

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

APRIL 28, 2009

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

Minutes Taken By:

Alison Mahoney & Lucia Braaten - Court Stenographers

Minutes Transcribed By:

Alison Mahoney, Lucia Braaten & Kimberly Castiglione

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

P.O. LINDSAY:

Call the roll, please.

MR. LAUBE:

Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

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:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fifteen (Not Present: Legislators Romaine, Losquadro & Alden).

P.O. LINDSAY:

Would everyone rise for the Salute to the Flag led by Legislator Montano.

Salutation

And if you would remain standing, I'd like Legislator Montano to introduce our visiting clergy.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. And welcome all. Pastor Donald S. Hudson was born in Brooklyn, New York and educated in the New York City Public School System. He graduated from Lincoln High School where he was an All-City Running Back. He furthered his education at the University of Southwest Louisiana.

At the age of 19, he traveled to Belize, Central America under the tutelage of his grandfather, the late Bishop ZS Hudson, then Jurisdictional Bishop of Belize in the Church of God and Christ where he was formerly licensed as Minister of the Gospel.

In 1992 he was ordained an Elder in the Church of God in Christ by Bishop Frank O. White. Upon returning to the United States, he was appointed to the position of National Adjutant and Assistant to the Father, the Late Bishop Arnold Hudson who was Chief of Security for the National Church. In 1995, Pastor Hudson was appointed Assistant Pastor of Hudson Temple Church of God and Christ. In March of 2004, Pastor Hudson was appointed Pastor of Hudson Temple, later changed to Common Ground Ministries. In 2005, Pastor Hudson, along with others, traveled to the devastated areas of Louisiana after Hurricane Katrina with food, water, clothes and basic necessities. Pastor Donald S. Hudson is the Minister of the Church of Common Ground Ministries located in Central Islip. Please welcome Pastor Donald S. Hudson.

Applause

PASTOR HUDSON:

Let us bow heads in prayer. Eternal God, we thank you, Lord, today for allowing us to come together. We pray in this General Session, as you bring all of our leaders together, to conduct the business of caring for the needs of the people. We pray that as they deal with the matters at hand, that you give wisdom and prudence, that we work together in excellence. And we thank you, Lord, now that even in this devastated crisis time of depression and recession, that you are making a way of escape. We thank you, God, for all of the excellence in the staff and the leadership and all of the Legislators. And we thank you now that this session and those that shall follow shall be a great benefit to all of our surrounding communities as you stabilize us with great hope and expectation. This is our prayer in Jesus' name, and everybody said amen.

"Amen" said in unison

P.O. LINDSAY:

Thank you very much, Pastor. Would everybody remain standing for a moment of silence for Maryann MacKay who was the mother of Frank MacKay who is the Chairman of the Independence Party in New York State and Suffolk County. And let's also remember all those men and women who put themselves in harm's way every day to protect our country. And also, today is April 28th, for the last 25 years or more it's Worker's Memorial Day. It's a day that the labor movement puts aside to remember all the men and women who give their lives, who gave their lives and their health as a result of the workplace.

Moment of Silence Observed

Please be seated. Thank you. We have a few proclamations. First up is Legislator D'Amaro; are you all set, Lou?

LEG. D'AMARO:

Good morning, Mr. Presiding Officer, Members of the Legislature.

This morning, Ladies and Gentlemen, I'm proud to present to you an incredible young woman by the name of Bria Hartley, and she's joined this morning by the North Babylon School District Athletic Director, John {Spiraccio}. Could you folks come on up for a moment?

Applause

Bria is a member of the North Babylon High School Girls Basketball Team. She's also an A student, she's an amazing athlete. Good morning. Good morning, John. How are you? And here's some details.

On the court, Bria plays guard. She lead the North Babylon Bulldogs to a 19-2 record. She also led the team to Suffolk County Class A Double -- Suffolk County Class AA Semi-Finals. For the second consecutive year, she's been named to the All-County Team, the 1st Team All Long Island and the 3rd Team All New York State. She averages an incredible 22 points per game with five steals, five assists and four rebounds per game as well; that's quite an incredible record on the court. In one game, in fact, this year, this incredible athlete scored a career-high 38 points and she has a career total of 1,373 points on the court.

And we're not the first today to recognize Bria's achievements. Based on her play, she's ranked No. 4 Junior in the country by ESPN Hoops Girls. She is a Parade Magazine All-American, and if that's not enough, the Suffolk County Women's Basketball Coach's Association named Bria the Player of the Year. In addition to that, she was most recently honored by being named the Gatorade New York State Girl's Basketball Player of the year; she is the first athlete from North Babylon High School to receive this honor. Let's give her a round of applause for that, Ladies and Gentlemen.

Applause

A final note. You know, the athleticism is important, but so is the classroom, and off the court Bria also excels. She maintains an A average in the classroom, she takes several AP college-level courses. She volunteers as a sports camp counselor, she also works as a math tutor for students who need help, she even helps to raise funds for breast cancer awareness.

So all around, Bria, this morning it's my honor and privilege to present to you, on behalf of the Suffolk County Legislature, because of your star athleticism, you're a role model and also a very giving person, you prove to young student athletes that you can achieve greatness both on the court and off the court, and for that you're also my player of the year. Congratulations.

Applause

Thank you.

P.O. LINDSAY:

Next, Legislator Cooper; Jon, are you ready?

LEG. COOPER:

Good morning. Colby Grace is a student at Northport High School who's won many awards for his sculptures. Colby was asked to create a statue for Northport Village in memory of all those who have served and are presently serving in our Armed Forces in the defense of freedom. Colby wanted to do something different; he decided to place an emphasis on families and what they go through when a loved one is away at war.

"For The Love Of" depicts two scenes that are a world apart. A soldier rests for a brief moment to write a letter home while his wife reads the letter to their child. They are divided by a clear wall showing their two worlds; the soldier is serving his country while his family is waiting for him to return home safely. This sculpture represents the sacrifices of both the soldier and his family and recognizes the reasons for those sacrifices, love of family and love of country.

After seeing this remarkable piece of art, which I'm afraid to hold myself, I'm afraid I'll drop it, but that Colby -- actually, Colby, maybe you can just walk around?

MR. GRACE:

Yes, sure.

LEG. COOPER:

After seeing this remarkable piece of art, Northport Village Trustee Damon McMullen and four other village residents with ties to the military decided to embark on a fund-raising effort to bring two sculptures to the village. They created a non-profit organization called the Northport Veterans Sculpture Committee. The committee is trying to raise \$10,000 to build a 36 X 24 inch sculpture to display in Northport Village Hall, and \$120,000 to build and install a permanent, life-sized sculpture for Northport Village Park; so far they've raised over \$6,000. And on a personal note, I'll be giving the committee a CSI Grant, a Community Support Initiatives Grant, and I know that they would welcome funding from any of my colleagues who would likewise desire to support this very worthwhile project.

I'd like to thank Colby for his efforts in honoring our soldiers and their families, and I wish him good luck with his fund-raising. I'd also like to take this opportunity to congratulate Colby on his recent acceptance to Pratt University and wish him good fortune in his future career. I'm sure that this will not be the last time we hear about Colby and his great artistic talent.

Applause

On behalf of the Suffolk County Legislature and the nearly 1.5 million residents of Suffolk County, it's my pleasure to present you with this official proclamation honoring you for your great work. Congratulations, Colby.

MR. GRACE:

Thank you.

Applause

P.O. LINDSAY:

Next, Legislator Montano.

LEG. MONTANO:

Thank you, Mr. Presiding Officer, and welcome to my colleagues.

I'm here again, Thomas P O'Brien, Principal of Brentwood High School in the Brentwood Union-Free School District which I represent has been selected as the 2009 New York State High School

Principal of the Year by the State Administrator's Association of New York State.

This prestigious award is given annually to a member of the School Administrator's Association of New York State who has set the pace, character and quality of education for the children in his or her district. Nominees are administrators who are committed to students, parents and the community and have shown exceptional contribution to the educational process. Principal O'Brien has served as an educator for 38 years, including 25 as a school administrator. He has served as Principal of Brentwood High School for the last 14 years.

I will add that Brentwood High School is the largest suburban high school in New York State with a total enrollment of approximately 3,800 students. Just to give you an idea of diversity, the students who attend Brentwood High School represent 47 different countries.

Mr. O'Brien will be honored for his accomplishments at an award ceremony on May 1st, 2009, at the Gideon Putnam Hotel in Saratoga Springs. As New York State's High School Principal of the Year, Mr. O'Brien is a candidate for the National High School Principal Award sponsored by the National Association of Secondary School Principals and the Metropolitan Life Insurance Company. An award ceremony sponsored by the National Association of Secondary School Principals and MetLife will be held in Washington D.C. on October 16th through 18th, 2009. We congratulate Principal O'Brien on his achievement and wish him success in the National High School Principal Award competition this year. I present to you Principal Thomas P. O'Brien. Congratulations. Also a personal friend.

Applause

P.O. LINDSAY:

Next, Legislator Stern.

LEG. STERN:

Good morning, everyone. Good morning, Mr. Presiding Officer. I'm rising today, this morning, to welcome a very special group of school administrators, parents and high school students; the Half Hollow Hills PTA Student Legislation Committee. They're here today to join in the process that we engage in representing our community. They're here to learn about what it is we do, but I think we all know that whether it's this outstanding organization or the other great groups within all of our Legislative Districts throughout our community, that it's really us that will always continue to learn from them.

They are an outstanding organization made up of students and parents that continue to play a very important role in ensuring that government works for them at all levels within our community. And so it's great to have them here with us. It's great to continue to speak with them and have the opportunity to constantly learn from all of them, because they know that each of them has the power, really, to make a difference within their community. So I'm going to ask them to please stand up and be acknowledged and ask everybody here to join me in welcoming the Half Hollow Hills PTA Legislation Committee.

Applause

Thank you.

P.O. LINDSAY:

Okay. Resolution No. 272 of 1997 established a Volunteer Recognition Program whereby each Legislator has the opportunity to formerly recognize one person in his or her district for the outstanding service to the community. I'll now read into the record, and Deputy Presiding Officer Vivian Vilorio-Fisher will do the second half of the list, the names and a brief description of each district's designated volunteers.

D.P.O. VILORIA-FISHER:

DuWayne had three presentations.

P.O. LINDSAY:

I don't have him on the list. Let me read this and then I'll introduce you.

LEG. GREGORY:

Okay.

P.O. LINDSAY:

In the ***1st District, Legislator Romaine has recognized Mike Lieberman.*** Mike Lieberman has served the community with commitment and pride for many years through his involvement with the Eastport/South Manor Sports Association volunteering as a member of the Executive Board as the organization President until his recent retirement this past January. His dedicated service and tireless devotion was instrumental in the success and growth of the organization offering the children of Eastport, Manorville and Mastic a host of youth sports programs such as Little League baseball, softball, PeeWee and PAL football, cheerleading, lacrosse, deck hockey, wrestling, basketball and volleyball.

Legislator Schneiderman has nominated Volunteer of the Year Michael Brewer. Michael Brewer of Flanders is being recognized by Legislator Jay Schneiderman as Volunteer of the Year for the 2nd Legislative District for his outstanding efforts and his exemplary commitment to the community. A few of his accomplishments, including President of the Flanders Riverside/North Hampton Community Association for the past seven years, and for the past eight seasons committing himself to the Flanders Little League. By far, his greatest commitment and accomplishment is the Flanders, Riverside and North Hampton Community Association which unites the three communities to engage in cultural, civic, legislative, educational, charitable, social and other activities that further the interest of the association and its membership. In August, 2004, the Flanders, Riverside, North Hampton Community Association started the Northwest Alliance of Southampton which holds round-table meetings that unite community leaders from all three hamlets to discuss important issues and to improve on services for the surrounding communities. Mr. Brewer is a strong advocate for his community and is worthy of this honor and recognition.

In the 3rd Legislative District, Legislator Browning has recommended Pat Matthews. Pat Matthews, a long-time resident of the Mastic, Moriches, Shirley area, has been active with the William Floyd Community Summit for years. She is the Chairman of the Beautification Committee; each year she organizes the plans and plans the summit's Great American Clean-Up. She organizes plantings through our community, she was instrumental in obtaining the bronze statues that now dot the landscape -- that landscape the area. Pat tirelessly works on the Historic Tea each year; the tea is a fund-raiser for the William Floyd Community Summit. Pat is a dedicated volunteer doing her best to make her community a better place.

From the 4th Legislative District, Legislator Beedenbender has nominated Dennis Sullivan. Dennis proudly serves as the Commander of the Centereach Veterans of Foreign Wars, Post 4927, and is an active citizen in our area. He works tirelessly to keep the post running and plans many positive community projects and programs. He is well respected and an inspiration for the people of the community.

Legislator Vivian Vilorio-Fisher has nominated Jean Larson. Ms. Jean Larson volunteers for the Guide Dog Foundation for the Blind by public speaking for the foundation and raising awareness. She is also the founder of Pink Rock Classic which has raised \$90,000 in two years with 100% of the proceeds going toward women and families who are breast cancer survivors and suffering financially, and women who are uninsured and under insured. Ms. Larson is currently working on creating a new charity tentatively titled "Soldier Dogs" which is dedicated to Iraqi, Afghanistan Veterans who are in need of companion dogs.

Legislator Losquadro has nominated Joe Cognitori. Joe is a resident of Rocky Point who was instrumental in the most community projects in Rocky Point. His countless hours of volunteering include a name -- to name a few, the Fisher Hewins Veterans Post, Rocky Point Civic Association, Rocky Point Downtown Revitalization Committee and many other worthwhile causes in the Rocky Point and surrounding communities.

Legislator Eddington has nominated Chris Cavanaugh. Chris Cavanaugh has hosted countless charity events, sponsored many organizations and youth leagues, was founder and organizer of the Bay Port/Blue Point St. Patrick's Day Parade in 1990 and is a participating member of the Blue Point Beautification Committee. Chris has helped to restore serene beauty to the Blue Point community.

Myself, I've nominated Edward W. Tappin. Edward W. Tappin began volunteering 40 years ago as an usher and was ordained as a permanent Deacon for Good Shepherd Church in Holbrook, then joined Good Shepherd Knights of Columbus Council 8607. After becoming a Council member he began running an annual blood drive. In 1989, became an Emergency Medical Technician and joined the Holbrook Fire Department in the Fire Medic Company, then became an EMT Instructor for Suffolk County to educate people of all ages. He now runs four blood drives for his church and one for the Holbrook Fire Department.

D.P.O. VILORIA-FISHER:

Legislator Montano has nominated Sister Catherine Anita Kelly. Sister Catherine, a Sister of St. Joseph, retired as a teacher at the elementary and high school levels after 50 years in the classroom. Since then, Sister Catherine has given new meaning to the word retirement. She has selflessly volunteered 15 to 20 hours weekly over these past 32 years and remains active in tutoring both children and adults on a daily basis. In her kind, energetic, cheerful manner, along with her abilities to teach and relate to diverse populations, Sister presently teaches children in the Brentwood neighborhood, works with adults, many of our employees, to help them achieve their GED's and uses her talents in a program for immigrant women who are striving to learn English and prepare themselves for college or various vocations.

Legislator Alden has not nominated Robert H.P. Finnegan. Legislator Alden has chosen Robert H.P. Finnegan of Islip as the 10th Legislative District Designated Volunteer for this year. Mr. Finnegan is the Town of Islip Historian and has spent numerous hours volunteering his time, in addition to providing a wealth of knowledge to the residents of the town of Islip and Suffolk County. He is an active member of many worthwhile organizations such as the Long Island Maritime Museum, Sagtikos Manor Historical Society, Historical Society of Islip Hamlet and the Seatuck Environmental Association to name just a few. Mr. Finnegan certainly sets the standard for leadership and personal excellence in all he strives to accomplish.

Legislator Kennedy has nominated Ronald Barz. Ronald Barz is the former Chief of the Hauppauge Fire Department and former Director of the Central Islip/Hauppauge Volunteer Ambulance Corp. Mr. Barz is currently Principal of the Firefighter's Cancer Survivor's Network.

Legislator Nowick has nominated Maureen Rossi. Maureen Rossi is one of the founders and President of Kings Park in the Know, an anti-drug task force consisting of parents, educators, business owners and government officials. She is also a member of the Smithtown Youth and Community Alliance, the Smithtown Youth Advisory Board and Kings Park Chamber of Commerce. In 2006, Mr. Rossi created and opened a parent resource center for the community in Kings Park. She has also been very active in her school district and PTA.

Legislator Horsley has nominated Diane E Brennan. Diane Brennan is relentless in her pursuit to aid residents of our community who are in need. She volunteers her time without hesitation or compensation. She wears many different hats and assists her community through acts of kindness, as well as devoting countless hours to beautifying the village. Diane is past President of the Christian Mothers Organization and continues to work with them today, providing food, clothing, transportation and TLC to those in need. Diane is also a member of the Mayor's Beautification

Society of Lindenhurst. She is a dynamic fund-raiser and vibrant volunteer, offering her time on an assortment of projects which enhance the beauty of the Village of Lindenhurst year-round. Legislator Horsley is proud to recognize Diane E Brennan, a resident of Lindenhurst Village and the 14th Legislative District, for her exceptional service to her community.

Legislator Gregory has nominated Pamela Rene Isabell. Pamela has been an active participant of the community since 1962, starting as a member of the Holy Trinity Baptist Church. Currently she is the Educator Chair on the Executive Committee. She is an active participant of NAACP. The list goes on with Pamela Isabelle's community leadership. Recently, Pamela received the Commissioner's Recognition Award for the Town of Babylon.

Legislator Stern has nominated Phillip Maniaci. Mr. Maniaci is a two-time past President of the Deer Park LION's Club and currently serves as its Treasurer. He is a member of Our Lady of the Rosary Knights of Columbus and is presently the Deputy Grand Knight. He has been a volunteer firefighter for the Deer Park Fire Department for 25 years. He is currently a safety officer for the department and is a past president as well. He also serves as President of the Deer Park Volunteer Exempt Association. Mr. Maniaci is particularly proud of his donation not only of his time but blood. He is a monthly platelet donor, helping save the lives of thousands who depend on blood components to treat cancer, burns, infants and young children and those with rare diseases. He has organized many blood drives for Long Island Blood Services and also picks up corneas at JFK for the Eye Bank For Sight Restorations and delivers them to the Stony Brook Hospital.

Legislator D'Amaro has nominated John Lazar. For half a century, John Lazar has tirelessly dedicated himself to serving the Deer Park community. He has been an active member of the Knights of Columbus, Our Lady of the Rosary Council where he recently completed a term as Grand Knight. Mr. Lazar is also a Knights of Columbus 4th Degree Honor Guard who has served as Chairman of the Rosary Council's Public Relations Committee and continues to secure funding for the organization and its scholarship programs. Mr. Lazar was a member of the Deer Park School Board for 20 years, serving 10 years as President and founded the Deer Park High School Booster Club. He coaches youth baseball, football and basketball teams, organizes community parades and charity runs, and recently brought two young residents to Houston, Texas, to participate in the annual "Pass/Punt/Kick Tournament" where one local youth won the National Championship. The entire Deer Park and Babylon community is indebted to Mr. Lazar. His selfless actions directly impact and enrich the lives of local residents.

Legislator Cooper has nominated Larry Brown. Larry Brown has been a volunteer at Huntington hospital since 1999 and has logged more than 8,300 volunteer hours to date. Mr. Brown plays an instrumental role in the Diabetes Support Group, community outreach programs, employee wellness programs, cardiac rehab, employee health, infection control and many others. Mr. Brown's automatic response to any task that is asked of him is, "No problem." Larry is appreciated and loved by staff members, patients and anyone who encounters his infectious spirit.

P.O. LINDSAY:

Thank you, Legislator Vilorio-Fisher, for helping me with that long list.

Next is Legislator DuWayne Gregory for the purposes of a proclamation.

LEG. GREGORY:

Yes. Thank you, Mr. Chairman and colleague on the Legislature. I'm going to ask that the Wyandanch Girls Varsity Basketball Team stand up. If I could have Coach Fuller and Angelique Shannon please come join me?

I have three presentations this morning, the first of which has been a long-time coming. The Wyandanch Girls Varsity Basketball Team has had a record and a history of success with over 20 League Championships, 17 Suffolk County Class Championships, five Suffolk County Overall Championships, three New York State Championships, two New York State Federation

Championships. And this year, with a record of 21 and 4, they're the League 7 Champions of Suffolk County, Small School Champions, Long Island Class B Champions, and the recipients of the Suffolk County Officials Sportsmanship Award. And I just wanted to have them here today to recognize them for their efforts and to congratulate them. As I said, it's a long overdue recognition and Suffolk County residents. We appreciate you. And I just want to ask that Coach Fuller make -- do you have any comments?

COACH FULLER:

No, that's fine.

LEG. GREGORY:

No comments? Well, thank you on behalf of the Legislature and all the residents of Suffolk County for all your hard work.

Applause

Next up, we have the Amityville Boys Track Team. I'm going to ask that Coach Reynolds Hawkins come forward, Ron Foreman, the Athletic Director, and we have Dr. Williams, Superintendent.

Now, this has really been an overdue recognition. They have been a successful track team for the past 10 years with an 83-4-1 record, so excuse me as I go through their list of accomplishments. They have 10 League Championships, eight County Division Titles, two State Titles. They are the record holders of the Suffolk County 400 Meter, 800 Meter, 1600 Meter Relay, 200 Meter Relay, 800 and 1600 Meter Indoor, and they hold the 400, 800 Meter and Indoor 800 Meter Long Island records. So I want to congratulate Coach Hawkins and the Athletic director and the Superintendent, as well as the school and the boys for an outstanding job. Here in Suffolk County we have some great athletic teams that we're very proud of, but these boys have really, you know -- they've really come to task and I'm proud to be their representative in the 15th Legislative District. Congratulations, fellas.

Applause

And last but certainly not least, we have the Copaigue Varsity Girls. I'm going to ask that Coach Carol Olsen and Coaches Garcia and Maccia; is Maccia here today?

UNKNOWN AUDIENCE MEMBER:

(Inaudible).

LEG. GREGORY:

Farretti, okay. Now, at first glance you might mistaken them for -- to be the next America's Next Top Models, but they are --

*(*Laughter From Audience*)*

LEG. HORSLEY:

Oh, he's good.

LEG. GREGORY:

I want to introduce to you -- thank you, Wayne. I want to introduce to you the 2008-2009 New York State Varsity Champions.

Applause

Varsity Basketball. You couldn't tell? Look at them, they're like average 5'8. And Carol Olsen is, from what I understand, she is Coach of the year, right? All right.

Applause

So we have good things happening in the Town of Babylon. Copaigue is doing well. We had the Copaigue Band here earlier in the year because they had marched in the Thanksgiving Day Parade, and now we have the Girls and Wyandanch is here and Amityville. So we're working on the other hamlets, we'll be back soon. Thank you for coming. We just wanted to recognize you. Thank you, girls, for all your efforts and congratulations.

Applause

P.O. LINDSAY:

Okay, that concludes our proclamations or presentations for this morning. However, I've asked -- before we get into the Public Portion, I've asked our Health Commissioner, Dr. Chaudhry, to come in and to give us an update on the Swine Flu outbreak. So Dr. Chaudhry, you want to sit at the table? Wherever you're more comfortable.

COMMISSIONER CHAUDHRY:

Good morning. Thank you, Presiding Officer Lindsay. I'd like to thank you for inviting me to speak to the Legislature. I wanted to bring everyone up-to-speed on where we are nationally and as it relates to Suffolk County.

This is a rapidly developing situation, it literally changes every few hours in terms of the guidance that we get from either the Centers For Disease Control or from the New York State Department of Health. So my staff and the entire department, along with other departments in the County such as Fire, Rescue & Emergency Service, the Police Department and others, have been vigilant in keeping track of what is happening.

There are 50 confirmed cases in the United States; as many of you may already know, 28 of those cases are from Queens which is not too far from us. There have been at least 150 deaths confirmed as a result of the Swine Flu in Mexico and at least 2,000 cases, and that is considered a conservative number.

There are no confirmed cases of Swine Flu in Suffolk County. Eight samples that we sent up to New York State Department of Health on Saturday as a precaution to make sure that they weren't Swine Flu returned negative on Sunday. We have four additional samples that are pending. These are precautionary measures, I would not characterize them as probable or suspect cases, but these were cases that we felt warranted additional testing to make sure that we're not dealing with Swine Flu. Should there be any new information, we will certainly make that available regarding these samples or any other guidance as it comes down in terms of preventive measures that need to be taken.

As a result of some of what's going on, we've also been in touch with the County Attorney's Office to make sure that we have ongoing dialogue and discussions in light of any measures that need to be taken. Yesterday we sent out messages to hospitals, EMS workers, Fire and Rescue, the Suffolk County Police Department and Suffolk County school officials, including a message that if the school officials wanted to send to the parents and guardians of our children that they can certainly pass on to them since a number of these case involve children, not only in Queens but also around the country.

At this time, there is no formal recommendation or guidance for the general public to use masks or to institute social isolation; in other words, no shaking of hands and that sort of thing. There is no recommendation at this time. The advice at present is to wash your hands with soap and water often, and you've heard me say that on other occasions when we've had other conditions in the County. If you have to cough or sneeze, do so into a tissue and then throw it away. Not too many people use handkerchiefs anymore, so that's a good thing. If you don't have a tissue, cough or sneeze into your elbow which many people don't always know. And finally, if you have signs or symptoms suggestive of the flu, which includes a temperature of greater than a hundred, a sore

throat, a cough, sneezing --

*(*D.P.O. Viloría-Fisher coughed*)*

*(*Laughter From Audience*)*

D.P.O. VILORIA-FISHER:

Sorry.

COMMISSIONER CHAUDHRY:

Then it is recommended that you stay home from work or school and seek medical consultation, and that is the formal recommendation at this time. I'd be happy to address any questions that you may have. And once again, thank you for the opportunity to be here.

P.O. LINDSAY:

Thank you, Dr. Chaudhry, for coming in and giving us that update. This flu is not transmitted by any pork-related food or anything like that; am I correct?

COMMISSIONER CHAUDHRY:

That is correct, it is not related to pork products. Having said that, it's interesting that Russia and China have banned pork products; there is no connection whatsoever with pork products.

This began as a -- what appears to be an infection that pigs had, transmitted to humans, and now one of the reasons that the World Health Organization has given this a phase IV status is that there does appear to be some sustained human-to-human transmission. It's not yet a pandemic, we won't -- we hope it won't become a pandemic and multiple measures are being taken around the world to prevent that from happening.

P.O. LINDSAY:

Does anyone have any questions? Legislator Kennedy.

LEG. KENNEDY:

Thank you, Doctor. We're -- every one of us are watching the different reports and things like that. I saw even this morning, there was some discussion about it, and maybe it was last night, there's a run on Tamiflu and some of the other drugs. If a facility or someplace gets confirmed with some of these cases, is there any benefit to giving these medications now after the fact, or how is this treated other than just a general take fluids, rest and things like that?

COMMISSIONER CHAUDHRY:

Sure. Fortunately, with this particular strain of Swine Flu, we do know from the CDC that the virus strain that we're dealing with is susceptible to two medications, Tamiflu is one of them, the other is Relenza. These medications are not a cure, they are designed to be used and are most effective when they are used in people who already have signs and symptoms of the flu and if given within a very short narrow window of opportunity which is typically within a day or two or three of the signs and systems developing. It is of absolutely no use to someone who does not have signs and symptoms, which is why there is no recommendation in the United States to give out Tamiflu to prevent it from occurring.

Now, having said that, your question was if somebody were to get a confirmed case, there -- the guidance, of course, may be altered in the sense that close contacts may benefit from some prophylactic use of Tamiflu, but that would have to be determined at that time. But certainly as far as the general population is concerned, it is not a medication that people should be taking right now. Having said that, it is a medication that is only available by prescription, so individuals can't just go to the drug store and get it, and that's important. Because the health care providers in the State have been given notification over the weekend about what are the specific guidelines, as a reminder to them, about what to look for, certainly, for the signs and symptoms, and that's, of course, a

challenge because the signs and symptoms of Influenza A Garden Variety are exactly the same as the signs and symptoms of Swine Flu. But if there are additional risk factors, including travel to those areas where we have confirmed cases -- including, incidentally, travel to New York City, since that's an area where we have confirmed cases -- then the doctor or the health care provider will use his or her judgment to decide whether or not that individual should have samples of nose and throat sent for Swine Flu testing, and possibly may recommend taking Tamiflu. That decision must be made by a health care provider who can then prescribe the medication, typically the medication is given for five days. You all have heard over the weekend, on Sunday President Obama announced and the Department of Homeland Security Secretary announced a national public health emergency, that's really just a precautionary measure. It's a means by which the Federal Government can make additional supplies of Tamiflu, which we know to be effective, available to the states, including New York State. So some 12 to 13 million doses of Tamiflu have been added to the State stockpiles and the strategic national stockpiles should the need arise. But as of this time, there's no use and no benefit of using it before symptoms occur.

The other thing I should point out is we still have Type A Influenza season happening; it has not gone away. So just because you have the signs and symptoms of an upper respiratory condition does not mean that you have Swine Flu, it may just still be Type A Influenza, which we're still seeing activity.

LEG. KENNEDY:

You kind of answered already the other question I was going to ask. So there's more than enough supply of both those medications should there be a need to go ahead and dispense them.

COMMISSIONER CHAUDHRY:

According to New York State Department of Health and all of our information, there should be adequate supply, especially now that the Federal supplies have been made available. The Federal supplies that have been made available are 25% of the Federal stockpile. So should additional doses be necessary, I'm sure that they will be made available and expedited.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi, Dr. Chaudhry.

COMMISSIONER CHAUDHRY:

Hi. Good morning.

D.P.O. VILORIA-FISHER:

Thanks for being here. Just a brief question. If there were to be a significant change in status in Suffolk County, would you be informing us through the types of e-mail alerts that we get currently from FRES when there's going to be an emergency?

COMMISSIONER CHAUDHRY:

Absolutely. Our goal is to get as many people on board in terms of what's happening. Certainly, all of have as elected officials have lots of constituents who I'm certain have been calling you for questions and information. Much of -- in the age of the Internet, much of the information is available to people already, on-line or in newspapers, on the radio, etcetera. But as it relates to Suffolk County specific information, I will endeavor to share with all of you, as I have been sharing with the County Executive's Office and other parties, as much information as I can share. Just today we've started having some of the Commissioners having daily briefings, quick 15 minute updates just on the Suffolk County situation.

Part of my challenge is I don't want to create alarm, and yet I also want to give out the information and that's been a balance that we're trying to play with, certainly with media interviews as well. I'm happy to answer questions from the media, but we don't have confirmed cases and there are many urban centers in the United States that don't have any cases that we know of. It's a fluid situation.

The other thing that's good is that for several years, local Health Departments around the country have been preparing with workshops and table-top exercises and simulated scenarios for a pandemic-type situation. And so many local health departments, including Suffolk County, have our workbooks and have gone through these sorts of exercises just in case.

What's good about this particular strain thus far is that it appears to be a virus that has a lower mortality rate, a case fatality rate thus far. Having said that, I know that in Mexico we've had at least 150 deaths, but there have been no deaths in the United States. Most of the cases in the United States have actually already recovered from it and that's encouraging as well.

D.P.O. VILORIA-FISHER:

Thank you, Doctor.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Good morning, Commissioner.

COMMISSIONER CHAUDHRY:

Good morning.

LEG. MONTANO:

Just very quickly. I've been hearing this word, you used it several times today, pandemic; I think I understand it. Could you just tell me exactly what would constitute us going to, you know, use that phrase? What does it really mean?

COMMISSIONER CHAUDHRY:

Sure. There are actually three words there; endemic, epidemic and pandemic. And endemic is when a known disease is known to occur in a given location. So for instance, West Nile Virus now is considered endemic in most part of the United States; when we see it we're not surprised, we're not shocked by it, we know it's there, of course there's a seasonal variation to it. An epidemic is when you have any one disease or illness, typically infectious, that is incurring in clusters that you would not expect ordinarily. When you have lots of clusters occurring, you have multiple epidemics, let's say, in a given country, but when those epidemics are occurring worldwide in large numbers, that's what we mean by pandemic; it is now an epidemic that has involved significant parts of the world population.

The Level 6 pandemic, the highest level, is when there is not only sustained human-to-human transition, but there is advancement of the disease or many more individuals involved and the lethality, the fatality rates are higher typically and the nature is more serious.

So the World Health Organization has been cautious also, again, playing with that balance of getting information out to those who need that information without alarming individuals. So it is a progression. We have never been in a Level IV situation

LEG. MONTANO:

That's where we're in now, Level IV.

COMMISSIONER CHAUDHRY:

We are -- as of yesterday, that's where we are right now. Should that change, obviously it will have some implications and we can cross that bridge when we get there.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Anybody else? No? Thank you very much, Dr. Chaudhry, for coming here this morning and briefing us on this very important issue.

COMMISSIONER CHAUDHRY:

Thank you very much. My pleasure.

P.O. LINDSAY:

Now to the Public Portion. First is Lawrence Raful followed by Jeanine Bondi.

MR. RAFUL:

Good morning, Suffolk County Legislature. My name is Larry Raful. I have the honor of serving as the Dean of Touro Law School, the fourth Dean of Touro Law School.

Two years ago I came to speak to the Legislature about our successful move to the new building in Central Islip and I wanted to give you a quick update on where we are two years later with a little bit of good news. I have given each of you a packet of information of things that we've been doing over the last year or two, and so I won't go through the packet now, but I hope you'll have a chance. And if you do have any questions about material in the packet, of course, you should please feel free to call me.

First of all, one of the reasons that we moved to CI to be across -- to be the first school in the United States to be across the street from a Federal Courthouse and a State Courthouse was to start our Court Observation Program. The judges in both of those buildings and the lawyers in both of those buildings have been incredibly helpful and welcoming to us as we start to take first-year students from day one into the buildings to watch trials, to meet judges, to meet court personnel and lawyers. At the same time, we opened our Public Advocacy Center which is the first of its kind in the United States. It's a special wing of our building which has 16 different agencies that work in areas of advocacy in Suffolk County, and we continue to have our four clinical programs which is live client for our third-year students in family law, elder law, mental health law and not-for-profit law.

