MR. MC ELLIGOTT:

We put that on the website.

P.O. LINDSAY:

For what purpose?

MR. MC ELLIGOTT:

To give the average, but it doesn't have -- but it doesn't have the name of the particular --

P.O. LINDSAY:

Okay.

MR. MC ELLIGOTT:

-- vendor.

P.O. LINDSAY:

Okay.

MR. MC ELLIGOTT:

And within my office, there is a -- there's a general fear, I would say, of advertising for any one particular company. And I think --

P.O. LINDSAY:

I'm not looking to advertise, I'm simply looking for you to transmit the cost, just like you do with gasoline, of where you can buy the cheapest fuel oil.

MR. MC ELLIGOTT:

Understood, understood.

P.O. LINDSAY:

Okay? If that's an advertisement, I think you're wrong.

MR. MC ELLIGOTT:

No, I disagree -- no, I agree with you completely, sir. And I don't -- and I think that there is absolutely no way that that should be the stumbling block for doing this. My concern is twofold. One is are you asking me to provide the public with an ability to compare apples to apples and oranges to oranges; okay? And, if not, if the comparison cannot be made, then am I spending a tremendous amount of effort?

P.O. LINDSAY:

I don't want to belabor this. And the resolution that passed gives your Department a tremendous amount of latitude in perfecting a system. I look forward to working with you on that system, but this baloney about apples to oranges is pure baloney that the industry is feeding you because I'm asking for the price of 200 gallons of fuel oil. It couldn't be any simpler than that. So it's disturbing for me to hear you say this apple to oranges.

MR. MC ELLIGOTT:

They don't all sell 200 gallons.

P.O. LINDSAY:

So then they don't have a price.

MR. MC ELLIGOTT:

Well, that's fine.

P.O. LINDSAY:

That's fine.

MR. MC ELLIGOTT:

Then we're going to end up with a website with less information than you might think you need.

P.O. LINDSAY:

The website will be for that commodity. If you don't want -- you don't choose to post the price, or you don't provide that product, then you can't post it, it's as simple as that.

MR. MC ELLIGOTT:

I'm willing to do that.

P.O. LINDSAY:

Does anybody else have any questions of Mr. McElligott?

LEG. ALDEN:

I was going to ask him about the website.

P.O. LINDSAY:

Go ahead.

LEG. ALDEN:

No. Well, we got the answer to the other question.

P.O. LINDSAY:

Okay. Dennis is before us. Does anybody want to make a motion?

LEG. KENNEDY:

I'll make the motion, Mr. Chairman.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

I'm here, Renee.

LEG. ALDEN:

Congratulations.

LEG. ROMAINE:

Abstain.

MR. MC ELLIGOTT:

There you go again. Thank you.

MR. LAUBE:

Sixteen. (Not Present: Leg. Beedenbender)

LEG. ALDEN:

Who's missing?

MR. LAUBE:

Sixteen, one -- Brian -- Legislator Beedenbender is out of the room, and Legislator Romaine abstained.

LEG. ALDEN:

Oh, okay.

P.O. LINDSAY:

0008-09 - Designating depositories pursuant to Section 212 of the County Law. I think there's still a problem with this. I'm going to skip over this until Counsel comes back in. The problem has been is that we passed legislation last year about our depositories, giving credit information to our citizens, and some of them, the depositories found -- had problems providing the information that we want. It's a technical problem, so --

MR. PEARSALL:

Table it one more cycle. The banks are meeting on the 17th.

LEG. HORSLEY:

Yeah.

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

Motion to table, Legislator Alden.

LEG. HORSLEY:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

INTRODUCTORY RESOLUTIONS FOR MARCH 3, 2009

P.O. LINDSAY:

Okay. Get to Introductory Resolutions. ***1029 - Authorizing the County Treasurer to borrow cash funds from the County funds for 2009.*** Do I have a motion?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1052 - Amending the 2009 Operating Budget and transferring funds to the Middle Country Coalition for Smart Growth.

LEG. BEEDENBENDER:

Motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender to approve, and second by Legislator Cooper.

LEG. BEEDENBENDER:

Just on the record, just for an explanation. On this omni money, there is a "V" in the code and they thought it was a "U", so it ended up going to the wrong group. So it's just changing the object code.

P.O. LINDSAY:

Did we get it back? Did we get the money back to the wrong group?

LEG. BEEDENBENDER:

We didn't send it out.

P.O. LINDSAY:

Oh, okay.

LEG. BEEDENBENDER:

They got a letter and then they asked me where it came from, so we had to switch it back.

P.O. LINDSAY:

Okay. We have a motion and second. Legislator Kennedy, do you want to comment on that?

LEG. KENNEDY:

No.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(1078) Amending the 2009 Operating Budget and transferring funds to the Smithtown Veterans Youth Program, Inc.

LEG. KENNEDY:

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

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. And I --

LEG. KENNEDY:

On the --

P.O. LINDSAY:

Wait. He's going to ask you the same question.

LEG. KENNEDY:

On the motion, ditto what Legislator Beedenbender said. This was a group that was substituted from an original group that I had put in for omni funds. No monies moved to the original group. This is just being reprogrammed to a youth group that's operated by Kevin O'Hare's Veterans Organization.

P.O. LINDSAY:

And it came from ditto.

LEG. KENNEDY:

Yeah, yeah, it came from ditto, as a matter of fact.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1079 - Amending the 2009 Operating Budget and transferring funds to the Youth Development Association of Commack.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Same question.

LEG. STERN:

Omni money.

P.O. LINDSAY:

Omni money, okay.

LEG. ALDEN:

Not additional omni money.

LEG. STERN:

Omni money.

LEG. ALDEN:

All right.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

P.O. LINDSAY:

All right. **1053 - Terminating the Plan C agreement between the County of Suffolk and Suffolk County Community College.**

D.P.O. VILORIA-FISHER:

Motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

And I'm going to second that. And then I'm going to ask -- for the last three days, two days, I've had Legislator Horsley and Viloría-Fisher, and been joined by our Counsel, along with the College and the Executive's Office, negotiating to try and put in place, not a Plan C, but some kind of working agreement. So, I'm going to turn it over. Maybe we'll start with --

D.P.O. VILORIA-FISHER:

Could I go ahead? Oh, I'm sorry.

P.O. LINDSAY:

Go ahead. I was going to start with Legislator Horsley, but if you wanted to go first. I wanted your comments on both of the negotiations.

D.P.O. VILORIA-FISHER:

Okay. Actually, I'm really happy to report that with a deadline before them, the different parties came for a number of hours, came together for a number of hours last Friday, including Christine Malafi, our County Attorney, Deputy -- another -- what's the -- Chief County Executive, Jim Morgo, the acting President of the College, George Gatta, and the attorney from the College, members of the Board, people from the two Budget Offices, and Legislator Horsley and myself. And we were joined on Monday, yesterday, for a few hours by Legislator Kennedy. And in principle, both sides were able to, with a great deal of give and take, were able to hammer out a Memorandum of Understanding and Shared Services Agreement. And because of that, we're here today looking to approve I.R. 1053, because we have the assurance that there will be a smooth transition from Plan C to the Memorandum of Understanding and the Shared Services Agreement.

P.O. LINDSAY:

Legislator Horsley, would you care to comment?

LEG. HORSLEY:

Well, I'd like to first thank my Committee for allowing us the leeway to bring everybody together in this quest. There is, as Vivian has mentioned, there is a conceptual agreement between all the parties. Of course, they have to go to the Trustees of the College, it has to be approved by this Legislature, as well as through the County Executive's Office. So there's what we're calling three legs to a stool, and that's basically where we're at. It is in draft form and we will be -- we'll be talking about it over the next week.

D.P.O. VILORIA-FISHER:

Oh, there's something I forgot to mention.

P.O. LINDSAY:

I was -- go ahead.

D.P.O. VILORIA-FISHER:

Everyone received a copy of I.R. 1053, and it did say that it was an update as of today. The only difference in this copy and previous copies is that there is a line in this copy for a signature, for the County Executive's signature, so the County Executive will be signing this resolution. You know, it goes to the County Executive. We had originally thought that it didn't have to go to the County Executive, but it will go to him for signature.

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

If I may add, Mr. Presiding Officer, just one additional thing, is that when we were at our committee meeting, it was understood from both the County Executive's people, which included Jim Morgo, as well as the County College, including George Gatta and his crew, that they would work in good faith. And I'm pleased to report that everyone has worked in good faith.

P.O. LINDSAY:

George, would you like, before I open it up to everybody else, just your perspective?

MR. NOLAN:

Just two initial points. Yeah, the County Attorney's Office communicated to me last week and stated they believed this resolution would be subject to a County Executive signature. And after considering it, I do agree that it should go to the County Executive, because the original Plan C agreement was signed by the County Executive and other parties who were involved.

Additionally, it should be mentioned that Joe Sawicki, the Comptroller, and Angie Carpenter are also going to be signatories to this agreement, because they will continue to provide certain services to the College, so that ought to be mentioned as well.

P.O. LINDSAY:

Okay. With that, I will open. Legislator Alden.

LEG. ALDEN:

I guess this should just go to George first. But in absence of an agreement, we're bound by New York State Law; is that not correct?

MR. NOLAN:

Well we're always going to be bound by the State Law. I think that's what the College has been arguing in their lawsuits, is that changes the State Education Law and its implementing regulations really overrode the Plan C agreement. And Judge Tannenbaum, who heard the case here in Suffolk County, agreed with the Community College and ruled that, at least at that level, that the Plan C agreement would be out, which has added -- of course, added impetus to trying to reach some new understanding about the relationship between the County and the College, and that's what the parties were doing on Friday and Monday, trying to come to some agreement of principle, to come to an agreement that will replace Plan C going forward.

LEG. ALDEN:

Now, this is a broad agreement, or this is a -- just a definitional type of agreement? Because I read the lawsuit and I read the findings in that, and they pretty much lead you to believe that you don't

really need an agreement.

MR. NOLAN:

Well, they -- I don't think the cases have said that. I think what the cases have said is that the Education Law and the regulations give the Community Colleges across the state more autonomy when it comes to their budget and to running a college. The agreements that have been talked about the last couple of days have touched on a lot of different issues. But the bottom line is, in terms of the budgetary matters, the courts have spoken going forward. We're going to be able to really, when it comes to the Community College budget, approve a dollar -- our contribution to the Community College. And in terms of what the line items and where that -- how that's going to happen, the Community College is going to propose to us. We will really not have the authority to change line items in the Community College budget. We will vote on the County contribution, and that's what we'll be voting on in the future.

LEG. ALDEN:

Okay. If this new agreement takes a long time to actually be executed, the Community College can operate on its own under New York State Law, then.

MR. NOLAN:

Oh, they can continue to operate until we get the new agreement in place. But I think it's the feeling of everybody here that it may not take that long to get the new agreement in place. The Trustees are meeting on March 12th. I believe they're going to bring this to the Trustees on that date to try to get their approval. We're going to be laying -- the resolution will be laid onto the table today, whereby in our next Legislative cycle the Education Committee, the Economic Development Committee will be able to look at the agreements, and it should be before the full Legislature at our next meeting, the new agreements.

***[THE FOLLOWING WAS TAKEN AND TRANSCRIBED
BY DIANA KRAUS-COURT STENOGRAPHER]***

LEG. ALDEN:

What terminated the appeal? Would that be a separate action? Would this --

LEG. HORSLEY:

That would be approved.

LEG. ALDEN:

So by us passing this we terminate our appeal.

D.P.O. VILORIA-FISHER:

Actually I think it's in the agreements.

MR. NOLAN:

I think that with is one of the points I would be addressing in the new agreements is that the legal actions will be ended. It could be argued by us terminating Plan C today that it really makes any issue on an appeal moot.

LEG. ALDEN:

Right.

MR. NOLAN:

So it's all going to -- that's all going to happen very shortly.

LEG. HORSLEY:

It's easier to put what this understanding is, procedures, how we move forward into the future.

P.O. LINDSAY:
Legislator Montano?

LEG. MONTANO:
How long is this agreement contemplated to last, the one that we're talking about going before the committee? Is it open-ended? Is there a time limit?

D.P.O. VILORIA-FISHER:
Well, there is a time limit. It's a five year agreement.

LEG. MONTANO:
Okay. All right.

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

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
I'm very happy to hear that there's been movement forward, but I guess -- is there any way that, you know -- I haven't seen a copy of it. I know there's been agreement on a large majority of the Sheriff's services that we discussed but which ones?

D.P.O. VILORIA-FISHER:
Okay. May, I, Mr. Chair?

LEG. BEEDENBENDER:
Whomever has the answer.

D.P.O. VILORIA-FISHER:
Okay. Actually you will be seeing a copy of that. It will be coming to this Legislature. But until the parties involved have approved it, we don't really want to make -- none of the parties want to make it public until all of the signatories have agreed. In other words, the County Executive has to be on board, the Comptroller, the Treasurer. The Suffolk Community College board will have to vote on it. We certainly don't want to throw all of the details out there and perhaps stir up issues that have been already agreed to.

MR. NOLAN:
May I just add, I don't think there is any final document right now. It's --

D.P.O. VILORIA-FISHER:
There's a draft.

MR. NOLAN:
There's agreement in principle on a lot of issues but there is no final document at this point. Hopefully there will be one distributed to Legislators very shortly once there is a final document for you to review.

LEG. BEEDENBENDER:
Well, that's a concern for me, not because -- well, it's a concern because there are several things that -- you know I had brought this up in a meeting with Legislator Horsley and some other Legislators about a week and a half ago. And there are some things that, I think, at least from how I read the law, you're not violating New York State Education Law, wouldn't violate Middle States, but I don't know if we have an agreement so -- or if that was contemplated in the meetings.

So from my perspective to vote, I would really like to know what we're agreeing to go forward on because I know there's probably not consensus on everything but there are several things in there that are very important to me. One of the things -- one of them, to give you an example, is the issue that we discussed earlier this year with our local laws. And Presiding Officer, do you want to jump in? I'm sorry.

P.O. LINDSAY:

The only thing that I want to say is what this resolution simply says is that we'll dissolve the Plan C agreement. It doesn't bind you to any new agreement yet. And the primary reason for this resolution is that, you know, it seems that we've lost pretty soundly in court and the questioning on whether we should provide with appeals.

LEG. BEEDENBENDER:

I'm not questioning the legal matter. But I know what the resolution does. The resolution releases Plan C. But I think before we do that, we should have something written that locks in the rest of it. And I'm not trying to -- I don't want to have a confrontational or animosity towards the college. I'm not trying to push against the ocean. We have to comply with New York State Education Law. And Middle States has said a bunch of things that I don't necessarily agree with, but we have to come to some sort of agreement.

But to rescind one agreement before we have another one, and just forgive me, I'm not very -- we haven't developed a good trusting relationship and I know it's improving, but with the animosity and the problems we've had in the past, I would rather get that settled before we move forward and remove this agreement.

And the suggestion I had made to some of my colleagues, and I know I made it to you is that I would be more than happy to sign a letter and hopefully we can sign to Middle States letting them know we want to work with our college, we want to settle this as expeditiously as possible. I know Middle States is meeting in two days. I just think from the perspective of trying to make sure we save as much money and we don't create a large administration at this college that may not be necessary, we should settle that before we rescind this.

LEG. HORSLEY:

Mr. Presiding Officer.

P.O. LINDSAY:

Wait a minute, wait a minute. All right?

LEG. HORSLEY:

Sorry.

LEG. BEEDENBENDER:

That's the --

P.O. LINDSAY:

I got you. I got you. I don't know whether I agree with you but Mr. Zwirn, did you -- you wanted to say something on behalf of the County Executive?

MR. ZWIRN:

If I may, the County Executive was very encouraged by the meetings of all the parties that came in yesterday during a tough day and -- all the bases have been covered. He is supportive and anticipates signing this legislation when it gets to his desk. Parties have worked in good faith. They've come a long way working out the shared services agreement. It hasn't been finalized yet but the way it's been going and the tone of the negotiations have been very positive. And he anticipates that he will be signing this resolution.

LEG. ALDEN:

This one right here?

P.O. LINDSAY:

No, no. The new agreement.

MR. ZWIRN:

The new agreement, yes.

P.O. LINDSAY:

I have a long list. Did you want to add something?

LEG. HORSLEY:

No, just wanted to -- just to mention to Brian that those issues that you had asked me about and of your concerns, I believe all of them have been discussed and taken as part of this document.

LEG. BEEDENBENDER:

All right.

LEG. HORSLEY:

I'm just not at liberty -- it's still conceptual. That's the reason why I can't --

LEG. BEEDENBENDER:

Without seeing it -- and I know this resolution doesn't vet but --

LEG. HORSLEY:

Right.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I'm good.

P.O. LINDSAY:

You're good? Thank you.

Legislator Montano?

LEG. MONTANO:

Yeah, just one question because from what I understand you reached consensus but there's no final document.

LEG. HORSLEY:

That's right.

LEG. MONTANO:

And, you know, I'm hoping that it gets signed but it won't be a first time that there's been consensus and then all of a sudden there's a blow up at the last minute over language. What happens if that situation develops? And I'm not saying that it's going to. Once we pass this, we rescind the agreement. There's no obligation on anyone's part as I understand it to sign a new agreement; am I correct in that? Vivian's got her hand -- I don't care who answers.

P.O. LINDSAY:

The only thing I was going to say, this is going to the County Executive so I'm sure if there's no new agreement he's not going to sign this into law and it's going to come back to us via veto.

D.P.O. VILORIA-FISHER:

That's exactly what I was going to say.

LEG. MONTANO:

Okay, yeah. Then, so, we have at least 30 days before he has to veto it.

LEG. BEEDENBENDER:

Fifteen.

LEG. MONTANO:

Fifteen? All right. I'm fine with it.

MR. NOLAN:

Well, then, as I mentioned the trustees of the college are meeting on the 12th.

D.P.O. VILORIA-FISHER:

Right.

MR. NOLAN:

And this should be before the Trustees on that date so --

LEG. MONTANO:

They'll settle first.

MR. NOLAN:

So at least before the County Executive's fifteen days run, the trustees will have met and hopefully past on the issue of the new agreement.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I'm okay.

P.O. LINDSAY:

You're good.

Legislator Kennedy?

LEG. KENNEDY:

What I saw yesterday, Mr. Chair, and actually when we started out on Thursday, all parties bargain in good faith. And I offer this to Legislator Beedenbender, too. My sense is that there's is like 98 or 99 percent consensus amongst all the parties. And action on this resolution today very much can influence what Middle States does on Tuesday. And that's what I took from the conversation that I had with one of the principals on Thursday morning.

So I don't think we jeopardize or compromise our positions at all by acting on this. As a matter of fact I think we strongly rehabilitate or enhance our positions towards maintaining Middle State certification. And we've got a collaborative effort that is for all intents and purposes almost a

hundred percent there. I see no downside to this at all.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Can I just say one more thing?

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

I would just like to thank again the two attorneys Christine and Eileen who did such a great job wordsmithing so that everyone could come on board. It was just really great watching the two professionals at work. They did a great job. Thank you.

P.O. LINDSAY:

Okay.

We have a motion and a second. Want to do it by voice vote? All in favor? Opposed? Abstentions?

LEG. BEEDENBENDER:

Abstention.

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. Recognize Legislator Barraga for the purpose of making a motion.

LEG. BARRAGA:

Yes, I'd like to make a motion to take up the two CN's that appear before us. They deal with the Fire Island Ferries and licensing. And Mr. Mooney's been here since this morning. And if you have any questions, I'm sure he'd be able to answer it.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

We have a motion and a second to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

That's important that you did that because, Mr. Mooney, there's a big line down at the dock to go to Fire Island today.

Okay, we have resolution 1116 in front of us. ***(IR 1116-2009, approving Cross Bay Ferry license for the Fire Island Ferries, Incorporated)*** I need a motion.

LEG. ALDEN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Alden, second by Legislator Barraga. Any discussion? All in favor?

Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And IR 1117, (*IR 1117-2009, approving lateral ferry license for the Fire Island Ferries, Incorporated*) how about we do same motion, same second, all right with everybody? Same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay, good-bye Mr. Mooney.

MR. MOONEY:

Thank you very much. Hope to see in the summer.

P.O. LINDSAY:

Not today; that's for sure.

Okay, **1055, authorizing a lease amendment with SheltAir Westhampton LLC at Francis S. Gabresky Airport. (Co. Exec.)** Mr. Horsley, Economic Development like to make this motion.

LEG. HORSLEY:

I'll be glad to make that motion.

P.O. LINDSAY:

Okay. And second by Legislator Schneiderman whose district this facility's in? I'm sorry I didn't see you.

LEG. ALDEN:

Just a brief explanation.

P.O. LINDSAY:

Sure. Who wants to give the explanation? George, you want to give it?

LEG. ALDEN:

Or maybe Jim wants to.

P.O. LINDSAY:

You want Jim?

LEG. HORSLEY:

George, please. Feel free.

LEG. SCHNEIDERMAN:

Carolyn, I don't have the exact acreage changes here so maybe if Carolyn has a --

P.O. LINDSAY:

Carolyn, do you want to come up and -- I thought you were here to speak about the Poet Laureate. I didn't realize you were here for the lease.

MS. FAHEY:

Oh, I don't think you want to hear my poems from today.

LEG. ALDEN:

Is this the George Guldi lease?

SAID IN UNISON BY LEGISLATORS: "Ooh....."

MS. FAHEY:

Now I have to turn this off. You don't -- no, this is an amendment to a lease that the Legislature adopted last year. When the tenant went to do a site plan, he realized that a reconfiguration of the site plan would be needed in order to create a more safe flight line pattern and moving the buildings back that would allow the planes to move a little bit more safely through the airfield. So in order to do that we had to add just a little bit more of an acre onto the lease.