And one of the things that we had talked to you about two years ago when we followed through on is to make use of our building for the community. We have a list in the packet of all of the activities that have happened in our building the past year; I think there are over 4,500 people who have come to different activities including, as you know, of course, the State-of-the-County Address by Mr. Levy. I think those are the reasons that we were recently named by a national law magazine as one of the top ten most innovative law schools in the country, so we were pretty thrilled about that.

So after two years of all of this, we asked ourselves what can we do next for Suffolk County? We have the clinics going, the Public Advocacy Center is going, we think that we're making a difference in the community with hosting lots of outside organizations. And we sat down and tried to think about what are the issues facing Suffolk County residents, how can we be more helpful. We have now started to successfully reach out to private funding and to State funding, we've spent some time in Albany and I'm very pleased to tell you that we're about to expand our clinical programs into two different ways. We're going to begin a Bankruptcy Foreclosure Clinic for all the residents of Suffolk County, and at the same time we're going to add a veterans Clinic for people returning, not only for veterans but also recent veterans, returning from Iraq and Afghanistan to make sure that they're aware of not only all the medical issues involved, but all the rights that they can have from the County, from the State and

from the Federal government with regard to their jobs, with education, with a number of other issues. As part of the Vets Clinic, we've put into our budget a van which will make sure that we can outreach these to the vets at the VFW homes, at the VA Hospital, at different places around the County.

So I just thought it would be important to give you an update. We're not coming for money. Even though I know you all are awash in money --

*(*Laughter From Audience*)*

-- we're actually not coming to ask for money. We wanted you to know what your law school, the Suffolk County law school is doing. We're pretty excited about these two new programs we're going to announce soon. We wanted to give you -- you're actually the first people we're talking to about it, with a Mortgage Foreclosure Clinic to try to help folks and a Veterans Clinic to try to help our vets with all the different regulations and rules from the three different levels.

So that's what's going on and if you have any questions, I'm happy to give you answers.

P.O. LINDSAY:

Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much.

MR. RAFUL:

Thank you all so much.

P.O. LINDSAY:

Jeanine Boldi (sic) followed by Cecilia Fullum.

MS. BONDI:

Good morning. Good morning to the Presiding Officer and to the Suffolk County Legislature. And I'd like to extend my gratitude to Steven Stern for the honor of speaking before you this morning.

As you are aware, there is a bill before you for consideration to sign into law an annual Suffolk County National Women's Health Week during the month of May. This is a particularly important bill as it supports education, awareness and preventative health care for thousands of women in your County, providing you as well as health care entities within your County to partner together. Collectively, you have the ability to send a strong message to your citizens and be a catalyst to healthier lives. As a business leader and a concerned citizen, I am equally privileged to be an Associate Trustee of the North Shore LIJ Health System, and I have volunteered my services to chair the Commerce & Industry Council's Capital Campaign.

We are building two hospitals dedicated to serving the unique needs of women along with supporting the Women's Institute, a comprehensive host of services providing educational research and medical expertise to the women of our community. The Legislative bill you are considering will further support these efforts and actions by declaring Suffolk County's commitment to the health and well-being of women and girls throughout your region. Together we will partner in spreading a message of hope, awareness, resource and proactive approaches by encouraging women in Suffolk County to seek testing and treatment sooner through this most important annual event. Further, we will foster and communicate the need for continued research and preventative care during annual women's health week. The results are endless; the possibilities of lives saved certain. I ask for your support of the proposed bill. Thank you.

P.O. LINDSAY:

Celilia Fullum followed by Ivy Algazy.

MS. FULLUM:

Good morning. On behalf of North Shore LIJ Health System and our two Suffolk County hospitals, Huntington Hospital and Southside Hospital, I'd like to thank Steven Stern for the honor of speaking before you this morning. I'm here to say a few words in support of the bill that will sign into law an Annual Suffolk County National women's Health Week during the month of May.

As a woman, mother and daughter living in Suffolk County, and also as a Senior Vice-President of the North Shore LIJ Health System Foundation, I believe that this important legislation will raise public awareness and shed important light on the fact that women have unique needs when it comes to health care. Beyond the needs for maternity services, women are uniquely and disproportionately affected by gynecological disorders, breast disease, osteoporosis, depression, Alzheimer's and gallstone disease. There are also conditions where the manifestation of disease in women is very different from men, such as heart disease, lung cancer and rheumatoid arthritis. I am proud of the fact that the North Shore LIJ Health System has always recognized this fact and will direct even more attention and resources to pay for facilities, conduct research and advance education and screenings to meet these special needs of women throughout the system. I ask for your support of the proposed bill. Thank you very much.

P.O. LINDSAY:

Ivy followed by Gail D'Ambrosio.

MS. ALGAZY:

Honorable Legislators, Presiding Officer Lindsay, my name is Ivy Algazy, I'm the Director of Communications for Women's Health Services for the North Shore LIF Health System. I'm also a resident of Suffolk County.

This past February, Dr. Anita {Shah}, Vice-president of Women's Health, and I met with Legislator Stern to update him on what the North Shore LIJ Health System is doing for women's health. We explained that our mission is based on education, prevention and being a resource to the community, and that is why North Shore LIJ Health Systems, {CATS Women's Hospital}, Women's Health Institute has joined with the U.S. Department of Health & Human Services, Office on Women's Health, to launch New York Women's Health Week & Check-Up Day.

As part of our designation as the New York Women's Check-Up Pledge Center, we have established an on-line resource center that encourages women to make their health a top priority and take simple steps for longer, healthier and happier lives. As a first step, women should take the pledge and make a personal commitment to get a check-up within 90 days. A printable pledge certificate is available for download as a reminder to the commitment. The website features health and screening information, upcoming events and resource information, including referral numbers to find a physician and help for those who lack health insurance, ways to get access to care.

This type of awareness campaign reminds a woman that she needs to take care of herself so that she will be able to take care of her family. Our goal is to have 10,000 women pledge. Advocating, prevention and providing education not only will change the way we look at health care, but will also make people healthy. I ask you to help in promoting this campaign to the good citizens of Suffolk County. Please join with us and spread the word to your constituents through your e-mail blasts, newsletters and link your website to our website so that more women will pledge. I believe if we work together, we can get 10,000 New York women to pledge.

I've also addressed the Nassau County Legislature, New York City is involved with this as well as Queens. So I respectfully request that you all participate and support this campaign. And I have copies of the pledge that when women go on-line, they'll receive this as a reminder.

And just away from this for a second, I want to commend Legislator Cooper because I was appalled when I went to Suffolk County to Walt Whitman Mall and saw the e-cigarette and I see on the agenda that you're bringing legislation, so I hope that passes as well.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Thank you very much. Gail D'Ambrosio followed by Alison Sanchez.

MS. D'AMBROSIO:

Good morning. My name is Gail D'Ambrosio and I am the President of the Suffolk County Probation Officer's Association. I'd like to take a moment to thank my members who have taken time off or arranged their schedules to be here this morning; I see a lot of you.

I would like to address Resolution 1205 as amended. Resolution 1205 is calling for the abolishment of 37 vacancies and a layoff of 16 Probation Officers. I'd like to remind you of the value we bring to Suffolk County. We are peace officers; we have a serious public safety responsibility. Probation Officers currently supervise over 16,000 people in Suffolk. By supervising them within the community, we are saving the County a tremendous amount of incarceration costs. In times of economic stress, crime can be expected to increase. Probation Officers should be hired at this time, not laid off.

As a union official, I see how anxious my members have been over the volume of layoff demotion letters that had been sent out. As a Senior Probation Officer, I am appalled that the County could even consider laying off peace officers who are so essential to the safety, welfare and economic rehabilitation of the County. As a citizen, I find it unbelievable that the County would layoff people who monitor the behavior of criminals and strive to rehabilitate them into productive citizens. I can't stress enough how costly it would become for the County if Probation Officers are laid off. Public safety would be in jeopardy as there will not be enough Probation Officers to monitor the offenders. Without proper supervision, the risk for reoffending and the filing of violations of probation increases. It would be inevitable that incarceration costs would rise.

Please direct the County to continue to work openly and directly with the unions in discussion about this fiscal crisis. I am asking you at a minimum to table this resolution. Thank you.

Applause

MS. SANCHEZ:

Hi. I'm Alison Sanchez, I'm a Probation Officer, I live in the 5th Legislative District. Without wanting to sound redundant, I wanted to also remind everybody again what it is that Probation Officers do.

I do want to mention that we are the lowest paid and highest educated law enforcement officers in the County. We can make arrests just like the police do. I've have written people for DWI, I've made arrests for criminal possession of a controlled substance, criminal contempt, and the way I look at it is that's a pretty good bargain considering that I make less than half of what a Police Officer makes.

When you think about the child abuse deaths that have happened in New York City, the news that's come out about the CPS workers and how indispensable all of a sudden that CPS worker has become when a child suddenly dies. I'm thanking that that's going to be the future of probation should you layoff any Probation Officers; it's not going to be so tragic until there's a tragedy. Something's going to happen and all of a sudden people are going to say, "How come that probationer wasn't being supervised?", and the reason is going to be either because they were laid off or because the caseloads are way too big for the people to actually be supervised.

I wanted to remind you again, don't kid yourself into thinking that if there's less Probation Officers that everybody will just be supervised and everything is going to go on as it was, because it's not going to happen that way. People will not be supervised, it's just going to be putting out fires after something horrendous has already happened. This is a matter of public safety, it's a matter of rehabilitation. We are a part of corrections; in addition to helping to rehabilitate, we protect the community.

President Obama just this past weekend, I saw in the paper, he had asked Federal employees to offer suggestions about where they could find possible savings and cut the fat. He asked the workers and not just the management, as these are the front line people who see what's working and what's not. And I thought to myself, what an innovative idea to include everyone involved and ask for solutions and suggestions. Why aren't we doing that here? Are we really doing everything possible to save jobs and preserve salaries, or are we being bullied into the quick fix? Has every possibility been explored? I don't think so.

What about the rainy day fund? When I was young, my Mom got me a savings account, tried to teach me about saving money, money I got for my birthdays and holidays to keep it in a savings account. And as an only child, I selfishly tried to keep that money in my savings account and get my Mom to spend her money on me instead of me spending my own money. And again, I feel like that's what's going on right now; there's a rainy day fund and you're trying to take money out of my pocket, from my family, something that's going to affect me directly, my mortgage, my bills and there's a rainy day fund. As far as I can see, it's raining and there's an emergency and there's going to be money sitting in a fund while you're trying to take money out of my pocket or employees out of my department.

When McDonald's sees that sales are slow, are they taking money from their employees or are they thinking of new, innovative ideas, ways to sell new types of burgers, new toys in their happy meals? I just don't think that everything is being done that can possibly be done. I think that there's a quick fix being looked for and I don't think that that's the way to fix this situation that we're in right now. Thank you for your time and attention.

Applause

P.O. LINDSAY:

Christopher Destio followed by Mike DePauli.

MR. DESTIO:

Good morning to everybody. My name is Christopher Destio and I'm an employee from the John J. Foley Nursing Home. In today's newspaper, it's mentioned how the union went with the lag payroll instead of the layoffs. I am 100% for this and I'm very sure all the Legislators up here are for the lag payroll also. Nobody wants layoffs at all, now or in the future, and I'm extremely happy we got to this point. But what I'm having a very difficult time with is why Foley is not part of this layoff clause. Three hundred and seventy plus employees, that's if I got that number right, will be saved by implementing the lag payroll. But by the other hand, 300 Foley jobs, which are County, will be on the line for the next two years; it's just as simple as that. Are we any different than any other department in Suffolk County? There should be no layoffs across the board and lag payroll should be implemented. This should not be a pick-and-choose issue. We are part of AME and we are not separate and deserve to be treated as such and no different.

We're consistently under the gun and scrutinized every day that our doors remain open at Foley. And now we are told that we have to pay the lag payroll and also have the chance of being laid off.

Does anybody up here think that this is a fair shake for the 300 County employees at Foley? We are running more efficiently now more than ever thanks to our management team and the hard work of the Oversight Committee. But we are the only unit in Suffolk County that's not part of this layoff clause; I find this extremely disturbing.

There is something wrong with this picture here, or maybe it's just me. I feel we are being shortchanged here, once again, at Foley. This is why I ask the Legislators up here for the continuing support of looking out for the staff and the residents of John J. Foley. And I thank every single Legislator up here for their support for the John J. Foley Nursing Home. Thank you.

Applause

P.O. LINDSAY:

Thank you, Chris. You got it. Mike, followed by Denise Giacoppo.

MR. DEPAOLI:

My name is Mike DePaoli, I'm a Vietnam Vet from Suffolk County. I'm here today to raise, raise the orange flag, the glow flag, to say we're in trouble; we're in trouble here in Suffolk County.

What is the value of a Police Officer when you allow him to be on the street in dark blue colors riding a bicycle? It's dark black. What is the value of a Police Officer when for a few dollars you can have him wear bright colors, bright color vests, bright color bike, bright color helmet? What is the value of common sense? The Suffolk County PD right now is really color blind to that incident.

Would you send your children out on the street without having safety helmets? Would you send them out on the street without having protective gear? Bicyclists today are using common sense, they're wearing day glow colors; why aren't members of the Suffolk County PD? Why aren't the laws being enforced for our members, for our leadership? What is the value of a cop? What is the value of a Police Officer? Tell that to their families.

Today we celebrate or mourn those that have been put at risk, those government employees that have died. What about the ones that are still there at risk right now on our streets? For a few dollars, for a few cents, common sense, these individuals that risk their lives every day should be wearing colors and leading by example. By wearing these bright colors, hopefully their lives will be preserved and hopefully they can tell pedestrians, they can tell civilians that that's the right thing to do for them, right thing to do for their children.

So I ask all of you, raise these colors. Let the Suffolk County PD know, let them be responsible; for a few dollars a day you can save the cost of a Police Officer, for a few dollars a day you can save the aggravation it causes to the family. Preserve life, start in government.

Item number two, the fabric of our government is now in disaster. Right now the fabric in the trenches, Probation, Social Services, Mental Health, we're now at the frail avenue. There's almost no venue to turn back. You people should be in the trenches, you should be at the Social Services Offices, you should see what the Probation Officers are doing, you should see what the Mental Health Office is doing, to see what the courts are doing. You should be in the trenches, not in your offices. Management by walking around, by looking, by probing, by representing the people in government and the service that they deserve. You people are all up for reelection, you should be out in the trenches.

Item number two, the Suffolk County PD is in violation of FOIL. The purpose of FOIL, Freedom of Information, is to provide information to the public within a certain reasonable time. If you go out to the Yaphank Headquarters and you ask for auto accident reports, traffic violation reports, court reports, you can't get them for several months. Why? What does that do to the backup of a system of courts? What does it do to the backup system of claims? So Suffolk County PD is in violation of FOIL. Government is in violation of their own laws; why do you allow that to occur?

So I'm here just to be a responsible citizen and a veteran to protect other veterans including Police Officers and other members of government employees. For a few dollars a day you can protect a life. But getting out and practicing government by being in the trenches where most of your representatives are would be good government and hopefully suit to reelect you in November.

P.O. LINDSAY:

You're out of time, Mike.

MR. DEPAOLI:

Thank you.

P.O. LINDSAY:

Denise, followed by Cheryl Felice.

MS. GIACOPPO:

Good morning. My name is Denise Giacoppo. I've lived in Suffolk County for over 30 years and I've been a dedicated Suffolk County employee for almost 18 years. I currently work as a Supervising Probation Officer in the Family Court Intake Unit in Central Islip. Family Court Intake serves over 1,000 Suffolk County residents each month with assistance in petition preparation including petitions for orders of protection, custody, visitation and support. Last month we served over 1,200 people of Suffolk County.

I realize that these are very difficult economic times and I am concerned about the threats of layoffs to the Probation Department. A layoff could effect myself directly as well as other workers in my unit, either through layoff or bump and retreat. Last year, in 2008, we were turning away some months over 500 people; we just did not have the staff to do the petitions for the amount of people that were coming in. I was fortunate to get three new workers in 2008; these would be the first ones to go, one of them is supporting seven children. We'd be back in the same boat, turning away over 500 people a month.

And if you are Spanish-speaking, one of the Spanish-speaking workers would be the one to go, we would have no one to service you.

Prior to working as a supervisor in the Family Court Intake Unit, I worked as a Senior Probation Officer in the Sex Offender Unit; this was a demanding and stressful position that required constant oversight of these individuals, including nights and weekends. I truly believe that a reduction of Probation Officers in this unit, as well as many other units, would directly impact the safety of Suffolk County residents. There is no doubt in my mind about this. I have been out there and I see it every day. Probation is a cost effective alternative to incarceration. Probation is to charge fees for being on probation making us a cost effective department. Layoffs bump and retreats will effect me directly. If layoffs bump and retreat becomes a reality, my reality may be that I will not be able to stay in Suffolk County.

Thank you.

Applause

MS. FELICE:

Good afternoon, Presiding Officer Lindsay and Members of the Legislature. My name is Cheryl Felice, I'm President of the Suffolk County Association of Municipal Employees. And I stand here before you having to had made one of the toughest decisions I think I will ever see in the time that I spent on the board as an AME Executive Board Officer and most certainly as President.

When we approached the Legislature early in March, it was clear to us that this deficit and the revenue loss is quite real, it's quite significant and you believed in it wholeheartedly. The members of the Legislature asked us to sit cooperatively with the County Executive and his people to come up with something, and I think the words that were used were "something we could live with." While

no one wants to see any deferral of payment, no one wants to see any concession, we realize that the economic times in this country and certainly in this State are not to be compared. And a decision has been made by the members of the Board of Directors and has accepted a tentative agreement from the County Executive to accept a deferral of two weeks pay with some other incidents in the particular agreement. Labor Relations was notified yesterday after a super majority approved the measure and the commitment was reduced to writing. Our attorneys received the writings yesterday late afternoon, are reviewing it and a ratification voted is scheduled for Friday morning at eleven o'clock.

We are -- I would like to, on behalf of AME, thank the Office of the Presiding Officer for the amount of information that was forwarded to AME and the information that was given to us to enable us to make this decision, and wanted to just make a comment to one of the earlier speakers from JJ Foley. It's absolutely true that Mr. Levy would not include a no layoff guarantee for the members of Foley. We know that that is a difficult decision for us to make, but the decision to layoff lies with the Legislature. And this Legislature has stayed supportive of Foley, supported the measures that are being taken right now at the direction of Bill Lindsay and we are working cooperatively in that effort. So as long as this Legislature does not support layoff resolution for any member, including Foley, then JJ Foley will not have to be included in layoffs as well.

The members of the County Executive's Budget Office made it clear that they were not including Foley in any of their language, they made it clear on March 17th at the initial discussion of this particular resolution. Nevertheless, the resolution came out as it is but, once again, your-- the decision to layoff anyone lies solely with confirmation by the Legislature, and as long as you stay supportive of Foley, then those workers there have nothing to worry about. We are also planning an Albany lobbying day to make sure the State Legislature is still in support of those members at Foley. And this union will do everything it can not only to protect the, but to protect all of our members.

I just would like to make a quick comment also to the issues of public health and Dr. Chaudhry from the Health Department. AME are proud members in the Health Department and certainly this Legislature responded resoundingly when Public Health Sanitarians were put on the layoff list. And although those members from the food unit have been removed in one of the latest amendments, Public Health Sanitarians still remain on that layoff list. Now is not a time, never is a time to reduce public health, and certainly with the Public Health Sanitarians who perform so well.

And then I would just also like to close by saying continue talks have to continue with all the unions, certainly this union and the County Executive's office. Newsday made a recommendation that we go and sit down at one of the recently inspected restaurants; quite the contrary. I think we should sit down at one of those restaurants that wasn't inspected and continue those talks, and this union is open to doing just that. Thank you very much.

Applause

P.O. LINDSAY:

Unfortunately we can't have questions under Public Portion, but I would just like to say on behalf of my colleagues, because I talked to many of them last week after you contacted me and said that it looked like you had an agreement which we're very appreciative of because we don't want to layoff anybody, but that any union that agrees to some conditions is not going to be on any layoff list that we approve, is not.

MS. FELICE:

Okay. Thank you. Thank you very much.

P.O. LINDSAY:

Peter Quinn followed by Kelly, it looks like --

D.P.O. VILORIA-FISHER:

Wait, wright?

P.O. LINDSAY:

White, I guess; yeah. I'm sorry, Peter. Go ahead.

MR. QUINN:

Good morning, Members of the Legislature. Let me applaud you because of your consistent support for employees, not only at Foley but among employees in Suffolk County. I spoke last week about my criticism of 1205. One of the things that bothered me was the numerous pages without any distinction among funded employees, unfunded vacancies and funded vacancies. And I think if the County Executive had put in a little asterisk for vacancies and a double asterisk for funded, it would have help BRO be able to answer some of your questions last week.

But I have -- I also expressed my concerns then about the distinction by closing one of the health centers at Central Islip or Brentwood and consolidated. I think my concerns about patients having difficulty traveling to one or the other centers has to be weighed as well.

And I also commented about Police cadets. If you could delay that for a year, it would have been a savings of money, but I certainly don't want to see Police cadets getting the same pay as the people in the bargaining unit. And I am particularly bothered when I see that nine out of ten of the top -- of the highest paid employees in Suffolk County are members of the Police Department; that strikes me that somebody isn't bargaining effectively for the County.

And I don't want to see -- someone spoke earlier about the Health Sanitarians. When I think of how few inspections are being made, it seems to me it would be more prudent, when you think of health and safety, there ought to be more Health Sanitarians than fewer. If you get to inspect a place only once every couple of years, there's a lot of leeway for contamination and illness being created.

The same thing with the Hydrogeologists. You know, we don't think about our water supply and yet we know it's contaminated with all kinds of waste, including nuclear waste like Lead 210, Cesium 137, Strontium and we say, "Where the heck did they get there," and we can't explain why there's breast cancer and how there's so much problems with our children. It seems to me we ought to be hiring more chemists to do the analyses that are necessary.

And a thing that concerns me is you've spent \$51 million on consultant fees last year, according to an article I read in the paper. Why not a year layoff in terms of outside consultants and use that \$51 million to preserve employees' pay?

Applause

Finally, on bonding. It bothers me that sometime -- we don't seek publicly addressed what you're spending bonding money on. And considering the way the rating agencies and the bonding firms are gaming the system, it's time to say no more proprietary and confidential can the language be to discuss about bonds. Hope -- bring the rating agencies here when you're doing bonds, get the bonding companies here when you're doing the bonds. No more proprietary and --

P.O. LINDSAY:

Peter, I know you're getting wound up. You're out of time at least a minute ago.

MR. QUINN:

Okay, one half a second. No more proprietary and confidential when it comes to financial data; that needs public disclosure. Thank you very much.

Applause

P.O. LINDSAY:

Okay. Kelly Wright followed by Peterson, Doris Peterson.

MS. WRIGHT:

Good morning. My name is Kelly Wright, I'm a Suffolk County Probation Officer, taxpayer, voter and a resident in the 8th District.

Suffolk County Probation Officers supervise 15,000 convicted criminals that live in your communities. The American Probation and Parole Association reports the standards of cases. The standard of cases is 50 cases per one Probation Officer; the average in the building I work in is 98 cases per one Probation officer, almost twice the standard. The association states, "The importance of caseload size to the effectiveness of Probation Supervision cannot be overstated."

For years the department has struggled to perform our duties with vacant positions. Now we are being asked to sustain the effects of a layoff. The total number of officers being asked to do without, 53; 53 officers in a department that only has 287 and is already supervising twice the standard.

August 24th, 2006, a probationer barricaded himself in his home and fired a shot at officers who tried to arrest him. All residents on the block were evacuated during an eleven hour stand-off; I guess this is an example of what Ben meant when he stated the County Executive is cutting positions with the least impact to our communities.

If you approve layoffs, the caseloads in our department will drastically increase an overwhelming and already under-staffed, over-worked and underpaid department. The Rockefeller Drug Law Reform will send more drug offenders to Probation, releasing more criminals into our communities. I guess the 53 non-existent Probation Officers will supervise them.

Probation Officers are the lowest paid law enforcement agency in this County. We have the highest education. Officers, including myself, work two jobs to pay the mortgage. We are being asked to submit to a lag payroll that many officers just can't afford. Therefore, you are faced with the task of voting on layoffs; we can't afford that either. And more importantly, the community, future victims of crimes due to fewer officers can't afford it. This is not just about economics, this is about the safety and welfare of you, your families, your friends and all the residents of Suffolk County.

Applause

P.O. LINDSAY:

Doris Peterson followed by Linda Miller.

MS. PETERSON:

Good morning. My name is Doris Peterson. I'm not a County --

LEG. LOSQUADRO:

Just use the microphone, please.

MS. PETERSON:

I'm not a County employee, no one in my household is a County employee. I've been a resident of Suffolk County my entire life and I'm the mother of five children here in Hauppauge. Most importantly, I'm an education advocate. Here in Suffolk County there are 264,322 children who reside in our school systems. And I have been following what has been going on in this County for a while and I've had the privilege of having many conversations with Legislator Kennedy regarding what's going on.

Every day I have the privilege and honor of protecting our children; these are children who cannot voice or advocate for themselves; they need to have their safety secured. I am very disheartened by the amendments brought before us, 1205 in particular, and I understand it has been amended as of late. But I question, on April 21st, Newsday published a quote from Steve Levy's Aide, Ben

Zwirn; he stated that the County Executive is trying to cut positions that will have the least impact on County residents. Well, I ask -- after I looked at the initial list, the positions listed were not what I would consider non-impacting. The children that I represent are children who need access to the public health system, such as the clinics, such as the social workers, the nurses, the fire marshals who inspected their buildings. This does not make sense that these would not be impacted.

Recently we saw an outbreak of salmonella in the news which resulted in health inspectors being removed from the layoff list. Were we so far removed from the station night club fire in Rhode Island that killed a hundred people, or the Our Lady of the Angels school fire which killed 92 children and three nuns? We forgot what can happen because of inadequate inspections. Or are we going to wait, more importantly, until there is a more tragic situation here in Suffolk County that regards the removal of Probation Officers and Public Health Services?

I implore all of you, as elected officials, as well as any media present, to put faces to the jobs that are on this list. Interview these people, find out what they do every day for this County and how non-impacting their jobs really are. Decide for yourselves. Don't just accept a document which we all know, at best, is suspect. I would bet right now that you will find some politically creative positions throughout the County, some probably on the County Executive's own staff, that have less of an impact, aside from salary, on the taxpayers than most people on this list. I implore you, go home today knowing that what you did was the right thing. Thank you.

Applause

P.O. LINDSAY:

Linda Miller followed by Christine Larkin.

MS. MILLER:

Good morning. My name is Linda Miller, I'm a Probation Officer assigned to the Sex Offender Unit. If the Legislature passes Mr. Levy's proposal to layoff County workers, Resolution 1205, the Probation Department will be crippled, having lost one-fifth of its positions. At present, there are nearly 400 sex offenders on Probation in our County. Three of the officers who are assigned to the Sex Offender Unit are at risk of losing their jobs. Myself and two of my colleagues are responsible for protecting the community from approximately 100 sex offenders. One of us is a Forensic Computer Examination Specialist responsible for detecting the exploitation of children through pornography.

In our absence, what will become of these offenders? They will be reassigned to caseloads that are already stretched beyond their means, in a unit that already remains under staffed. There will be less time dedicated to the meticulous monitoring of these sex offenders, and once under the radar will they reoffend? Well, it certainly adds to the risk. My intent is not to invoke fear, but simply make aware of the countless hours of training, years of experience and career-long dedication we all possess.

The Suffolk County Probation Department is among the top in the nation regarding innovation, technology, rehabilitation and supervision of sex offenders, yet Mr. Levy is willing to cut our unit by 30%. When Mr. Levy's proposed sacrificial lambs are gone, who will protect you and your loved ones from the wolves in sheep's clothing? Thank you.

Applause

P.O. LINDSAY:

Linda Miller. Was that Christine Larkin? Is it Linda? No, that was Linda, righty. I got you mixed up. Christine, right?

MS. LARKIN:

Yes.

P.O. LINDSAY:

Christine Larkin followed by Peter Dykeman.

MS. LARKIN:

Good morning. My name is Christine Larkin and I have been a Probation Officer since December of 2002. I am currently a Probation Officer in the Sex Offender Unit and I monitor 42 sex offenders in your communities. Myself and two of my colleagues in my unit are at risk of being laid off under Resolution 1205. That would mean that approximately 100 sex offenders would no longer have a Probation Officer directly supervising them. That would make it so the Probation Officer left in the unit would be given about 20 more sex offenders, raising their total to a number that would never be appropriately supervised in a specialized unit. This will be an outrage to members of your community and in turn should be an outrage to you.

Probation Officers work every day to keep your community safe, and with less Probation Officers in the County, I hate to state the obvious, but your community will no longer be safe. The criminals know when they are not being watched and use that to their advantage. If you layoff Probation Officers, it will effect all of your community. Not just sex offenders will go unmonitored, but drug dealers, DWI offenders and offenders of domestic violence and many more; all of those crimes also effect you, your community and your children. Don't vote for layoffs, vote to keep your community safe. Thank you.

Applause

P.O. LINDSAY:

Okay. Before Peter comes up, I've got to make a motion to extend the public portion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Horsley).

P.O. LINDSAY:

Okay. Okay, then we have Peter Dykeman followed by Delores Smith.

MR. DYKEMAN:

Good morning, Mr. Presiding Officer and esteemed Legislature. My name is Peter Dykeman, I'm a Probation Officer here in Suffolk County. The County Executive has said that his resolution, 1205, was drafted to address the current, overwhelming, social and economic concerns of his County. This resolution currently calls for the laying off of 16 Probation Officers and the abolition of an additional 37 vacant Probation Officer positions in various alternative to incarceration programs.

The County Executive has drafted this resolution in response to social and economic factors that are beyond our control. I wish to bring to this Legislature's attention, and perhaps that of the County Executive, another matter which is beyond our control. Less than one week ago, Governor David Patterson signed into law reforms of the Rockefeller Drug Laws. While I'm not speaking on these reforms at this time, my aim is to make apparent that it, too, has the potential of raising its own social and economic concerns within the County. Governor Patterson's own website states that this reform eliminates mandatory State prison sentences for various felony drug offenders, making them eligible for a term of probation that could also include drug treatment. It also relieves new offenders from some of the old mandatory sentencing provisions and provides opportunities for additional

relief in the form of probation to some offenders who remain incarcerated. The Governor is quoted on the site as saying, "To be successful, we must not only overhaul the drug laws, but provide an infrastructure to ensure that we successfully rehabilitate those who are addicted."

I would like to share with you some of the language that I found of interest at midnight last night when I was perusing the text of this law. It allows for the creation of a County-level conditional release commission. This commission is to be responsible for the release and supervision of convicted felons who will now have their sentences reduced and be released to community-based supervision. The law states that the local probation departments shall sign -- shall assign staff support to the commission, conduct supplemental investigations in determination of an application for conditional release, have the duty of supervising the person during the period of conditional release, and that was stated several times throughout the text, and also execute any warrants issued pursuant to conditional release, those who may be executed by any Probation Officer.

In sum and substance, the Patterson Drug Laws, as I've been calling them, will place quite an increased burden on local Probation Departments requiring additional investigations, supervision, staff support and other peace officer duties. Perhaps with this new State level legislation, State funding will be made available to the County to offset the cost of these new increases in services required of the Probation Departments. If not, I'll leave you with one final thought. It can be found in the May 27th, 1992 New York Times -- you'll have to use Google for that -- faced with a \$91 million deficit in 1992 dollars, then Suffolk County Executive Robert Gaffney announced a plan to layoff 1,341 County employees, reduce the Police force by 300 and cancel a new Police recruit class. He also called for a half-cent increase in the County's sales tax and a 1% sales tax on gasoline and home heating oil. Gaffney also proposed closing five of the eight County health clinics and the County Nursing Home in Yaphank, and eliminating entire departments like the Cultural Affairs Department. Most importantly here, "Steve Levy, a Democratic Legislator from Smithtown, accused Mr. Gaffney of proposing a plan so politically unpalatable that the County Legislature would reject it." Then Mr. Levy said, "When Mr. Gaffney is forced to raise taxes, he can blame the Legislature."

I implore this Legislature to see Resolution 1205, which it would allow for the laying off of 16 Probation Officers along with the abolition of an additional 37 positions --

P.O. LINDSAY:

Peter, you're out of time, a long time ago.

MR. DYKEMAN:

Okay, I apologize. I was just getting warmed up.

Applause

P.O. LINDSAY:

Delores Smith followed by Jack Weishahn.

MS. SMITH:

Good morning, Honorable Legislators and Presiding Officer Lindsay.

I'm here on behalf of the citizens of all three communities; Brentwood, Bay Shore and Central Islip.

I'm here to talk about the closing of the Central Islip Health Center.

As a concerned citizen, I learned about the plans that the County Executive, Mr. Steve Levy, has proposed to implement the merger of the Brentwood Clinic with the Central Islip clinic. This merger would be a disaster because we would now have three towns joining together. As a former patient of the Bay Shore Health Center, I had to discontinue services I was receiving at that specific clinic to transfer to Brentwood. At the time, I had to pay for public transportation; I had to travel from Bay Shore to Brentwood at that time.

I'm just here as a person that has gone through the changes to speak for the people. The reason why I feel this decision would be a disaster is because, as I said -- stated before, this merger would have three towns together. And as it stands, there's no room in the Brentwood Clinic for the two towns, Bay Shore and Brentwood, to get combined together. Safety issues would be a major concern. The elderly and the women and children would -- you know, they would be in danger.

I've been a patient at the Brentwood Clinic for 15 years and it's difficult now as it stands to receive appointments because doctors, they have, you know, the schedules of both clinics. If the patients from CI have to transfer to Brentwood, the combining of these two clinics would be an inconvenience to the staff of the Brentwood clinics who have served both communities, Bay Shore and Brentwood, with excellence. If we combine these three communities together, Bay Shore and Brentwood and Central Islip together in one building, the waiting time in the waiting rooms would increase, the doctors would not be able to give the patients the proper care that they are entitled to. The emergency patients, or walk-ins if you will, will not be able to receive the care -- will not also be able to receive care due to time. As Mr. Levy has closed down the child care facility within the clinic, parents now who have more than one child, it is difficult for them to monitor the children. Seating spaces would not be available because of the increase of patients, there would not be seating for people, people would be -- it would be standing room only.

Patients are losing jobs, therefore the increase of patients in the Brentwood Clinic is not the solution. It is a known fact that when the plans or projects of elected officials fail, the ones who are affected by the fallout of these plans are the people. It is the people who suffer because of this.

In conclusion, I humbly ask the council, the Legislators, to reconsider this decision or plan to merge the three towns in one clinic. In other words, it would be like merging Brentwood High School with Bay Shore High School and Central Islip; can you imagine the chaos. Thank you.

Applause

P.O. LINDSAY:

Jack Weishahn?

MR. WEISHAHN:

Hello. Thank you for speaking -- hearing me today. My name is Jack Weishahn, I'm President of the Detective Investigators PBA of the District Attorney's Office.

I wanted to speak about County services in general. All of the talk of layoffs seems to imply that there are either frivolous or extra employees in this County that aren't needed; I submit that that's not the case. There are no -- there are no positions in the County that aren't necessary because counties provide necessary services. We are presently in negotiations now, should be concluded soon and I assure you that my members, some of whom are on the layoff list, will do their part to deal with the present fiscal problems.

I would just like to point out where some of the fallout happens when people do get laid off and County services get reduced. In the case of the DA's office, we have a White Collar Crime Unit that takes in major fraud-type cases. It used to be that a fraud case would come in and it would be added to the pile and prioritized based on the amount of money. There was a time years ago when it was a -- a \$50,000 case was a big deal. A \$50,000 case doesn't make the cut now. A \$100,000 case may not make the cut. Unfortunately, maybe a \$200,000 case does not make the cut. As you reduce the services, as you reduce the employees, that cut line seems to change, it seems to move. Those -- I think that's unacceptable to most people in the County. I think it's unacceptable from a law enforcement perspective and from a societal perspective.

I would like to say from a personal standpoint, two years ago my daughter had my first grandchild who was born four months premature with a grade IV brain hemorrhage. She almost didn't make it, but she did. And because of the great services provided by the County in rehabilitation, help and therapy, she's about as perfect as anybody could be right now. I suspect that that would not have

happened had the services not been available. And I thank the County, I thank Cheryl's people for the work -- for their people's work that they did. That kind of stuff is invaluable; not luxuries and certainly not frivolous.

We have a situation now with the Police Department where we have, in effect, trainees on the highway learning how to deal with fatals. What ends up happening there when the garbage hits the fan eventually on the work that's done, not by an experienced Investigator or Detective, but by someone who's learning the job, is that when it gets to the DA's Office, that's where the problems surfaces, that's where it rises to the top and the issues become almost insurmountable. I don't think anybody wants to see that.

There are other options here. I haven't heard -- I haven't heard all the debate, but there was a discussion a while back about instituting a slot machine rule here in Suffolk County. It's my understanding, from someone who knows what they're talking about, that if the slot machines at a minimal level had been put in, that the entire General Fund Property Tax would have been covered by the revenue from that revenue source. We don't have the luxury of not including and considering these type of revenue sources.

We also, you also don't have the luxury of not including tax increases in the debate. If my property tax that goes to the General Fund was doubled, it would cost me \$130 a year, doubled. I think that has to be thrown into a fair debate about how we're going to pay for necessary services. And I just submit that they are necessary, they're not frivolous and they are something that the public expects for their money. Thank you very much.

P.O. LINDSAY:

Thank you, Jack.

Applause

Is there anyone else? I don't have any more cards. Anyone else?
Come on forward, Alex. Oh, Mary and -- okay, Alex and then Mary. Go ahead.

MR. STRAUSS:

Good morning. My name is Alex Strauss, I'm a resident of Suffolk County. And Presiding Officer Lindsay spoke today, today is Workers Memorial Day. That's a day that we picked to remember the people that were killed on a job or died from a job-related illness, and also a day that we make it our point to make sure that nobody dies on the job, nobody dies because of unsafe practices. This is a day that we use to memorialize and also to fight for the people that are still working.

And I just wanted to let you know that there is a Memorial Service over at the State Office Building tonight at seven o'clock and you're all invited to come over. It's pretty moving, you'll hear some good stories about some people that have passed away on the job and whatever, and also some ideas of how to stop people from being killed. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Alex. Mary Finnin.

MS. FINNIN:

Thank you. My name is Mary Finnin, I'm a taxpayer from Central Islip and a retired Public Health Nurse. I just want to backup some of the statements that a prior speaker has made about the concerns on the closing of the Central Islip Health Center.

As you know, in the past they closed the Bay Shore Health Center. Those patients were merged to Bay Shore ay -- to Brentwood and CI.

With the closing/consolidation of CI to Brentwood, it means the patients from all three areas are now merged to Brentwood. Prior to any of those moves, Brentwood was our busiest clinic with the highest patient population. There is a real problem for transportation, there's a real problem for space and access to care. And at a time when we're facing a potential epidemic of flu, you know, we should be expanding our services, not decreasing them and making access harder.

In addition, while there was talk about no layoffs, I think, in effect, when it comes to nursing, if you look at your list of 16 Public Health Nurses and I think ten Nurse Practitioners on the elimination list, you can layoff people in positions multiple ways. You can never fill the positions that are budgeted or, after the fact, threaten people that are working with layoff unless they take other concessions. I think -- in reference to the gentleman that spoke a little bit ago, these are essential services. If we need a tax increase we'll take it, but I think we have to maintain these services for the public good and staff them appropriately. Thank you.

Applause

P.O. LINDSAY:

Is there anyone else? Please identify yourself.

MS. {AVERN}:

Yes, thank you for letting me speak. My name is Gilda {Avern}, and in this capacity I serve as Vice-President of the Suffolk County Probation Officers Association. Most people know me because I'm President of two Police organizations, but today I was driving my Preas but I guess I wasn't going fast enough because I was on the Expressway, and even in the fast lane I was delayed so I couldn't sign in.

All I can say is every Probation Officer that spoke today, I want to say "ditto"; ditto, ditto, ditto. And the reason I say that is every point that they made I had written down, but it's true, we cannot do without these officers. We're public safety, we work cheaply, we're educated and we cannot do it. We cannot eliminate the 16 working officers and we can't eliminate the 37 unfilled positions. So we're turning to you and asking you to table the resolution that's scheduled for today, 1205. I know many of you personally and I'm asking you, please table that resolution. And I thank you.

Applause

P.O. LINDSAY:

Okay. Anybody else? Okay. I'll take a motion to close the public portion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Fifteen. Sixteen (Not Present: Legislators Horsley & D'Amaro).

P.O. LINDSAY:

We are going to go into executive session at 12 o'clock, we have an attorney that has to brief us on some pending litigation, but let's see if we can get through as much as we can of the agenda.

If you turn to page four, the Consent Calendar. I'll take a motion to approve the Consent Calendar?

LEG. LOSQUADRO:

Motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Barraga.
All in favor? Opposed? Abstentions.

MS. ORTIZ:

Sixteen (Not Present: Legislators Horsley & D'Amaro).

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

TABLED RESOLUTIONS

P.O. LINDSAY:

Okay. We go to Tabled Resolutions on the paper copy, Page 7. First is ***1987 of 2008 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax map Identification Number of District 0200 Section 726.00 Block 07.00 Lot 006.000, pursuant to Section 125 of the New York State Highway Law.***

LEG. BEEDENBENDER:

Motion to table, Mr. Chairman.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

Okay. Counsel --

MS. ORTIZ:

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

P.O. LINDSAY:

Counsel informs me that we can skip the next one, because we still don't have a bond on that resolution.

0008 - Designating the depositories pursuant to Section 212 of the County Law. How are we on that?

LEG. HORSLEY:

Motion to approve.

MR. NOLAN:

I would just -- the resolution has gone in that would amend the resolution we passed last year regarding the qualifications for depositories in terms of the credit counseling. That will probably be approved, considered, and hopefully approved at the next meeting. I'm sorry. I would suggest tabling this one more cycle until we do that.

LEG. HORSLEY:

Sure, no problem. Motion to table.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen -- 18.

D.P.O. VILORIA-FISHER:

J.R. 1178 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1st, 2007, open space component, for the Dowling College property, Mastic/Shirley Conservation area, Town of Brookhaven. Is there a motion?

LEG. BROWNING:

Motion to approve.

LEG. SCHNEIDERMAN:

I'll second.

D.P.O. VILORIA-FISHER:

Motion to approve, Legislator Browning, seconded by -- I couldn't see.

LEG. SCHNEIDERMAN:

Schneiderman.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman. All in favor?

LEG. ALDEN:

Just on the motion.

D.P.O. VILORIA-FISHER:

On the motion, Legislator Alden.

LEG. ALDEN:

I was going to do this later when we came to all the resolutions that were piled up, as far as going into more indebtedness, but I'll do it now. Have we given any thought to the fact that we created our own problem with what happened right now, even, where we don't have enough money to pay the people that work for us? We've been approving over the years, and I'm going to go back four, five, six years ago, we approved so much debt that we actually had to sell off almost a billion dollars worth of income to pay down the debt for one-and-a-half years, to help pay down debt for one-and-a-half years. And I'm going to turn to Budget Review; what's our debt service up to?

MS. VIZZINI:

In 2009, the Operating Budget shows 51.3 million. But, as you all know, the proceeds from the tobacco are paying debt service, which is an additional 20 million dollars. So, with that, the total debt service, if you include what the tobacco proceeds are paying, would be 99.7 million in 2009.

LEG. ALDEN:

Ninety-nine-point-seven million. And what was it, if we go back, say -- I don't know if you have the information right in front of you, but when I first became a Legislator, so 10, 12 years ago, what would the debt service have been, or whatever you do have information for.

D.P.O. VILORIA-FISHER:

Just take a stab.

LEG. ALDEN:

Whichever, whatever you have the information for.

MS. VIZZINI:

We can go back to 2000 -- I mean, we can go back each year to 2003, or, if you want us to, we can go back further, but not right away.

LEG. ALDEN:

2003 is fine.

MS. VIZZINI:

Eighty-four million. That was prior to any tobacco, so we've -- you know, we're from 84, now we're at 99. So this is something that we addressed in our Operating Budget review, that even though we have provided relief in the Operating Budget with the tobacco, we still have debt service that we need to consider and we are paying.

LEG. ALDEN:

But just as a point of interest also, debt service that we run up, is that discretionary or is that mandatory on our part?

MS. VIZZINI:

Well, from a budgetary perspective, we must pay our debt, so, as far as the budget is concerned, it is mandated.

LEG. ALDEN:

After -- so, after we approve it, it's mandatory, you've got to pay it, but prior to that?

MS. VIZZINI:

Well, that's your policy determination as to, you know, what is -- what should we bond, what can we do pay-as-you-go, and there are things that must be done. And, you know, as you do the Capital Program, or as you make other determinations on specific resolutions, it's your policy as to what we are bonding.

LEG. ALDEN:

One of the major problems is that we have never sat down, for as long as I can remember, and really hashed out what our priorities are going to be. We've always proceeded with the fact that we can borrow money and we could pay it back at a later date, and we could pay it with whatever it is, 4% interest, and just push that into the future. Unfortunately, with a couple of the programs that we've instituted here, like, for instance, our Open Space Acquisition Program, we've indebteded the next future two or three generations, and what we're going to leave them as a legacy is a huge amount of debt. That makes us less flexible to use that Quarter Cent to actually plug a budget gap. So, instead of paying people, we've decided that we're going to buy up all the open space in Suffolk County, no matter whether it's, oh, let's see, Dick Cavett's piece of property, so that he doesn't have a neighbor, and that's in a town where almost 90% of the property is already public-owned and we spent 18 million dollars. Imagine how many people we could have kept on the payroll for that 18 million dollars --

(Applause)

-- instead of making Dick Cavett have a backyard that no one can ever live in, no one can ever infringe upon his right to privacy. But we've embarked on some really -- not strange, but some -- I think we've taken some paths that ended up coming back to -- the chickens are coming back to roost right now. And I'll give you another for-instance.

What year was it that we actually -- we refinanced our debt, and it was a major refinancing because there was that press release that was out there that we're 183 million dollars in the hole. If we don't do this, the whole sky is going to fall in on us.

D.P.O. VILORIA-FISHER:

It was 2004, I believe.

LEG. ALDEN:

2004. What is the net result of that refinancing? 2004 we saved a couple of bucks, but what's the net result now?

MR. LIPP:

What we did is we were able to do a nontraditional refunding where we got over 26 million dollars in 2005.

LEG. ALDEN:

Savings.

MR. LIPP:

Savings.

LEG. ALDEN:

Okay.

MR. LIPP:

And then that was followed by 12 years of higher costs, or dissavings, of roughly about three-and-a-half million. And then, in the last -- I think it's like eight years, then we will have savings again after that.

LEG. ALDEN:

So we stopped the sky from falling in that year where it -- actually, there was no problem, and we caused dissavings for a number years, and maybe in the future we might go back to a situation where we'll have a new dollars of savings. That was not well thought out, yet, that was action that was pushed upon us, "You got to do it now, the sky is going to fall in on us if you don't take this path." I think we're coming in with the same type of reasoning for some of these programs that I'm seeing in front of us. And if we keep raising our hands and saying, "Oh, yeah, bond," "Oh, yeah, bond," "Oh, yeah, bond," I think that we're going to face even more layoffs and more nightmarish scenarios in the future.

I won't be a part of the Legislature after this year, but I think what we're setting up is a creation here that is going to hurt the people in Suffolk County for decades to come. They might never ever recover from it. So I think before we go and vote on any more indebtedness, I think we ought to take a couple of steps back. And it's not that long from now that we vote on your Capital Budget. Why wouldn't we want to just take a step back, not increase the debt anymore, not authorize anymore debt, and let's see where we can go from here. Maybe by not increasing the debt, there's an answer to keeping one, two, three, four hundred people on the payroll. Just with Dick Cavett's property, I dare say, if we analyzed it properly, we could probably keep 400 people working, just if we hadn't raised our hand and said, "Yes, let's buy Dick Cavett's property."

(Applause)

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I still believe that the residents of Suffolk County care deeply about their environment, their air quality, their water quality. This is not a resolution to borrow any money. This is based on a vote that the residents of Suffolk County made years ago to tax themselves, so that they would have a dedicated fund to purchase land. This is coming out of that dedicated fund. We're talking about \$6,500, a small amount of money to help protect an environmentally sensitive area. And we have not shut down the Land Preservation Program in Suffolk County, and I don't think the public wants us to shut it down. I think they care about our quality of life, and they're going to continue to support this program. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I'm glad you brought it up, because in a little while, and I'm going to wait a little bit, because we do have an Executive Session coming, but you're talking about the 477 funds, right? That's taxed, and it's basically a quarter cent tax that was dedicated to a couple of purposes. Well, that fund's in trouble, because, just like everything else, the tax that funds that is cut way, way back. And if you project it out, there's a possibility, a scenario where you might have to dip into the General Fund to supplement the 477. So, if we keep borrowing and borrowing to go and buy open space and to protect water, what can happen under that scenario and that account is we can end up creating a bigger hole for future generations. So I'm glad you brought it up, Jay.

But the other thing that I'm glad you brought up is why don't we -- why don't we actually go out there and find out what the people want? Do they want us to continue the services that we provide them, or do they want us to buy up every last vacant parcel in the property, whether it makes -- in the County, whether it makes sense or not? Do they want to be able to go to a health center? Do they want to be able to go in and get a permit and not wait two or three years to put a bedroom on the back of their house, or to hook up to the sewer system? Do they want to see economic growth in the future in Suffolk County, or do they want to see jobs and people, young people especially, continue to leave Suffolk County in the future? Is that what they want, because they want to sacrifice all that, so that we can continue to buy empty pieces of property, which is -- you know, maybe that's what the people want.

And if you're referring to the referendum, I think, economically, people in Suffolk County were in a lot different shape than they are today. And if that referendum was put up today, I'm just -- and I'm not going to bet on it, but I would probably guess that the results would be a heck of a lot different than they were for whatever numbers of years ago that we went and asked the people if they wanted us to buy every piece of property and create a debt service of billions of dollars going into the future.

LEG. SCHNEIDERMAN:

If I could. I just think you're painting a very unfair picture, making it look like this money somehow is pulling out of the pockets of these workers, or maybe threatening these layoffs. This is a dedicated fund. It is not the case, Cameron, you know it's not the case. You cannot take this money and shift it for some other purpose. And, let me tell you, preserving our environment has actually been very good for our economy. It's helped create a lot of jobs, it's helped keep Suffolk County a destination that people want to come to. So I think it's really unfair to pit the environment against it in this fashion, against these jobs, and make it look like somehow that by protecting our environment we're threatening jobs. That is not the case and you know that.

LEG. ALDEN:

Well, actually, Jay, I do know that we are pitting one against the other. The County of Suffolk has a finite amount of money, and the amount of money that comes in -- and a lot of it that we spend is sales tax money. And if we were back in the old Quarter Cent Program, which was a cash program, we would have the ability to divert probably tens of millions of dollars to tax stabilization away from a purchase program. So for you to make that statement is a little bit departing from what the truth of the matter would be.

When we committed to buy billions of dollars worth of property, we froze that revenue stream. You can't use it for anything else, you have to buy property with it, unless the revenue stream dries up and then you have to dip into other revenue streams that would go to pay people's salaries and provide needed services. So, actually, you're wrong on the -- on that regard.

LEG. SCHNEIDERMAN:

We're nowhere close to the point of having to dip into the General Fund to cover that. We were very conservative in our borrowing.

LEG. ALDEN:

Not this year. A couple of years from now --

LEG. SCHNEIDERMAN:

No.

LEG. ALDEN:

-- we're absolutely -- there's a scenario that you might end -- you might like to see it later.

P.O. LINDSAY:

All right. Okay. Anybody else want to weigh in on this? We have a motion on this, Madam Clerk?

MS. ORTIZ:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes?

D.P.O. VILORIA-FISHER:

Motion and a second.

P.O. LINDSAY:

Motion and a second. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. GREGORY:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. LOSQUADRO:

Abstain.

MS. ORTIZ:
Fourteen.

LEG. EDDINGTON:
Abstention.

P.O. LINDSAY:
1170? Did you get --

D.P.O. VILORIA-FISHER:
No, she's still counting --

P.O. LINDSAY:
You're still counting?

D.P.O. VILORIA-FISHER:
-- the abstentions.

MS. ORTIZ:
It's twelve.

P.O. LINDSAY:
Twelve. *1179 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the strengthening and improving L.I.E. North/Shore Service* -- I think it should be "North Side Service Roads" -- *from Ocean Avenue to Exit 59, to North Ocean Avenue Exit 63, under the Federal FFY 2009 American Recovery and Reinvestment Act.* I'll make a motion.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Second by Legislator Beedenbender.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
And maybe I'm jumping ahead, but 1179A is a Bond Resolution?

P.O. LINDSAY:
Yes, it is.

LEG. ALDEN:
Is this money that is actually going to be given to Suffolk County to do this project, or are we creating a bonded situation, increasing our debt?

D.P.O. VILORIA-FISHER:
It's a hundred percent Federally funded, isn't it?

LEG. BEEDENBENDER:
We first-instanced the fund, but it's a hundred percent funded by the Federal Government.

LEG. ALDEN:

We have to incur the debt first and then we'll be reimbursed?

LEG. BEEDENBENDER:

Correct.

P.O. LINDSAY:

Let Gail -- let Gail answer the technicality.

MS. VIZZINI:

This resolution authorizes short-term Bond Anticipation Notes until we get the Federal money, so we're not going to be bonding 10 million dollars for 20 years. Usually, the BANs are about one year.

MR. LIPP:

The intent is we would get the money and wouldn't have to do a Bond Anticipation Note. But, subject to that, the usual pro forma resolution is we put in that we can do the Bond Anticipation Note, and they'd get reimbursed when we get the Federal aid. Depending upon how it works out, we may or may not have to do the Bond Anticipation Note.

LEG. ALDEN:

Is that in Resolution --

MR. LIPP:

But it will be a hundred percent aided.

LEG. ALDEN:

The authorization, is that in 1179?

MR. LIPP:

Yes.

LEG. ALDEN:

Not in 11 -- not in 1179A?

MR. LIPP:

That's the bonding resolution.

LEG. ALDEN:

I'm in favor of the project, especially if we're going to get some stimulus money. But even if it's going to cost us short-term interest, I don't think that people of Suffolk County should be charged that money. So, if I vote for yes on 1179, am I voting to allow Suffolk County to go out and even incur a short-term debt?

MR. LIPP:

You would have to adopt the "A" portion of the resolution, which it -- and they're complimentary, so, you know, they're --

LEG. ALDEN:

But 79 does not authorize going out and incurring any debt.

MR. LIPP:

It authorizes it, but --

LEG. ALDEN:

It does? All right. That answers the question. Thank you.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I just have a process question for BRO. 1179A authorizes a 20 million dollar bonding. 1179 is only a 10 million dollar project. There's two separate 10 million dollar service road projects, one from Exit 53 to 56, and I think -- or 53 to 59, and one from 59 to 63. So my question is, the other -- the other service road project comes up in the Public Works agenda, so do we not need to bond for that one? So, I guess, it just -- how can we authorize 20 million dollars of bonding in 1179A when 1179 is only a 10 million dollar project?

MS. VIZZINI:

Where do you see the 20, because I'm looking at 1179A also.

MR. NOLAN:

It's on --

P.O. LINDSAY:

It's on the paper sheet.

MR. NOLAN:

It's on the agenda.

P.O. LINDSAY:

It says 20 million.

MR. NOLAN:

It's probably incorrect.

LEG. BEEDENBENDER:

The agenda says 20 million dollars. If it's a typo, then that answers the question.

MS. VIZZINI:

Well, I'm looking at the actual bonding resolution.

LEG. BEEDENBENDER:

Okay. I can't bring that up on our computer here, so --

MS. VIZZINI:

Oh, Ann Marie had, you know --

LEG. BEEDENBENDER:

It's just not linked.

MS. VIZZINI:

-- distributed it.

LEG. BEEDENBENDER:

Okay.

MS. VIZZINI:

Oh, yeah. No, it's not linked to the V-drive, but it was distributed by E-mail from Ann Marie.

LEG. BEEDENBENDER:

Okay. Well, I guess, my question is there's -- what's in front of you, does it say 10 million?

MR. NOLAN:

Yeah.

LEG. BEEDENBENDER:

Okay. All right. Then thank you.

MS. VIZZINI:

Yeah. The plan of financing includes the issuance of 10 million in bonds.

LEG. BEEDENBENDER:

Okay. All right.

MS. VIZZINI:

In BANs.

LEG. BEEDENBENDER:

Thank you.

MS. VIZZINI:

So either the bonding resolution or 1179 authorizes moving forward with the BAN.

LEG. BEEDENBENDER:

No. I just wanted to make sure that they were the same number. Thank you.

P.O. LINDSAY:

The resurfacing of the North Service Road and the South Service Road is a total of 20 million dollars, but your point is they're in two different resolutions.

LEG. BEEDENBENDER:

Right, yeah.

P.O. LINDSAY:

Okay. And the -- you know, the point that I'd like to make with this is this is Federal stimulus money that can be put into the pipeline very, very quickly, because resurfacing work doesn't really need much planning. So Public Works tells me this could be out to bid and it could be employing people by mid-summer. Legislator Alden.

LEG. ALDEN:

Is there any chance that we don't get the stimulus money, even if we approve this? I wasn't in your committee, I don't know if you raised that question.

LEG. BEEDENBENDER:

Well, the -- we didn't discuss it in Committee, but I can tell you, I had the information from Public Works. We've already submitted the application and we've received at least the preliminary approvals that would allow us to go -- this is the last step before we get the actual disbursement. We have to approve, you know, the resolution at the Legislature, the County Executive will sign it, and then they will issue the disbursements. So, yes, it has been approved and is waiting for this, so this is locked in. There are potential for more, but at least this chunk is locked in already.

LEG. ALDEN:

I would be a hundred percent for this, except I'm not willing to run the risk that we have to go and borrow, even on a short-term basis, 10 million dollars.

P.O. LINDSAY:

Okay. We have a motion and a second on 1179. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

MS. ORTIZ:
Seventeen.

P.O. LINDSAY:
On the accompanying bond resolution, **1179A**, and the resolution is in -- the actual resolution says 10 million dollars, so this is a typo, the 20. Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. ALDEN:
No.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

1185 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the County share for the reconstruction of County Road 57, Bay Shore Road, from Route 27 to Route 231, Town of Babylon and the Town of Islip. Do I have a motion?

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

How much is this one for? And is this --

P.O. LINDSAY:

17.7 -- 17,700,000.

LEG. ALDEN:

And is this Federal stimulus money also?

LEG. BEEDENBENDER:

Mr. Chairman, only 3.5 million is County share of the 17 million dollar project.

P.O. LINDSAY:

Okay. This is -- has been in the Capital Program for this year?

MR. NOLAN:

No.

P.O. LINDSAY:

No?

LEG. BEEDENBENDER:

Yes. This is Federal -- this is not stimulus money, this is Federally programmed aid. So this was -- regardless of the stimulus package, this was already Federal aid that was coming to the County, so --

P.O. LINDSAY:

Okay.

LEG. BEEDENBENDER:

It's a 17 million dollar project, 3.5 of which will be County bonded, 14.1 of which will be funded by the Federal Government.

LEG. ALDEN:

Why is it amending the 2009 Capital Budget and Program?

P.O. LINDSAY:

If Counsel could explain.

MR. NOLAN:

Well, this was not in the Capital Budget and Program. It was --

MS. VIZZINI:

Yeah.

MR. NOLAN:

-- or are we just getting Federal money.

MS. VIZZINI:

No, it's -- according to the resolution, the current 2009 Capital Budget and Program includes the seventeen-five. The difference is that we're getting an additional 3.7 in Federal aid. So the construction component goes down to 3.5 for the local bonding, and up by the 3.7 for the Federal component.

LEG. BEEDENBENDER:

So we -- this would have been 7.2 of County bonding at one point, and now it's 3.5 because we got more money.

MS. VIZZINI:

We got more Federal money?

LEG. BEEDENBENDER:

Go more Federal, okay.

LEG. ALDEN:

One other quick question.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

If we pass this, is there a corresponding increase in our debt service?

MS. VIZZINI:

You know, if --

LEG. ALDEN:

Or would there be?

MS. VIZZINI:

Yes, there -- of course there is. If you pass everything before you today, it totals about 13.6 million in additional bonding, with an associated debt service interest of 6.9 million, roughly, over the 20-year life of these bonds. But, again, it's a policy decision on your part in terms of some of these things need to be done. And, in particular, the Federal stimulus money is an -- you know, is an infusion and available now.

LEG. ALDEN:

One other quick question. What's the average of the amount of debt that we pass at every time -- every time we meet, every Legislative session?

MS. VIZZINI:

We track that. I'll get that for you.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, 1185A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

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:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

1197 - Appropriating funds in connection with --

MR. NOLAN:

Bond.

P.O. LINDSAY:

Pardon?

MR. NOLAN:

You need a bond resolution.

P.O. LINDSAY:

We just did them.

D.P.O. VILORIA-FISHER:

We don't have a bond resolution --

P.O. LINDSAY:

Oh, we don't have a --

D.P.O. VILORIA-FISHER:

-- on 97?

MR. NOLAN:

No, we do. We haven't done the bond resolution yet. Did we do the bond?

D.P.O. VILORIA-FISHER:

Oh, I thought that's what we just did.

P.O. LINDSAY:

Yeah, we just voted.

MR. NOLAN:

I apologize. I apologize.

P.O. LINDSAY:

He was confusing me. *1197 - Appropriating funds in connection with improvements to County environmental recharge (basins)*. Do I have a motion?

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. I'll second it.

LEG. ALDEN:

On the question.

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

How much is this one for?

P.O. LINDSAY:

Two-fifty.

LEG. ALDEN:

Two hundred and fifty thousand?

P.O. LINDSAY:

Uh-huh.

LEG. ALDEN:

And it's bonds also, right? Okay. Thank you.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

The accompanying bond resolution, 1197A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. GREGORY:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay. *1199 - Amending the adopted 2009 Operating Budget and transfer funds from Fund 477 Water Quality Protection, amending the 2009 Capital Budget and Program, and appropriating funds in connection with the USGS monitoring of waterways for mosquito control products.*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. On the question, go ahead.

LEG. ALDEN:

How much is this one for, Budget Review?

MS. VIZZINI:

This is for \$100,000, and there are adequate Water Quality funds available for this.

LEG. ALDEN:

So which section of 477 does this come out of? Because some of it's oversubscribed, right?

MS. VIZZINI:

Well, this is the Water Quality component, the one that gets the 11.75%. That is the -- that is the component that we are most concerned about, because there is not a lot of money there. There is roughly four-and-a-half million dollars, which we are drawing -- currently drawing down upon.

LEG. ALDEN:

At our last session, I had asked the question of whether there was someone else doing some monitoring of this program, and I believe that money goes to Cornell Cooperative and a couple of other not-for-profits. Was that issue ever decided?

COMMISSIONER GALLAGHER:

No, there currently is not anyone doing this type of work. This would actually be to detect pesticide levels at five parts per trillion, which is much -- a much lower level or much higher level of detection than any of the existing water quality monitoring programs that regularly occur through Health Services.

LEG. ALDEN:

Okay. So let me understand your answer, then. You said no, we don't test for and we don't monitor

for these type of products, but now you said this is to detect them at a lower level. So we do monitor it, because -- I mean, I voted on a budget that gave Cornell the money to go and monitor these things, so --

MS. VIZZINI:

The Department of Health Services runs a number of programs to do water quality monitoring to detect levels that would be of concern for human health risk.

LEG. ALDEN:

Okay.

COMMISSIONER GALLAGHER:

This is a project that was actually recommended by the Vector Control Pesticide Management Committee to go and detect at a level of five parts per trillion, which is what you need in order to determine if there's actually any ecological risk. So is there an impact to the ecological community, to the estuarine community after we do these pesticide sprayings?

LEG. ALDEN:

So our Health Department, they do the monitoring to detect at this level. This would authorize an extra \$100,000 to monitor to see if it's at this level?

COMMISSIONER GALLAGHER:

Right, for a two-year study, and there's two components to it. One is to detect in the surface waters. The other, which is a new component, which we have not done before, which is to actually sample in the benthic sediment, so that the sediments at the very bottom, which is where there's a lot of shellfish, they play a very critical role in the ecological integrity of the entire estuarine system, and this would give us an idea of if there -- if any of the pesticides that we spray for vector control make it down through the water column and are impacting the benthic community.

LEG. ALDEN:

Who's doing the testing, the Health Department?

COMMISSIONER GALLAGHER:

No. This would actually be through the U.S. Geological Survey. They have special equipment, special laboratories that enable them to analyze the data in such a way that they can get to that lower level of detection.

LEG. ALDEN:

Are we going to stop the other testing? We're not going to duplicate the testing, then, right?

COMMISSIONER GALLAGHER:

No. This is -- this is different testing. There's no duplication of efforts. This would collect a certain number of samples. It's just a two-year program. It's not done routinely the way that the water quality monitoring for human health risk is done routinely.

LEG. ALDEN:

All right. The Health Department -- in other words, the Health Department is not going to test any of these areas that we're doing in this -- whatever you want to call it, pilot program?

COMMISSIONER GALLAGHER:

Right, not at these parameters, not for these same -- they wouldn't be testing for the same impacts.

LEG. ALDEN:

If they're testing for the same things at a different level, that's a duplication of testing. So they're not going to test at all -- where we're going to do these tests, they're not going to have to test, right?

COMMISSIONER GALLAGHER:

Well, I couldn't tell you if they're not going to test at all in any of the water bodies that may be sampled as part of this, but --

LEG. ALDEN:

No, no, I'm not saying in any of the water bodies, just in the locations. I hope that we would coordinate, that we're not going to pay for the same testing --

COMMISSIONER GALLAGHER:

Yes, it actually --

LEG. ALDEN:

Okay.

COMMISSIONER GALLAGHER:

There's an existing contract with USGS, and this would be added onto that cooperative agreement through Health Services, so they would make sure there's no duplication.

LEG. ALDEN:

Good. All right. Thank you.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

INTRODUCTORY RESOLUTIONS

P.O. LINDSAY:

The agenda, Page 8. *1060 - Amending the 2009 Operating Budget to provide funding for the Babylon Village Sponge Project.*

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Legislator Alden wants to know what a sponge is. You wash yourself with it.

LEG. ROMAINE:

Sponge Bob.

P.O. LINDSAY:

Sponge Bob, yeah.

LEG. ALDEN:

I don't use a sponge, I use a wash cloth sometimes, but --

D.P.O. VILORIA-FISHER:

Sometimes.

LEG. ALDEN:

-- it's less expensive.

LEG. HORSLEY:

This is not a --

LEG. BEEDENBENDER:

I don't think we need to know that.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Legislator Horsley, could you please explain?

LEG. HORSLEY:

Sure. I'll do this in a -- the short version.

P.O. LINDSAY:

Please explain. Thank you.

LEG. HORSLEY:

Okay. Concerning stormwater runoff, as there is a pilot program in Babylon Village where the pipes meet, the drain pipes meet the bay. Babylon Village has come up with an innovative project, which they've been working on for a number of years, involving Mayor Scordino, where they're going to place a series of sponges, and they already have done several locations already, sponges that take out the carbon impurities, as well as other oil-based products from entering the canals. This is something Public Works is looking at and we're hopeful that it's going to be extended throughout the County. They maintain it, they do all the work involving it, and this -- the reasons why it's on today is because we moved the monies over to the 477 Account.

LEG. ALDEN:

Okay. So this is coming out of 477?

LEG. HORSLEY:

Yes.

LEG. ALDEN:

Good.