So what you have in front of you is about an acre, 1.08 acres, that are being added to the 7.5 acres that the Legislature had adopted back in, I believe, October/November.

LEG. ALDEN:

What's the additional --

MS. FAHEY:

I'm sorry.

LEG. ALDEN:

Is there additional costs?

MS. FAHEY:

Yes, yes. It raises the annual lease up to about \$111,000. \$10,000 more a year.

P.O. LINDSAY:

Okay, Legislator Horsley.

LEG. HORSLEY:

Yeah, it should also be noted that this has been fully vetted by all the parties out there at the airport --

MS. FAHEY:

Yes.

LEG. HORSLEY:

-- including the community. And this has been ongoing for how many years now?

MS. FAHEY:

Well, this is just the second phase, but yes, you're right; as with all leases now they're vetted by the Airport Community Advisory Board. They did review this, make a recommendation to the Legislature, CEQ and to the Executive to approve it.

LEG. HORSLEY:

Right.

P.O. LINDSAY:

Everybody else all right? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1063, To revise the selection process for the Suffolk County's Poet Laureate. (Horsley)

The only question I have for Legislator Horsley, why do you keep bothering?

LEG. HORSLEY:

I'm not sure I have an answer to that. But motion to approve.

D.P.O. VILORIA-FISHER:

I'm going to second that motion, but only if I can read this limerick.

LEG. HORSLEY:

I'm all --

D.P.O. VILORIA-FISHER:

My colleague, whom I will call Wayne, while smiling does inflict some pain. He unites poor David with a man who berated him when he would be named. So poor David Axelrod is going to be on the same committee with doctor, dentist. So it's poetic justice.

LEG. HORSLEY:

It's poetic justice.

P.O. LINDSAY:

Okay. You made a motion. Have you made a motion?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

And seconded.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

I mean, we have so many problems. And to get another nasty gram because -- over this -- this issue is just -- it's just very disturbing.

LEG. HORSLEY:

You saw that one. Huh?

P.O. LINDSAY:

Very disturbing.

D.P.O. VILORIA-FISHER:

No, I never saw it.

LEG. HORSLEY:

I know. Well, maybe Bill has a copy here.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Fool me once, shame on you. Fool me twice, you're not going to get a second shot. I've been down this road once before. And you can remember the turmoil we went through with this group, you know, why do we want to expose ourselves a second time?

P.O. LINDSAY:

That's my exact point.

LEG. HORSLEY:

Well, this is a different method of choosing the Poet Laureate. They're going to choose them amongst themselves, the former Poet Laureates, and recommend to the committee who they want to have.

LEG. BARRAGA:

But I am not encouraged. Okay?

P.O. LINDSAY:

But I mean, this isn't like a nursing home or police force or public safety. I mean, if we didn't have a Poet Laureate, we probably still could exist.

LEG. ROMAINE:

It'd be mud wrestling.

LAUGHTER

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

No, I was just wondering are all the waring sides in agreement with this legislation or have we heard anything?

P.O. LINDSAY:

(Shaking head no)

LEG. D'AMARO:

No.

LEG. NOWICK:

No.

LEG. D'AMARO:

Oh, that's a can of worms. Sorry.

LEG. HORSLEY:

It's poetic justice.

LEG. D'AMARO:

It's poetic justice.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I just wanted to say, Mr. Chair, that although some of the poets have behaved badly, I think that there is a need for a Poet Laureate. And I think that the Poet Laureate this year has added a great deal to the culture here in Suffolk County and has done a great deal of work with the youngsters in Suffolk County. Wayne and I were both at the book that that they put together. And there are kids from everybody's district who contributed.

LEG. ALDEN:

I just want you all to close your eyes and imagine poets behaving badly.

LAUGHTER

P.O. LINDSAY:

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

LEG. ROMAINE:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

P.O. LINDSAY:

I'm opposed.

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Abstained.

LEG. ALDEN:

Abstained.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. **1068, To reappoint Gioacchino Balducci to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec. Levy)**

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1069, To reappoint David Cohen to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote. All right?

MR. LAUBE:

18.

P.O. LINDSAY:

1070, To reappoint Mitchell Kriegman to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote.

MR.LAUBE:

18.

P.O. LINDSAY:

1071, To reappoint Campbell Dalglish to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote.

MR.LAUBE:

18.

P.O. LINDSAY:

1072, To reappoint Ron Rudaitis to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1073, To reappoint Greg Pace to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote.

MR.LAUBE:

18.

P.O. LINDSAY:

1074, To reappoint Isabella Rupp to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote.

MR.LAUBE:

18.

P.O. LINDSAY:

1075, To reappoint Steven Taub to the Suffolk County Motion Picture/Television Film Commission. (Co. Exec.) Same motion, same second, same vote.

MR.LAUBE:

18.

P.O. LINDSAY:

1080, Establishing a task force to study the feasibility of Suffolk County Community College assuming the operation of the Vanderbilt Museum. (Lindsay) I'm going to make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any question, anybody? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR.LAUBE:

17.

P.O. LINDSAY:

1081, Authorizing the County Executive to enter into a Memorandum Of Agreement (MOA) with the Federal Aviation Administration (NAVAIDS) (Co. Exec.)

LEG. LOSQUADRO:

Is this about helicopters?

P.O. LINDSAY:

Yeah, how to shoot them down.

LAUGHTER

I need a motion first. Give me a motion and we'll get Carolyn Fahey up here again.

LEG. COOPER:

Motion to approve.

LEG. HORSLEY:

Motion by Legislator Cooper, second by Legislator Horsley. And, Carolyn Fahey, I noticed that you stayed in your seat with the Poet Laureate. You didn't jump up to try to get in the middle of that fray.

MS. FAHEY:

No, no. No comment.

The FAA supplies and maintains two pieces of equipment, visual aids, navigation aids at Gabreski Airport. One of them is the VASI the Visual Approach Slope Indicator and the second one is the ASOS, the Airport Surface Observation System, which is your weather and gives you the conditions of the airport.

One of those leases, agreements has expired. The FAA wants us to renew it. We want to renew it. The other one doesn't expire until 2021, but the FAA's asking us to merge both into a new agreement. So it's continuing of the operations of those two pieces of equipment, offering them to the airport and maintaining them on our behalf.

P.O. LINDSAY:

Any questions? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1084, Approving and authorizing a contract with the Long Island Convention and Visitors Bureau and Sports Commission to promote convention business and tourism in Suffolk County. (Co. Exec.)

And, Legislator Horsley, do you want to make the motion?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

And I'll second it. And, Ms. Fahey, maybe you could jump up again. I'm sorry to keep you jumping and down.

MS. FAHEY:

No problem.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Is this a percentage of what we collect?

MS. FAHEY:
Yes. They get two-thirds of it.

LEG. ALDEN:
Yeah, it's not a hard dollar amount; right?

MS. FAHEY:
No.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Is this -- Nassau doing the same thing?

MS. FAHEY:
I don't know what the status of Nassau's contract is at the moment, no. I don't know.

LEG. SCHNEIDERMAN:
Okay. So we're somewhat solo here. Did we actively bid this out?

MS. FAHEY:
We did a few years ago.

LEG. SCHNEIDERMAN:
And why aren't we doing that again?

MS. FAHEY:
Because they were the sole -- they were the sole respondent. This Legislature then approved it at that time. And there's nobody else out there now. So the Waiver Committee reviewed it, gave a waiver and we're back to you with this contract.

LEG. SCHNEIDERMAN:
I mean, isn't the amount something like \$2 million in taxes that they receive and they run probably 50, 60 percent of its administrative cost to run the organization.

MS. FAHEY:
Last year's payments to the LICVB were about 1.1 million.

LEG. SCHNEIDERMAN:
Oh, that's the Suffolk's piece; right?

MS. FAHEY:
That's the Suffolk's piece, right.

LEG. SCHNEIDERMAN:

Right. And Nassau was similar amount?

MS. FAHEY:

Nassau's is another amount. And what ends up happening is the LICVB takes Nassau's amount, an equal amount from Suffolk County to do regional marketing. And then the difference that Suffolk gives over and above Nassau, that marketing is done specifically for Suffolk County.

LEG. SCHNEIDERMAN:

Has your Department looked into doing this in-house rather than subbing it out?

MS. FAHEY:

Not recently, no. No. I mean we're very happy with the LICVB and how they've been performing and what they've been producing over the last few years.

MR. NOLAN:

I was going to say, Jay, that under the state law that authorize us to collect this tax, we have to contract with a tourism promotion agency. We have to use a certain percentage of the money to contract with the tourism promotion agency. I don't think we could even do an in-house if we wanted to.

MS. FAHEY:

We would have to amend the state law, correct.

P.O. LINDSAY:

Okay. We have a motion. Are you satisfied, Legislator Schneiderman? You have any other questions. I shouldn't have asked if you were satisfied.

LEG. SCHNEIDERMAN:

Satisfied no; but no other questions.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1095, authorizing funds for infrastructure improvements in connection with incubators for businesses in distressed areas. (Co. Exec.)

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, second by D'Amaro. Is there any questions? Yes, Legislator Alden?

LEG. ALDEN:

Yeah, I have a question as far as --

P.O. LINDSAY:

There's Miss Fahey again.

MS. FAHEY:

I won't have to go to the gym later.

LEG. ALDEN:

What's the difference between what these community development agencies get from the federal -- from the federal money as opposed to us giving them extra money?

MS. FAHEY:

I'm going to turn to Doug Aloise. Doug is with the Huntington Town CDA so he can explain that to you.

MR. ALOISE:

Thanks, Carolyn. Yes, Legislator, most of the money CDA gets is Community Development Block Grant monies, mostly for housing or infrastructure improvements, things of that nature. We are putting Community Development Block Grant monies into this as well as New York State monies. And also we have a fund called Huntington Revitalization. Basically we have a land lease on affordable housing facility High View. So we're putting that money in so literally it's every level of government, federal, state, local and county.

LEG. ALDEN:

How much is actually going into this program?

MR. ALOISE:

The total amount we're estimating, you never know until the bids come back, right now H2M is doing the design for us, but we're estimating about \$650,000. This would be a little over 20 percent.

LEG. ALDEN:

How much is your block grant?

MR. ALOISE:

Our block grant is about a million dollars.

LEG. ALDEN:

Did it get cut? Because there was talk it was was going to get caught but then I think they restored the block.

MR. ALOISE:

Yeah. Also, we're hoping we're going to get some money from the stimulus package. There's a billion dollars nationwide available so I think that would translate into about \$100,000. And then with the ominous, if I'm pronouncing that right, appropriations bill, there's supposed be a slight increase. But we've been cut each year for the last eight years.

LEG. ALDEN:

Okay. The next question through the Chair, Carolyn, did Islip or any other towns that have CDA's apply to Suffolk County for these monies?

MS. FAHEY:

We haven't got official applications yet. There are two other incubators in the pipeline. One of them is by the Urban League in CI. They're looking to construct a new facility. The other is by the North Amityville Community Economic Council. They're looking to build an incubator down in North Amityville. Both of those organizations have received state money at the tune of \$750,000 to assist with their incubators.