P.O. LINDSAY:

My question is why doesn't it say that in the resolution?

LEG. HORSLEY:

I don't know. George, can you answer that?

LEG. ALDEN:

Does it come out of 477?

P.O. LINDSAY:

It should come out of 477.

LEG. HORSLEY:

It does.

P.O. LINDSAY:
It should.

MR. NOLAN:
I believe the resolution does reflect that the money is coming out of 477.

P.O. LINDSAY:
Okay.

MS. VIZZINI:
It's in, you know, budget gobbledygook, but it is an interfund transfer --

P.O. LINDSAY:
Okay. Okay.

MS. VIZZINI:
-- from Water Quality to --

P.O. LINDSAY:
Okay.

LEG. ALDEN:
Wayne, good job.

P.O. LINDSAY:
Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:
Wayne, just very quickly, I know that there's maintenance that's required --

LEG. HORSLEY:
Yes.

D.P.O. VILORIA-FISHER:
-- when these are -- so is that going to be picked up by the Village of Babylon?

LEG. HORSLEY:
By the Village, yes, that's correct.

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

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

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1205 - Enhancing administrative budget deficit control. I'm going to make a motion to table.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1207 - Amending Resolution Number 1092 of 2008, implement budget staff and taxes for the Fiscal Year 2009.

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. Second -- what's this? Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. And I think we're going to look for an explanation, right?

MR. NOLAN:

Yeah. This resolution and the following two just have to do with correcting the tax levy resolutions from the end of last year's Operating Budget process, making a very small technical change regards to Brookhaven's refuse and garbage district. So these are just correcting resolutions, housekeeping.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. I should be -- as the people are leaving the room, 1205 has been tabled. There is other resolutions coming forward by CN that will deal with further layoffs, so don't everybody think that they can go on home and take a breath of fresh air.

*(*Laughter*)*

1208 - Amending Resolution 1093-2008, implementing budget staff and taxes for the Fiscal Year 2009. This is the accompanying resolution, right?

MR. NOLAN:

Yeah, same deal.

P.O. LINDSAY:

Same deal. We do same motion, same second, same vote?

LEG. BEEDENBENDER:

Yes.

(Vote: 18)

P.O. LINDSAY:

1209 - Authorizing amended tax warrant for Resolution Number 1094-2008, for the Town

of Brookhaven, to be signed by the Presiding Officer and the Clerk of the County Legislature. Same motion, same second, same vote, all right? All right. **(Vote: 18)**

1235 - Amending the 2009 Operating Budget and appropriating funds in connection with bonding a settlement for a medical malpractice case.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. On the question, Legislator Alden.

LEG. ALDEN:

I support this, but I don't support the concept. If we're going to be in the self-insurance business, and that's basically what we're doing, we should really take a long, hard look at that. And each and every time that we have to go out and bond for these settlements -- what?

P.O. LINDSAY:

I'm sorry.

MR. NOLAN:

Nothing, keep going.

P.O. LINDSAY:

I didn't mean -- I was talking to him.

LEG. ALDEN:

Oh, that's okay.

P.O. LINDSAY:

I'm sorry.

LEG. ALDEN:

But I do -- I do support this resolution, but I think that's something that, if we're going to take up the Capital Program in a short period of time, I think it's something we have to give a serious look to. Thanks.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution, 1235A, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

LEG. LOSQUADRO:

Are we to go into Executive Session?

P.O. LINDSAY:

Yeah, I am. I'm just going to finish this portion. **1284**, I'm going to skip over it, because we have an amended 1284 coming to us by CN. We have an extraordinary amount of CNs today. A lot of them are very, very important. The ones that I have so far, I'm going to give to you now, so that everybody has a chance to read them over their -- over the lunch period. And as we get the rest later on, we'll filter them to you as we get them. Okay?

With that, I'm going to make a motion to go into Executive Session to discuss the Broadwater litigation.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

[EXECUTIVE SESSION WAS HELD FROM 12:05 P.M. TO 12:42 P.M.]

We're back out of Executive Session. I'm making a motion to recess for lunch.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. All in favor of recessing for lunch?

MS. ORTIZ:

Thirteen. (Not Present: Legs. Losquadro, Montano, Alden, Kennedy and D'Amaro).

[THE MEETING WAS RECESSED AT 12:42 P.M. AND RESUMED AT 2:37 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, you want to 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:

(Not Present)

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fifteen. *(Not Present at Roll Call: Legs. Montano, Cooper and Cooper)*

P.O. LINDSAY:

Okay. We've got public hearings, and first up is the 2010-2012 Capital Budget and Program, and I have a few cards on that. First is Jon DeMaio.

MR. DEMAIO:

Yes.

P.O. LINDSAY:

You've got five minutes, Jon.

MR. DEMAIO:

I'll try and be quick. Good afternoon. I'd first like to take the opportunity to thank the Suffolk County Legislature for its past support of Suffolk County Community College's capital and operating needs. The Legislature has continuously demonstrated its leadership and vision in supported of the

College as it works to meet the needs of Suffolk County students and the business community.

I'd like to bring your attention to several concerns the College has regarding the County Executive's proposed Capital Program and budget and the impact that his actions would have on the College. Overall, one project was deleted, funding was reduced for two, and our request to advance funds for four existing projects was denied and further delayed. With your prior support, the College has secured the State's commitment of 50% of funding for several projects the Executive's proposal would jeopardize. If no modifications are forthcoming, the College risks losing the State's funding commitment to other community colleges who can evidence local sponsor support. We need to advance these projects so we can lock in the State funds and move forward.

With regard to the Health and Sports Facility at the Eastern Campus, the College requests restoration and advancement. This project was restored in last year's Capital Program by the Legislature, and is included in the State's five-year plan. To begin planning for this project and in order to establish a schedule for State bonding eligibility, the College requests that the design funds of one million be slated for 2011, with construction funds of 16.75 million in 2012. Removal of the project threatens the loss of almost 8.9 million in State share.

As you're aware, the Eastern Campus has no athletic facilities. With increased enrollment, particularly among traditionally-aged students with an enhanced focus on health issues, the facility will encourage student engagement and retention, and provide an economic and service benefit for the community.

The College also requests that Grant Campus Library be advanced with with design funds in 2010, and construction and equipment in 2011. This project was again restored in last year's Capital Program by the Legislature and is included in the State's five-year plan. To begin planning and to establish a schedule for State bonding eligibility, we request design funds of 1.6 million in 2010 and constructs and equipment funds of 30.8 million advanced to 2011. The County Executive's proposed budget delays design funding until 2012, with remaining funding in subsequent years.

The existing library space was commissioned nearly 18 years ago when the campus hosted 4,000 students. It now hosts 18,000 and cannot accommodate student needs. In addition to representing a significant space deficit, the critical need for the library at Grant has been cited by the Middle States Commission on Higher Education.

The College also requests the advancement of two projects that have been in the budget since 2005-2007 and currently exists in the State's five-year plan. They are the renovation of Kreiling Hall and the partial renovation of the Peconic building.

SUNY has directed community colleges to bond all capital funds allocated within the '03-'08 plan or funding may be jeopardized and reallocated to other institutions. As per this directive, the College requests that these projects be advanced to 2010.

Regarding the Peconic Building, the College did not request any scheduling changes this year, as all funding was already scheduled in 2010 in last year's adopted budget of the Capital Program. That timeline allows the College to properly sequence construction events between this project and the new Learning Resource Center. The Executive's proposal delays funding for construction equipment from 2010 to 2011, jeopardizing the associated State aid.

The College requests that the Legislature advance one-third of funding to 2010 for our infrastructure improvements project, 4.6 million. Various physical assets throughout the three campuses are in need of significant repairs and replacements, including site lighting, mechanical systems, exterior concrete stairs, walkways and curbs. It's critical to demonstrate local sponsor support for the State to consider this project for supplemental funding. Total design and construction funding of 13 1/2 million is being requested over a period of three years, from '10 to '12, so that projects can be addressed on a priority basis.

The County Executive's recommended program does still include our security notification project, but at a dramatically reduced level, from 2.6 million to 500,000, which includes the 150,000 appropriation presented in today's resolution, I.R. 1258-2009, for building loudspeakers.

The Federal Government, SUNY, and other academic institutions, including Virginia Tech, have established recommendations for improving emergency notification and response to enhanced safety and security of college communities. The Executive's proposal to delete 2.1 million from the project will prevent the College from implementing the recommended notification systems, and reduces the College's ability to promptly and effectively respond in an emergency situation.

I'd like to thank you all for the commitment that this Legislature has made to the capital needs of the College in the past, and ask that you reconsider the County Executive's proposed 2010 to '12 Capital Program and 2010 budget. Investments made by New York State and Suffolk County in these facilities will allow the Community College to meet the growing demands of our students and deliver highly technical skills required of today's workforce in a safe and comprehensive learning environment. It is critical to have the local sponsor support to ensure retention of these projects in the State's five-year plan. I respectfully request your support of these efforts. Thank you.

P.O. LINDSAY:

Thank you. Arthur Valentino.

LEG. KENNEDY:

He can answer questions for this?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Do you have a question? Wait a minute, sir. Legislator Kennedy has a question for you.

LEG. KENNEDY:

There's a number of projects you spoke about, and I know all of them have merit, and we've looked at them and we're going to go through them in the Capital Budget evaluation process, but I'm wondering if you can speak to that emergency notification capital project and what the -- what is the significance of taking a 3 million dollar prior-approved appropriation and reducing it to 500,000? What was it supposed to do in the first instance? What can it do, if anything, at this reduced appropriation?

MR. DEMAIO:

Okay. In the first instance, the project will result in a few things, primarily redundant notification. So we would be able to install in every building public space a loudspeaker system loud enough for all classroom occupants to hear an emergency announcement, to also install loudspeakers on the grounds of the campus, so anyone walking around can be advised of a crisis situation. You have those two components. You also have additional passive communications by LCD and by flat-screen television, and also improved security monitoring with additional video cameras. That comprised the entire scope as it was approved. Reduced to \$500,000, we can't do the cameras, we can't do the passive television screens, and insofar as notification systems, we could do a few buildings. We could probably do about half of the buildings that we have on the three campuses, and then we'd be out of money.

LEG. KENNEDY:

Has there been any particular -- how would you communicate with the student body now? Say there was, you know, God forbid, some kind of an incident at, you know, one of the campuses, how would you do it now?

MR. DEMAIO:

Right now, with the absence of those systems, it's a manual operation. We do practice secure in-place drills that are conducted via our security workforce and loudspeakers -- and bullhorns, basically, where we've all been trained that when we hear a particular announcement, there's a space we can go to in each building that is secure to protect us during a crisis situation. We practice those drills regularly, we'll continue to practice those drills regularly, but we certainly see the need for better infrastructure that allows that message to get out quickly to everyone and from a remote location.

LEG. KENNEDY:

Do you have the ability to simultaneously communicate through all three campuses from one single point?

MR. DEMAIO:

We would.

LEG. KENNEDY:

But as of right now, you don't.

MR. DEMAIO:

No.

LEG. KENNEDY:

Okay. All right. Thank you. Okay, Mr. Chair. Thank you.

MR. DEMAIO:

Thank you.

P.O. LINDSAY:

Oh, wait, we have another question.

D.P.O. VILORIA-FISHER:

Hi.

MR. DEMAIO:

Hi.

D.P.O. VILORIA-FISHER:

When reading about emergencies and other situations where there was a perceived danger, it seemed that much of the communication occurred through text messaging. Now, wouldn't the College employ that as a way of alerting the students, and wouldn't there be an assumption that you would reach most of the students that way or not, or --

MR. DEMAIO:

To the first part, yes.

D.P.O. VILORIA-FISHER:

Okay.

MR. DEMAIO:

The second part's a big assumption. Not all students volunteer to have their information given over to the College. We've subscribed to New York Alert, but that is a voluntary subscription. So any faculty member or student can give their cell phone, can give any other piece of communication technology they have over, and then an announcement would go out using New York Alert just as you described. But, unfortunately, we can't guarantee it gets to anyone if they haven't volunteered to be part of that program.

D.P.O. VILORIA-FISHER:

What percentage of the student body has voluntarily opted into that program?

MR. DEMAIO:

That information I don't have. I'm not exactly sure on that.

D.P.O. VILORIA-FISHER:

Okay. Would you be able to get me that information?

MR. DEMAIO:

Yes.

D.P.O. VILORIA-FISHER:

I would just be curious to see. And faculty as well, because it seems to me that that seems and instantaneous way to reach people on an individual basis.

MR. DEMAIO:

It is.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

MR. DEMAIO:

Sure.

P.O. LINDSAY:

Arthur Valentino.

MR. VALENTINO:

Hi there. I've been in front of this panel previously to present my testimony on the importance of the College capital initiative, and I'm glad to return knowing that this panel does support the College that has changed my life for the better and blesses me with opportunities every day. I am passionate in bringing the same opportunities to my peers and future students wishing to enroll in this facility, but given the economic crisis, the resources on the campus are so few when compared to the masses of students enrolling into our school now. For instance, my cousin is on a waiting list just to see if Suffolk will accept her or not, all because spots and resources are limited. And this time I believe we can all say that times are harsh. Another example is, you know, my father is claiming unemployment because of the lack of resources and jobs out there.

But I truly feel that this Legislature believes that -- in my campus, and knows of the bright and optimistic students that attend there. This is why I say the time to act is now. If the advancement for the construction and maintenance funds were commissioned now, you can help students like myself get ahead in their lives. We need the Learning Resource Center. We need the funding for construction and design now, because this is the time where it's most needed.

I know that our community could adapt to changes, and that is exactly what is needed. It may be difficult knowing that funding can only help out so many, but look where that wealth will be going towards. Think about the opportunities that you will be creating and the doors that you're opening. Please help in the investment of the knowledge and the future of our community, because when we can all act together, we can create a change that can benefit everybody. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Next is Jeremy Graber, and followed by Kevin Peterman.

MR. GRABER:

Thank you, Legislature, for having me here. Thank you, Lou D'Amaro, for talking to my class and helping us out last semester.

I'm here to have the budget pushed forward and advanced for the -- our school library, simply because we don't have the resources for the students that we have now, we don't. Case in point, I had a few classes this semester where I have gone to the library looking for books that I need for class, books that every library should have, books such as *The Odd Couple*, *The Crucible*, things like that, and they weren't there. Books that are on some of the top-selling lists we don't have in our -- and historically in every school library, even libraries such as Maplewood Library where I live. I have no doubt in my mind that one of those books would be there.

The Academic Skill Center and the Academic Center for Excellence has almost a three -- has increased by almost three times, and some of the programs have increased 400% this semester from last year's semester. If it keeps increasing at this rate, there's going to be no way to handle this many students. On top of that -- okay. I'm the Editor in Chief of the school newspaper. I did an article on something called *Books, Tuition and Tears*. Students right now are having a hard time making it with what they have. A lot of students do not have books. And when I say, "Do not have books," I mean do not have books for their classes. They're going through classes with no textbooks. I have a textbook which is \$180. By expanding the library, we can actually put in a section where we have textbooks which are being used in that current semester. It would be fantastic, because instead of having maybe the possibility of having that textbook, we would actually have those textbooks where people can go in, get their projects done and get out, and other people can come in and do the exact same thing. Without that right now, there are people who are dropping out of classes.

So I respectfully request that this budget be pushed forward, please, the design to be 2010, and the equipment to be advanced to 2011. Thank you.

P.O. LINDSAY:

Hold on for a minute --

MR. GRABER:

Yes.

P.O. LINDSAY:

-- Jeremy.

D.P.O. VILORIA-FISHER:

Hi, Jeremy.

P.O. LINDSAY:

Legislator Viloría-Fisher has a question.

D.P.O. VILORIA-FISHER:

Thank you very much for coming down. Which campus do you go to?

MR. GRABER:

This is the Grant Campus.

D.P.O. VILORIA-FISHER:

At the Grant Campus.

MR. GRABER:

Yes.

D.P.O. VILORIA-FISHER:

And the library doesn't hold those basic standard books.

MR. GRABER:

There's a lot of books in there that they don't have. I've --

D.P.O. VILORIA-FISHER:

Is it because of the room or --

MR. GRABER:

There's not enough room in -- there's really not enough in there.

D.P.O. VILORIA-FISHER:

Okay.

MR. GRABER:

The library also hasn't -- I don't think it's been -- I don't think it's been updated since it was actually created, but I don't have that -- I don't have that information.

D.P.O. VILORIA-FISHER:

Okay, because I know the Eastern Campus library is very small. I didn't realize the Grant Campus library was that small.

MR. GRABER:

The Grant Campus library consists of the -- it's the -- if you walk up into it, it's the left side first floor.

D.P.O. VILORIA-FISHER:

And that's it.

MR. GRABER:

And that's it.

D.P.O. VILORIA-FISHER:

Oh, okay.

MR. GRABER:

It contains one -- three rooms for computers, several office buildings on the left side, and the rest is a desk hallway, and then maybe about -- I want to say a thousand square -- a thousand square feet for books. I'm not exactly sure about that. But, literally, it's very small and we don't have enough room.

D.P.O. VILORIA-FISHER:

Thank you, Jeremy.

MR. GRABER:

Thank you.

P.O. LINDSAY:

Thank you. Kevin Peterman. Kevin's followed by Michael -- looks like Carroll.

MR. PETERMAN:

I just want to thank you, first of all, for your past support, both in the Operating Budgets and the Capital Projects at the College. And I do want to again thank you for the learning resource center, which I believe at the Eastern Campus will be -- hopefully, be under construction soon. It's my

understanding that that's going to happen, hopefully, before September, so I'm very encouraged by that, finally having a learning resource center at the Eastern Campus. But I think we need one more step for the Eastern Campus for it to become complete. It does not have a Health and Wellness Facility at the Eastern Campus, and I think, if you can consider putting some design phase money in the 2011 budget, design phase money, that that would help us. You never know, there might be another stimulus package, and if we have shovel-ready projects, we might be able to get somebody else to pay for the building. Just a thought.

The Grant Campus, there was some discussion about the Grant Campus. That opened in 1974, and, at that time, the library was in a little cottage and then it moved to the basement of what we'd call Caumsett Hall. And, at that time -- well, prior to that, that was actually the morgue for Pilgrim State Hospital. So that was in 1976.

In 1990, the Grant Campus library moved into the Saktikos Building, which was mentioned by the previous speaker, and it basically does occupy one floor in the wing of the building. And we have about 15,000 square feet. I do know the numbers there, because I am the media librarian at that campus. But in 1990 we had about 4,000 students. Right now, we're over 8,000 students with the same amount of space. We have about 53,000 volumes. And I do want to mention that with textbooks, we are making an attempt to put all the textbooks we can get on reserve for students, so we are trying to address that issue.

But, when we do have classes in, and we call that Information Literacy, where we try and teach the students that you just don't get information on Google, that you do have to do research, and you do have to be information literate. We only have 24 computers in the reference area, so, when we bring a class of 35 or 40 in, we actually have to double up and actually the students that are not in the class to leave those computers so that we can do instruction. So it's very important that we get a learning resource building for the Grant Campus. As I said, it's doubled in size and we have the same facility.

There are only 70 study carrels in the entire library. There are only two group study rooms. They're basically 10 by 12 and they have a table that's like a kitchen table that four or five students can sit around and study. We have 8,000 students and only two group study rooms.

It's time that the Grant Campus get a Learning Resource Center, and I'm encouraging you to consider putting the design money in the 2010 Capital Projects budget, and that would help us greatly. And, again, if you have any questions about the library, I think I can try and answer them. But, again, I do want to thank you for your past support, and I hope that I can count on your consideration for some of these projects and actually get them in in either 2010 or 2011. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thanks, Kevin. Michael. Is it Carroll or -- and on deck is Gina Pena. If you could -- Gina, if you could come and maybe find a seat in the first row, to expediate this a little bit. Go ahead, Michael.

MR. CARROLL:

I'm speaking on behalf of a current student here first. "I am very sorry that I cannot be present today, but I, unfortunately, have other obligations. My name is Rob Blue, and I have been a half-time non-matriculated student at the Ammerman Campus at Suffolk Community College."

P.O. LINDSAY:

Aren't you Michael?

MR. CARROLL:

What?

P.O. LINDSAY:
Aren't you Michael?

MR. CARROLL:
Yeah. I'm speaking on behalf of a student.

P.O. LINDSAY:
You can't do that.

MR. CARROLL:
I can't do that?

P.O. LINDSAY:
Can't do that, we don't allow it.

MR. CARROLL:
Oh, okay.

P.O. LINDSAY:
Sorry about that. You could give the statement to the Clerk, we'll enter it in the record.

MR. CARROLL:
Okay.

P.O. LINDSAY:
We just don't let anybody testify on behalf of someone else.

MR. CARROLL:
All right. I'm sorry. I didn't know that.

P.O. LINDSAY:
That's all right.

MR. CARROLL:
Well, I'll just talk about what I wanted to say first, then. I'm also a current student on the Ammerman Campus, and I'm an upcoming president of student government, and a lot of students have come up to me complaining that they think the security systems are not up to date, obviously. And I also feel that, and I believe that we really -- it would be very unwise not to have -- to have our money taken out of the system, I guess, the Capital Budget. Sorry. I'm a little nervous right now, this is my first time.

P.O. LINDSAY:
That's all right.

MR. CARROLL:
Basically, why I came here today was to plead to you that not to take our money away from our colleges, because we are a very big college. Obviously, with three campuses with over 13,000 students. And it would be very unwise to take the money away from important issues like the security notification system, which is obviously not up to date, which I have noticed. And, obviously, also, the decaying roads and stuff on the campus. So that's basically all I have to say. Thank you.

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

P.O. LINDSAY:

Thank you.

MR. CARROLL:

Thank you.

P.O. LINDSAY:

Okay, Gina.

MS. PENA:

You want me to stay here or go over there?

P.O. LINDSAY:

Yeah. No, you could stay there, just take the microphone. And we have Ian Kolmos on deck.

MS. PENA:

Hi. My name is Gina Pena, and I'm currently a student at Suffolk Community College in the Ammerman Campus. Being enrolled at Suffolk has been an amazing experience so far, and has given me so many opportunities to better myself as well as my education.

The transition from high school into college has been a very stress-free and an easy experience, unlike many other friends who have attended a four-year institution. The faculty of Suffolk is outstanding, and their time and effort is devoted to each and every individual student. Although Suffolk is an amazing college, I have -- although Suffolk includes many amazing programs as well, and it lacks the necessary elements to help add a positive experience to every single student at Suffolk.

Student safety is extremely important. With the advanced funding for 2010, students will no longer have to walk in the middle of the roads because the lack of curbs and walkways. We no longer have to decide between walking in inches of snow, or take a chance walking in the middle of the road because there are no curbs or walkways to travel on. I know from my experience, walking throughout Suffolk at night is extremely scary, especially being a very tiny girl like myself. Because the limited lit areas, it is hard to feel comfortable being at Suffolk at night, particularly when walking to class from class -- from class to the parking lots. The parking lots are above all extremely dark, making it impossible for security to watch our cars to make sure that they're not broken into, which has happened, many accounts, this semester already. Recently it rained extremely heavily. Although walking in the rain is enjoyable, walking through puddles that reach my ankles is not always fun, especially when I'm wearing extremely nice shoes.

MS. ORTIZ:

Amen.

MS. PENA:

It is a far enough walk getting from one point of the school to other, let alone swish through the deep puddles -- through the deep puddles throughout the school. Allocating an advancement for 2010 will allow for an increase in the number of drains.

A problem which continues to grow daily is the asphalt. Driving throughout the narrow roads at Suffolk leaves your car with a ruined hubcap, and, at most cases, a flat tire. It is not entertaining when your car is stuck in the middle of the road when you only have ten more minutes to get to class before you're late. Potholes get bigger and deeper after every snow and rainstorm. It makes driving enormously tricky attempting to maneuver around each pothole, and at the same time avoid getting into an accident.

Suffolk has become a home away from home, as for many students as well as myself. With the advancement -- my home is basically falling apart. These important advancements will add to the finishing touches of Suffolk's greatness. It is minute -- it is the minute effects that make a college

experience so much better. By improving Suffolk infrastructure college-wide, it will make every student feel as if their presence is recognized due to your attention to detail and solutions to the problems had by students, as well as our faculty. Suffolk is truly an extraordinary place, but with the shortage of funds, Suffolk is not at its potential. It is absolutely imperative to supply Suffolk with the essential basics that make up a successful learning environment.

We are the student and the faculty who attend Suffolk every day and have to face these problems, unlike yourselves. I invite you to come spend a day with me and I'll take you myself to show you all the problems that us, the students, as well as the faculty, faces. By allocating the advancement for 2010 for Suffolk Community College, you are supplying us with the opportunity to improve the school beyond expectations, and give present and future students an excellent learning environment, both inside and out of the classroom. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Gina. Oh, wait a minute. Legislator Kennedy has a question for you, Gina.

MS. PENA:

Oh.

P.O. LINDSAY:

Sit down.

LEG. KENNEDY:

Just a quick question. First of all, thank you for coming. You spoke very well.

MS. PENA:

Thank you.

LEG. KENNEDY:

Which campus are you talking about in particular with the lighting issues?

MS. PENA:

The Ammerman Campus.

LEG. KENNEDY:

Okay. And so, when you have to go into a remote parking lot, you're saying either there's lights there that aren't on, or there's just no lighting at all?

MS. PENA:

There's lighting on, but very little. So there's light when you're standing underneath it, but as for the entire parking lot, it's not lit.

LEG. KENNEDY:

Okay. All right. Thank you very much.

MS. PENA:

You're welcome. Any other questions.

P.O. LINDSAY:

No.

MS. PENA:

No?

P.O. LINDSAY:

Thank you.

*(*Laughter*)*

MS. PENA:

Thank you.

P.O. LINDSAY:

Ian Kolmos. Jennell Boone is on deck, so, Jennell, if you could work your way down towards the front, I'd appreciate it.

MR. KOLMOS:

Hello. I'd like to speak on behalf of the Eastern Suffolk gymnasium. I'd like to address the issue that many students who attend that school even drive out all the way from Montauk and we don't have a gymnasium, I believe that the Eastern Suffolk Campus was originally built as an auxiliary to the Ammerman Campus. However, as you can see, over time it's developed into its own campus with its own community.

I want to thank you all for the Learning Center that's being provided to the students out there. However, there is another issue that needs to be addressed and that is the gymnasium. I just want to give you my account first off as a student who's taken gym -- physical education classes out there. I've taken a soccer class, and I've been out there. I don't mind running around in the dirt, but we don't have an adequate field out there. We don't have a gymnasium, so a lot of our classes have to be taken indoors in student facilities like classrooms. I've taken classes in there. Also, I've had to drive out to the Ammerman Campus, which I don't mind, but I do have friends that drive out from Montauk, and adding another 45 minutes to their drive isn't exactly easy when you have to drive two hours to get to the Eastern Campus.

Just from the account, I've been driving -- when I drive to the Eastern Campus, I see students running up and down County Road 51, which isn't exactly safe, and I always wondered what they were doing. I didn't realize that it was a gym class, that they had to run up and down these roads. And I just want to push forward the issue that it's for the safety of the students as well as the education that's provided at the Eastern Campus that I'm addressing you. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ian. Jennell Boone, followed by Mike O'Neill.

MS. BOONE:

Hi. I'm here for the same issue that Ian was here for, for our proposed gym. I think all of our students are going to tell you about how hard their classes are and how hard the --

MR. LAUBE:

Use the mike.

MS. BOONE:

And how hard it is to go back and forth without a gym or without -- some people take buses, some people have to drive further. But this is not only a gym, it's a recreation center. It's for our students. We only have one rec room, which is ping-pong and a pool table. It will also provide things for our community, like a gym, and a way for people to come, and we can give back and do events such as like Relays for Life and theater productions, and stuff like they do in the Brentwood and Selden Campus.

That's it. I know they'll go and they'll talk about the gym classes, but it's also not for -- not for just gym, it's for a place for us to, you know, do things on our campus that we can't fit, and it's for the

community. So we just want to keep that money in Suffolk instead of keeping -- instead of putting that State money that we already have into something else. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Jennell. Mike O'Neill, followed by Tom McCartan.

MR. O'NEILL:

I, too, am a student at Suffolk County Community College, Riverhead. And I recognized a few of you. I actually met with a few of you to speak of this issue. And I'll give a first-hand account. I take an ultimate frisbee at Suffolk Community Riverhead, and it's a physical education course that we have to take outside. And we're advised to wear long-sleeve sweatpants (sic), even in the hot weather as it is today, because I don't know if any of you have been out there, but there is a very prominent tick problem out in Riverhead and we don't have an indoor facility to have these problems. We actually have guinea hens to go around and eat the ticks, so that we can feel safe out there.

And as far as -- you've heard that some of our strenuous walking and jogging classes take place on a busy County road where, let's face it, it's not the safest -- they don't even have sidewalks for our students to jog or walk on. This will also be open to the public, so it's -- and the students that are here today are being selfless in -- because we'll be long gone by the time this facility is built. We're here to help the future students, possibly even our own children, to have this facility on campus, and have a proper place, instructional facility to learn physical education classes.

And you also heard that many of our students come from Montauk and even Orient, Greenport, way out east, so going to the other campus is simply -- it's not feasible for them to do that. It's feasible for certain students, but for a large portion of our students it is simply.

I'd like to thank you all for listening to us today, and have a great day.

LEG. ALDEN:

One quick question.

D.P.O. VILORIA-FISHER:

Thank you. Oh, there's a question, Mr. O'Neill.

LEG. ALDEN:

How many credits do you get for ultimate frisbee?

*(*Laughter*)*

MR. O'NEILL:

I believe one-and-a-half.

LEG. ALDEN:

Okay.

D.P.O. VILORIA-FISHER:

And they've got to run like crazy to get them. Tom McCartan.

MR. MC CARTAN:

I'd like to thank you guys for taking the time to listen to us speak. I'm also a representative at the Suffolk Community College Eastern Campus.

Having this Health and Wellness Center would benefit both the community and the students. Suffolk Community College is a cheap school, it's very affordable to all students, teenagers and adults. And over a period of time we had a record-breaking and our population has been growing 10%. And I

feel that if we have this Health and Wellness Center that it would actually create jobs for construction during this economic crisis.

Also, having this Health and Wellness Center will reduce and improve students safety. Some of the physical education courses required by all majors County Road -- County 51 is the main road to get to our campus, and the running and jogging classes are taking place there. The instructors take their students out on the road, and County Road 51 is a very busy road, cars are coming left and right, and I've seen students crossing the road and it's a very -- safety issue. Also, when the weather is bad, the majority of the classes would be either cancelled or held in classrooms for lecture, and I don't think it's fair for students paying this amount of money to be sitting in the classroom while they want to be active, going outside doing what they paid for.

Having this Health and Wellness Center would also be open to the community and the students. And since we're on the eastern side, that would draw more students to us. And it would be beneficial for the people on the East End, instead of driving all the way out to Selden, that they could come to us.

Also, for like the frisbee and the soccer class, we have guinea hens that run all over the field, and ticks, which could infect the students' safety, as well as health, so I believe that having this Health and Wellness Center could be beneficial. It could be used all year-round, and it's good for the students and for the community.

D.P.O. VILORIA-FISHER:

Thank you.

MR. MC CARTAN:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much. That's the last card on the Capital Budget. Is there anyone else in the audience who wishes to speak on the Capital Budget?

Okay. I.R. 2025 - A Local Law to promote accurate cost estimates for Capital Projects. I don't see --

MR. LAUBE:

Legislator Viloría-Fisher, you have to take a vote on closing the Public Hearing for that.

D.P.O. VILORIA-FISHER:

Oh, I'm sorry.

MR. LAUBE:

That's okay.

D.P.O. VILORIA-FISHER:

Is there a motion to close the --

LEG. ROMAINE:

Motion to close.

D.P.O. VILORIA-FISHER:

Motion by Legislator Romaine, seconded by Legislator Barraga. All in favor? Opposed?

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay and Legislator Nowick).

D.P.O. VILORIA-FISHER:

The hearing is closed. Thank you. Thank you, Mr. Clerk.

I.R. 2025 - A Local Law to promote accurate cost estimates for Capital Projects. I don't see any cards here on -- for this Public Hearing. Mr. --

LEG. D'AMARO:

Motion to recess.

D.P.O. VILORIA-FISHER:

Motion to recess by the sponsor.

LEG. STERN:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? I.R. 2025 stands recessed.

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay and Legislator Nowick).

D.P.O. VILORIA-FISHER:

I.R. 1024 - A Charter Law to impose further controls on County debt and debt service payments. I see no cards on this Public Hearing.

LEG. GREGORY:

Motion to close.

D.P.O. VILORIA-FISHER:

Motion to close by the sponsor, Legislator Gregory.

LEG. STERN:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Stern. All in favor? Opposed? I.R. 1024 is closed.

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay and Legislator Nowick).

D.P.O. VILORIA-FISHER:

I.R. 1121 - A Charter Law to increase Legislative oversight of RFP process. I have no cards before me on this. I'll just double-check that.

LEG. ROMAINE:

Motion to close.

D.P.O. VILORIA-FISHER:

Okay. I just have to ask, is there anyone who wishes to speak on that? Okay. There's a motion to close by Legislator Romaine.

LEG. ALDEN:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Alden. All in favor? Opposed?

MR. LAUBE:

Sixteen. (Not Present: P.O. Lindsay and Legislator Nowick)

D.P.O. VILORIA-FISHER:

1121 is closed. *I.R. 1139 - A Local Law to ensure safe operations of helicopters.* I have no cards. Is there anyone in the audience who wishes to speak on this resolution or Local Law?

LEG. ROMAINE:

Motion to recess. We're not in Riverhead yet.

D.P.O. VILORIA-FISHER:

Motion to recess by Legislator Romaine. Is there a second?

LEG. STERN:

Second.

D.P.O. VILORIA-FISHER:

Second by Legislator Stern. All in favor? Opposed? I.R. 1139 is recessed.

MR. LAUBE:

Fifteen. (Not Present: P.O. Lindsay, Legislator Nowick, and Legislator Horsley).

D.P.O. VILORIA-FISHER:

Okay. *I.R. 1222 - Local Law to improve protections to residents of planned retirement communities.* I believe there is one card -- there are several cards on this, the first being Sister Pat Duffy, followed by -- I believe this says Taunya Baily.

SISTER DUFFY:

Good afternoon. My name is Sister Pat Duffy, and I am the Executor of the estate of Dorothy Duffy, who was a resident in Greenwood Village for 24 years. I know the question of Greenwood village has been brought up to this body before, and, speaking for myself and other residents, we are most grateful for any help you have given us.

There are over 500 homes in Greenwood Village. These houses are owned and basically maintained by working-class senior citizens who have retired, and a majority of the people living there are veterans or widows of veterans. The land is owned by Equity LifeStyle Properties, which is a conglomerate that has really ruined the Village.

My mother died three years ago. When she purchased the house 24 years ago, she paid \$85,000 for it. I put \$6,000 of repairs in the house. It is a gorgeous two bedroom, two bath, living room, dining room, back porch, garage, on a pond, and I cannot sell it for \$20,000, because the monthly maintenance fee is over \$950 a month.

D.P.O. VILORIA-FISHER:

Wow.

SISTER DUFFY:

My mother's estate is now paying \$400 a month for the same services, and I can assure you, they are not the services that are being even given at Walden Pond or Encore, or any of the higher end residences in the area. The problem that we keep meeting with this is that this community is an orphan community. I have already stood before the New York State Assembly Committee on Housing and have asked for their help. Although many people want to help us, we seem to still be asking.

At this point in time, I am in over \$70,000 worth of debt, because I chose, according to my mother's

wishes, to keep her at home so she would have home care, and after her death I would sell her house. We didn't think this was a problem, because we had sold her sister's house seven years prior in one week. That is before Equity LifeStyle Properties owned this land.

I beg you to revisit this question. The question before you is on lease assignment. This is the biggest problem that we have. There are no values to the homes in Greenwood Village, and we do not own the land. My mother's house is 24 years old, it is a modular home. I have looked into having it moved, that's how angry I have become over this. On another piece of land, I could sell this house for \$200,000. It is impossible for that house to be moved.

We have seen recently what the lack of regulation has done. Right now, we have a company that has run wild with the senior citizens. And I beg you not to become discouraged, because this -- I have researched and seen that in California and Florida, this community has run local municipalities into the ground until the municipalities gave up. I ask you not to give up on Greenwood Village. Thank you.

LEG. ROMAINE:

Quick question.

(Applause)

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I'm going to pass around some photos. What the problem is, and I think Sister Pat, you've edited -- described it very well. The occupants of Greenwood Village, how many people are here from Greenwood Village.

(Indicated by a Raise of Hands)

Thank you.

SISTER DUFFY:

We are very tired and we need help.

LEG. ROMAINE:

Right. The people in Greenwood Village do not own the land, they only own the home. And other management company's predecessors essentially treated these people fairly. Now, they say, if you want to sell your home, whatever your maintenance, because everyone pays a different maintenance fee, there's no one uniform maintenance fee, but if you want to sell your home, the maintenance fee is \$950 a month for roads that are cracked, pools that open late, a clubhouse that is not large enough for the entire community, and no amenities other than that. Some lighting --

SISTER DUFFY:

And a monthly penalty for a house that's on a pond.

LEG. ROMAINE:

Right. And what happens is when they charge \$950,000 a month maintenance, no one's going to buy the house, because they just robbed each and every house in Greenwood Village of equity. Would you not say that that is essentially the problem?

SISTER DUFFY:

My mother's house was valued at \$159,000 three years ago.

LEG. ROMAINE:

Right.

SISTER DUFFY:

And I am facing what these people's children are going to be here saying to you in five and ten years. We don't know how this happened, but this company --

LEG. ROMAINE:

Stole the house.

SISTER DUFFY:

This is the man who owns this company owned Newsday. Does that tell you everything? His name is Sam Zell. And if you can help us with Sam Zell, I promise you there'll be people all over America thanking you. But, right now, I have a house sitting on somebody else's land that I can't move and I can't sell. And I'm in collection with Brookhaven Hospital, with Stony Brook Hospital. I owe Suffolk County two years taxes. I would love to pay you, but I own a house that I can't sell. I am being -- now being forced to rent it with two other beneficiaries of my mother's estate who are taking me to court, because I am not selling it. I beg you to do something about this lease assignment. And, please, help these people, because there are many problems there, and nobody's really helping us. If you can do something, we will be very appreciative. Thank you.

P.O. LINDSAY:

Thank you.

(Applause)

P.O. LINDSAY:

Taunya Bailey, followed by an Anne Burke.

MS. BAILEY:

Hello, everyone. I'm not versed in New York law. I'm here. I do work for Equity LifeStyle Properties, which is the landowner of Greenwood Village.

(Boos in the Audience)

P.O. LINDSAY:

Quiet.

MS. BAILEY:

The reason why I am here is because we accidentally found out about this Public Hearing today. We found out about it, because a resident, late on the Friday, brought us a copy of the letter that Legislator Romaine sent to all of the Greenwood Village residents indicating that there was a Public Hearing today. Leo McGinity usually handles these types of things for us, and, unfortunately, was out of the country last week. I didn't even have a copy of the resolution until yesterday afternoon. I would think that what we're here today is to see or hear all points of view. Considering the fact that Legislator Romaine's letter went out on April the 10th, giving him 18 days, residents 18 days to prepare for today's Public Hearing, I would ask for an adjournment of this today and a continuance --

(Boos in the Audience)

-- giving us a fair chance to --

P.O. LINDSAY:

Stop, stop. I won't have that done to you, I don't want it done to anybody else. I won't tolerate any booing. Go ahead.

MS. BAILEY:

I would respectfully request that we have the opportunity to review this resolution and give the opportunity for all points of view to be heard.

P.O. LINDSAY:

The only thing that I could say, Ms. Bailey, is that the hearings on any bills are set at our last meeting, which was a month ago, which is lifted in public notices in newspapers. The -- any of our legislation is online, it's accessible. Nobody's hiding anything from anybody, you just have to take the time to look it up, that's all. Okay?

MS. BAILEY:

Well, you know, I would respectfully say that, you know, we've been here before where local laws have been enacted where we haven't had the opportunity to present information. We received a stay on that Local Law. We went and appealed it at Appellate Court. You know, we challenged seven of the issues within that law, and six of those issues were struck from the law. So, I mean, we can go down this road again. We can do exactly what we're doing --

P.O. LINDSAY:

Looks like we are.

MS. BAILEY:

We're here today and it --

P.O. LINDSAY:

Looks like we are.

MS. BAILEY:

Then I guess that's what we'll have to do.

P.O. LINDSAY:

Legislator Alden has a question for you, Ma'am.

LEG. ALDEN:

Well, actually, just a point of information. Whether it's closed or if the hearing is left open, one way or the other, there's going to be another date. So, for instance, if Legislator Romaine makes a motion to close it --

LEG. ROMAINE:

Which I will.

LEG. ALDEN:

-- and we vote on that and we close it, it goes back to committee, so you have more than ample opportunity to express your opinion in the committee process. So today is not the last bite at the apple, so to speak. And you guys have exercised your constitutional right and gone to court on numerous occasions, so I'm sure that you're going to exercise that right in the future. But to say that this is the last time you would have an opportunity to address this body, that's just incorrect.

MS. BAILEY:

Well, I appreciate you telling me that. As I said, I'm not familiar with New York law. I'm not the person that would normally even be here, but because of the time restraint, I'm here. But I appreciate you explaining that to me, and, you know, we'll pass that along so that we can --

LEG. ALDEN:

It's in Veterans and Seniors Committee, right? Am I correct on that?

MR. NOLAN:

Yes.

LEG. ALDEN:

So in next Vets and Seniors, if it gets closed today.

MS. BAILEY:

Okay.

P.O. LINDSAY:

And, you know, the hearings -- committee week is next week? Next week?

D.P.O. VILORIA-FISHER:

Next week, yes.

P.O. LINDSAY:

Yeah. And then the following week is another General Meeting, when, if it clears, comes out of committee. It will be debated and voted on at that time, and there's a public portion for that meeting as well. So there's actually -- you have two opportunities to come or bring people with you, or whatever. Yeah, Legislator Romaine, and then Barraga.

LEG. ROMAINE:

Yes, very quickly. Just for your information, the Vets and Seniors Committee is next Monday at 11:30 a.m. Although I'm not a member, with the forbearance of the Chairman, I fully intend to be there, because when you come, as I will today, I have a number of questions to ask you. And if it is passed out of committee successfully, it will be before the General Legislature on May 12th at 9:30, and you'll have an opportunity at 9:30 in the morning to sign a card and speak early during the public portion. And I am going to make a motion to close this hearing so we can move forward and enact this legislation.

P.O. LINDSAY:

It's premature, I still have cards it.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Right, I understand it, but I just want to ask some other questions.

P.O. LINDSAY:

Go ahead.

LEG. ROMAINE:

You mentioned the fact that your company, when we did the original law, went to court. There were several issues in court. It bounced back and forth. Eventually, it made it to the Appellate Division. The Appellate Division said some of the law was correct, some of the law wasn't, and that's why we've rewritten it. Are you in compliance with the law that is currently on the books now? Are you -- is your firm in compliance with the law that's on the books now? It's a simple yes-or-no answer.

MS. BAILEY:

I can't answer that for you. I already told you I'm not the person that handles this. I'm here because nobody else could be here. To say that we did not get any opportunity, now you're telling me there are different ways that we can find this out.

LEG. ROMAINE:

Yeah, that's correct.

MS. BAILEY:

Okay.

LEG. ROMAINE:

If you want, you certainly can avail yourself of my office and I'll make you aware of what other information you can. I would ask, though, since now you'll have more than almost a week, when you come to the Vets and Seniors Committee, if you would ask -- if you or whoever your company or corporation so designates can answer that question, are you in compliance with the current law?

MS. BAILEY:

When we meet --

LEG. ROMAINE:

And the reason I ask that is because I have here a stack of legal complaints from the residents of Greenwood Village, which I am going to hand over to our County Attorney, I'm going to catalog them and hand them over, and ask them to take whatever action is legally necessary to enforce the existing law. So I just want you to be aware that that is a question that I will ask at that committee meeting with the forbearance of the Chairman, "Are you in compliance with Suffolk County law?"

MS. BAILEY:

We will be prepared.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

I know you're not the right person, but let me ask you a question.

MS. BAILEY:

Sure.

LEG. BARRAGA:

Nine hundred dollars plus per month in maintenance, that's \$3,000 a quarter, \$12,000 a year, what do you get for the 900? I mean, I am --

(Laughter from the Audience)

You know, I'm familiar, for example, with condominium units that are in other parts of this -- of the country, and, you know, \$3,000 a quarter, that's a tremendous amount of money. I mean, what -- do you have any idea what that 900 -- what you get for the 900?

MS. BAILEY:

Well, are you talking about a resident that's residing there now, or when there's been a transfer of lease?

("Now" Said by Members of the Audience)

LEG. BARRAGA:

Well, the Sister that was up here, she's basically residing there now, and she says that the unit she

has, she owns, I guess, the house --

MS. BAILEY:

Yes, and I believe --

LEG. BARRAGA:

She doesn't own the land, but she's paying 900-plus dollars per month in maintenance. What does that cover?

MS. BAILEY:

And I also believe that -- is it Sister Duffy? Is that your name, or your mom's? I don't want to be disrespectful.

D.P.O. VILORIA-FISHER:

That's her name.

MS. BAILEY:

That's your name. Sister Duffy, I also believe that you currently have an illegal resident residing in that home.

LEG. BARRAGA:

No, let's go back to the point.

MS. BAILEY:

Okay. All right.

LEG. BARRAGA:

I just -- I'm asking a very simple question. What do I get? If I'm living there, what do I get for 900 bucks a month?

MS. BAILEY:

We maintenance and upkeep the community. They have the clubhouse, they have the pool.

(Laughter in the Audience)

I mean, I have met with five members of the HOA there and all I heard about was the money that we get from them. What I didn't hear about was the money that we've spent, and I will leave that to someone else other than me to explain to you.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

Anne Burke. Anne Burke.

MS. BURKE:

My name is Anne Burke. I'm a resident of Greenwood Village. I pay \$919.39 per month, no taxes included, no utilities included. They mow the weeds once a week. Must cost an awful lot of money to mow those weeds once a week. Soon they won't be able to have to do that either, because the weeds will die, too.

I paid over \$150,000 for my house four years ago. To me it was an investment in my children's future, equity. Same house on the pond sold for \$75,000. That was last year. You couldn't sell it for \$50,000 this year. I put numerous new windows, new appliances, new floors, because I thought I was maintaining my investment.

These people are financially raping the senior citizens of Greenwood Village. Come to our village and you'll see men bent over weeding, pushing lawnmowers, pushing seeders, feeding plants on their property. Your new residents do not have the garage resurfacing, the driveway resurfacing. That was cut out of the contract. The older residents do, and it is a disgrace. The lighting at night is reminiscent of 17 to 18th Century London, which was lit by gas light, that's how dim those lights are. You walk home from that clubhouse, anybody could be crouching or prowling around in overgrown bushes, tree branches hanging. You take your life in your hands.

I am angry. You can tell I am angry. This is my golden years, I live alone. I am a widow, a widow of a veteran, and is going to come -- I have my own health insurance besides Medicare, but one of these days it's going to come down to the house or the health, the house or the health. I won't qualify for help. Why? Because I own that big white elephant.

They do -- I don't know what she's going to tell you they do with the money. They're certainly not maintaining the property the way it should be. They tell us our maintenance is based on comparables. There is nothing in this earth that compares with Greenwood Village. You go to the Waterwoods -- Waterways, you go up to Riverhead, I think it's Greenwood or Green something, you go to The Forks that's up in Calverton, it's a pleasure to go in there. I've never invited a friend to my house, I'm ashamed. The approaches to Greenwood Village have broken, bent, rusty fencing with sick old trees and overgrown underbrush. Anything that is eye appealing in Greenwood Village has been done by the residents, by their labor or by their finances. Thank you very much.

(Applause)

LEG. BEEDENBENDER:

Hold on. Mr. Chairman. Ma'am. Ma'am.

P.O. LINDSAY:

Hold on. Ms. Burke. Come on back, come on back. Legislator Beedenbender has a question for you, Ms. Burke, if you don't mind.

LEG. BEEDENBENDER:

Hi, Ma'am.

MS. BURKE:

Hi.

LEG. BEEDENBENDER:

First, let me just say my grandmother lives in Foxwoods and she is a recent widow of a veteran, so I am sympathetic to your cause. The question I have, and just because I want to understand, if we put these regulations in place, what does -- you know, how does that make it better for you? You know, because I'm supportive, I voted for the law the first time, I just want to know what the practical effect will be for you.

MS. BURKE:

Okay. If this maintenance fee was reasonable, and you can all do arithmetic, I'm sure you can have somebody do that, if it were reasonable, under \$500, which, according to quite a few professionals, is reasonable, we could sell our homes like that.

LEG. BEEDENBENDER:

Okay. Well I guess --

MS. BURKE:

There was a waiting list for our homes.

LEG. BEEDENBENDER:

Okay.

MS. BURKE:

Now there's a waiting list to get out.

LEG. BEEDENBENDER:

Well, I guess, maybe my question should be directed towards our Counsel. Counsel, does this bill -- would this reduce their maintenance fees?

MS. BURKE:

No, no.

MR. NOLAN:

No.

LEG. BEEDENBENDER:

Okay. But it would prevent them from doing things wrong in the future.

MS. BURKE:

It would prevent -- yes.

LEG. BEEDENBENDER:

Okay.

MS. BURKE:

It would --

LEG. BEEDENBENDER:

That's what I --

MS. BURKE:

It would help.

LEG. BEEDENBENDER:

Okay.

MS. BURKE:

Because I'm not just out for myself.

LEG. BEEDENBENDER:

No, no. Ma'am, I did not think that you were.

MS. BURKE:

I wouldn't --

LEG. BEEDENBENDER:

You made that very clear.

MS. BURKE:

I wouldn't want this disgrace wished on anybody.

LEG. BEEDENBENDER:

Okay. Thank you.

LEG. ROMAINE:

Mr. Presiding Officer, maybe I can answer Legislator Beedenbender's questions. Very quickly, what it would do, for the ones that have lived there for awhile, their maintenance charges are lower.

Everyone pays a different maintenance charge. The bill would allow the assignment of the lease, and, thus, prevent the upping of the maintenance charge to over \$950 for the older people.

As far as the cost is concerned, the reasonableness, I've asked and am getting the cooperation of the New York State Attorney General's Office to investigate, because I believe that they are perpetrating fraud in the charges, because they haven't -- the bill also requires them to provide an itemized list of the charges for each home of the maintenance costs.

LEG. BEEDENBENDER:

Thank you.

LEG. ROMAINE:

So that would be a starting point --

LEG. BEEDENBENDER:

Great.

LEG. ROMAINE:

-- to determine whether fraud is being perpetrated or not.

LEG. BEEDENBENDER:

Thank you, Legislator Romaine.

P.O. LINDSAY:

Rocco Famiglietti.

MR. FAMIGLIETTI:

Good afternoon. And I want to thank you for letting us come and speak to you today. My name is Rocco Famiglietti. I'm the president of the Homeowners Association in Greenwood Village. I am also a real estate broker, and I do all my sales in Greenwood Village. I have been there for thirteen years, and for ten of those years, I have worked in the office, because there was a new builder at the time, Manor Brook Associates, who had built new construction in there.

The people at the time, when I first went in there, I worked for Century 21. Just to make it clear, I didn't work for this corporation, I worked for Century 21 at the time. At the time I went in there, the maintenance charges were \$350. So people that purchased new houses, they had them built out there, the maintenance charges were \$350. Everybody knew what they were signing, what their lease agreements were, what their contracts were, everyone knew this. However, what they didn't know was that in 10 years or 12 years down the road, those maintenance charges would triple, which would depreciate the value of their homes.

I approximate that every time the maintenance charges -- they raised the maintenance charges in this place, it devalues the home 10 to \$20,000. Okay? Also, the people in Greenwood Village who purchased at that time were all told that -- and this was from the company, okay, because we were directed by the company for the rules out there how to sell these houses and what to do. Everyone was told that they would be raised every year through the consumer price index. Okay? Up until the year of 2002, it was August of 2002, I was still working in the office at the time, and one of the regional managers from the corporation had called me up and said, "We're not using the CPI anymore, we're using 4.5." So I said to him, I said, "That's fine." I said, "We'll use it from this particular time on." He said, "Everyone from now on will get the 4.5, CPI is no longer effective." However, the company came back and looked at the leases that were prior to that time of people that I had told that it was CPI, and because it wasn't crossed out on their lease agreements, they arbitrarily charged these people 4.5% increase, and these people were already represented as coming into the community knowing that they would pay CPI. So, all of a sudden, they were hit with 4.5.

Now we took this one, we added -- Congressman Bishop took this for us and he managed to get it taken care of for 30 people in the community. However, I had a list of all the people that were involved in this, and there was over two hundred and something people. When I brought this up, they said they didn't want to open a can of worms, so that we would leave it at the 30 people, but there was a lot of people that were affected by that.

When the company -- when I worked in the office and the company used to do comps, they -- this is a village where people own their homes, okay, they are leasing the land, that's what they're doing, and they pay a maintenance charge, or, as the company would call it, a rental fee. Okay? That maintenance charge is supposed to cover certain services that they get. Okay? You have to look at the pictures that I brought to Ed Romaine today. Okay?

LEG. ROMAINE:

I think they're circulating around.

MR. FAMIGLIETTI:

I mean, it's absolutely atrocious when you see the condition of the village. And the way this company gets their comps, okay, is they go to rental communities. Walden Pond is a rental community. You can't get your comps -- they go to Pine Hills. Pine Hills is a rental community. Okay? That's inclusive rentals. The people don't own anything, they rent. All right? In Greenwood Village, you own a house. By this company arbitrarily raising the maintenance charges the way they do, it just depreciates the value of the homes in there. I just sold a home in there for \$25,000, furniture included, two bedrooms, one bathroom, one car garage, and the reason that I sold that home was because the man just couldn't handle it anymore and he wanted to bail out. Now, they'll come and they'll tell you that their sales, because they have closings all the time in Greenwood Village, and they're right, they do have closings. The closings that they have are people that are fed up and just letting these houses go. I have 150 to \$200,000 that are going for 50, 60, \$70,000. That's not fair. It's not fair to seniors who have served their time in the armed forces, who have dedicated their lives to doing the right thing, and now to be treated like this by a corporation is not fair. Thank you.

(Applause)

P.O. LINDSAY:

Okay. Rocco, before you go, let me ask you a question. Just clarify something for me. The \$900, is that a maintenance fee? Is there a land lease fee on top of that, or is that --

MR. FAMIGLIETTI:

No, that's the charge. You have to --

P.O. LINDSAY:

So it includes the land lease and the maintenance of the facility.

MR. FAMIGLIETTI:

Yes.

P.O. LINDSAY:

Okay.

MR. FAMIGLIETTI:

Okay? And you have to understand, though, that the original homeowner of that home, okay, might have been paid \$300, and that \$900 takes effect when that house is being sold.

P.O. LINDSAY:

Right.

MR. FAMIGLIETTI:

And that takes away all the value of the house. How do you sell these houses?

P.O. LINDSAY:

Okay.

MR. FAMIGLIETTI:

Okay?

LEG. ALDEN:

Bill, one question.

P.O. LINDSAY:

Yeah. Wait, Legislator Alden has a question.

LEG. ALDEN:

To the best of your knowledge, anybody that bought in there, did they have representation by an attorney?

MR. FAMIGLIETTI:

No.

LEG. ALDEN:

No. Thank you.

MR. FAMIGLIETTI:

No. We went to an attorney. We tried to get representation from an attorney, and when we went to the attorney, he wanted \$30,000 up front and he wouldn't guarantee us anything.

P.O. LINDSAY:

No, no. What Legislator Alden is -- when you closed on these houses, you were the real estate broker. Was there --

MR. FAMIGLIETTI:

Oh, yes. People were represented by an attorney, yes.

LEG. ALDEN:

On most of the deals?

MR. FAMIGLIETTI:

Yeah, most of the deals.

LEG. ALDEN:

Thank you.

MR. FAMIGLIETTI:

Yeah.

LEG. ALDEN:

All right.

MR. FAMIGLIETTI:

People had attorneys. And, like I said, you know, if you're looking for something wrong, because I went through this with the Attorney General's Office, if you're looking for something wrong on paper, see, when Greenwood Village was built, okay, and when it was instituted in this state, there were never any laws to protect it. So corporations have come in and just arbitrarily done whatever they wanted to do, because we have no protection out there. I went through this with the Attorney

General's Office. I spoke to them on the telephone and I said, "You have to come out and you have to let me show you what's going on out here."

P.O. LINDSAY:

Okay. Thank you, Rocco.

MR. FAMIGLIETTI:

Okay?

P.O. LINDSAY:

Thank you.

MR. FAMIGLIETTI:

You're welcome. Thank you.

P.O. LINDSAY:

Leo McGinity.

MR. MC GINITY:

Good afternoon. My name is Leo McGinity. My son is the representative of the management of Greenwood Village. We never got any notice of this hearing until a letter was faxed to our office yesterday. My son was in -- on another assignment last week, and, of course, he had an engagement today, he was unable to come. I would only respectfully request -- I've listened to some of the complaints here and I certainly will relay those to my son and the management. But I would only respectfully request that we be given an opportunity to present our side of this controversy. And secondly, I don't think any time would be wasted, because in the interim, I think it's in the best interest of everybody, including the Legislature, the residents of Greenwood Village, if we can come to some sort of an accommodation to help the residents, and also to uphold the law and the stability of a contract.

P.O. LINDSAY:

Leo, I guess you must have come in a little late. We had this discussion with Taunya --

MR. MC GINITY:

I did come late.

P.O. LINDSAY:

-- Taunya before. And when a bill is introduced, a Local Law or a bill to create a Local Law, it's advertised in the public notices, it's online. We don't send out notices to anybody, it's something that's in the public domain that people look at public hearings.

MR. MC GINITY:

Well, I mean, this is --

P.O. LINDSAY:

This is only the Public Hearing. If the bill -- the Public Hearing is closed today, it will be assigned to committee. The committee is next Monday at 11:30. And if it is approved out of committee, it will be before this whole body again.

LEG. BEEDENBENDER:

May 12th.

P.O. LINDSAY:

On the 12th of May. And you folks will have ample opportunity at both the committee hearing, as well as the general session, to come fill out a yellow card, the morning is a public portion, speak about anything that you want, and you'll have an opportunity to have dialogue.

MR. MC GINITY:

All right. So we will have the opportunity, then, to appear before the committee?

P.O. LINDSAY:

Absolutely. All our meetings are open to the public. But, in terms of not knowing that there was dissatisfaction with your residents, I mean, there was --

MR. MC GINITY:

Well --

P.O. LINDSAY:

There was a law passed -- we passed a law last year that is appealed and overturned in court, that's why it's before us again.

MR. MC GINITY:

Well, I know, and --

P.O. LINDSAY:

I mean, you got to know that there's a lot of dissatisfaction there.

MR. MC GINITY:

Without question. But I also know, I was a member of the Appellate Division, Second Department, myself six or seven -- five years ago, and I know that my son took the appeal to the Appellate Division after the Supreme Court had ruled in favor of your legislation and there was modifications. Your bill was upheld in part, and certain other sections were stricken. I think one of the main concerns was this is a retirement village 55 years and older, and now with the real estate taxes just going off the roof, for this village and their residents to lose the protection of being a senior citizens village, and also the reduction in school taxes, particularly, is important to every resident there. And I know that, knowing my son, he will -- he will look into their complaints and sit down with maybe Legislator Romaine and see if we can work something out that was to your satisfaction and the satisfaction of the people.

P.O. LINDSAY:

That would be wonderful. That would be wonderful. Thank you very much.

MR. MC GINITY:

Okay.

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Oh, Legislator Romaine.

LEG. ROMAINE:

Mr. McGinity, Your Honor, yes, your son is the litigant, the attorney for the corporation, and, obviously, he has -- we've had numerous legal papers filed. This law is an attempt to address some of the sections that the Appellate Division struck down to clarify, to make it very simple, and to prevent some of the things that you've mentioned. But, if you come to the committee, or if your son comes to the committee, again, although I'm not a member, with the forbearance of Legislator Stern, who is the Chairman, I will be there. And I will ask this question, and it will be a simple question. "That part of the law that was upheld, are you in compliance? Is your client in compliance with the law?" And that's the question I will ask, and I will expect a full and direct answer on the record. Thank you, sir.

MR. MC GINITY:

Okay.

P.O. LINDSAY:

Okay. I don't have any other cards on this subject, 1222. Is there anybody else in the audience that would like to address us on 1222? Seeing none, Legislator Romaine, what is your pleasure with this?

LEG. ROMAINE:

My pleasure is to close this hearing so we can move to a vote as soon as possible.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Next up, *1227 - A Local Law clarifying membership requirements for the Child Protective Advisory Board. And I have one card, Anna Marie Weber.*

D.P.O. VILORIA-FISHER:

It's okay, I haven't started the clock yet.

P.O. LINDSAY:

Anna Marie, if you just give it a minute until the folks can clear out in the hallway and we can get some water. Ed, maybe you could go outside so we could continue moving along. Okay. If we could close those doors in the back so we can continue with our public hearings. Thank you very much. Go ahead. Thank you. Go ahead, Anna Marie.

MS. WEBER:

Hi. I am Chair of the Suffolk County Advisory Committee on Child Protection.

LEG. ROMAINE:

Thank you so much for coming. (Speaking to Audience Members on I.R. 1222)

MS. WEBER:

I'm going to --

*(*Laughter*)*

LEG. LOSQUADRO:

You've got that on the record?

MS. WEBER:

Okay. As the kids would say, now you take a walk backwards in your brain, because we're going to the younger.

In our March meeting, we were all presented with the amendments made -- in Resolution 1227, and we would like to add, due to the fact that in our committee it appears historically that the committee has been made up of appointed members who were mostly Program Directors, Assistant Directors, they were brought into the committee due to their involvement with special needs for children and

programs for children. So, for us, we've only had a very few Executive Directors on the committee that were active members and participating. Now there are a few Executive Directors that would like to be the appointed member, but send a designee. In light of that, I'd like to add that it be that the said designee will participate in voting, decision-making, and subcommittee activities as an active contributor, that this be clarified and added to the amendment, if possible. That way we can -- our goal is to keep it an action oriented committee with everybody being able to be a part of the subcommittees.

P.O. LINDSAY:

The intent of the whole thing was that the Child Care Council has a number of organizations throughout the County that do very, very good work.

MS. WEBER:

Yes.

P.O. LINDSAY:

And if it was an oversight when we originally set it up, that we specifically had to have a Director there, or something like that, we -- the intent of the bill is that the organizations be represented, the Director, or the designee, or, you know, that there could be an alternate, that everybody's voice could be heard, that's as simple as that.

MS. WEBER:

Yes. And we just wanted to add that they'd be able to have voting capacities, because what has happened is, in the past, members are asked to attend and some say, "Oh, I can't do that," or "Cannot" --

P.O. LINDSAY:

Okay. Then that's fair enough. That's fair enough.

MS. WEBER:

And then in other cases we do have where the Executive Director has never been, but the designee has been attending for two years. So some Executive Directors have chosen to have that person appointed. Now, others now are looking at -- to have themselves appointed and then the designee.

P.O. LINDSAY:

Yeah. And all --

MS. WEBER:

So we just want everybody who participates in the Committee to have active voting rights.

P.O. LINDSAY:

And all we're looking for is that everybody have a voice.

MS. WEBER:

Absolutely, yes, yes.

P.O. LINDSAY:

If it's a designee and an alternate, in case the designee can't make it, that's fine by us.

MS. WEBER:

Yeah.

P.O. LINDSAY:

That's fine.

MS. WEBER:

And that the Executive Director just gives them permission to have those voting capacities, or should we just leave it?

P.O. LINDSAY:

Okay. We'll work that out. We'll work that out. Okay. Thank you very much.

MS. WEBER:

We want everybody we can on that committee. Thank you.

P.O. LINDSAY:

Is there anybody else in the audience that would like to address us on 1227? Seeing none, I'll make a motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

And we'll try and make changes.

LEG. ALDEN:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Beedenbender)

P.O. LINDSAY:

1251 - A Local Law setting lease terms pertaining to leases of real property acquired for airport use. I have no cards on this subject. Is there anybody in the audience that would like to address us on this subject? Seeing none, I'll make a motion to close. Is there anyone else in the audience? Do I have a second to close?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Beedenbender)

P.O. LINDSAY:

1271 - Proposed increases and improvements of facility, Phase I, for Sewer District No. 21 - SUNY. I have no cards on this subject. Anybody wish to talk to us on 1271? Seeing none, I'll make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Beedenbender)

P.O. LINDSAY:

1273 - A Charter Law to clarify powers and duties of the Board of Trustees of Parks and

Recreation and Conservation. And I have a couple of cards on this one. First is Alex McKay.

MR. MC KAY:

Mr. Lindsay, Legislators, Alex McKay. I am Suffolk County Park Trustee, representing the Town of Huntington. I was first appointed on 7/7/76. Seven was my lucky number at one time. It doesn't look that way today.

In my 33 years of serving as a Park Trustee, I can recall only a handful of incidents, and I could name five, I searched through my memory today, in which we've been in conflict with a Legislator over the powers of the Park Trustees to approve fees, regulations, charges, and one other aspect of the parks, which escapes me at the moment. I could enumerate them for you, if anyone would like me to. Two of those incidents involved the powers of the Park Trustees under Article 12 of the original Drinking Water Program in which the Trustees had approval authority over what properties would be appropriate to be acquired. We did have a disagreement over two of those through the years, so only in three instances that I can recall have our powers been in conflict with the Legislator. Two of those are very recent.

Again, I'm not -- I can enumerate -- I'll enumerate them. One was over the increase in park fees to help offset the shortfall at the Vanderbilt Museum. That came back to you. It was revised with a sunset provision, and it was passed by the Legislature. It was passed by the Park Trustees. So that issue, even though it was contentious, was resolved.

There's been a recent issue involving a dog park out in Southaven. The Trustees did not approve it. We also did not approve recently a free running dog park in Coindre Hall over in Huntington. You'll probably be hearing from people from Long Island Dog who were not too happy with that decision. Recently, there was a blog in Newsday. If some of you may have seen it, it said "Park Trustees are Going to the Dogs." Maybe the dogs have done us in, I don't know.

If you feel compelled to pass this legislation, I would request that you do a couple of things to clarify the clarifying. The title of the 1273 is to clarify the role of the trusts. Role of the Trustees has been perfectly clear for the last 50 years since the Charter was written. It is simply -- I'll read it to you. "To approve all matters having to do with the regulation, use, fees and charges with respect to Park and recreation facilities, which matters shall be referred to the Board by the Commissioner for its review." The suggested change here is really not a clarification. What it is is a rewriting of the powers and duties and a reduction of those of the Park Trustees. So to say it's clarifying I think is a misuse of the word "clarify". Also, it really doesn't clarify, because the way the thing is written now, it says to make recommendations on all matters having to do with the regulation of these fees. It does not say to whom. Approve or disapprove was one thing, it was done. Now, we recommend, but do we recommend to the Commissioner, do we recommend to this body, do we recommend to the Parks Committee? To whom do we recommend, the Commissioner, the County Executive? It's not clear to me, it's not clarifying anything.

Secondly, the final clause in the original resolution was that the matters having to do with fees, and so on, shall become effective only upon its approval, the approval of the Board of Trustees. That's all been stricken. So now nobody, the way I read this, technically has approval authority. I think you probably will have to add the recommendations of the Trustees made to the Legislature, if that's what you desire, shall become effective only when approved by the Legislature.

If I may take just one more moment, I know cannot speak for someone else, but I perhaps can quote someone else. Trustee White, Dick White, Richard white from East Hampton sent me an E-mail this morning, he could not be here today, and I would like to just read a quote. Dick is my senior for seven years. He's been a Park Trustee for 40 years. And I will just quote exactly what he sent to me in the E-mail when I locate it here.