LEG. ALDEN:

Would they be going through their town CDA's?

MS. FAHEY:

I don't know if -- they'll be coming through their towns and bringing town leveraging to the table.

Whether the CDA is involved I'm not sure. I haven't seen those budgets yet.

LEG. ALDEN:

Is this the first time that we've every looked at incubation for business in distressed areas through a town CDA?

MS. FAHEY:

It's not limited to CDA's. This program has created about four years ago. And they just happened to be the first ones that come to the door and have met the criteria.

LEG. ALDEN:

Okay. So it's -- we have a being audience that can apply for this?

MS. FAHEY:

Yes.

LEG. ALDEN:

Not just CDA but individuals could apply.

MS. FAHEY:

We're asking that it be with a municipal partner especially with the construction of a facility because you want the local municipality to be involved in the development and the construction and the bidding and all of the municipal law requirements that are involved. So if a private entity wants to go to a local municipality and then come to the County, then we would consider it, yes.

LEG. ALDEN:

How much money is in our fund?

MS. FAHEY:

About 500,000.

LEG. ALDEN:

Borrowed money?

MS. FAHEY:

It's bond money, correct.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Hi, Carolyn, just a couple of questions. This is coming out of capital fund 6413. How much is in that fund or how much was there originally?

MS. FAHEY:

Right now there's about -- I believe it's \$490,000 is what was appropriated about three years ago.

LEG. ROMAINE:

Okay. And no additional funds have been appropriated for this?

MS. FAHEY:

No.

LEG. ROMAINE:

Okay. Is there a criteria that -- by the way who makes the decision who gets funding and who

doesn't get it? Is there a committee, is there a criteria, are there standards?

MS. FAHEY:

There are some some standards. There's some criteria. We ask that there be a municipal partner. We ask that they bring leveraging to the table. The facility has to include a minimum of 35 percent of the facility as incubation space. We understand that it's necessary to have anchor tenants to bring in some revenue to help run the facility so we're allowing those who apply to lease out some of the space in order to get revenue to keep it running.

LEG. ROMAINE:

And when you're talking about the Town of Huntington, I assume this is going to be based in Huntington Station?

MS. FAHEY:

Yes, it is.

LEG. ROMAINE:

Okay. Could you tomorrow make a note to send me all the information on this program? I don't have to tell you because I know you come from the East End, if you drive to Riverhead, probably I would say about 75 percent of the stores are empty; okay? Downtown Riverhead on Route 25. And I want to see if the criteria would allow the Town of Riverhead to do something to try to bring some life to downtown --

MS. FAHEY:

It would. It would allow the Town of Riverhead to come to us with a project saying this is what we want to do, this is how we're going to run it, this is the money we're going to bring to the table.

LEG. ROMAINE:

Fortunately I work well with most of the people in Town of Riverhead and their government. And I think they understand, you know, if I brought them this, I'm sure we would have a project to come back to you with because they are really hurting in downtown Riverhead. Thank you again, Carolyn.

MS. FAHEY:

And that's open to all the Legislators.

P.O. LINDSAY:

Okay. Yes, Legislator D'Amaro, I'm sorry.

LEG. D'AMARO:

Thank you. Ms. Fahey, thank you for answering these questions. Legislator Romaine, I agree with you that any area -- we should all be looking in our district to see what areas could use in incubator such as this. Because one of the questions I have is, let's talk just a little bit about how the incubator itself works, what it provides to a local community. I think would be helpful for everyone here to kind of hear a brief synopsis of what they do.

MS. FAHEY:

Well, each incubator is going to be a little bit different but the general intent of an incubator is to offer office space whether it be a cubicle or a main office that allows the start up or new business to have a place to run its business from with shared services, whether it be a copy machine, a receptionist, a conference room, fax machine; those sort of things that they don't have to lay out and order on their own.

It also allows the operator to bring into the incubator programs to assist in creating a strong foundation for that business. Technical assistance, writing a business plan, potential financing sources, software that'll assist that particular business in moving forward. So it brings in general resources, business resources as well as offering shared services.

LEG. D'AMARO:

And also, I think, you had mentioned it also helps businesses with strategic planning and business plans and things like that?

MS. FAHEY:

Right, business planning; right.

LEG. D'AMARO:

So it's really multifaceted. But the funding provided by Suffolk County is going for building improvements.

MS. FAHEY:

Correct.

LEG. D'AMARO:

To help build, actually construct the area that will become the facility that will house the incubator?

MS. FAHEY:

Correct. We will also assist from a technical perspective in helping the incubator run by bringing to it resources that the businesses can be offered.

LEG. D'AMARO:

Right, okay. Thank you. Very good. Thank you.

P.O. LINDSAY:

Okay, Legislator Horsley.

LEG. HORSLEY:

Very quickly just to add to Cameron's question, as far as -- like the one in Babylon, their inclusion was that the CDA and the Town of Babylon gave the property for the incubator to be built even though it hasn't been built as yet. It's been going on -- ongoing for several years.

The other inclusion that maybe, Carolyn, you might missed have there usually they're attached to a university, a small business development group; that seems to be most of them that I've worked with over the past --

MS. FAHEY:

When you have specialty incubator like the high tech incubator at Stony Brook or if you want to specialize in health care, then, yes, you would have that attachment to a university, but not all the time. You're talking about communities that have a lot of individuals who have always wanted to start up their own business or who are in their garages or in their homes right now who need to move out. And in this economy like we found back in the late '80's early '90's, you have a lot of laid off individuals who are now saying now's the time; now's the time when I'm going to bite the bullet, start my own business. And you never know where they're coming from so specialty is nice, but sometimes you're better off being a little more general to allow for those type of businesses.

LEG. HORSLEY:

Anyway, I'm an advocate but I just wanted to let you know, usually that's their -- they combine with universities in the past. And I think Riverhead would be the perfect opportunity.

P.O. LINDSAY:

Okay. Any other questions? We have a motion and a second? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And on the accompanying bond resolution **1095A**, same motion, same second same. Roll call.

ROLL WAS CALLED BY TIM LAUBE, CLERK

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Pass.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

No.

MR. LAUBE:

16.

P.O. LINDSAY:

1103, amending resolution 1133, creating a Game Task Force. (Horsley) Legislator
Horsley?

LEG. HORSLEY:

Yes, motion to approve.

P.O. LINDSAY:

Motion to approve. I'll second it. On the question, go ahead;

LEG. BROWNING:

I know the last time that we passed this resolution I did say that considering there's a possibility it could be in Brookhaven, that this casino would be, you might think it would be appropriate to invite the Poospatuck Indians to be a part of this. And so with that, they are still not involved so I will vote in the negative.

P.O. LINDSAY:

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

LEG. BROWNING:

Opposed.

LEG. BARRAGA:

Negative.

LEG. ALDEN:

I'm out. Opposed.

LEG. NOWICK:

Opposed.

MR. LAUBE:

14.

P.O. LINDSAY:

Okay, **1112 approving the appointment of Gregory F. Schimizzi to the Suffolk County Motion Picture Television Film Commission. (Co. Exec).**

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. I'll second it. All in favor.

LEG. ALDEN:

Did he show up?

P.O. LINDSAY:

I don't know. Did he show up? Legislator Horsley?

LEG. HORSLEY:

We didn't have any omissions. He was there, right? Yeah, he was there.

P.O. LINDSAY:

He left a great impression.

LEG. HORSLEY:

He was a fine fellow.

P.O. LINDSAY:

Motion and second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Guy showed up and nobody knew it.

1027, appointing Philip Schmidt as a member of the Suffolk County Soil and Water Conservation District. (Losquadro) Legislator Losquadro, do you want to make that motion?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Oh, good. Anybody want to second it?

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Schneiderman.

LEG. ALDEN:

Did he show up?

P.O. LINDSAY:

Did he show up?

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

And he left an impression.

LEG. LOSQUADRO:

Obviously a great one.

P.O. LINDSAY:

Yes, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1031, reappointing member of the Council on Environmental Quality Michael Kaufman. (Viloria-Fisher)

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1091, authorizing the acquisition of land under the Suffolk County Drinking Water Protection Program, Open Space Component for the St. Gabriel's addition property, Town of Shelter Island. (Co. Exec).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion -- vehement motion by Legislator Romaine, seconded by Legislator Schneiderman. On the question. Yes, Legislator Beedenbender.

LEG. BEEDENBENDER:

Just real quick, Mr. Chair, in Committee I had raised a question about the pollution on the property. And just to refresh everybody's memory, the Supervisor came and indicated it was another property in administration. Has indicated the same. And the other thing we had discussed in Committee, apparently unbeknownst to me Shelter Island has a very -- very fragile water table that often gets salt water intrusion so apparently this has -- preserving this property has a greater effect on the water quality out there than it may have on the mainland. So it appears to be even more important.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just looking at the number here, and 7.2 million, we have a 50/50 share. So is the 7.2 million our portion or divide 7.2 by two?

P.O. LINDSAY:

Here comes Commissioner Gallagher. She has the answer for you.

LEG. ALDEN:

I hope so.

COMMISSIONER MEEK-GALLAGHER:

7.2 is the total so divide that in half.

LEG. ALDEN:

Okay. Having said that --

P.O. LINDSAY:

Quickly. Quickly. 3.6.

LEG. ALDEN:

Exactly. One stroke over par, or maybe three strokes over par as far as what I'm looking at. But just -- it's millions of dollars. This sounds like it's a priority that we should consider but I would just caution to anybody that will listen, I guess, that if we continue to borrow money and if we continue to run up money even in this program, the sales tax money is not coming in, which means we'll be getting off to a bad start with the two or three year acquisition program part of this; which means that the latter end of paying back that money could cost us out of our General Fund.

And we really should start prioritizing what we're borrowing money for, how we're going to pay it back in the future. And I know this sounds like free money because it's a quarter cent of sales tax that comes in. It's not free money because the other alternative is to use that quarter sent to actually run the business of Suffolk County. So I just hope we take a strong look at any time we're going to borrow money. This sounds like, like I said before, this sounds like a program that would be worthy under this Drinking Water Protection Program. Thanks. Bill.

P.O. LINDSAY:

You're welcome. Anybody else? Okay. Thank you, Commissioner Gallagher. We have a motion and a second on 1091. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

On a opposed.

MR.LAUBE:

17.

LEG. ROMAINE:

Could you please list me as a cosponsor on that?

MR.LAUBE:

Yes.

P.O. LINDSAY:

1119, reappointing unexpended funds in connection with the Comprehensive Shellfish Restoration Program for the Great South Bay. (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. And I'll second it for the purposes of discussion. What is it

being reappropriated to?

LEG. SCHNEIDERMAN:

We had appropriated, I think, a million dollars in 477 for this, what is proving to be actually a very successful, and I was somewhat sceptical originally, but it's working very well in the Great South Bay, their clam project. And we're seeing terrific results. We didn't spend all the money but the project is continuing. So it's really basically carrying it, I believe, from last year into this year, the unexpended portions. So it's more of an accounting so they can finish the project.