"Forty years of volunteer effort and work", quote, "could be overturned because we did exactly what the Charter intended we do, take politics out of parks management." He also says we -- "I hope we

will be able" -- "you will be able to convince" -- "the Legislature will be micromanaging the parks if this change happens." If you rewrite that change to the Charter -- also, it's a change to the Charter. It's not just a Local Law, you're putting this down as part of the Suffolk County Charter. It should be perfectly clear. You should clarify it. You should have us recommend to yourselves, if that's what you desire, and you yourselves take on the role of approving every issue having to do with parks. I'll read them once again. "Use, fees, charges and regulations."

As I said to the Parks Committee the other day when I first read this, I was very angry. I've had two weeks now to kind of get over that. As I said to the Committee the other day, right now, I'm just rather disappointed it had to come to this, somewhat saddened by it. And, if that's the way it is, so be it. In the words of the Beatles, "Let it be." Thank you.

P.O. LINDSAY:

John McConnell.

D.P.O. VILORIA-FISHER:

That's Johan.

P.O. LINDSAY:

Johan McConnell. I'm sorry.

MS. MC CONNELL:

That's all right. It happens all the time. I'm very accustomed to the problem. Most of you usually don't see me at a General Meeting.

Johan McConnell. I'm president of the South Yaphank Civic Association. The Civic Association supports Legislator Kate Browning's resolution, 1273, which would make changes to the powers and duties of the Suffolk County Board of Trustees of Parks, Recreation and Conservation. The Trustees provide a valuable service to Suffolk County in regards to the park system, the acquisition of open space, and how the parks are taken care of. However, I do not agree that the Trustees should have the ability to approve uses within a park that have been presented to, discussed by, voted upon and approved by the County Legislators.

The members of the Park Trustees are appointed, they are not elected. Therefore, because they are not elected, they don't answer to anybody. All of you are elected. You get elected for a term. At the end of your term, your constituents determine whether or not they want to keep you in the office. The Park Trustees do not have that. As you've stated -- that two of the gentlemen that have just stated, they have a very long record of serving, they've given their time, but 40 years and 33 years, I don't know if any elected official that stays in office that long and has the power to make decisions over vast amount of County property. I believe that the role of the Trustees should be advisory, to make recommendations to the Commissioner of Parks and to the County Legislators, very similar to what the Pine Barrens Advisory Committee does for the Pine Barrens Commission. The members of the Pine Barrens Commission, four of them are elected officials, with one appointee. The members of the Pine Barrens Advisory Committee are all appointed. They meet, they discuss issues, similar to what's discussed by the Park Trustees, and then they make a recommendation to the Pine Barrens Commission. The Pine Barrens Commission reviews it and makes a decision.

I'd like to give an example of what recently happened in the Town of Brookhaven, because this is the only Town that I am familiar with, because I attend 90% of the Town of Brookhaven minutes -- meetings. Last year I asked the Supervisor if he knew the name of the Brookhaven's representative to the Park Trustee, he did not. He was not aware that Brookhaven had a representative. The representative had been a member of the Trustees for four years and never once had a report been made to the Town Board. Again, where is the accountability when even the Town that the person represented didn't know him and had never received a report, whereas I can go to a Town Board meeting, I know exactly who's the representative there, I know which district they're representing. I have been to Parks Trustees meetings and I have no clue of who each Trustee is or which

community they represent. To me there is no general accountability, whereas in the Legislative and at the Town level, I can go to my Councilperson, I can go to my Legislator. If I have a concern, I can discuss it with them and my concern can be taken care of. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Johan. Ginny Munger Kahn.

MS. KAHN:

I'm Ginny Munger Kahn, the president of the Long Island Dog Owners Group. We are a nonprofit New York corporation whose mission is increasing access to public parkland for Long Island dog owners and their dogs. We are here to support Legislator Kate Browning's bill, I.R. 1273, which would reassert the role of the Suffolk County Legislature in making policies that affect Suffolk County parks, and modify the role of the Parks Trustees to providing advice.

L.I. Dogs is one of the few community organizations that regularly attend meetings of the Suffolk County Parks Trustees. Generally, we are the only members of the public in attendance. Our experience before the Trustees, who have the power to approve or deny dog parks right now, has been very difficult. Unlike elected officials with whom we can meet to discuss issues, we have been required to go through the Parks Department for any communication with the Trustees. We have been told that we should not call them directly, and that we cannot send them our materials directly. If you go to the Parks Department website, you'll see that there's no way for members of the public to contact the Parks Trustees, either individually or as a group. The only chance groups like ours have to discuss issues with the Trustees is in three-minute comments made during the public portion of their meetings. To say that it is difficult to get an informed discussion going on your issue is an understatement. There is no substitute for sitting down with someone for a true give-and-take discussion, as we can do with elected officials, to get a full understanding of an issue. The fact is the process, the current process does not work.

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

MS. MUNGER-KAHN:

Last week the Chairman of the Trustees told the Parks Committee that the Trustees can serve as a buffer between elected officials and unpopular decisions. Unfortunately, as the Southaven Dog Park bill shows, they can serve as a buffer between elected officials and popular decisions as well. To allow unelected officials to override policies supported by a broad majority of Legislators, the Southaven Dog Park bill got more than 70% of your votes, not to mention their constituents, is bad government. Many of you have been elected on a platform of reform and good government. Modifying the role of the Trustees so that their role is advisory will be a good step towards making that happen.

P.O. LINDSAY:

Thank you. Gil Cardillo

MR. CARDILLO:

Thank you for hearing us today. I'm Gil Cardillo, I'm the Chairman of the County Board of Trustees, Parks Trustees, excuse me. Thank you again for hearing us today. See what happens when you miss one meeting? You become the Chairman.

We wanted to -- what I did is I poled most of the other Trustees. Unfortunately, all the Trustees could not be here today. Many of the Trustees work and, as you must know, the Board of Trustees, we are totally voluntary. So what I did is I gleaned some of the remarks from the other Trustees

and I thought I'd put them together in bullet points. I'll try not to repeat what Trustee Alex McKay has already said, but I will go through them and I'm, of course, available to answer any questions you might have.

Regarding the merits of any of the proposals that come before us, historically any proposal that has merit has been passed by the Trustees. We look to the best interest of the County parks, and if the Legislators have a question with our decisions, we're always happy to explain the thought process and we always have, of course -- I was going to say, Chairman, excuse me. The Chairman of the Parks Committee, Vivian Vilorio-Fisher, always shows up at our meetings as well as before you were the Chairman of the Parks Committee, we had other Chairmen of the Parks Committee and they would always show up at our meetings and we always had a good working relationship with them. And I also -- and yes, I did last week at the Parks Committee meeting submit that we do act as a buffer to the Legislature; I don't think that that is a negative statement. We are an apolitical body that sometimes makes unpopular decisions without the threat of political fallout. We act as a check and balance. We represent voters, even non-voters, non-resident tourists, and we offer specific interest groups like LI Dog a forum for discussion of park policy.

We do take issue with the fact that we have not been available to the Long Island dog people. I submit that we have spent more time on, I will say dog issues, in the nearly four years that I've been on the board than any other issue combined. And I'll say that again, than any other issue combined, we have spent more time with the dog interest people; I don't know how they like to be called, the Long Island Dog. And they do, they are correct, they come to all of our meetings, and normally they speak at our meetings and sometimes a number of them speak at our meetings. We had a meeting at Coindre Hall a couple of months back where I think the meeting was three hours long and all but eight or ten minutes of it was due to the speaking of the dog issue people.

The duties of the Trustees are spelled out in the County Charter, and that was -- I believe it goes back about 50 years ago. The reason for the Board of Trustees, according to Alex McKay who is our -- excuse me, to Dick White who has been on the board I believe 39 or 40 years. The reason for the Board of Trustees was to depoliticize the process of park fees, usage, etcetera. The duties are spelled out in the Charter and that's what guides our decisions. Recently we have had a couple of differences or philosophical differences with the Legislature. It is our position that IR 1273 is not in the best interest of County parks. To remove our approval authority would destroy the effectiveness of the Board of Trustees and make our board's influence on any park policies pretty much moot.

I won't repeat some of what Alex said. We already said that we pretty much agree with the Legislature about 97% of the time. In the Fall of 2008, Trustee Corwin, who was the Trustee-at-Large, and myself went to the Public Hearing in Riverhead on the 10-year Charter Revision. In our willingness to work with the Legislature, we sought to make a change to the Charter, a practice that we had been using for many years specifically allowing both the Presiding Officer's designee and the County Legislature's designee to vote at our meetings. According to the County Charter, the Presiding Officer and the County Executive can vote at our meetings, but the Charter does not actually permit the designated vote. In practice, we have always allowed the designee to vote knowing the time demands of the County Executive and the Presiding Officer. We brought this issue up to illustrate our willingness to work with the Legislature and accommodate the Legislature.

The framers of the Charter in 1960 felt the Board of Trustees should have approval authority for a reason. We see no reason to change the County Charter, seemingly due to the fact that we've disagreed with the Legislature recently on a few issues. We've historically voted with the Legislature according, again, to Dick White, about 97% of the time in the last 40 years. The Board of Trustees is a volunteer body, we give large chunks of time to the County for free. In this economy, getting anything for free is a good thing. The average tenure of the Board of Trustees is just under 13 years. We also serve on RFP committees and again, we do that for free and we put our time in for free.

In IR 1273, it states, "Approval powers should be limited to elected officials, not appointed officials." We the Trustees would submit that government, and more specifically parks, have historically worked well with the Legislature. Everyone in this room has enjoyed the parks and infrastructure of our State Park System; much of the credit can be given to an appointed official, Robert Moses. It also may be pointed out that the Supreme Court of this land is made up of appointed officials.

Then there was just one other issue regarding -- we have worked very hard to work with the LI Dog group. We are saddened that they apparently did not like the fact that we disagreed with them and we agreed with the Legislature on their issue at Coindre Hall. What LI Dog was doing, and is continuing to do to this day, is a de facto unlicensed dog park. Now, they have gone through the last two Commissioners that I have known and they came and they complained that they were getting ticketed for having unleashed dogs at the park where the Commissioner calmly explained to them, "I don't make the rules, I just enforce them." So they have created a de facto dog park at Coindre Hall and we, the Board of Trustees, all we agreed to was that we would go with the Legislature on what was approved at Coindre Hall some years back. It was a joint venture, I believe, with the Town of Huntington. For some reason there was supposed to be a fence built, the fence never got built; this was before my time on the Board of Trustees.

But what we are willing to do is go with the Legislature. We've passed that resolution that we would approve a resolution that we would go with what the Legislature decided was to be gone on at Coindre Hall. But an unlicensed dog park at Coindre Hall was not a suitable use and there are many, many reasons for this, was not a suitable use and what LI Dog was doing was basically an act of --

P.O. LINDSAY:

Gil, you've got to wrap up, you're way out of time.

MR. CARDILLO:

Sorry. That's about all I have.

P.O. LINDSAY:

Thank you very much.

MR. CARDILLO:

It was just an act of civil disobedience. Thank you very much for hearing us. I'll answer any questions you might have.

P.O. LINDSAY:

Anybody have --

LEG. BROWNING:

Bill, one question?

P.O. LINDSAY:

Yes, Legislator Browning.

LEG. BROWNING:

Okay. You know, I know it's getting late, I don't want to go on too long. I do intend to close this. You know. I don't think there's anybody here that doesn't respect what you've done and appreciates what you do. We do know that you volunteer, that you are not paid.

One of my questions is as a Board of Trustees, when a bill goes through the Legislature and is approved and it's unanimously voted on, do you take every piece of legislation and decide on whether you agree with the Legislature or is it random?

MR. CARDILLO:

I think that when issues come before us we try to look at the merits of the -- of the issue and we look at our duties. For example, there was an issue recently, there was a piece of land purchase and

it did not fall within our duties. We would have made an unprecedented decision if we were to purchase this piece of land because we were purchasing the land, or we asked to purchase the land from another municipality. So we were in the business of preserving unpreserved parkland, and meanwhile there is some parkland that was already preserved by another municipality that we are being asked to purchase. So I hope that answers your question.

LEG. BROWNING:

Well, okay. So for example, you know, we -- the talk about the dog park and Long Island Dog.

MR. CARDILLO:

Yes.

LEG. BROWNING:

I know that there's been a couple of pieces of legislation, Legislator Stern introduced legislation for dog parks.

MR. CARDILLO:

Oh, yes, five of them.

LEG. BROWNING:

I did. Did the legislation that Legislator Stern introduced, was that voted on by the Trustees?

MR. CARDILLO:

I don't believe so. I'm going to consult Alex, the one who --

MR. McKAY:

I don't recall ever seeing it.

LEG. BROWNING:

Okay. Well, and another one. So any kind of -- what I'm trying to get is operation of the park, any kind of youth facilities being created in the parks.

MR. CARDILLO:

Well --

LEG. BROWNING:

And for example, a trap and skeet range at Southaven Park; did the Trustees have any say on that one?

MR. CARDILLO:

In my four years, we have not heard anything about trap and skeet, so that has not come before us. With regards to the five dog parks, when the dog park -- I know there's a plan to put at least five dog parks in. If something comes before us and if the Legislature feels it's a good idea and the Park Commissioner feels it's a good idea -- we usually go, we walk the area, we get our shoes muddy and, you know, if there's a question about it then we'll do it. If everyone seems to be on board with it, we are guided by -- again, the Board of Trustees, we're guided by our duties, we're guided by the Legislature and we're guided by the Parks Commissioner. And other areas -- like there's a -- I'm trying to think of the title; what Bill Sickles used to be.

LEG. KENNEDY:

Park Superintendent.

MR. CARDILLO:

The super -- thank you, the Superintendent of Parks as well, because that's the facilities guy. I live near Indian Island Park and I see the facilities guy there all the time. But when it comes to another park, you know, I like to speak to the facilities person and get their opinion, is this a good use and

that kind of thing.

LEG. BROWNING:

Okay. So you don't take every piece of legislation -- every issue that's brought to you is not necessarily what you look at. When the Trustees are voting on something, who brings that to you to ask you to decide whether this is a good idea or a bad idea?

MR. CARDILLO:

I think it's put on the agenda if it falls within our approval powers.

LEG. BROWNING:

Put on the agenda by who?

MR. CARDILLO:

By the Parks Commissioner office; the Office of the Commissioner puts something on the agenda if it has to be approved by us. If it doesn't have to be approved by us, then there are things that we don't have jurisdiction over. I don't know what you call the word, that we don't have -- that we don't oversee.

LEG. BROWNING:

But if you have two issues the same and you didn't vote on one and it was never on your agenda, then why would it be on your agenda the second time?

MR. CARDILLO:

I'm not sure I understand the question.

LEG. BROWNING:

Well, you have two similar issues, you never voted on it the first -- the first issue that came to you you never voted on that issue.

MR. CARDILLO:

I'm sorry; I didn't say an issue came to me.

LEG. BROWNING:

Let's say Legislator Stern's dog park; to my knowledge you didn't vote on that.

MR. CARDILLO:

Okay. I can't -- I don't remember. If you tell me when it was, I can --

LEG. BROWNING:

Okay. I'm not sure exactly when, I know it's well over a year ago. But what I'm saying is my understanding is you didn't vote on that; however, this time it was decided you did vote on it, that you would vote on it. So basically the Commissioner makes the decision whether it's something you need to vote on or not.

MR. CARDILLO:

I can't say that to be true, I don't know. You're saying that, I don't know.

MR. McKAY:

May I ask a question?

LEG. BROWNING:

Okay. I don't know. Bill, can he?

MR. McKAY:

Legislator Stern --

LEG. ALDEN:

No.

MR. NOLAN:

No.

P.O. LINDSAY:

No, no, no. No, we don't entertain questions from the audience.

MR. CARDILLO:

Okay. All right.

LEG. BROWNING:

Okay. I'm done with my questions.

MR. McKAY:

I wish -- it's not very clear.

MR. CARDILLO:

I'm sorry I can't answer your question. What comes before us we will vote on; if it doesn't come before us --

LEG. BROWNING:

Well, we have committee, we can ask more questions at committee.

P.O. LINDSAY:

Well, if you want to ask the other fellow what he wants to say, that's fine.

LEG. BROWNING:

Sure. If he -- well, that's what I was asking you, I didn't think you wanted him to come up.

P.O. LINDSAY:

No, no, that's fine, as long as the question comes from here. I can't allow questions from the audience, that's all.

LEG. BROWNING:

Yes. Well, I think he can clarify what I'm asking.

MR. McKAY:

I'd be very happy to try to answer your question.

LEG. BROWNING:

Well, I think he can clarify what I'm asking.

MR. McKAY:

To the best of my knowledge, I do not recall -- Alex McKay, Park Trustee, Town of Huntington. I do not recall Legislator Stern's proposal for a dog park. I don't know what we're talking about. If I knew specifically what park, if we're talking about West Hills and the dog park in West Hills; yes, that was approved by the Park Trustees and it's in operation and it's working very well. If it's a location somewhere else, I don't know what we're talking about.

The one out in Southaven which was recent, I was not at the March meeting, I was on vacation. I did read the minutes from the Parks Trustees and the Commissioner and the Deputy Commissioner made it very clear that siting a dog park at that location would interfere with other park operations which was overflow parking for a picnic area. And the Trustees -- I not being present, but I probably would have voted with the other Trustees -- did not approve that proposal. But I don't

know that the other one is the one that we're talking about.

LEG. BROWNING:

Okay. I would like to look and see if I can find minutes from the Trustees meeting to see where that vote was.

MR. McKAY:

If it were West Hills I'd say yes, we voted on it; if it was somewhere else, I don't know.

LEG. BROWNING:

Okay. Well, there has to be minutes on it, so I'll look for that.

MR. CARDILLO:

Yeah, because I know there are five different dog parks in the works, so I'm not really sure which one.

LEG. BROWNING:

Okay.

MR. CARDILLO:

I believe the West Hills one was voted on, yes.

LEG. BROWNING:

Thank you. I'll look for the minutes.

MR. CARDILLO:

Thank you.

P.O. LINDSAY:

Okay, that's it. I don't have any other cards on this subject. Anybody else in the audience wish to speak on this subject? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. BEEDENBENDER:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on No. 1282-09 - Adopting Local Law No. 2009, a Local Law to enhance public safety by regulating the secondary gem market (Kennedy). I have nobody -- no cards on this subject. Is there anyone in the audience that would like to address us on 1282? Seeing none, Legislator Kennedy?

LEG. GREGORY:

He's out in the hallway.

MR. NOLAN:

Somebody grab him.

P.O. LINDSAY:

Legislator Kennedy, do you want to close 1282 or recess it?

LEG. KENNEDY:

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

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on No. 1283-09 - Adopting Local Law No. 2009, a Charter Law to establish a fiscally sound, flexible policy for managing budget volatility (County Executive). I don't have any cards on the subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I guess we'll close it. Do I have a second?

LEG. ALDEN:

Do they want to -- it's a County Executive Public Hearing.

MR. NOLAN:

The last one.

LEG. ALDEN:

Is there anybody here from the County Executive's Office?

MS. ALLONCIUS:

And which bill is this?

LEG. ALDEN:

I'm just -- with your indulgence, I'm just thinking that something of this magnitude, right, you would expect somebody to come down and address it, someone from the public or --

P.O. LINDSAY:

Is this 1284?

MR. NOLAN:

This has to do with the use of fund balances, other -- Tax Stabilization Reserve.

P.O. LINDSAY:

I see.

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Mr. Brown, see if someone's back there to give us some advice. Let me just slide over this for a minute.

We'll set the date for the following Public Hearings of May 12th, 2009, at 2:30 PM at the Rose Caracappa Auditorium in Hauppauge; IR eleven -- 1290, a Local Law to enact grading policy for food establishments; IR 1311, a Local Law to implement Red Light Camera Program; IR 1314, a Local Law to authorize County registry for domestic violence offenders; IR 1316, a Local Law to clarify seven day rule requirements; IR 1327, a Charter Law to establish a new process for adopting the Suffolk County Community College's Operating Budget; and IR 1347, a Local Law banning E-Cigarettes in Suffolk County. Could I have a motion on the setting of --

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

LEG. BEEDENBENDER:

He's coming in the door.

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay. Ben, could you advise us on 1283; do you wish 1283 to be closed?

MR. ZWIRN:

Yes.

LEG. BEEDENBENDER:

Yes?

MR. ZWIRN:

We would like it closed, yes. We would like 1283 closed. That is a bill that really is a companion bill to some of the other CN's that we'll have today. What it does is it suspends the formula for how we use surplus, which normally a percentage would go to the Tax Stabilization Fund. But because this year we're going to be tapping the Tax Stabilization Fund to the tune of \$30 million to help with the budget crisis, we would like to have the ability to take the surplus that we would have normally that would flow to Tax Stabilization go instead to the fund balance for the next couple of years so we can be able to use that for taxpayer relief going forward. Otherwise, we'll be just replenishing the money and we'll still be finding ourselves spinning our wheels. It's just a temporary suspension until we can get ourselves back on our feet and hope the economy comes back.

P.O. LINDSAY:

Okay, you want it closed. Motion by Legislator Beedenbender to close and I'll second it. On the motion, Legislator Romaine.

LEG. ROMAINE:

Very quickly, if you could summarize what the purpose of 1283 is, what you hope to accomplish, how long it's going to be in effect. Is this something that once enacted will go into 2010, 2011, 2012?

MR. ZWIRN:

The answer is yes, it would -- it would be three years. And it's during these tough economic times, so it gives us the ability to take the money that normally would flow straight to Tax Stabilization, so we don't have to go back and tap it necessarily again, and that money now goes to the fund balance which we can now roll back for tax relief in the following year.

LEG. ROMAINE:

So the funding that would normally go to Tax Stabilization --

MR. ZWIRN:

A portion, yes.

LEG. ROMAINE:

Well, what portion, what percentage?

MR. NOLAN:

Twenty-five percent.

MR. ZWIRN:

What the percentages are. I'll get you -- Gail, do you know?

LEG. ROMAINE:

Maybe Gail could answer that.

MS. VIZZINI:

The current law requires 25% of the discretionary fund balance, which could be a big number; had we had to make it in '09, it would have been 35 million.

LEG. ROMAINE:

Right.

MS. VIZZINI:

But we have the cap, a \$120 million cap.

LEG. ROMAINE:

Right. So a portion of funding that would go to Tax Stabilization now will not go to that fund but instead will go to the fund balance, will not require a vote of the Legislature.

MR. ZWIRN:

Yes. No, it will. You do the budget, you'll be voting on --

LEG. ROMAINE:

On the fund balance.

MR. ZWIRN:

Yes.

LEG. ROMAINE:

As part of the budget.

MR. ZWIRN:

Yes.

LEG. ROMAINE:

Okay. Thank you.

P.O. LINDSAY:

Just to point out something, like this year we're going to be voting on a bill to take \$30 million out of Tax Stabilization to help plug the hole. Without some kind of legislation, we'd have to put the 30 million back in in 2010 and we didn't -- we didn't have any money to help with this rainy day situation. So I understand where they're going. Legislator Alden.

LEG. ALDEN:

Ben, did you anticipate anybody was going to comment on this? Workers from the County, maybe some financial economists or anything like that? Because the purpose of a Public Hearing is to solicit comments from the public about -- and this is a Charter Law amendment. Did you anticipate that anyone from the public would want to come down and comment on this? Because no one is here, that's my point; you weren't in the room, so you didn't know that.

MR. ZWIRN:

Well --

LEG. ALDEN:

There was no cards filled out.

MR. ZWIRN:

I mean, are you critical of the notice provisions, I mean, for a Public Hearing? I'm not sure I --

LEG. ALDEN:

No, I thought I was pretty straight up. When you put the bill in, or it wasn't you, it was the County Executive, did you anticipate anyone from the public coming down to comment on this?

MR. ZWIRN:

Well, the public would be welcome to come down on it, you're welcome to comment on it. I don't -- we didn't prohibit anybody from coming down.

LEG. ALDEN:

You don't want to answer the question? That's fine.

MR. ZWIRN:

I don't know what -- I don't understand what you're saying.

LEG. ALDEN:

No, that's fine. That's fine. It's English that I'm speaking, you're speaking English, too, right? You don't want to understand it? You don't want to answer the question?

MR. ZWIRN:

Are you asking did we send out invitations to anybody in particular? I mean, I don't know -- I don't understand.

LEG. ALDEN:

Ben, that's your prerogative. Don't answer the question.

MR. ZWIRN:

I don't understand the question.

LEG. ALDEN:

That's pretty tough that you don't understand the question.

MR. ZWIRN:

Well, I'm trying.

P.O. LINDSAY:

Okay. Okay.

LEG. ALDEN:

All right. Whatever. You don't want to answer? That's fine.

P.O. LINDSAY:

Okay. We have a motion to close and a second. You have a second, right?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I have -- could I have the folder for a minute?

D.P.O. VILORIA-FISHER:

Sure.

P.O. LINDSAY:

I have a request for a short recess. But before we go into recess, I wanted to see if we could take 1411 out of order.

LEG. LOSQUADRO:

Take them both, actually.

P.O. LINDSAY:

It's the agreement for the Correction Officers; the Correction Officers' leadership has been hanging around here all day waiting for us to vote on this. So I have a motion and a second to take it out of order.

LEG. ALDEN:

Bill, it's a CN?

P.O. LINDSAY:

It's a CN, 1411. All in favor of taking it out of order? Opposed? Abstentions?

LEG. LOSQUADRO:

Bill, you want to make a motion and I'll second?

MR. LAUBE:

Eighteen. Could I just get a repeat of the motion and second?

P.O. LINDSAY:

Motion is -- was by myself to take 1411 out of order. I believe it was seconded by Legislator Losquadro.

MR. LAUBE:

Thank you.

P.O. LINDSAY:
All right?

LEG. LOSQUADRO:
Same motion on the approval.

P.O. LINDSAY:
Okay. So we -- did you read the count? You read it, right?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
So the motion stands before us, it passed. So I'm going to make a motion to approve.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
And seconded by Legislator Losquadro.

LEG. BARRAGA:
I would like to speak on the motion.

P.O. LINDSAY:
And on the motion, Legislator Barraga has some questions and I see --

LEG. BARRAGA:
Thank you, Mr. Presiding Officer. I don't have any questions, I would just like to speak on this motion, on this piece of legislation. And let my comments also include the four or five other pieces that will also appear on this agenda a little bit later on, because they all basically are interrelated between lag payrolls and layoffs and reserve funds.

Certainly, we all understand and recognize the economic plight we face as residents of Suffolk County, trying to weather the storm of one of the most severe recessions since The Great Depression. It is one thing, however, to develop a political strategy that entails the possibility of layoffs. It is quite another to send over 3,000 letters to County employees telling them that they are in harm's way, generating immeasurable fear and anxiety. There is a big difference between political strategy and political thuggery, a big difference between the public servant who shows leadership and compassion versus the one who exhibits the traits of the cheap tin-horn bully.

The fiscal reality is that Suffolk County has a \$130 million Reserve Fund, a rainy day fund that in my judgment should be used to meet the fiscal challenge we face. If 60 million of that fund was to be used instead of only 30 million, there would be absolutely no need for the threat of layoffs or a lag payroll. What we have here reminds me of the fellow who goes home and finds that his refrigerator has broken down and he needs a new one and the cost is fifteen hundred dollars. He decides to put in 300 and ask four friends to each come up with \$300 a piece. He goes to them, tells them things are tough, the economy is poor and he needs their \$300. They reluctantly say yes and then they find out he has \$10,000 in the bank; more than enough to cover the cost of the refrigerator. They go to him and ask, "What's the story? You have more than enough in the bank to buy a new refrigerator. Go withdraw the money." He responds, "I can't possibly do that. It will affect my credit score. I might want to take a car loan out in six months or I might need a loan if I put an extension on the house. If I take out the money, I might have to pay a little more interest on the

loan." The response from the other four is, "To blazes with you. You've got the money, use it and stop trying to con us." That's what we face with these bills, every single one of them, one big arrogant con job.

I understand. I certainly understand the action of certain unions to appease the bully by acquiescing to a lag payroll out of fear of having some of their members lose their jobs. But the truth is you can never appease a bully. The bully will be back again and again because he knows he can get away with it. And more importantly, he has no -- absolutely no respect for you. When a bully comes down the beach and he's kicking sand in the faces of his victims, you really only have one of two choices; you can sit there and take it or you can get up and kick them right in the testicles.

*(*Laughter From Audience*)*

You may win or you may lose, but I assure you, the next time that bully comes down the beach kicking sand in the faces of people, when he gets to you he will do two things; cover his testicles and pass you by, because he will know what's in store for him.

LEG. EDDINGTON:

Hoorah.

LEG. BARRAGA:

I have had the privilege, the honest privilege of meeting some great Democrats. A great Democrat to me is one who is a true believer, a believer in the core principles of his or her party, the party that reaches down to help the downtrodden, the party that believes in providing health services to the needy, protects the Social Service net, protects Social Security and promotes education and the environment. I might be sitting with some of those great Democrats right in this chamber, men and women who would take this legislation, all five pieces of it, rip it up and toss it in the garbage where it belongs.

This bill is anti-County worker, it is anti-union. And certainly, with thousands of workers receiving less money, they will spend less in shops and stores making the bill strongly anti-business. It should be defeated. They all should be defeated. Send the message to the bully with a swift political kick you know where.

Applause

P.O. LINDSAY:

The only -- I hate to disagree with my colleague, but 1411 is the agreement of a settlement between the Correction Officers and the administration that settles a long festering labor dispute that brings them up-to-snuff. And at the same time, the Correction Officers came forward and agreed to a lag payroll that helps in our tremendous budget problems. And I salute them with all the acrimony that went on in the negotiating process the last few years, that Corrections were the first ones forward.

LEG. BARRAGA:

Mr. Presiding Officer, with all due respect to you, my position is those Correction Officers shouldn't have had to lag anything, nothing.

P.O. LINDSAY:

Well, I understand your position. I also have a hard time trying to figure out where we're going to get the money to plug the hole. Vito Dagnello, I'm going to do something out of the ordinary and ask him to step forward and we have Jeff Tempera here from the Labor Relations to see specifically if anybody has any questions about 1411.

MR. DAGNELLO:

Could I just say one thing?

P.O. LINDSAY:

Go ahead.

MR. DAGNELLO:

This union, we stood up to the bully. We went six years without a contract. We settled an arbitration award. The County had a fiscal problem. This union also had a problem with an award that was deficient and didn't cover some individuals in my membership, which was about a hundred and twenty some-odd members. And we were in a unique situation; we still were behind two years than the other unions. And we took the opportunity to sit and the County sat with us and we worked out those differences mutually and we worked together and we came up with this agreement, and it passed my membership by 87% of the vote. Approximately 130 members did not vote; that was the highest vote of anything we have ever done within our union. So I urge you to pass this unanimously.

You supported my members when they had their phone calls; I know all of you had received them. I had members lose their houses to foreclosure. We could not stand up to a bully any longer, we had to work things out. And we stepped forward, the County did and we mutually came to an agreement that benefitted both sides. So thank you for your support these past seven years, actually.

P.O. LINDSAY:

Okay. Does anybody -- Legislator Beedenbender.

LEG. BEEDENBENDER:

Hi, Vito. I'm pretty sure I know the answer to this question, but I just want it to be on the record. I know that the arbitration award from '04 and '05 included a provision that several of the Correction Officers would have had to pay large sums of money back to the County.

MR. DAGNELLO:

Yes.

LEG. BEEDENBENDER:

I was told at one point that as part of this agreement, those individuals will not have to do that; is that true?

MR. DAGNELLO:

Yes it is.

LEG. BEEDENBENDER:

That's very good news. Thank you.

MR. DAGNELLO:

And that amount was between 27 and \$31,000.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Vito, does it make a difference to you and to your members whether or not this thing goes through now or whether it gets to go through the committee process? You know, once again, we're looking at something we've all heard about, we all knew that there was a settlement. I'm flipping for the first time looking at, you know, what the percentages are. I'm looking at language on the first page here, item number four, talking about the Sheriff having sole discretion to go ahead and utilize personnel in different types of capacities?

MR. DAGNELLO:

We do that now on -- in different areas, gangs and also illegal alien population. Just today we had another three officers get injured, last night we had a handful, assaults are up, and that just gives

the ability for him to take care of the officers that are doing above what their normal jobs are.

LEG. KENNEDY:

Here's my point, Vito. Here's my point. We're being asked to go ahead and approve this now. I know better than anybody what you've gone through for the last six years, absolutely, positively. And all your membership, you know, have labored mightily to get here. We can't change the individual terms in this?

MR. DAGNELLO:

Right.

LEG. KENNEDY:

But each and every one of us has not only a right but a responsibility, I guess, to fully appreciate or understand this thing as we go ahead and vote on it. Is this what you want?

MR. DAGNELLO:

This is what I want, my membership wants, because we have not received a date or anything of getting the retro pay for the '04 and '05 contract, but they've just started to receive that increase in their pay. We've deferred till next year the retro check from the '06 and '07, so they're not going to see any additional monies. The only money they're going to see is when their payroll is increased, their paychecks. And they've been struggling, I've already had three officers lose their house to foreclosure and I have a number of other ones that are. This, by passing it today, gets them in their paychecks hopefully by the beginning of June, the end of May, so they can at least have a summer with their kids and have some extra money in their pockets.

LEG. KENNEDY:

Legislator Beedenbender talked about, I guess, paybacks; do you -- several of your members are National Guard members, they're on military duty and things like that.

MR. DAGNELLO:

Yes.

LEG. KENNEDY:

There's been issues about what they receive when they're on active duty and what their salary is; is that issue resolved as far as--

MR. DAGNELLO:

It wasn't part of this, no.

LEG. KENNEDY:

It was not.

MR. DAGNELLO:

No.

LEG. KENNEDY:

So that's an issue that remains separate and outstanding.

MR. DAGNELLO:

Yes.

LEG. KENNEDY:

Okay. I'll yield, Mr. Chair.

LEG. MONTANO:

Let's vote.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Just very quickly, Vito. Because our role here is to vote either yes or no, and if we were to vote no that it would put you back in that same situation you've been in for six years.

MR. DAGNELLO:

Yes.

D.P.O. VILORIA-FISHER:

And that's where we don't want to see you.

MR. DAGNELLO:

I'm asking you to vote yes for this.

D.P.O. VILORIA-FISHER:

To vote yes, okay. We're there. I'm there.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Just very quickly, we've had a lot of discussions on this. I want to say thank you to you for your hard work on this and to your members for not only enduring what they have had to endure, but for stepping forward and voting for this in such an overwhelming fashion. So thank you again.

P.O. LINDSAY:

Okay. Anybody else?

MR. DAGNELLO:

And I want to thank every one of you for the support that you've given us.

LEG. BARRAGA:

I have one comment.

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

I believe you need ten votes to pass this, right?

LEG. LOSQUADRO:

Twelve.

LEG. BARRAGA:

Twelve? All right. You'll wind up with 17. If you needed 12 I'd give you 12, but you're going to wind up with 17.

MR. DAGNELLO:

Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. Let's call the roll, all right?

LEG. ALDEN:

It's a CN.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. Before we go into a recess for a few minutes, Carolyn Fahey is in the audience and has three bills under Economic Development, if we could just go to that. It's on the regular agenda, we're almost there. So if -- the first one, 1258-09 - Amending the 2009 Capital Budget & Program and appropriating funds in connection with security notification college-wide; is this something you're interested in?

MS. FAHEY:

No, the other two.

P.O. LINDSAY:

No, that's not it.

D.P.O. VILORIA-FISHER:

Economic Development.

MR. NOLAN:

We're doing the Economic Development ones.

P.O. LINDSAY:

1261-09 - Authorizing the County Executive to enter into a Memorandum of Understanding with the Towns of Riverhead, Babylon, Southampton for the administration of Suffolk County Empire Zone; is that it, Caroline?

MS. FAHEY:

(Shook head yes).

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator --

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Gregory, Gregory, sorry.

D.P.O. VILORIA-FISHER:

Oh, Gregory, okay. I thought he wasn't finding a second.

P.O. LINDSAY:

Is there -- any questions? Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. That was on 1261, correct?

P.O. LINDSAY:

Right. *1272-09 - Authorizing use of property at Gabreski Airport by the United States Army.*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Eddington. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Does that -- you're taken care of now.

MS. FAHEY:

Yes. Thank you.

P.O. LINDSAY:

All right. And was --

D.P.O. VILORIA-FISHER:

No, we didn't do 58, Wayne. We just did the ones she needed.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

And the Labor Department is here, they want us to do something so they can get out of here on an issue; is that -- am I correct about that?

MR. ANDREWS:

Yes.

P.O. LINDSAY:

In the packet under CN's is *1391-09 - Accepting and appropriating American Recovery & Reinvestment Act funding from the New York State Department of Labor under the Workforce Investment Act Program, second half of funding.* I'll make a motion --

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

-- to take it out of order. Seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It is before us. Now, same motion, same second on approval. Does anybody have any questions of this gentleman? Yes, Legislator Alden. Could you please recognize yourself? I'm sorry I don't know

you.

MR. ANDREWS:

My name is James Andrews --

P.O. LINDSAY:

No, you've got to turn on the mike.

D.P.O. VILORIA-FISHER:

It's not on.

MR. ANDREWS:

My name is James Andrews, I'm the Director of Finance for the Suffolk County Department of Labor.

LEG. ALDEN:

Does this cost us anything?

MR. ANDREWS:

No, this is money from the recent economic stimulus that brings money into the County; it's 100% Federally funded.

LEG. ALDEN:

Okay. And what do we -- what's our intent as far as the way to spend this? Are we going to bring people back that were taken out of the Department of Labor at some point in the last two years?

MR. ANDREWS:

This is temporary funding from the department. This is actually going to go -- the second half of this funding will actually be towards -- the majority of it towards our Summer Youth Program where we will put approximately 1,800 to 2,000 Suffolk County residents that are eligible for this program to work the summer for approximately two months.

LEG. MONTANO:

Is this like a neighborhood --

LEG. ALDEN:

All right, thanks. That was an excellent explanation, that's good.

LEG. MONTANO:

Is this like a Neighborhood Youth Corp Program or something?

MR. ANDREWS:

This will be our youth program where we will have youths employed all throughout Suffolk County. There will also be ten Youth Conservation Corp Crews funded through this program.

LEG. MONTANO:

And that's going to be administered through your department?

MR. ANDREWS:

Yes, sir.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, we've run, the Labor Department has run other summer youth employment programs, conservation programs that the youth, usually disadvantaged youth have been hired to do; I assume that's the criteria for this.

MR. ANDREWS:

Yes, sir, that's correct.

LEG. ROMAINE:

Okay. And the Labor Department is going to provide for all 18 members of this Legislature a list of the projects that these youth crews are going to work on throughout Suffolk County; I expect that you will be doing that.

MR. ANDREWS:

If it's requested, yes, we will.

LEG. ROMAINE:

It's requested.

LEG. MONTANO:

It's requested, yeah.

LEG. ROMAINE:

Take that as a request.

MR. ANDREWS:

Okay.

LEG. ROMAINE:

I'd like to know where these projects are. And this is -- I see you're getting a little bit, almost \$1.2 million for permanent salaries. So that can't be for the youth corp, is that correct?

MR. ANDREWS:

No, that would be to fund additional staff such as Crew Leaders, Assistant Crew Leaders.

LEG. ROMAINE:

But they're all temporary in the sense that they're seasonal. None of these are permanent, full-time, year-round employees that are being hired with this money?

MR. ANDREWS:

No, no permanent, full-time employees.

LEG. ROMAINE:

Okay. And this is all Workforce Investment Act?

MR. ANDREWS:

Yes, that's correct.

LEG. ROMAINE:

And it can only be used in the current structure of Suffolk County Government through the Labor Department, it can't be applied to other departments of County government?

MR. ANDREWS:

That's correct. The Federal Government chose to use this avenue to provide us with these funds.

LEG. MONTANO:

Okay.

LEG. ROMAINE:

So it's take-it-or-leave-it.

MR. ANDREWS:

Yes.

LEG. ROMAINE:

Okay. Thank you.

P.O. LINDSAY:

Legislator Montano?

LEG. MONTANO:

Yeah, I didn't get a chance to read it because it was just laid out. This program has been ongoing or this is a new program?

MR. ANDREWS:

No. In the past, Suffolk County has had TNAF money to provide summer youth employment through the New York State OTDA.

LEG. MONTANO:

Okay.

MR. ANDREWS:

This time now the Federal Government has chose, through the economic stimulus, to have a standalone summer program. This is only one-half of the money that the Labor Department's getting. There's also another resolution that will be presented and voted on for the other half of this money which will increase the employment and training opportunities of those on unemployment right now.

LEG. MONTANO:

This reminds me, I don't know if you ever experienced the Neighborhood Youth Corps Programs in the 60's? This reminds me of that. Is it --

MR. ANDREWS:

It's similar to those programs, yes. They want to put the money in the hands of youths because the government feels that as opposed to saving the money, youth will go out and spend the money and they'll in turn stimulate the economy.

*(*Laughter From Audience*)*

LEG. MONTANO:

Yeah, my first job was there. Let me ask you this; how is this going to be administered? What are your timetable, what are your guidelines? How is that information going to be disseminated for kids that are interested in applying for this program? How is the selection process going to be -- you know, how is that going to be -- where is your plan? Let me ask you that.

MR. ANDREWS:

The Labor Department currently has a Youth Division. We receive regular formula funding through the Workforce Investment Act for our youth programs. Our mechanism is really already in place; this is just money that will supplant what we usually do. We have already been receiving applications for summer employment through various community-based organizations, school districts, Youth Bureau.

LEG. MONTANO:

Who runs the program in your department? Who would I reach if I wanted to get more information?

MR. ANDREWS:

In charge of the Youth Program would be Robert Geonie. If you'd like I can have him contact your office.

LEG. MONTANO:

Would you please? Thank you very much.

MR. ANDREWS:

Sure.

LEG. ALDEN:

Have him contact my office, too, please?

MR. ANDREWS:

Sure.

LEG. MONTANO:

Robert Geonie?

MR. ANDREWS:

Robert Geonie.

P.O. LINDSAY:

Legislator Kennedy?

LEG. KENNEDY:

Legislator Romaine asked the question I had.

P.O. LINDSAY:

Okay. Anybody have any other questions? All right, we have a motion and a second; am I correct, Mr. Clerk?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, I think that satisfies everybody that has suffered waiting or whatever. We're going to go into a short recess; short, Dan?

LEG. LOSQUADRO:

Absolutely. Thank you, Mr. Chairman.

P.O. LINDSAY:

Short.

LEG. HORSLEY:

So it's your recess.

D.P.O. VILORIA-FISHER:

Yes, it's Dan's recess.

*(*The meeting was recessed at 4:55 PM & reconvened at 5:41 PM*)*

P.O. LINDSAY:

Okay, Madam Clerk. Call the roll.

*(*Roll Called by Ms. Ortiz - Clerk*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yeah.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yeah.

LEG. STERN:

Yep.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Going back, we're going to go back to the regular agenda and see if we can muddle through this and then get to the real stuff.

Consumer Affairs:

1238-09 - Approving the appointment of Mario Mattera as a member of the Suffolk County Plumbing Licensing Board (County Executive).

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Nowick.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

1258-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with security notification - College-wide (CP 2140) (County Executive). I'll

make a motion for the purpose of discussion.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Viloria-Fisher. Gail, could you give me an explanation of -- this is in the Capital Program and we're just appropriating the money?

MR. NOLAN:

We're moving it from planning to equipment.

P.O. LINDSAY:

Okay. Okay. George has it already, if you didn't find it yet.

MR. NOLAN:

It's moving money within the same Capital Project from planning to equipment and appropriating that \$150,000 plus \$50,000 State aid.

P.O. LINDSAY:

Okay. Any questions? No questions. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, 1258A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

MR. LAUBE:

That was negative?

LEG. BARRAGA:

Yes.

MR. LAUBE:

Oh, yes.

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

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay.

Environment, Planning & Agriculture:

1266-09 - Amending the Adopted 2009 Operating Budget to transfer funds from Fund 477, Amending the 2009 Capital Budget and Program and appropriating funds in connection with planning for restoration of wetlands (CP 8730.111) (County Executive). Do I have a motion?

D.P.O. VILORIA-FISHER:

Motion.

LEG. EDDINGTON:

What about 1265?

LEG. MONTANO:

I think we did that already.

P.O. LINDSAY:

I'll get back to it. Motion by Legislator Viloría-Fisher. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

They tell me I skipped one. We'll go back to ***1265*** on page eight, ***Resolution of the County of Suffolk, New York, rescinding Resolution No. 1231-2008, Adopted December 16, 2008,***

which appropriated \$141,000 in connection with planning for the restoration of the wetlands (CP 8730.111) (County Executive). And I guess that's the same --

LEG. ROMAINE:

Yep.

MR. NOLAN:

That one is related to 1266.

P.O. LINDSAY:

Yeah.

MR. NOLAN:

This rescinded the earlier resolution where we were going to bond this cost. The 1266 is going to fund it from 477.

P.O. LINDSAY:

That's a wonderful thing. I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Health & Human Services:

1211-09 - Declaring the week of May 10th through May 16th as "National Women's Health Week" in Suffolk County (Stern). Motion by Legislator Stern. Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1246-09 - Requesting Legislative approval of a contract award for provision of consulting services to the Suffolk County Legislature for the Department of Health services, in regard to recommendations made by the Public Health Nursing Task Force (RFP No. 08/80007) (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. ALDEN:

Can we have --

P.O. LINDSAY:

Yes, explanation. Legislator Viloría-Fisher, would you explain to Legislator Alden, please?

D.P.O. VILORIA-FISHER:

George, if you could help me out with this one? We did an RFP for a consultant who's going to do a cost benefit analysis of our Public Health Nursing Program, because there have been some questions as to its viability and continuation and this cost benefit analysis will show its cost benefit. It's \$60,000.

MR. NOLAN:

Right. IR 1246 actually is -- because the RFP was issued and there was only one respondent, under the Charter the Legislature has to approve the selection of that particular consultant, so that's what 1246 does. The following Procedural Motion actually would pay -- appropriate or find the \$60,000 to pay for the study, that's coming out of our 456 Account. So these two resolutions are related.

LEG. ALDEN:

Right. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Procedural Motion No. 8-09 - Authorizing the Legislature to retain a consultant to perform Public Health Nursing cost benefit analysis (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

That's related to the one before. I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Eddington. On the question? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. Oh, there he is; eighteen.

P.O. LINDSAY:

Labor, Workforce & Affordable Housing:

2172-08 - Adopting Local Law No. 2008, a Local Law enhancing Article XXXVI of the Suffolk County Administrative Code to add a local preference to benefit certain military veterans and to provide additional funding incentives for energy conservation measures (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Cosponsor.

LEG. COOPER:

Tim, cosponsor, please.

LEG. STERN:

Cosponsor.

P.O. LINDSAY:

1221-09 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (County Executive). Brookhaven?

D.P.O. VILORIA-FISHER:

Motion.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Parks & Recreation:

1225-09 - Authorizing the County Executive to enter into an Intermunicipal Agreement with the Town of Brookhaven in connection with the maintenance of a parcel located in Swine -- Swan Lake County Park (Eddington).

(*Laughter From Panel*)

D.P.O. VILORIA-FISHER:

Swine Lake.

P.O. LINDSAY:

Swine is on my mind.

D.P.O. VILORIA-FISHER:

I think it's got the flu.

LEG. EDDINGTON:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Eddington. I'll second the tabling and --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstention?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1239-09 - Authorizing a cell tower at the Vanderbilt Museum (Cooper).

LEG. COOPER:

Motion to table so I can make one revision.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. STERN:

Second.

P.O. LINDSAY:

I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1240-09 - Authorizing use of Smith Point County Park property by the Montauk Highway Merchants Association and the Chamber of Commerce of the Mastics and Shirley for a Summer Youth Program (Browning).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Eddington.

LEG. ALDEN:

Does this --

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

Does this waive the fee, the usual parks fee?

MR. NOLAN:

No, it does not.

D.P.O. VILORIA-FISHER:

No.

LEG. ALDEN:

All right. Thanks.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1252-09 - Appropriating funds in connection with the removal of toxic and hazardous materials in County parks (CP 7185)(County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Eddington. On the question, nobody? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, 1252A, same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

1254-09 - Authorizing use of Southaven County Park by Contractors For Kids, Inc., for their picnic and barbecue fund-raiser (County Executive). I'll make a motion. Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1255-09 - Authorizing use of Blydenburgh County Park by Almost Home Animal Rescue and Adoption for its dog walkathon fundraiser (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second by Legislator --

D.P.O. VILORIA-FISHER:

John, you want to second it? It's Blydenburgh.

LEG. KENNEDY:

Yes. Yeah, I'll second it.

P.O. LINDSAY:

By Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Twelve -- did you call it?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1256-09 - Authorizing use of Blydenburgh County Park by the Care Center for its annual walkathon fundraiser (County Executive).

D.P.O. VILORIA-FISHER:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote okay with everybody?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, Public Safety:

1122-09 - Adopting Local Law No. 2009, a Local Law to ensure fire hydrant operability and safe water pressure levels in Suffolk County (Eddington).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

D.P.O. VILORIA-FISHER:

Second by Beedenbender.

P.O. LINDSAY:

And seconded by Legislator Beedenbender.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I'm not on Public Safety, so I'm just curious as to where the discussion went. There's, you know, various forms of ownership, as we all know, whether it's cooperatives or condominiums. There's also that homeowner's association that basically governs where we have adjoined houses. Are all groups equally treated under this bill when it comes to the responsibility for insuring that there's the adequate water flow and hydrant dispersal?

LEG. EDDINGTON:

Yeah. And the Water Authority has offered, the Suffolk County Water Authority, to be the agent and to make it cost effective, they can buy in and pay over a period of time. So we've tried to make it as accessible to all groups and homeowner associations.

LEG. KENNEDY:

During the committee process -- through the Chair, during the committee process, did you have different groups that came out and talked about what their experiences are with performing this function now, if they're doing it privately or where they file any of these, you know, certifications and things?

LEG. EDDINGTON:

I'm going to let Legislator Beedenbender answer that.

LEG. BEEDENBENDER:

Legislator Kennedy, as I'm sure you know, the initial incident that spurred this happened in my district.

LEG. KENNEDY:

I do know, yes.

LEG. BEEDENBENDER:

And what happened is that according to the State Law as they exist right now, all that a private community that has their own private water system is required to do is to have the inspection. It doesn't say what you have to do, so you could have the inspection, it could say the system is in complete dismal failure and you would have complied with the law.

So what we're saying is when you get that inspection, the bill says -- you know, and for all those treated the same. If you get the inspection on your private system, you will file it with the town fire marshal and with the local fire department with the understanding that even if you were the best actor in the world and you realized that something was broken, it would take a bit of time to fix it; it's a tremendous capital improvement to fix the system. So at least the fire department would know a situation. Because if the Selden Fire Department had known the situation, they could have hooked up at the bottom of the hill on Mooney Pond Road or they could have called in additional mutual aid when they left their firehouse rather than after they got there and realized there was a problem. So that provides that part.

And the additional part that Legislator Eddington mentioned is that the Water Authority, with a lot of the money that they received from the MTBE settlement, they have agreed to -- for those organizations and communities that may be facing a \$500,000 repair bill, or some extraordinary number, they have agreed to act as a loan of sorts and allow the community to pay it back over several years rather than forcing them to come up with the money. Because they realize that some of these groups might begin to decide, "Hey, we're just not going to do it because we don't have the money." And once the Water Authority does that, then the Water Authority would take responsibility for maintaining the system as a requirement of giving the loan. So it will reduce the number of private ones that aren't handled by the Water Authority as well as provide them with the mechanism to be able to fix their own systems.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

Anybody else? No? I just want to weigh in on it. I think this is very good legislation, and I'm probably going to put in accompanying legislation because I have a private community that took out the fire hydrants. And I would not want to see, especially, some of the corporate predators that we heard about earlier today, rather than face a fine for testing the hydrants, they just choose to take them out, and so we're working on that. But I think your legislation is great. Did you want to say something, Legislator Losquadro, or you're just playing with the --

LEG. LOSQUADRO:

No, I was just -- I was going to say I didn't think they could do that, but we don't get into that. It's not a discussion for here.

P.O. LINDSAY:

Well, evidently what happened is that once they get the CO, that nobody really goes back. I mean, the town won't give them a CO unless they have the proper fire hydrants, and this actually happened in my district and it's got, you know, me upset.

LEG. LOSQUADRO:

Absolutely, Mr. Chairman. But I was going to say, I mean, I don't think that legally they can modify the plan to which they first agreed that the town -- the town approved that site plan with that hydrant in place and they can't modify that without some sort of dispensation. So I'm sure there's some way to hold them to account for that.

P.O. LINDSAY:

Well, that's what we're looking for. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

1237-09 - Amending the 2009 Capital Budget & Program and appropriating funds in connection with the rehabilitation of the Suffolk County Fire/Rescue Communications Center (CP 3416) (County Executive).

LEG. EDDINGTON:

Motion.

LEG. GREGORY:

Cosponsor.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Losquadro.
All in --

LEG. ALDEN:

Just for the record.

P.O. LINDSAY:

Yes, go ahead.

LEG. ALDEN:

How much is this?

MS. VIZZINI:

It appropriates \$3.9 million which is scheduled in the current program, it just switches \$26,000 in planning, moves that into--

MR. REINHEIMER:

(Inaudible).

LEG. ALDEN:

And the interest on --

MS. VIZZINI:

From construction, yeah.

LEG. ALDEN:

Interest on 3.9 million is -- you know, just a rough idea.

MS. VIZZINI:

Sure. It's about a little more than -- yeah, it's about half over the 20-year period.

LEG. ALDEN:

And I'm not in Public Safety, but when is the scheduled construction supposed to take place?

MS. VIZZINI:

We're not sure. However, as you know, we need the -- it's typically our procedure to have the funds available so they can go to bid.

LEG. ALDEN:

Okay, thank you.

P.O. LINDSAY:

If you want the schedule, I'll get the Public Works Commissioner up here.

D.P.O. VILORIA-FISHER:

Gil's here.

LEG. ALDEN:

Actually, it's not that important.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. No, sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

Okay, same motion, same second on the Bond; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1250-09 - Approving an increase in fleet for the Suffolk County Police Department (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Eddington.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Is this -- are we receiving these vehicles through a grant purpose -- process or are we purchasing them?

MR. NOLAN:

It's being purchased with Asset Forfeiture monies.

LEG. KENNEDY:

Okay, so there's dedicated revenue. Okay, fine. Thank you.

P.O. LINDSAY:

Legislator Alden?

LEG. ALDEN:

That's fine.

P.O. LINDSAY:

Fine, okay. All right, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1257-09 - Appropriating funds in connection with the replacement of GPS Receivers at various 800 MHz Tower Site locations for the Police Department (CP 3017) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Second by Legislator Horsley.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

And again, I apologize, I was not in -- I'm not on the Public Safety Committee. Why do we have to

replace these GPS receivers?

LEG. EDDINGTON:

They came to the committee, some of them are over 20 years old and they're just not functioning correctly and they really need them.

LEG. ALDEN:

So -- and this is used for what?

LEG. EDDINGTON:

If I can recall, I think it was for all emergency uses, in case of an emergency and for communication, I believe. I really don't remember exactly. They made a very strong argument.

LEG. ALDEN:

Okay, but GPS would lead you to believe that it's a location type of device, global -- right?

D.P.O. VILORIA-FISHER:

Global positioning.

LEG. ALDEN:

Services.

LEG. D'AMARO:

I think it's tower sites.

LEG. ALDEN:

Is this a project that would go through DPW? Because if it does, I think we have the Commissioner here, maybe he can speak to it.

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

He's shaking his head.

LEG. ALDEN:

So we're not --

P.O. LINDSAY:

It's equipment, I don't think it's construction, so it's probably purchased by the Police Department.

LEG. EDDINGTON:

Yeah, it's equipment and it wasn't -- because we asked that question about GPS and it was for actual communications. And I don't remember why they had GPS written here.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

Same motion, same second on the Bond; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

1277-09 - Donating decommissioned body armor vests to the United States Department of Defense to protect our citizen-soldiers (County Executive).

LEG. BROWNING:

Motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Browning, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Tim?

P.O. LINDSAY:

Public Works & Transportation:

1123-09 - Adopting Local Law No. 2009, Amending Local Law No. 53-2008, to provide parking for "Clean Pass" vehicles at County facilities (Horsley).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator -- why can't --

LEG. GREGORY:

No name.

P.O. LINDSAY:

No name; Legislator --

D.P.O. VILORIA-FISHER:

Gregory.

P.O. LINDSAY:

-- DuWayne Gregory. All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

We're the same age, it happens to me all the time.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1226-09 - Amending Resolution No. 1220-2008, redistributing surplus County computer systems and hardware from the Huntington Freedom Center to the Tri-Community Youth Agency "Cast" Program (D'Amaro).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Cooper. All in favor? Opposed?
Abstentions?

MR. LAUBE:

Eighteen.

LEG. COOPER:

Tim, cosponsor, please.

P.O. LINDSAY:

1231-09 - Calling for a Public Hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (infrastructure improvements) (CP 8170) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1232-09 - Calling for a Public Hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (ultraviolet disinfection) (CP 8132) (County Executive).

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1233-09 - Calling for a Public Hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (infiltration/inflow study/sewer rehabilitation) (CP 8181) (County Executive).

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1236-09 - Amending the 2009 Capital Budget & Program and appropriating funds in connection with the improvements to County Road 80, Montauk Highway, between New York State Rt 112 and County Road 101, Sils Road, Town of Brookhaven (CP 5534) (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?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Legislator Alden?

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1236A, the accompanying Bond Resolution, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1241-09 - Amending the 2009 Operating Budget, transferring Assessment Stabilization Reserve Funds to the Capital Fund and appropriating funds for the Suffolk County Sewer Assessment Study (CP 8185) (County Executive).

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator Beedenbender.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just to make sure, this is the Stabilization Reserve Funds established under the 477?

MS. VIZZINI:

Yes, this is the Assessment Stabilization Reserve Fund for sewers.

LEG. ALDEN:

Okay. Thank you.

LEG. HORSLEY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Horsley.

LEG. HORSLEY:

Just to let everyone know, if you haven't been following this, this is the long awaited sewer study for the master plan for sewers for Suffolk County. This is a good thing for all of us, a long way. And I want to thank the Presiding Officer who first brought this to our attention; nice job.

P.O. LINDSAY:

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

LEG. ALDEN:

I don't see his name on here.

D.P.O. VILORIA-FISHER:

He's not taking any credit.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The humble one.

D.P.O. VILORIA-FISHER:

So humble.

P.O. LINDSAY:

1242-09 - Authorizing the filing of a grant application for Federal Fiscal Year 2008 Section 5309 bus and bus related facilities for Suffolk County Transit (County Executive).

D.P.O. VILORIA-FISHER:

I make a motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1243-09 - Authorizing the filing of a grant application for Federal Fiscal Year 2008 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit (County Executive). Same motion, same second, same vote all right with everybody?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1244-09 - Authorizing the filing of an application for Federal American Recovery and Reinvestment Act (ARRA) funds for the purchase of up to 42 additional transit buses including related equipment for replacement of Suffolk County transit (County Executive).

D.P.O. VILORIA-FISHER:

Same motion.

P.O. LINDSAY:

Same motion, same second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1245-09 - Authorizing the execution of an agreement between the County and the New York State Department of Transportation for Federal and State aid funding for the continuation of the HOV Bus Service on the Long Island Expressway for 2009 (County Executive). Motion by Legislator Beedenbender.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1259A, the accompanying Bond Resolution, same motion, same second; roll call.

D.P.O. VILORIA-FISHER:

Wait a minute, you just skipped 1259.

MR. NOLAN:

We need to do 1259.

P.O. LINDSAY:

Oh, I'm sorry. I got the wrong one.

1259-09 - Amending the 2009 Capital Budget & Program and appropriating funds in connection with storm water remediation at various County Roads, CR 96, Great East Neck Road at Evergreen Street (CP 8240) (County Executive). You want to make a motion, Legislator Romaine?

LEG. ROMAINE:

No.

P.O. LINDSAY:

Let me get a motion and then I'll recognize you.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley, seconded by Legislator Gregory.
On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. I'm wondering why this resolution is before us. I don't know why the storm water remediation is needed or not, but even if it was, why would we bond \$50,000? When -- why are we bonding \$50,000? I mean -- and the second question is if it's storm water remediation, how come they haven't applied for 477 Funds?

LEG. ALDEN:

Maybe it is.

LEG. ROMAINE:

You know, I don't mind going to bond for large projects that obviously aren't operating expenses, but a \$50,000 storm water remediation? I'm not going to support bonding that out. And I also think that we should have taken a look at 477.

P.O. LINDSAY:

Mr. Anderson, do you want to try and answer this, if you can; if you can't, that's all right.

COMMISSIONER ANDERSON:

This is \$50,000, it's seed money to purchase land for a recharge basin or a retention basin that will capture storm water before it goes from County Road 96 into the nearby creek. This is seed money. We don't -- I don't -- we just usually generally use bonded money for seed money because we don't know what we're going to need right now. It's to be able to go out there, approach the land owners and try and negotiate a deal.

LEG. ROMAINE:

Okay. If I may, Mr. Presiding officer?

P.O. LINDSAY:

Go right ahead.

LEG. ROMAINE:

That strikes me as kind of odd, because I'm involved and, you know, I try to follow land acquisitions throughout Suffolk County, particularly in my district, and usually we don't get a resolution appropriating the amount of money until after the negotiations are done, not before the negotiations start. So you're telling me that you're asking for this money and you have concluded the negotiations and you're not sure what the price is.

COMMISSIONER ANDERSON:

This is so we can go out and negotiate. It was done, I know, on Furrows Road, it's been done in other projects.

LEG. ROMAINE:

Real Estate goes out and negotiates all the time without any money, and then after they strike a deal, the County Executive usually comes forward with a resolution to purchase the property with the price in it and the bond set. You seem to be working in an opposite fashion than the Department of Real Estate does.

COMMISSIONER ANDERSON:

While our procedures may be different, this is the process we use. We have to have money in place so we can begin a discussion and then we'll come back as we need it.

LEG. ROMAINE:

How can Real Estate -- and we're talking about, you know, hundreds of millions of dollars, possibly, in a given year for land acquisition. How could Real Estate negotiate, and there's no money in the pot, until they come up with a final price and then the resolution comes forward to appropriate the money?

COMMISSIONER ANDERSON:

I believe we have to do it to show good faith to those that we're approaching, you know, to make the recommendation. I could certainly find out and get back to you on it, but --

LEG. ROMAINE:

Well, I would assume that the County always acts in good faith, that they're willing to negotiate for three years with entity than them, "Drop dead", I would assume.

COMMISSIONER ANDERSON:

Well -- and Bill just informed me that it's also for appraisals, for, you know, ads for the real estate.

LEG. ROMAINE:

So we're bonding appraisals now.

COMMISSIONER ANDERSON:

Well, as part of the process, you know.

LEG. ROMAINE:

Okay. Thank you.

LEG. HORSLEY:

Bill?

P.O. LINDSAY:

You know, Legislator Romaine, if you want to offer a tabling motion and try and explore the 477 option --

LEG. ROMAINE:

I appreciate that, and I think the 477 option should be explored. I'll make a motion to table.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Legislator Horsley, you wanted to comment?

LEG. HORSLEY:

Yeah, just quickly. I was going to ask Gail, is this -- the \$50,000, is this part of a bundling of bonds?

P.O. LINDSAY:

Sure it is.

LEG. HORSLEY:

I'm sure it is.

MS. VIZZINI:

The ultimate -- as you know, we only bond twice a year, so ultimately it would be part of that issue.

LEG. HORSLEY:

Which would explain some of the question on the bonding issue.

LEG. ROMAINE:

If I may, Presiding Officer? I would just simply tell you that we're bonding for a lot of things in May that the County Executive has no intention of spending money for, and I'll have that discussion at the next meeting when we talk about Clark's Beach.

LEG. HORSLEY:

I'll be there for Clark's Beach.

P.O. LINDSAY:

You want to talk?

LEG. ALDEN:

I'd be relieved if we're bonding for things and we're not going to actually go out and borrow the money.

*(*Laughter From Panel*)*

That would kind of make me happy, because that's what I would like to see accomplished in the first place.

P.O. LINDSAY:

One man's joy is another man's sadness, you know?

LEG. ALDEN:

Exactly right.

P.O. LINDSAY:

Okay. We have a tabling motion and a motion to approve before us. Legislator D'Amaro.

LEG. D'AMARO:

I just had a question. Commissioner Anderson, I had a question for you on this. Is this part of a Capital Project?

COMMISSIONER ANDERSON:

This is.

LEG. D'AMARO:

This is a Capital Project.

LEG. D'AMARO:

Yep.

LEG. D'AMARO:

What's the total of the project? Or if BRO has the answer.

MS. VIZZINI:

Well, in the resolution, the total estimated cost of the storm water remediation at various County Roads is 8.2 million. We're doing this through a Capital Project that we do storm water remediation.

LEG. D'AMARO:

Right, so it's part of an all-encompassing Capital Project. This is one location that fits within the parameters of that project.

MS. VIZZINI:

Correct.

LEG. D'AMARO:

Have we had other locations that fit into this Capital Project?

Have we gone forward at any other locations, if you know.

COMMISSIONER ANDERSON:

I don't know, but I would imagine we have. Bill?

LEG. D'AMARO:

Well, I'm just curious. In those projects when we got to the initial phase of appraisal and getting ready to negotiate how we went ahead and paid for that, whether we bonded or whether we used operating funds to do that, in a Capital Project.

MR. HILLMAN:

We've always bonded what we call seed monies to begin the right-of-way acquisition, that's been our standard procedure.

LEG. D'AMARO:

So because it's part of a Capital Project that's worth or valued at about eight point something million, whenever you have a specific site that comes up, you need seed money to go forward; our past history has been that we're bonding for that.

MR. HILLMAN:

That's correct.

LEG. D'AMARO:

Because it's viewed as a Capital Project and part of this larger scheme.

MR. HILLMAN:

That was the protocol when I joined the County and we've continued to do that.

LEG. D'AMARO:

It's standard.

MR. HILLMAN:

It's standard operating procedure to hire the consultants to perform the analysis required, that's how we've always done it.

LEG. D'AMARO:

All right, thank you. One more question for the Budget Review Office, please. Of this Capital Project, how much have we expended? If you have it.

MS. VIZZINI:

We're looking.

P.O. LINDSAY:

Did we get --

D.P.O. VILORIA-FISHER:

We're waiting.

P.O. LINDSAY:

We're waiting for an answer. Gil, to your knowledge, is any of, you know, land acquisition --

D.P.O. VILORIA-FISHER:

The Budget Office is coming in.

P.O. LINDSAY:

-- for culverts or whatever, do we ever use the Water Quality money to purchase this property?

COMMISSIONER ANDERSON:

In certain instances, we use for overall projects coming out of the Water Quality funding, yes. This is a DPW project specifically for, you know, the multiple type projects that would fall under this.

P.O. LINDSAY:

I mean, this certainly seems like it could be a Water Quality project. It's a culvert to divert water being dumped into the bay, right?

COMMISSIONER ANDERSON:

Correct.

MS. VIZZINI:

This project we've expended and encumbered \$2.8 million.

LEG. D'AMARO:

So 2.8 million and we haven't gone to the Water Quality funds for, what was it, 2.9 million? Because we're operating under the assumption that it's a Capital Project. It may involve Water Quality, but nonetheless is being done as a standard Capital Project with bonding.

COMMISSIONER ANDERSON:

Correct.

MS. VIZZINI:

There's about 17 locations that are identified on the financial.

LEG. D'AMARO:

Seventeen, we've done 17 locations so far where we've bonded for the seed money.