P.O. LINDSAY:

It was a million dollars. Contrary to what you've heard, I sponsored the original resolution.

LEG. SCHNEIDERMAN:

Exactly. It was a million, right?

P.O. LINDSAY:

Yep. Okay.

LEG. SCHNEIDERMAN:

And it's working.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

HEALTH AND HUMAN SERVICES

P.O. LINDSAY:

Health and Human Services. **1017, adopting a local law establishing a Toxin Free Toddler and Babies Act. (Stern)** We had a motion and -- a tabling motion and we passed over this because there was a request for the minutes from the Health Committee meeting earlier this morning. Legislator Stern.

LEG. ALDEN:

Mr. Presiding Officer, we just got them so could we either have like five minutes of a recess to read them?

P.O. LINDSAY:

If you want a recess. If you want, I'll pass over it again. What do you want?

LEG. MONTANO:

We still want to read them.

P.O. LINDSAY:

I know. Pass over it already. Can you read while you're sitting here or you want to recess? Oh, okay. Can I continue on, though?

LEG. ALDEN:

If you want to.

P.O. LINDSAY:

Okay. **1056, requesting Legislative approval of a contract award for legal services for Medicaid Provider Compliance Reviews for the Department of Social Services. (Co. Exec)**

LEG. BROWNING:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Seconded by Legislator Gregory. On the -- anybody on the motion? Okay. Yes, Legislator Romaine.

LEG. ROMAINE:

Yes, explanation. Who is the successful bidder? You know, I believe this involves about \$20,000 worth of legal services. I'm sure there was only one bidder because many -- most of the lawyers are so well engaged in Suffolk County that they chose not to bid on this, but I was interested in --

P.O. LINDSAY:

What are they doing, bankruptcies?

LEG. ROMAINE:

No, I'm teasing. But I'm interested to find out who the successful legal firm was.

P.O. LINDSAY:

Mr. Zwirn, do you know the details on this contract by chance?

MR. ZWIRN:

I'm looking for the bill because the name would be in it. But they sent this out to five law firms. Let Dennis speak while I look for the book.

MR. BROWN:

I don't know the name of the firm off the top of my head but I can tell you that but it was RFP'd, that there were multiple -- they were the sole responder and it is 100% Medicaid funded. And I believe that the purpose and goal is to provide -- is to do investigation of medical providers.

LEG. ROMAINE:

I understand that. I'm certainly prepared to vote for it. It just struck me as curious in a county that some people would say there are many lawyers, that only one responded to an RFP.

MR. BROWN:

I can't say. It could be because of the specialized nature of the practice in that the targets would be medical providers; to investigate medical providers and Medicaid fraud.

LEG. ROMAINE:

I don't know too many lawyers who would not sue doctors. In fact many of them do. But, thank you.

LEG. MONTANO:

Question, Dennis?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I don't have any backup here. Where's this firm located?

MR. BROWN:

I don't know. I'd have to look that up for you.

P.O. LINDSAY:

Legislator Kennedy might have some info.

LEG. KENNEDY:

My recollection from the committee was that it was a subsidiary of Weitz & Luxenburg out of the city. And I questioned some of the expertise, too, but apparently it's a very specialized working group. And it focusses on the provider end of Medicaid fraud rather than the recipient. And it's purportedly, I guess, to assist the department as they're going through verifying legitimacy of services.

P.O. LINDSAY:

They must have spent all their money from the oil company settlement.

MR. BROWN:

That was from the committee, yes, 100 percent funding was from the committee.

LEG. BEEDENBENDER:

I have the bill front of me. The name of the firm is Deprospro, Patrizzo and Longo, LLP with Levy, Philips, Connensberg, LLP.

LEG. MONTANO:

I have that. But the question was where are they located?

LEG. BEEDENBENDER:

Oh, I don't know. Doesn't say that.

LEG. MONTANO:

That's what I meant.

LEG. BEEDENBENDER:

Oh, okay. No problem.

P.O. LINDSAY:

Legislator Browning, do you --

LEG. BROWNING:

Yes. I know I spoke with the Commissioner about it and he said that -- Commissioner -- Deputy Commissioner, he said that this was a mandated pilot program and, you know, this is to do Medicaid fraud and certain providers. That's about as much as I know of it.

P.O. LINDSAY:

Okay. Okay. Is everybody clear on this issue now? All right. We have a motion and a second. All in favor? Opposed?

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

Abstentions.

MR. LAUBE:

17.

P.O. LINDSAY:

1098, amending 2009 Adopted Operating Budget to reallocate funding within the Suffolk County Department of Health Services Division of Patient Care Services for the Patient Navigator Program. (Co. Exec)

LEG. BROWNING:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Browning. I'll second it. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LABOR, WORKFORCE AND AFFORDABLE HOUSING

P.O. LINDSAY:

1050, authorizing the sale of county owned real property pursuant to 72H of the General Municipal Law to the Town of Brookhaven for affordable housing purposes. (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1051, 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. (Co. Exec.)

LEG. BROWNING:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1059, authorizing the sale of County-owned real property pursuant to Section 72-H of the General Municipal to the Town of Brookhaven for affordable housing purposes. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1093, amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Economic and Workforce Housing. (Co. Exec.)

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

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Yeah, I'd like one, too. Why are we creating a new position in these dire times?

MR. ZWIRN:

It's changing the title from the airport manager with the business managers it's now going to be. The title, it's moving down because now that the planned development is going to be done by Gabresky by one Corporation, by -- I guess it was Reckler -- Reckler Corporation was going to be doing the planned development, that there's somebody that is needed as opposed to a business manager for the airport, somebody to do ministerial work and to review the leases and keep a handle --

P.O. LINDSAY:

Does it cost us any more money?

MR. ZWIRN:

It's not more money.

P.O. LINDSAY:

No. Do we save money?

MR. ZWIRN:

I think it's the same title, same grade. It is the same grade.

P.O. LINDSAY:

No more money.

MR. ZWIRN:

No.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1094, to approve the lease of four replacement 15 passenger vans in the Suffolk County Department of Labor and compliance with Local Law 20-2003. (Co. Exec.)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. LOSQUADRO:

I'll second it. Just a question.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. LOSQUADRO:

Through the Department of Labor a lot times we get funding for these?

MR. ZWIRN:

Yes.

LEG. LOSQUADRO:

That's what this is?

MR. ZWIRN:

Yeah, it's when we have to lease them because that's -- we're not allowed to buy them. So when the lease is up, we just renew the lease. So there's no more -- there are no more additional vans in the Labor Department. It's just the lease is up and these are just the replacements.

P.O. LINDSAY:

But we're reimbursed for the vans?

MR. ZWIRN:

Yes.

LEG. LOSQUADRO:

Yes. Okay. That's what I wanted to make sure. Thank you.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

PARKS AND RECREATION

P.O. LINDSAY:

1066, requesting Legislative approval of a contract award to renovate, operate, maintain and manage a food catering concession within Coindre Hall located at West Neck Farm in Huntington. (Co. Exec.)

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1067, approving a license agreement for Jenine Vella to reside at West Sayville Gatehouse at Charles R. Dominy County Park in West Sayville. (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

By Legislator Viloría-Fisher. I'll second it. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1101, authorizing the use of Makamah Preserve in Northport by Northport Running Club. (Cooper)

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1104, authorizing the Department of Parks, Recreation and Conservation to plan and design a dog park at Southaven County Park. (Browning)

LEG. BROWNING:

Motion to approve.

LEG. KENNEDY:

Second it.

P.O. LINDSAY:

A motion by Legislator Browning to approve. Second by Legislator Barraga.

LEG. BARRAGA:

No, not me. I want to speak on it.

P.O. LINDSAY:

Oh, okay. By Legislator Kennedy. And Legislator Barraga would like to speak about it.

LEG. BARRAGA:

Thank you, Mr. Presiding Officer. I attended a meeting about an hour-and-a-half ago, two hours ago, in which it was laid out that the County over a two year period 2009 and 10 faces a \$200 million deficit. I've got constituents who can't pay their mortgages, their heating bills, their oil bills. There's been a reclassification of the recession. Now it's called the Great Recession. And here we are planning and designing dog parks. I mean someone doesn't quite get the program here. This shouldn't be on the agenda. This is the kind of stuff that should be just laid aside along with a lot of other things. We keep on spending money.

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

LEG. BARRAGA:

How do we justify this? What is it, 50, 60, \$70,000? Someone said this morning there are 200,000 dog owners; let them foot the bill on this, not the taxpayers of Suffolk County. This is absolutely ridiculous. There's no criticism of the sponsor, this has been done before, but we have an economic situation that is dire in this State and this nation. This is the kind of stuff where we lose our credibility. This should be defeated.

LEG. BROWNING:

On the motion?

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah, the dog park, this is a location, I passed a map around, that is already -- it's ready to go. And I do have a commitment from Assemblywoman Eddington; obviously after April 1st we'll know for sure if we have our \$50,000, but she's willing to commit some money to help with this.

You know, this is already a parking lot. The dog owners basically are just saying, "Let us use the space." And there really isn't going to be much of anything that's going to be needed to be committed to money-wise to do this dog park. It's already an open space, it's ready to go. They don't oppose the need to use it for overflow traffic, parking, when the park's in use. You know, this is something that we've been working on for almost three years and, you know, it just seems like it's time.

P.O. LINDSAY:

Legislator Barraga.

LEG. EDDINGTON:

Question.

LEG. BARRAGA:

Respectfully, Assemblywoman Eddington may have made a commitment in terms of State funding, but State funding. I mean, she's not writing a check out of her own personal revenues, these are State dollars, they're taxpayer dollars. So just because they're coming from the State of New York, it doesn't make any difference. I pay the local tax, the State, the Federal, I'm on the hook for it all. The taxpayers are on the hook for everything. This is just not suitable at this time. I don't care what stage it is at, it should be held abeyance for at least a year or two years, shut this thing down.

P.O. LINDSAY:

Legislator Eddington, is this personal funds your wife is pledging?

LEG. EDDINGTON:

Absolutely not.

P.O. LINDSAY:

Oh.

LEG. EDDINGTON:

Absolutely not.

LEG. BROWNING:

Oh, come on.

LEG. BEEDENBENDER:

He just bought a Harley.

LEG. EDDINGTON:

And I don't know who's going to be doing the patty poop patrol, because it won't be me.

LEG. BROWNING:

He's selling his bike.

LEG. EDDINGTON:

I'm just wondering who will maintain -- who will be doing the cleaning, is it our Parks Department?

LEG. BROWNING:

People are responsible to clean up after themselves.

LEG. EDDINGTON:

Oh, the -- okay, the owners are. I was just curious, because that would add some cost.

P.O. LINDSAY:

Okay. But just -- at this point, there's no cost to this; is that correct, Legislator Browning?

LEG. BROWNING:

At this time, no. As you see, here's the map, it's an open space.

P.O. LINDSAY:

So they can socialize -- the dogs can socialize in a parking lot, right?

LEG. BROWNING:

Have a happy day, yes.

LEG. EDDINGTON:

I think the funding from the State is if necessary.

LEG. BROWNING:

Yeah.

P.O. LINDSAY:

Okay, we have -- did you want to weigh in on this, Mr. Zwirn?

MR. ZWIRN:

I just wanted to reiterate what the Park's Commissioner said at committee. Aside from Legislator Barraga, who's always eloquent and I hate to follow, especially on financial matters because he's more conservative than my boss. But the Park's Commissioner had problems with this --

D.P.O. VILORIA-FISHER:

Is that a compliment?

P.O. LINDSAY:

How would you like to go out to dinner with those two guys?

Laughter From Audience

MR. ZWIRN:

All I know is I have been out to dinner with one of them and trust me, I always bring my own wallet.

LEG. BARRAGA:

And you're a big tipper and I'll be happy to go with you.

MR. ZWIRN:

You might as well. But the Park's Commissioner had some reservations about the site. This is a parking lot at Southaven Park that is used for overflow parking when there's special events and he is afraid that if this space is used, that they're going to be problems going down the road. And if there's going to be a dog park, he would like to have some time to look for -- they've found some alternative sites that were not acceptable, but they would continue to look for a site that would be more acceptable to the Parks Department going forward at Southaven Park.

LEG. NOWICK:

Bill?

P.O. LINDSAY:

Yes, Legislator Nowick.

LEG. NOWICK:

You know, I was at the Parks Committee and it was very apparent that -- and that's my only problem with the piece of legislation. I'm all in favor of dogs having their own parks, but I was concerned that the Parks Commissioner was very upset about where the location is, and he did say he would look for another location, if I'm not mistaken.

MR. ZWIRN:

Yes.

LEG. NOWICK:

So maybe if we just could table it until he came up with another location. I'm not saying -- I want the dog parks, let me just say that, let the record show. But maybe for one cycle, and maybe the Commissioner will come up with the alternate and everybody will be happy.

P.O. LINDSAY:

Legislator Browning, would you like to --

LEG. BROWNING:

Like I said, it's ready to go. And you know, they have already agreed that when it's needed for overflow parking, which is not that often, maybe four or five times in the year, that the dog owners are prepared to say, "We're not going to use it today when you need it for overflow." This is ready to go. You know, they're talking about allowing the SPCA to use this location also, and I wonder how much money they're prepared to spend to rehab that building. This is a no-brainer. This is something -- and these are taxpayers who want to use this facility. It's not going to cost anything, if we are really want to look at it that way.

P.O. LINDSAY:

Okay. Anybody else? No? Okay, we have a motion and a second to approve, right; that's the only motion before us, Mr. Clerk?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Abstain.

LEG. NOWICK:

Abstain.

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

All right, we're going to go back --

MR. LAUBE:

Thirteen (Opposed: Legislators Barraga & Montano - Abstentions: Legislators Alden, Romaine & Nowick).

P.O. LINDSAY:

Okay. We're going to go to Public Safety. The meeting was just held this morning because of the storm yesterday, so you have another page with what was approved out of public Safety this morning. Does everybody have that?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay. First up is *1009-09 - Approving the appointment of Jamie Atkinson to the Suffolk County Citizens Corp Council (County Executive)*. Do I have a motion?

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. ALDEN:

Did they show up?

LEG. LOSQUADRO:

I was just going to ask, were they present?

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

I mean, I can't necessarily hold it against them, unfortunately, I was stuck in traffic this morning also. But protocol, we usually ask that at least these individuals come before committee.

P.O. LINDSAY:

Well, we're dealing with --

LEG. LOSQUADRO:

If they were running late this morning, they could have just stuck around maybe for the public portion.

P.O. LINDSAY:

But I'm not even sure, because the meeting was rescheduled yesterday during the snowstorm.

LEG. LOSQUADRO:

Can we hold this over to have them come to the next committee?

P.O. LINDSAY:

Whatever is -- make another motion.

LEG. LOSQUADRO:

I'll make a motion to table.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. Anybody else? Okay, we have a motion and a second to table and we have a motion to approve; the tabling goes first. All in favor of tabling? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I guess tabling carries.

1026-09 - Creating a Silver Alert System in Suffolk County (Stern).

LEG. STERN:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Stern, seconded by Legislator Viloría-Fisher. You know, it's funny, I never -- I was in Florida and I see "Silver Alerts" all over, I didn't know what it was; now I know.

D.P.O. VILORIA-FISHER:

It's like the Amber Alert.

P.O. LINDSAY:

Yeah, but it's for seniors that get lost.

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

Oh, oh, okay. Right.

D.P.O. VILORIA-FISHER:

Like Amber Alert.

P.O. LINDSAY:

They could have put a billboard on the side of this building.

LEG. STERN:

They were looking for you, Mr. Presiding Officer, they were trying to chase you down.

P.O. LINDSAY:

I know, I know. That was a -- I set you up, you know.
Legislator Barraga, do you have --

LEG. BARRAGA:

Yeah, I apologize for missing the meeting this morning. But in committee, if I had attended the committee, I was going to ask, this particular bill "Creates and maintains the database of individuals and organizations to be contacted when a senior citizen or other individuals who are suffering from a cognitive disorder is reported missing. It also develops a system by which vital information shall be delivered to the members of the database and the public via media or other outlets regarding a missing senior citizen or other individual suffering from a cognitive disorder." I guess the Suffolk County Police Department would have to implement this. Is there a cost factor associated with this, and how much is it?

P.O. LINDSAY:

I think Legislator Stern, if you'd permit --

LEG. STERN:

If I may, Mr. Presiding Officer. Thank you. Through the Chair. Legislator Barraga, I had the opportunity to meet with Chief Moore about this legislation, and this is a database that the Suffolk County Police Department already has. They're already in contact with many of the local organizations like Alzheimer's Association and Parkinson's Disease and many of the organizations that work with the elderly and the disabled, you know, throughout Suffolk County. So this is a database that they already have, they already know who the contacts are. This is an infrastructure that already exists, so there is no cost.

LEG. BARRAGA:

So why do we need legislation?

LEG. STERN:

This is legislation that would provide for the alerts to actually go out and utilize the media when somebody is reported missing. It's very much like the Amber Alert. In fact, Laura Ahearn from Parents For Megan's Law was here earlier speaking in support of legislation so that we can utilize the media related infrastructure that already exists at no cost to us so we can continue to get the message out in a broader way.

LEG. BARRAGA:

Okay. All right, I'll vote for it; in a few years I might need it myself.

P.O. LINDSAY:

Legislator Alden wants to weigh in.

LEG. ALDEN:

No, just what media outlets do we have now?

P.O. LINDSAY:

Are you lost?

LEG. ALDEN:

Do we have the --

LEG. ROMAINE:

Where's that bracelet?

LEG. ALDEN:

Do we have the ability to go with New York State's traffic sign information?

LEG. STERN:

That's what this would do. In fact, speaking with Chief Moore, Chief Moore supported the legislation, he urges its passage. And then once it's passed, said that we would go ahead and then meet with State representatives about the kind of information, specific information that we would want to have as part of a Silver Alert that they would be able to put up on the big boards on our major roadways.

LEG. ALDEN:

Cool.

P.O. LINDSAY:

Okay. We have a motion and a second.

LEG. NOWICK:

Tim, cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor, please.

LEG. ROMAINE:

Cosponsor

LEG. COOPER:

Cosponsor, Tim.

P.O. LINDSAY:

Yeah. Tim, list me as a cosponsor before I get lost.

LEG. HORSLEY:

Tim, me as well.

LEG. D'AMARO:

Tim, over here.

LEG. COOPER:

No, Tim, over here.

MR. LAUBE:

Who doesn't want to cosponsor?

MS. LOMORIELLO:

Everybody over 50 wants to cosponsor.

P.O. LINDSAY:

There you go.

All right, **1032-09 - Approving the appointment of Anthony LaFerrera to the Suffolk County Citizens Corp Council (County Executive)**. And I assume he didn't attend either, right? So why don't we just table him.

LEG. LOSQUADRO:

I'll make a motion to table.

P.O. LINDSAY:

Yeah, okay, table him. Is a second by Legislator Eddington all right, is that all right?

LEG. EDDINGTON:

Yep

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. **1064-09 - Authorizing execution of anyone with a cell phone -- no. Authorizing execution of a Mutual Aid Agreement between New York City and Suffolk County relating to fire fighting and other emergency fire and rescue services (County Executive)**.

P.O. LINDSAY:

Legislator Eddington, you want to make a motion on this?

LEG. EDDINGTON:

Motion to approve.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator -- who was that? Gregory.

LEG. LOSQUADRO:

Just briefly on the motion.

P.O. LINDSAY:

On the question, Legislator Losquadro.

LEG. LOSQUADRO:

Did FRES come to give an explanation of this?

LEG. EDDINGTON:

No, I didn't ask for FRES.

LEG. LOSQUADRO:

Could we get an explanation; what's the agreement?

P.O. LINDSAY:

Mr. Brown is coming over, is that --

LEG. LOSQUADRO:

Downtown Brown?

P.O. LINDSAY:

Downtown Brown.

D.P.O. VILORIA-FISHER:

As long as it's not Mean LeRoy Brown, Bad LeRoy Brown.

MR. BROWN:

It's been a while since we've worked on it, I think we sent it to the fire department in New York City about two years ago, but we did eventually get it back executed from them. And all it does, it's a mutual aid agreement between various local fire departments in Suffolk County and the New York City Fire Department and it allocates their various responsibilities, the liability, indemnification and how they'll respond to the scenes. It's been negotiated between fire department representatives of the City of New York and Ed Schneyer and others at FRES.

LEG. LOSQUADRO:

Okay. So this is -- this would be in response to major disasters, crisis situations?

MR. BROWN:

Yes. Yes.

LEG. LOSQUADRO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Alden, did you have a question?

LEG. ALDEN:

Yeah. Dennis, are there any outstanding issues over the last type of incidents between New York City and Suffolk County as far as --

MR. BROWN:

I'm not really familiar with what you're referring to.

LEG. ALDEN:

Well, there was some reimbursement that we asked for.

P.O. LINDSAY:

From 9/11, right?

LEG. ALDEN:

From 9/11 was the last one, but I think there was something with Flight 800.

MR. BROWN:

Yeah, actually, I don't know. You would have to direct that question to FRES or the County Executive's Office or Budget, I don't know.

LEG. ALDEN:

Don't know? Ben, would it be possible to just find out?

MR. ZWIRN:

Yes.

LEG. ALDEN:

Thanks,

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1085-09 - Accepting and appropriating a grant in the amount of \$154,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels V Program with 85.55% support (County Executive).

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

I've been looking for a match box, but I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1086-09 - Accepting an and appropriating a grant in the amount of \$166,181 from the United States Department of Homeland Security, Federal Emergency Management Agency for a Port Security Program with 75% support (County Executive).

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1087-09 - Accepting and appropriating a grant in the amount of \$102,575 from the State of New York Governor's Traffic Safety Committee to target speeding, aggressive and distracted driving and commercial vehicle safety with 85.55% support (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Can we go back to 1017; are you guys --

MR. LAUBE:

Steve, did you get that second part?

LEG. STERN:

No.

LEG. ALDEN:

We didn't get all the minutes.

P.O. LINDSAY:

You didn't get all the minutes, you still need more time? Okay.

Okay, **Public Works & Transportation:**

1058-09 -- we're staying on page ten, they're still waiting for more minutes -- ***Permitting the Suffolk County Society for the Prevention of Cruelty to Animals to purchase fuel from the County (County Executive).***

LEG. ROMAINE:

Motion.

LEG. MONTANO:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Montano.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1082-09 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 - Medford with the owner of Springhill Suites @ Bellport (BR-1608) (County Executive).

Do I have a motion?

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington.
All in favor?

LEG. ALDEN:

Do you know what the rate was?

P.O. LINDSAY:

No. Legislator Alden, I recognize Legislator Alden.

LEG. ALDEN:

Maybe Budget Review would know; do you know what the rate was that they signed up?

MS. VIZZINI:

Not off-hand, but I'll check.

LEG. BEEDENBENDER:

Legislator Alden, I think that this rate isn't getting paid to the County, it's getting paid to Springhill Suites -- no, to the Medford District. I forget -- if I'm referring from the Sewer Agency, we had -- they did the improvements, so I think the rate is going to them and not to the County, and I believe it's a little less than 30, but I don't remember the exact specifics.

LEG. ALDEN:

Why would they have an agreement with us then?

LEG. BEEDENBENDER:

Well, we'd have to approve it anyway.

P.O. LINDSAY:

But isn't it a County Sewer District?

LEG. BEEDENBENDER:

Yeah, but I think this -- I have to look, but if I remember from the Sewer Agency, there was a certain portion of the expansion that was done privately. So we would still authorize somebody to hook-up, but I don't think we're getting the fee on this, because part of the agreement for the private facility to extend, to expand the facility was that they would get a certain portion of the fee. But I have to pull up the information from the Sewer Agency to remember if I'm correct.

MS. VIZZINI:

The hook-up is under \$30 --

LEG. BEEDENBENDER:

Is it going to us, though, Gail?

MS. VIZZINI:

-- per gallon per day. It's going directly to the Sewer District, to the Medford Sewer District.

MR. BROWN:

I could probably get some more information on it for you, if you want to pass it for a few minutes, because I can contact the attorney that goes to the Sewer Agency.

LEG. ALDEN:

No, I think I'm all right.

MR. BROWN:

Okay.

LEG. ALDEN:

If it's \$30, it has to go to Suffolk County.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

That was the -- thanks.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

1111-09 - Authorizing the transfer of six (6) surplus County computers, monitors, mouses and keyboards to the Suffolk County Vanderbilt Museum (Presiding Officer Lindsay).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways & Means:

1033-09 - 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. 0200-546.00-01.00-011.001) (County Executive).

Do I have a motion?

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second by Legislator Beedenbender.

LEG. ALDEN:

Is this as-of-right?

LEG. BEEDENBENDER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstention.

LEG. BROWNING:

Opposed.

LEG. EDDINGTON:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. ROMAINE:

Mark me as an opposition.

LEG. ALDEN:

This is the one in Brookhaven, right?

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Gordon Heights.

LEG. BROWNING:

Slum lord. I shouldn't have said that, should I?

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

That's okay.

MR. LAUBE:

Thirteen (Opposed: **CHECK VOTE SLIP**)

P.O. LINDSAY:

Okay, *IR 1090-09 - Sale of County-owned real estate pursuant to Local Law No.1 3-1976 Joseph Ambrose and Deborah Ambrose, his wife (SCTM No. 1000-106.00-10.00-003.000)(County Executive)*. Do I have a motion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. Come on, we're almost done. Legislator -- second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We've got to go back to 1017.

D.P.O. VILORIA-FISHER:

We have two vetoes.

P.O. LINDSAY:

Yeah, but we've got to do 1017, we keep skipping over 1017. 1017, we have -- what is the existing motion on 1017?

MR. LAUBE:

You have a motion to table by Legislator Barraga and seconded by Legislator Nowick.

LEG. BARRAGA:

Hey, Bill?

P.O. LINDSAY:

And do we --

MR. LAUBE:

And you have a motion to approve by Legislator Stern and Legislator Cooper.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Before I withdraw the motion to table, have all the members received the minutes --

LEG. ALDEN:

No.

LEG. BARRAGA:

-- that we talked about this morning?

LEG. ALDEN:

I didn't.

MS. MAHONEY:

They should be done now. Ann Marie, can you go downstairs and check for me if they're done?

MS. PASTORE:

Sure.

MR. NOLAN:

They just gave you the Commissioner's testimony.

LEG. ALDEN:

I just have the Commissioner's testimony, I don't have the people who were in opposition.

MS. MAHONEY:

It's on its way.

MR. LAUBE:

You'll have it in a few moments.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

The idea was to read it before the vote.

P.O. LINDSAY:

Yeah, I know. So we've got to skip over it again.

LEG. MONTANO:

Well, we don't even have it yet.

P.O. LINDSAY:

We're going to do the vetoes.

LEG. MONTANO:

All right. But then when are we going to -- all right.

P.O. LINDSAY:

If we have to, we'll take a recess for a few minutes.

LEG. MONTANO:

Okay, sounds good to me.

P.O. LINDSAY:

Okay, we're going to go to the vetoes.

The first one is *Resolution 33-2009 - To amend the User Fee Schedule for Suffolk County Parks*.

D.P.O. VILORIA-FISHER:

Motion to override.

P.O. LINDSAY:

Legislator Viloría-Fisher makes a motion to override. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. On the question, Legislator Alden.

LEG. ALDEN:

These park fees, we're not even going to -- we're not going to know if they're replacing park fees that are going to be lost? Because in this economic time, some people are going to choose not to play golf if it's discretionary spending.

The Vanderbilt, their economic survival depends on a predictable flow of cash; this is not predictable. We're not going to know until basically the end of the season whether we came in ahead of our fees for parks last year or behind the fees from parks, plus the cash flow doesn't start for another few months. And from my recollection, what's going on with the Vanderbilt, they need money yesterday. And they actually need money, a predictable flow of money for the next two of five years until their plan can kick in. This, at best, is a one-year plan. So if everything went according to plan and the best case scenario, they might generate the fees that would help to save the Vanderbilt. But if there's any little deviation, any bump in the road, then those fees don't come in and that money can't be transferred to the Vanderbilt.

So what we need is a global solution to the Vanderbilt problem. And I did see that somebody was talking about possibly raising the -- I guess it's the Hotel/Motel Use Tax?

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Which would be fairly predictable, it would cover a multi-year availability of funds which on a yearly basis we can either say yea or nay, but it would be a longer term solution to what is becoming an even deeper and worse problem, and that's the economic survival of the Vanderbilt.

So this at best is going to put a strain, more of a strain on our constituents, and worst case scenario, it promises false hope of keeping the Vanderbilt alive with money that might not materialize, and we won't know whether it materialized or not until after October of this year. So I don't see this as a good plan at all.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Chair, I'm not going to go through all of the arguments regarding the merits of this bill. I do want to inform my colleagues that I attended the last meeting of the Park Trustees and they, in fact, voted to approve this plan by a vote of 6-3 and I wanted that before you as you considered overriding this veto.

LEG. ALDEN:

Can I just --

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I wasn't there, could you update as far as the opinion of our Parks Commissioner; has that -- did that change his mind as far as -- he's been in opposition to this fee schedule and these changes.

D.P.O. VILORIA-FISHER:

The Parks Commissioner did not have a vote.

LEG. ALDEN:

No, no.

D.P.O. VILORIA-FISHER:

It was the Parks Trustees, he did not participate in the discussion.

LEG. ALDEN:

But he always is in attendance. Did he indicate to you after the meeting or at any time?

D.P.O. VILORIA-FISHER:

He didn't participate in the discussion and I didn't put him --

LEG. ALDEN:

Okay. So we have to assume, then, his opinion is the same as it was when he testified before us, and that's in opposition. Okay.

D.P.O. VILORIA-FISHER:

I'm just reporting on what the Parks Trustees voted.

LEG. ALDEN:

I realize that.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second to override the County Executive's veto. Roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. *Veto on Resolution No. 44-2009 - 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).*

LEG. BROWNING:

Motion to override.

P.O. LINDSAY:

We have a motion to override by Legislator Browning.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Legislator Kennedy, you want to --

LEG. KENNEDY:

Yes. I think this is probably similar to a parcel that I had in my district a couple of years ago, Mr. Chairman, that we're still working on and very close to completing. But I think the County Executive's objection was that it was an improved property, and to the sponsor, my understanding is that the structure is being moved at the cost of the owner, so there will be no -- or the demo cost is going to be factored out of whatever the ultimate offer would be?

LEG. BROWNING:

Correct. And actually, the Town of Brookhaven is going to work with us on it. You know, I have pictures here, it does rate 37. And one of the things that we noticed, like you said, similar to the Bavarian Inn, there's a pipe running from the bathroom into the wetlands.

LEG. KENNEDY:

Outstanding.

LEG. BROWNING:

Really nice.

LEG. KENNEDY:

Okay.

LEG. BROWNING:

So, you know, we do want to preserve this. It is connected to other County properties. The shame of it is in the Town of Brookhaven, and specifically my district, a lot of these little lots were sold to people in an effort to try and develop them. It is the wetlands, they should never have been sold for development, they should never be allowed to develop them. And we're currently -- the County is trying to work on preserving the wetlands down there.

LEG. KENNEDY:

Okay. Thank you.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I find it hard to believe that there is any economic problem in Suffolk County with the way we spend money and our ability to just go out and borrow money so that future generations, or next year and the year after we can start paying that money back. So I refuse to really take a position or listen to anyone that brings that argument forward. When they start cutting programs again and we get down to actually making some tough decisions in the future, that's going to be my position that there is no problem; look at the actions of the Legislature.

Thank you.

LEG. BROWNING:

It's about the environment, too.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second to override.

Roll call.

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

LEG. BROWNING:

Yes.

LEG. KENNEDY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No to sticking it to the taxpayer.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. *Veto on Resolution 47-2009 - To implement evening hours at DSS Centers.* Do I have a motion?

LEG. KENNEDY:

Mr. Chair, I'm going to respectfully request that my colleagues not make a motion on this resolution and that they sustain the County Executive's veto, predicated on conversations that I've had with the Commissioner. And I'm going to also -- if I can, through the Chair -- ask Mr. Zwirn if he would please step to the podium to confirm for the record representations that were made by the Department of Social Services.

We have had extensive conversations. We've been advised of some members of the department who had particular hardships, but nevertheless have been assured by Commissioner DeMarzo and Chief Deputy Blass that any individual employee's legitimate hardship would be addressed as far as the night hours go.

MR. ZWIRN:

That's correct.

LEG. KENNEDY:

Okay. And further, the fact that the County Executive has agreed to entertain staggered hours at, I believe it's going to be the Coram site, demonstrates that there is an additional willingness on the part of the department to entertain some willingness to look at alternatives?

MR. ZWIRN:

Absolutely. And if there are other suggestions that come forward to the County Executive or DSS, we'll entertain those as well. We want to try to get this right for the people who need the services and also for the taxpayers, respecting the tough economic times that we're in. We're going to try a second suggestion that was made, I believe it's going to be at the Coram Center. And again, if

there's another suggestion that comes forward, I think that they would be very willing to try it as well.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

The voice of reason.

LEG. ALDEN:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes. Yes, Legislator Alden.

LEG. ALDEN:

Point of clarification, though. Does that mean -- and I remember Legislator Barraga suggesting flex-time so that you keep the building open its normal hours and then, through flex-time, doing the extra hours at night.

MR. ZWIRN:

If I might, Mr. Presiding Officer. That's exactly -- the plan that Legislator Barraga had suggested at the Legislative meeting is pretty much the plan we're going to institute in Coram, we're going to try that one next.

LEG. ALDEN:

Good.

LEG. KENNEDY:

In this case, if I can, Mr. Chair, I think it demonstrate a desire on the department. The other item that comes to the forefront is that each site has had only one evening session so far, and I think it still remains to be seen if there's a legitimate basis to have the evening sessions. It's only been one cycle so far, so it may not go forward due to lack of use. But for right now, there's been some movement, so I'm content to let it play itself out.

D.P.O. VILORIA-FISHER:

You can still assume people don't know that it's there.

LEG. KENNEDY:

Right. Yeah, we can always do a resolution if we need to.

P.O. LINDSAY:

Okay. So there is no motion to override.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

And I'm going to go -- let me make a motion to waive the rules and lay on the table the following **Late Starters**: 1192 to Economic Development, Education & Energy; 1193, Economic Development, Education & Energy; 1194 to EPA; 1195 to Ways & Means; 1196 to Public Works; 1197 to Public Works; 1198 to Ways & Means; 1199 to EPA; 1200 to EPA; 1201 to Public Work; 1202 to EPA; 1203 to Parks; 1204 to Economic Development, Education & Energy; and 1205 to Budget & Finance; 1206 to Ways & Means. I made a motion. Do I have a seconds?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We're back to, what is it, 1117?

LEG. BARRAGA:

1017.

P.O. LINDSAY:

1017.

MR. LAUBE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

MR. LAUBE:

We just sent out Dr. Hentges, his comments, but there's one more page in that. I just wanted to get that first part out to you so you could read it, and we should have another page in a few minutes.

P.O. LINDSAY:

Well --

MR. LAUBE:

But you've got enough to start reading now.

LEG. MONTANO:

We got it.

P.O. LINDSAY:

You all right with what he just --

LEG. MONTANO:

Yeah, I'm fine. I had a question to --

LEG. ALDEN:

Just give us a minute to read it.

P.O. LINDSAY:

Okay, go ahead.

LEG. MONTANO:

-- Legislator Barraga.

P.O. LINDSAY:

You want a few minutes? You want to take a short recess?

LEG. MONTANO:

We can do it right here.

LEG. ALDEN:

Yeah.

P.O. LINDSAY:

All right.

LEG. MONTANO:

Just let us read it.

MR. LAUBE:

While you're waiting, I just wanted to make a note that the ladies downstairs rushed that out, so if you see any spelling errors, please don't hold it against them because they're very -- they've very diligent in making sure that it's accurate. Under the rushed circumstances --

LEG. STERN:

Thank you.

LEG. MONTANO:

The expert that's not here, is this the testimony that we have?

LEG. BARRAGA:

Yes, you do.

LEG. MONTANO:

All right. So now we have what he was going to say, we have the record.

LEG. BARRAGA:

You have their testimony; the question is whether or not you have to actually physically see them, and the only way we can do that is to --

LEG. MONTANO:

Yeah, I don't need to see them if this is -- this is what you were referring to.

LEG. BARRAGA:

That's right.

*(*Brief Recess Taken to Read Minutes*)*

P.O. LINDSAY:

Okay. Okay, let's get back, come on. Come on, we've got one issue before us. Everybody has read the minutes now and we're ready to move forward. Mr. Clerk, give me a silver alert, we did we -- we have a motion?

MR. LAUBE:

You have two motions before you.

P.O. LINDSAY:

Turn on your mike. There you go.

MR. LAUBE:

I don't want to get caught saying anything wrong. You have two motions before you, one to table and one to approve.

P.O. LINDSAY:

Okay. Any more discussion?

LEG. MONTANO:

A question; I have a question.

P.O. LINDSAY:

Yes, Legislator Montano and then Barraga.

LEG. MONTANO:

Just one thing, Legislator Stern. Earlier I had asked if this had been banned anywhere else and you said that in Canada it had, but the testimony of the Doctor says it has not; I'm just curious, is he wrong or is he making splitting hairs or what?

LEG. STERN:

He's incorrect and splitting hairs at the same time.

LEG. MONTANO:

Okay, that's what I figured. That's why I --

LEG. STERN:

If you can do both at the same time. I believe, and I'm not going back to it verbatim and I don't know if it was at that hearing before the committee or if it was a statement by someone else during the public hearing, but I think the comment was something like, you know, in Canada there has been no law passed that has banned BPA. Canada's equivalent of the FDA banned it --

LEG. MONTANO:

Okay.

LEG. STERN:

-- and they're going through the formulation of their regulations right now for the implementation. So it is both incorrect and splitting hairs at the same time.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Barraga and then Losquadro.

LEG. BARRAGA:

What Canada did, they took regulatory action; that's the terminology they used.

LEG. MONTANO:

Right, now I understand.

LEG. BARRAGA:

Okay. Before I withdraw the tabling motion, I take it everybody has received the minutes; is there anyone who still feels that they have to actually see these experts with an opposing point of view at the next Legislative session?

LEG. MONTANO:

No, I think the record is fine.

LEG. BARRAGA:

Okay. So there's no point in pursuing the tabling motion; I withdraw it.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I think there was a reference to some products from which there might be -- there might not be a replacement, perhaps in the medical field; are those covered under this?

LEG. STERN:

Through the Chair, they are not. And so we heard --

LEG. LOSQUADRO:

I just wanted to double check.

LEG. STERN:

Yeah. The easy answer is no, that's not provided for in the legislation and that's certainly not the intent.

LEG. LOSQUADRO:

Very good. Thank you.

P.O. LINDSAY:

Legislator Alden and then Kennedy.

LEG. ALDEN:

Through the Chair, to the sponsor, you mentioned that you were, with just a very minimal amount of effort, were able to determine, you know, what products contain this chemical. Have you squared that up with the Commissioner? Because repeatedly, his big opposition to the bill seems to be the inability to identify all the products that would have this particular formula in it. Have you squared that up with him?

LEG. STERN:

I mean, with all -- through the Chair. With all due respect to the Commissioner, you can also see in the Commissioner's testimony that he readily admits, you know, this really isn't his deal. He's certainly not an expert, he has not researched it intensively at all. Products are -- plastic products are marked with these numbers to indicate, you know, the chemical makeup, and if it's not specific in its list of contents, then we need to know what these numbers indicate. In fact, Karen Joy Miller of the Huntington Breast Cancer Coalition says, you know, one, five, four, two, and all the rest are bad for you. I mean, it's pretty simple, but it's also pretty straight-forward.

It is important for residents of Suffolk County to become a lot more familiar with this method of, for lack of a better word, labeling so that we can all be sure that we're making the appropriate purchases. But, Legislator Alden, they are -- these products are marked with these numbers and if they're not marked with these numbers, then certainly, as I said before, we can spend 20 seconds, you know, finding out what the content is. It's very simple.

LEG. ALDEN:

I know that the Commissioner agrees with you on part of what you said and that's education is a very, very important factor in this.

With all due respect to the comment that the Commissioner made, he is the Commissioner in charge of the health safety and basically welfare on the health end of it for the people of Suffolk County. So for him to say that he's not an expert in that, you know, that's not a dereliction of duty, but certainly is walking away from some part of what he's charged to do, and he's taken on that responsibility to be Commissioner of Health.

So the other part of the question that I had asked you earlier was -- and there's no indication in the testimony whether it's going to effect layoffs or people's lives that work in this industry or if there is the existence of a plant that makes these in Suffolk County or distributes them in Suffolk County. So with those concerns still open and out there, I'm going to support this because to err on the side of caution, I think especially when you're dealing with young children, is a prudent way for us to go. But there are still, as far as in my mind, there are still some problems that have to be addressed. Thanks.

D.P.O. VILORIA-FISHER:

We're done, aren't we?

P.O. LINDSAY:

Yeah, call the vote.

LEG. MONTANO:

One more question.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. To the sponsor, I appreciate your taking the time to speak with me and all the conversations that we've had. And in particular, I go back to the testimony of Dr. Mafinni from Tuft's, and it does seem that it's independent research, non-industry funded that does establish a link between BPA and tumors in atypical growth.

But I'll go back one more time, and I'm just going to ask you on the record. Since I talked earlier today about Legislative Intent, and you are the sponsor and so intent is very important when we talk about what we do, and I go to the definition section of your bill. Is it your intention to limit the actions of this bill to containers only and not to have this impact resin that would coat containers?

LEG. STERN:

Correct.

LEG. KENNEDY:

Okay, fine. Based on that, then I feel comfortable in casting a vote in support. Thank you.

LEG. MONTANO:

One more question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I'm going to support this, but in looking at the Commissioner's testimony, he indicated that he didn't think he could enforce it, because there's really no way of testing and there's no labeling. The question I have is that in terms of the violation, if somebody sells this and they don't know that this substance is in the product, are they also liable? I mean, how do we deal with the situation where someone gets a product, doesn't know necessarily what the ingredients are and then puts it on the market and sells it and someone comes by later and says, "Oh, wait, you broke the law, we're going to fine you." What is your intent on the issue of intent?

LEG. STERN:

Through the Chair. Legislator Montano, it's an excellent question. The -- and I'm shooting from the hip here, which is never good.

LEG. MONTANO:

Well, I think George is ready to answer; maybe he'll bail us out on this one.

MR. NOLAN:

I would just say that the law says that any person who knowingly violates the law would be subject to the law's penalties.

LEG. MONTANO:

Okay, all right. I didn't read that because I read it quickly.

LEG. STERN:

Yeah, that would have been my guess.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay, anybody else? Okay, we had the tabling motion withdrawn, so we have a motion to approve and a second?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Mr. Clerk, cosponsor.

Applause

P.O. LINDSAY:

With that, I'll make a motion to adjourn.

LEG. BEEDENBENDER:

Second.

LEG. MONTANO:

You can put me as a cosponsor.

P.O. LINDSAY:

Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

LEG. MONTANO:

Renee, put me as a cosponsor.

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Tim, co on 1017.

LEG. D'AMARO:
Tim, the same.

*(*The meeting was adjourned at 5:31 PM*)*

{ } Indicates Spelled Phonetically