COMMISSIONER ANDERSON:

That would depend if we had to purchase land.

LEG. D'AMARO:

I see. Okay. Right, okay, it depends. All right, we don't know the answer to that. Okay, thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Just quickly. Because we're talking about it as being a Public Works project, I know where Evergreen Street is, it's got to be maybe a mile north of where the water is. It's -- it is an area that I would call north of the tracks, immediately north of the tracks. So it's not on the bay itself, this is not dumping into a river from right there, it must be underground streams and flooding issues.

COMMISSIONER ANDERSON:

Well, it does discharge eventually into West Babylon Creek.

LEG. HORSLEY:

Eventually, as every -- yeah, exactly.

COMMISSIONER ANDERSON:

Right.

LEG. HORSLEY:

As all waters do. But this is -- you know, clearly it's a Public Works project, it's off of roads.

COMMISSIONER ANDERSON:

Right.

LEG. HORSLEY:

Not our waterways.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm looking at a recent BRO memo on 477 Funds and I'm seeing CR 36 as a storm water remediation project that's in front of the Water Quality Committee, and that's a \$2.7 million project that looks like it's going to be done all through 477 Funds, or projected to be. This is 50,000 added to a similar sized project that they're looking to bond. I don't understand why, if you're going to take 2.7 million out of 477, why you wouldn't take this additional 50,000. It just seems like it would fit, also it's a storm water remediation project. Gil, you're familiar with the memo I'm talking about, right?

COMMISSIONER ANDERSON:

Yes, absolutely. I mean, you know, you're -- as Bill said earlier, you know, standard practice for a larger overall DPW project was to bond out the engineering, you know, any land acquisitions, you know, things all inclusive in the project itself to get the work done.

LEG. SCHNEIDERMAN:

According to this memo, there's some four-and-a-half million dollars still in 477 in the current budget, even with the projected projects all being approved that haven't been approved yet.

P.O. LINDSAY:

Is this time sensitive, Gil? Could we table it and check with --

COMMISSIONER ANDERSON:

No, we can look into it. Yeah.

P.O. LINDSAY:

Yeah, and see if we can steal some money from there? How about if we do that so we can move along, all right? All right, we have a -- before you sit down, though, Gil. We have a motion to table and a second. All in favor? Opposed? Abstentions? It stands tabled.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Legislator Alden, you wanted to ask the Commissioner?

LEG. ALDEN:

Actually, after we're done with Public Works, I have a couple of questions.

P.O. LINDSAY:

All right.

1259A is no longer, it's -- 1259 was tabled.

1264-09 - Appropriating funds in connection with replacement/clean-up of fossil fuel, toxic and hazardous material storage tanks (CP 1706) (County Executive). Do I have a motion?

LEG. BROWNING:

Motion.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Losquadro.
On the question, anybody? No? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The accompanying Bond, 1264A, same motion, same second; roll call.

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

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yep.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yep.

MR. LAUBE:

Seventeen (Opposed: Legislator Alden).

***[THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN - COURT STENOGRAPHER &
TRANSCRIBED BY KIM CASTIGLIONE - LEGISLATIVE SECRETARY]***

P.O. LINDSAY:

1268, 1268A - Amending and appropriating funds in connection with the construction of CR 67, Motor Parkway Rehabilitation and resurfacing, vicinity of Long Island Expressway (LIE) South Service Road to the vicinity of CR 17, Wheeler Road under the Federal FFY 2009 American Recovery and Reinvestment Act (New CP 5131). (Co. Exec.)

I'll make a motion.

LEG. KENNEDY:

Second.

LEG. LOSQUADRO:

Is there a CN on this?

D.P.O. VILORIA-FISHER:

There was something on rehabilitation.

P.O. LINDSAY:

There's a number of them. I don't know whether it's the same location. Legislator Beedenbender.

LEG. BEEDENBENDER:

Mr. Chairman, I think as part of the, and Gil might be able to answer this better, but as part of the stimulus project -- package we have to approve it and I think there's also a sponsoring resolution that requires the last piece. So I think that package of four or five CNs correspond to -- assuming we were going to pass all of them first. Is that correct, Gil?

COMMISSIONER ANDERSON:

Correct, yes.

LEG. BEEDENBENDER:

So that's the belt and suspenders is what people say around here, I guess.

LEG. ALDEN:

I have a question.

P.O. LINDSAY:

On this issue?

LEG. ALDEN:

This is on this issue.

P.O. LINDSAY:

Okay. We have a motion and a second, right?

MR. LAUBE:

I heard somebody call a second but you didn't recognize one.

LEG. KENNEDY:

Right here.

MR. LAUBE:

Legislator Kennedy.

P.O. LINDSAY:

We have a motion and a second to approve and Legislator Alden has a question. Legislator Alden.

LEG. ALDEN:

Gil, this is Federal money that we have to front it and then they'll pay us back? Because there is a --

COMMISSIONER ANDERSON:

Yeah, we have to first instance -- yes. We have to first instant fund it and they will reimburse us.

LEG. ALDEN:

Okay. Do they reimburse us the bonding cost and the interest? Because this is for how much, four million dollars? Is that what this one is for?

COMMISSIONER ANDERSON:

Yes, it's a four million dollar project. Yes, correct.

LEG. ALDEN:

There's two or three more like that. So we go out to bond, we borrow four million dollars, then we do the project, and then the Feds come in and give us how much money back?

COMMISSIONER ANDERSON:

One-hundred percent.

LEG. ALDEN:

So -- plus the bonding cost and the interest?

COMMISSIONER ANDERSON:

That I don't know, but I can -- I don't know, Bill, do you -- I know most costs they do reimburse us, but do you know offhand? I'm getting a negative on that so no, they probably won't for the bonding cost.

LEG. ALDEN:

Okay. So what -- there's no other way to do this where we can --

COMMISSIONER ANDERSON:

Well, I mean, we're getting 100% of the entire project to be constructed. You know, I mean, I'm not making light of the funds.

LEG. ALDEN:

But that's not 100%. If there's an interest cost and a bonding cost, which would be how much, approximately?

MR. LIPP:

First of all, it's a bond anticipation note so it would be a maximum of a year, so let's say 2% for bond anticipation notes, which is probably reasonable right now \$80,000 for the four million.

COMMISSIONER ANDERSON:

And Bill and I were just talking, rather than your standard bond, this may be a short-term bond. I don't know if it's called --

LEG. ALDEN:

Yeah, they just said an anticipation note. But there's still a cost involved with it and there's also -- I'll wait until afterwards. Okay, thanks.

LEG. BEEDENBENDER:

Mr. Chairman.

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

If I could just say in advance of the couple of these that we're going to do, I don't know if all of the Legislators got the chance to see this, but our Department of Public Works really did a phenomenal job in the application. There's 20 million dollars for the resurfacing the roads, there's four-and-a-half million dollars -- four million for this project, three-and-a-half for another project, 13.3 million that we used for buses, there's money for two sewer district projects. What they did is

they have -- it's probably about six or seven pages, they have prioritized everything. We know what we are definitely going to get now and we have things ready and waiting that should the Federal Government say there's more money available we can act on a moment's notice.

So I just wanted to take the moment to thank you, Gil, you and all your workers and all the people in your department because there are many municipalities that were not ready to do something like this but you guys found things not only could we implement quickly, but you got the list done and we are way ahead of the ball. If not for you, we might not have been able to do that. So I just wanted everybody to know that you guys did a phenomenal amount of work and it worked out the best it probably could and we're in line to get more if other municipalities --

COMMISSIONER ANDERSON:

Correct.

LEG. BEEDENBENDER:

-- fail to do it or choose not to.

COMMISSIONER ANDERSON:

And for my staff I thank you.

P.O. LINDSAY:

Okay. Anybody else? No? We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The accompanying bond resolution, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1269, 1269A - Amending and appropriating funds in connection with rehabilitation of CR 4, Commack Road, vicinity of Nicolls Road to the vicinity of Polo Street under the Federal FFY 2009 American Recovery and Reinvestment Act (NEW CP 5567).

Do I have a motion?

LEG. STERN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator Viloría-Fisher.

LEG. ALDEN:

One quick question.

P.O. LINDSAY:

Okay. Legislator Alden.

LEG. ALDEN:

George, is there any other money that Suffolk County actually holds a pool of money that we can borrow from ourselves for a short period of time? Because if you add this one, the last one and the next one, they seem to be all the same type of resolutions where we seem to be getting the money

from the Federal Government, but if you add all this up, it's ten -- 17.5 million dollars it looks like that we're going to have to go out and borrow for a very short period of time. Is there anything in --

MR. NOLAN:

I doubt it, but Budget Review --

MR. LIPP:

Actually, usually we don't issue bond anticipation notes. It's part of the pro forma resolution and we're able to do it in-house so we interfund borrow, if you will, or from the capital fund. The good problem that we might have is that we might have to borrow for this money in terms of a one year bond anticipation note. The reason why it's good is because if we're able to get enough of this fiscal stimulus money to do these quote shovel ready projects, we'll have so much that we won't be able to interfund borrow within house and we'll have to do that to be able to get this large hundred percent aid short of, as you're saying, the interest cost.

LEG. ALDEN:

But you do have the ability -- so you're going to look at it on a per project basis so if we have the ability you won't go out and borrow.

MR. LIPP:

Right, but from conversations with the Budget Office and Carmine, he's thinking that perhaps there'll be enough of this that we'll wind up having to do bond anticipation notes because there'll be so much of it, more than we normally first instance fund.

LEG. ALDEN:

Thanks.

LEG. BEEDENBENDER:

Mr. Chairman.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Just to add for the record. Legislator Alden, in a normal year the County does about 20 million dollars worth of highway projects. Just because of how many of the Federal aid dollars before the stimulus we're hitting -- we were doing about 60 million, and the stimulus added another 27, so we are going to be doing almost 90 million dollars worth of highway projects when we normally do about 20 in a year. So that also has an effect on our ability to interfund transfer with these Federal aid dollars that are coming in for Portion Road, Montauk Highway and all these other projects in addition to the stimulus fund, So, you know, it's a good problem to have, it's just all these things hit at the time that we probably needed them to hit the most.

P.O. LINDSAY:

The other thing that I'd like to point out is almost all of these projects, if I'm not mistaken, were part of our Capital Program, so instead of us --

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

-- footing the bill for it, whether it's this year or next year or 2011, you know, the Feds are footing the bill for it. So we really come out way ahead of the game, even if we do have to do some

short-term borrowing.

LEG. ALDEN:

We can come out ahead if we show some fiscal restraint on the overall borrowing. If we're going to go out and say now we didn't pay for 20 million dollars worth of projects because the Feds came and gave us the money so we can go and borrow 20 more million dollars for some other projects, then we don't come out ahead because then our carrying charges go up in to the hundred million dollar range. That's where I'm aiming to get explanations on every one of these projects. I think we should be shrinking the amount of money that we have got outstanding, not by borrowing against our revenue stream to shrink the amount of money that's outstanding. I think we should be showing a little fiscal constraint, especially in these times.

P.O. LINDSAY:

Do you know, Mr. Anderson, what -- in what year we were supposed to do Polo Street? Was it in this year's Capital Program? Did we accelerate this?

COMMISSIONER ANDERSON:

This one we didn't have any funding for.

P.O. LINDSAY:

I know that, but it was in our Capital Program.

COMMISSIONER ANDERSON:

Yes, it was, yeah.

P.O. LINDSAY:

And when was it scheduled to be -- go forward totally on our dollar?

COMMISSIONER ANDERSON:

2009 it was scheduled to go forward, so.

P.O. LINDSAY:

So just to make my point, we're going to incur maybe \$80,000 in bonding as opposed to we would have incurred four million.

LEG. ALDEN:

In this case, this project wasn't going to go forward so we wouldn't have incurred any expenses, right? There is no funding for it, right?

COMMISSIONER ANDERSON:

We would have had to do it eventually. It wasn't part of the capital plan. You know, we would have had to come up with the funding from some source.

LEG. ALDEN:

And that's my point, that it has to be scheduled. And just like in a household, you like things and you want to buy things, but if you go out and buy -- and borrow money to buy everything, eventually you end up in big trouble, and that's what the County has got to do as far as prioritizing. And I'm not getting on you for this, because we're the ones that did the -- you know, we do the Capital Budget every year and then we're the ones that actually vote on these resolution after resolution after resolution. So I would like to see a little bit more of an analysis and a more priority ranking and maybe even put off more things that have to be done. Just put them off, because we're in a fiscal nightmare, actually, right now. And every time we bond something, so good, it doesn't cost us this second, but as soon as we go out and borrow the money then we have to start paying it back with interest. That was my whole point on any of it.

LEG. STERN:

Mr. Chairman.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:

Thank you. This project that you're bringing up as the example and the one before it, DPW and I think all of us have done a very good job of prioritizing. The only reason why we're having a discussion about these projects going forward now with Federal stimulus money is because they were high on the priority list. That's the definition of shovel ready. These were shovel ready projects ready to go. So we're fortunate that we're getting the stimulus money now to go forward on them.

P.O. LINDSAY:
Go ahead, Legislator Alden.

LEG. ALDEN:

Thank you. And, Legislator Stern, I think you missed my point. The point was that for -- not for a real long time because you've only been here, what is it, four years, but we've all collectively been voting for these type of projects, not because we're getting Federal money, but because we needed to do them. And then unfortunately, last year, we voted to take a huge revenue stream because our capital costs and our carrying charges were so huge that we had to pay them down. So we had to give up a huge amount of money going forward to pay down for this year and part of next year the amount of carrying charges. That's my point.

This is a great program and if we were doing this all along we probably wouldn't have been at the point where we had 100 million dollars in carrying charges that -- per year that we would have had to go and sell our future or hock our future for. So this I commend everybody that worked on this. And if we had been doing it, like I said, we might have saved ourselves a little bit of the fiscal problem that we're in right now.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I just wanted to clarify again. You know, as part of the receipt of the stimulus money it has provisions called maintenance of effort, so we can't -- we couldn't have used this to substitute for things already in the budget. Like, for example, I think, Gil, what you had explained to me was the resurfacing of the service roads is something that we would have liked to do. It was not scheduled in our budget. There were some administrative reasons why we hadn't scheduled it that we were working out with the State, but we had the plans and resurfacing is something we can do in a relatively quick manner so because we got the money we were able to do it. But we still have to, in order to keep this money, next year we have to show the Federal Government as part of this program that we didn't reduce our program as a result of being able to do new things. We have to prove to them that we have a maintenance of effort; correct?

COMMISSIONER ANDERSON:
Correct.

LEG. BEEDENBENDER:

So, you know, yes, Legislator Alden, I agree with you in the sense that we have to be careful and look at what we're bonding, but in this sense we couldn't go back or we would have jeopardized this pot of money.

LEG. ALDEN:

So we're locked in next year? We have to actually increase our indebtedness?

LEG. BEEDENBENDER:

We have to show that we didn't use this to replace things that we were already scheduling to do. We have to show a maintenance of effort. So our Capital plan -- our Capital Program has to show that we are continuing to do work. Now, you know very well that the Capital Program doesn't represent every single thing that we'll do, but there is a requirement that it is a maintenance of effort which is why we didn't take 20 million dollars and put it towards some project that was already scheduled. We took something off the shelf that was ready and moved forward with it so this is in addition to the work to meet the stimulus needs.

LEG. ALDEN:

If we've locked ourselves into creating more and more debt next year, or huge piles of debt, then this could have been a mistake. I was encouraged this was a good way to go and now I'm thinking maybe it's a mistake.

COMMISSIONER ANDERSON:

If I may. What maintenance of effort implies is that the project was going through the Federally funded process. We've been able move it up because it's quote unquote shovel ready. We have the construction authorization. The funding source for that project has to be filled, you know, in the subsequent year, if you will, 2009, 2010 whatever that is, otherwise we lose that funding source. And that's what it implies.

You know, I mean obviously it's your decision as a body to, you know, how you proceed with the Capital Program. Right now we have -- I mean, we're looking at a gift horse in the mouth, I mean, to be honest with you. What I see, you know, we're being handed 100% funding for a number of projects that are out there. We don't have to pay 20%, we don't have to pay 50%, it's 100%. You know, at this point, I don't know that this is the right time to make the argument.

LEG. HORSLEY:

We're not.

LEG. ALDEN:

Any time is the right time to make the argument for fiscal constraint when you're borrowing money. As I said before, I was encouraged by what the initial description of this project was and what we were going to accomplish with it. But the added little spin that I just heard, if we have to lock in to spending a ton more money next year and creating more debt that we're going to have to pay back, that's not a benefit. Even free money when you have to pay double and triple what the free money is, that's not a benefit, I don't think.

COMMISSIONER ANDERSON:

Again, the maintenance of effort implies that we will have a project to fill that. If you choose that we're not to move forward with the Capital Program, we just lose the funding. That's really what it amounts to. That's for you guys to apply or decide.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1269A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. STERN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1278, 1278A - Amending 2009 Capital Budget and Program and appropriating funds in connection with strengthening and improving L.I.E. North/South Service Roads from Washington Avenue/Wicks Road to Ocean Avenue, Exit 59, under the Federal FFY 2009 American Recovery and Reinvestment Act (CP 5127).*

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Kennedy. On the question, anybody? Nope? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Accompanying bond resolution 1278A, same motion, same second, roll call.

(Roll called by Mr. Laube - Clerk)

LEG. MONTANO:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The next one, 1280, it says A, but George tells me it should be just 1280, although it's a bond resolution with no accompanying resolution. ***1280 - Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$4,000,000 bonds to finance the cost of construction improvements to Sewer District No. 21. (SUNY - Stony Brook)(Phase I)(CP 8121).*** Do we have a motion?

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

P.O. LINDSAY:

Second? Do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Legislator Alden.

LEG. ALDEN:

An explanation on this, because don't we have money in the sewer district that we normally would borrow.

MR. LIPP:

This is an unusual one. I have to in part defer to Counsel, but what it's doing is it's taking four million dollars and I think it's part of an application for first time New York State Environmental Facilities Corporation funding, so it's like a cheaper interest rate, number one, and who would pay it back basically are the connectees in the sewer district. So I believe, but I'm not sure, that this type

of resolution is necessary in order to get the EFC funding.

COMMISSIONER ANDERSON:

Correct. It is mandated by EFC that we follow this process.

LEG. ALDEN:

So we'll get this back when they connect?

MR. LIPP:

The connectees would have to pay for the debt service on the bonds.

LEG. ALDEN:

They pay.

MR. LIPP:

In other words, it's Sewer District No. 21, Stony Brook, whoever is getting the benefit of this would have to pay it back.

LEG. ALDEN:

They pay the debt service or they pay the bond also, right?

MR. LIPP:

The debt service meaning the principal repayment and the interest.

LEG. ALDEN:

Okay. Good.

P.O. LINDSAY:

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

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Call the roll.

(Roll called by Mr. Laube - Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Veterans and Seniors. *1213, Declaring May 1 of each year as "Silver Star Banner Day" in Suffolk County.*

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways and Means. Last page. *1224 - Requiring the posting of all County legal notices on-line.* I'll make a motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Second by Legislator Beedenbender. On the question, anyone?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

This is in addition to newspapers.

P.O. LINDSAY:

That's correct.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1247 - To amend Rule 4 of the 2009 Rules of the Legislature. And I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Rule number four is the one that says about you get two mailings a year. We passed the other legislation that modifies it for the next 18 months. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1248 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Gotfrids Liepins (SCTM No. 0500-441.00-01.00-006.000).

Would you like to make a motion, Legislator Barraga?

LEG. BARRAGA:

Yes, I would.

LEG. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Legislator Barraga makes the motion, second by Legislator Viloría-Fisher.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro and esteemed Counsel wants to --

MS. BIZZARRO:

I was just going to ask Presiding Officer that this bill be tabled just one cycle because the County Attorney's Office is reviewing it for its legal sufficiency and we'd just like a little time on that. I apologize we have not yet gotten to it. We've begun looking at it. We just want to see if it is timely and if it fits under the requirements of Chapter 27 of the Code.

P.O. LINDSAY:

Legislator D'Amaro, did you still want to comment?

LEG. D'AMARO:

Yes, just very briefly. I, for a different reason, I wanted to consider tabling this today as well because there's a standard that we need to apply. It's a \$430,000 parcel as per our own appraisal. There's a standard that we need to apply in determining whether or not the 215 should go through. It's based on personal illness, and the affidavits submitted by the applicant as well as the applicant's attorney do not establish the illness. And then subsequent to that there was a letter submitted by the applicant's, I guess psychologist that purports to establish the basis to meet the statute, but I'm just not convinced and I would urge everyone to take a look at it.

What you have to do is you have to establish under our own law that you have personal illness which makes you incapable of understanding that you need to pay your taxes and what the psychologist says is that it's likely that he had a cognitive defect, that likely he suffered from the deficit back in 2001, and that letter is from 2008. So you have an examination in 2008 opining as to the likelihood of this ailment back in 2001, and I just don't think that's sufficient to warrant us giving up this parcel a special -- the other point I want to make is that it's not really fair that you can get a doctor to submit a letter that doesn't definitively conclude that the statute is met. It says it is likely. It is not fair to other people that apply and get denied.

I'm not convinced by the psychologist's letter that this gentleman has met the standards required under Section 215 after reviewing the entire record. I would offer a motion to table the bill. I don't think it is warranted.

D.P.O. VILORIA-FISHER:

There is a motion to table. Is there a second?

LEG. BARRAGA:

Motion to approve.

LEG. NOWICK:

Second.

D.P.O. VILORIA-FISHER:

I think we already have one. We already have a motion to approve and a second and there's a motion to second; there is no second. Legislator Barraga?

LEG. BARRAGA:

Gotfrids Liepins. The first time I had any contact with Mr. Liepins, and it was never face to face, was about 14 years ago when he owned a piece of property, this piece of property on West Lane in Bay Shore. My daughter was thinking of getting married and I was roaming around to try to find a piece of property or a house that might be affordable. I saw this sign and it said Gotfrids Liepins and his address and his phone number. It was a beautiful section. As Mr. D'Amato points out even today the property is worth \$430,000.

So I phoned, phoned him, and he had a very distinct dialect because he's Latvian. I told him who I was because I was in the Assembly at the time. I thought that might help in the negotiations a little bit. After we got off the phone -- I indicated to him that I would be sending him a letter making an offer, which I did. And then several months went by, I never heard anything, I never met him. Then one day in my mailbox was this huge brown envelope with all sorts of written text from him, composition notebook notes that he had written in the last couple of months, pictures of when he fought in World War II. Needless to say, it was odd, all right? That's 15 years ago. So I never really pursued it because I certainly in the end I couldn't afford the price of the property.

So when I came home from the Assembly and ran for the Legislature, my office is two miles from my home, and I would notice two or three times a week this gentleman walking along, elderly man, in great shape, with a newspaper under his shoulder. One morning he comes out of a stationary store and he says hello Mr. Barraga and as soon as he opened his mouth I realized it was Gotfrids Liepins. I just -- for some reason I remembered that dialect. He and I have had like five or six conversations because I always run into him. I can never get him to speak before 1930 or after 1945. It is obvious when you speak to the man, this goes back several years, even many years ago, that there's a cognitive problem associated with his intellectual ability.

So I was contacted by an attorney, {Iras Bursin}, his attorney, another Latvian who came in to see me and he was very concerned about this gentleman. He said, you know, he's losing this property, he lost this property to the county, and believe me, you know, if you met Mr. Liepins you would know that if he had it all together there was no way he would ever lose this property. And he said can you be of any assistance. I said let me see what I can do and from that point on this process began. I mean, to my knowledge, all the paperwork is in place, the back taxes of \$22,118 have been paid, but not by Mr. Liepins. The attorney went out and got the Latvian Association to raise the money to pay the back property -- the taxes on the property in the hopes that when he gets the property back they'll put it up for sale and sell it, it's very marketable, all right, so that he can have some sort of decent living, a revenue income, for his remaining years.

At some juncture I said to the attorney, you know, there's something not quite right with Mr. Liepins, and I says maybe we ought to do something. Someone came up with the idea, I don't know who, to have him visit a clinical psychologist, which he did. The clinical psychologist was a Bruce A. Levine, Phd. He was a board -- he is a board certified clinical psychologist licensed to practice in both New York and California, has been licensed in New York since 1974 and had served as Chief Psychologist at South Nassau Community Hospital for many years. "I have both performed a psychological exam and administered the Wechsler Adult Intelligence Scale on Mr. Liepins." In this one paragraph I think he summarizes, and this is where a judgement call has to be made by this Legislature, his findings.

"In summary, the findings of both the Middle Status Examination and the Wechsler Adult Intelligence Scale indicate that Mr. Liepins has sustained a significant cognitive decline, placing him currently at only the 18th percentile of intellectual functioning compared with his age peers. He is currently 89. Although I cannot place a precise starting point for this decline, it is likely that his cognitive deficits

are of longstanding and have worsened over the years. It would be very likely that he suffered from this type of deficit certainly as recently as 2001 and I would opine that his failure to pay taxes was linked directly to this problem. It is my professional opinion that Mr. Liepins is not independently capable of dealing with complex or time-sensitive matters, which would include comprehending and handling property tax matters as described in the materials you provided. This mental defect will hopefully be considered in the review of his case."

I think if you take a look at the report and you take a look at the history, this is not the type of person who would have let that land go. He was just, in my judgment, and I think the judgment of the psychologist, just incapable of handling this kind of situation. And you often see this kind of dementia, this deterioration in cognitive ability, as people get older. I would ask that the Legislature give this man back his land.

P.O. LINDSAY:

Legislator Nowick, and then Stern, and then D'Amaro.

LEG. NOWICK:

You know, I sat in the committee and I made this comment in committee and I want to say it again. Is it Mr. Liepins, is that his name?

LEG. BARRAGA:

Liepins.

LEG. NOWICK:

Liepins. This is his home, he needs his home. We in the County need this property like a hole in the head.

LEG. D'AMARO:

That's not his home.

LEG. NOWICK:

Well, it was his home, wasn't it? Was this not his home?

LEG. BARRAGA:

This is a parcel of land. A parcel of land that has --

LEG. D'AMARO:

It's vacant.

LEG. NOWICK:

That is his.

LEG. BARRAGA:

That was his. It's always been his.

LEG. NOWICK:

He owned it.

LEG. D'AMARO:

It's vacant, though.

LEG. NOWICK:

His name was on the deed, he owned it. He had serious problems, be that as it may.

LEG. D'AMARO:

But it's not a home.

LEG. NOWICK:

Okay. Whether it's a house or a piece of property, he owns it.

LEG. D'AMARO:

Okay. No, just so we're clear.

LEG. NOWICK:

I think we need it like a hole in the head, but that's neither here nor there. He's mentally ill. I do understand the legal interpretation, Legislator D'Amaro. I understand that, and I understand where you're coming from. But every once in a while we as Legislators have to do the right thing. I believe the man was mentally ill. He would never have done that. He would never have gone without paying his taxes.

Just to make an analogy, I remember years ago working for a judge in County Court and I remember the case was a case of a doctor who sexually molested young boys and probably mentally -- I'm getting someplace with this -- mentally these young boys and their parents were distraught probably for life. And when time came for the judge and the judge's law secretary to evaluate the case, they kept saying, well maybe it's not legal, maybe it's legal, but you know what the judge said? I'm throwing him in jail, let them go to a Court of Appeals. Well, you know what? I don't know if the interpretation of this, is it a statute that you're talking about, Legislator D'Amaro?

LEG. D'AMARO:

Yes, it's our Code.

LEG. NOWICK:

I don't know if we are completely within our legal boundaries, but at this point he's ready to pay back the money. He's mentally ill. We don't need the property; he does. I'm going to vote for it.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. Does anybody that -- Legislator Barraga, do you know whether or not the gentleman is under any type of a legal guardianship? Has there been any judicial determination as to incapacity here for anything?

LEG. BARRAGA:

To my knowledge he still functions within a limited scope. You know -- how do I explain this. It's like when everybody gets a little older -- when you're younger, like your age, you can flip 15 balls in the air. When you get to be my age, it's about six balls. At his age it's maybe one. So, I mean, he's still operating, but he's not functioning in the age group that he is. He's 89, he's at like the 18th percentile. So he is still out there, as many people unfortunately like him are still out there.

Right now, Steve, he thinks he still owns this property. If I were to stop and talk to him, he'll talk about the West Lane property, plus the war. So he doesn't know any of this is happening. So, I mean, opposition, as a Legislator, if we can't stand up for a person like this and help them, I don't know who can. We are the court of last resort. And I understand Mr. D'Amaro's point. You know, there are rules and there are regs, you know, but then there is us.

LEG. STERN:

That's what make these kind of situations so difficult, because we're asked to be judge and jury on a situation where we may not know really any of the facts on the ground, but we're being asked to make that determination. So I have a question for our Counsel. George, whether or not you believe that the letter from the psychiatrist that we now have before us satisfies the standard, if it rises to the level where, you know, where the requirement in the statute would be satisfied.

MR. NOLAN:

I believe it would satisfy the statute. As I said in the committee when this came up, when I review the 215 applications, and I do review them all after the packet comes from the Division of Real Estate, it's my practice if what is submitted on its face satisfies the statute, I always forward on to the Legislature to make the determination. So I think we would be well within our rights to approve this and satisfy the statute.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Just a couple of points, thank you. I don't want to belabor it. Just to Legislator Nowick, I think we do need the property, we could use the \$430,000 that the auction sale would bring in. You know, we're talking to County employees today, we have a CN coming up about laying them off. I think it's important that we consider that.

With respect to Legislator Barraga, you know, at the risk of appearing callous to this gentleman's age and frailty, that's not my intent, however, what you failed to read to everyone else was the applicant's own affidavit and the applicant's attorney's affidavit, which give completely different grounds for failing to pay the taxes, which basically say I forgot. And it wasn't until a year later that the gentleman -- let me just finish. It wasn't until a year later that the gentleman was referred in 2008 to a psychologist to opine that he was mentally deficient seven years before that.

So, you know, in my mind the best judge of how -- whether or not this gentleman had the capacity is really based on what was made contemporaneously when he made the application and what he said when he made the application was I forgot, I thought someone else was paying the taxes for me. So you're right, we're judge and jury, and so all the other people that forgot to pay their taxes and don't even file the application are being treated unfairly, and that's why I take this position. I think we have to be -- let me just finish. I think we just have to be consistent.

The last point I just want to make is that we're changing the standard here today, just so everyone's clear, and I guess we can do that. I do not agree with Counsel that this meets the threshold because what the statute says is that you must have an illness and it must be the cause of failure to pay taxes and what the letter says from a psychologist is seven years ago it's likely that this gentleman had this illness. That's completely hedged. That is not sufficient to meet the statutory criteria.

So in any event, you can throw out all of that. The bottom line here is that if you don't meet the criteria it's really not fair to other people that lose their property to let one go through but not another.

LEG. BARRAGA:

Well, we have our attorney here indicating he does meet the criteria. The other point I would like to make is that when a person is lacking in cognitive ability, it is very common to hear that they have forgotten, they don't remember, they don't recall. And I've known people, constituents that can tell me exactly word for word what happened 35 years ago and can't tell me a damn thing about what happened three hours before. It's a tough call, Lou, but, you know.

LEG. D'AMARO:

I'm not disagreeing with you, Tom, I'm really not. I just want to be fair, that's all.

LEG. NOWICK:

Just one last thing.

P.O. LINDSAY:

Go ahead, Legislator Nowick.

LEG. NOWICK:

Legislator D'Amaro, of course we could use \$435,000, but I just don't want to take it from somebody else.

LEG. D'AMARO:

I understand.

LEG. NOWICK:

And I'm going to tell you something. People do, if they have problems, mental problems, it's very likely they can forget. And I know where you're coming from, but I got to go with this one.

LEG. D'AMARO:

Right. Just the last word on that is I agree with you, and if it were based only on the applicant's affidavit I would agree with you even more, but it's the applicant's attorney who's known Mr. Liepins since 1972, who filed his own affidavit in connection with this application, and had said nothing about illness or infirmity or anything like that.

LEG. NOWICK:

You can't trust attorneys.

LEG. D'AMARO:

So anyway, the point I'm trying to make it is that, yeah, you have to evaluate everything that's in front of you, and when I do, I come down on the side of saying, you know, this is not a case where the criteria is met and I do not think that we should approve it. But I can't get a second to my tabling motion, so I guess that's that.

P.O. LINDSAY:

Okay. Nobody's tabling, right, we just have the motion to approve.

MR. LAUBE:

That's correct.

P.O. LINDSAY:

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

LEG. BROWNING:

I'm here.

LEG. D'AMARO:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

I just got to make an observation.

D.P.O. VILORIA-FISHER:

Did Kate say she was opposed?

P.O. LINDSAY:

No, she was for it, right? Were you opposed?

LEG. BROWNING:

No.

D.P.O. VILORIA-FISHER:

Okay. I'm sorry.

MR. LAUBE:

I have one opposed.

P.O. LINDSAY:

Right. Tom Barraga, you liberal, you got this through.

LEG. BARRAGA:

You got to work it at all ends.

LEG. D'AMARO:

Mr. Presiding Officer, I do feel a little bullied here, though, I just want to point out.

LEG. BEEDENBENDER:

If I could just add, Mr. Chairman, I believe that the Health Commissioner said we shouldn't be using handkerchiefs, so I think I just saw you use one.

P.O. LINDSAY:

I know. I'm catching a cold all of a sudden.

LEG. BEEDENBENDER:

You're catching a cold? Everyone move down.

P.O. LINDSAY:

Okay. That concludes the agenda. If you go in the manilla, let's finish the oddballs in there. 1327, a Charter Law to -- we can skip this. Updated. Okay. Home Rule Message No. 7.

LEG. LOSQUADRO:

Give him a tissue.

P.O. LINDSAY:

Thank you. I need more than this. ***Home Rule Message 7 - Requesting the State of New York to authorize the County of Suffolk to establish a wireless surcharge (Senate Bill S.4026 and Assembly Bill A.7336).***

LEG. LOSQUADRO:

What number is this?

P.O. LINDSAY:

Home Rule Message No. 7.

D.P.O. VILORIA-FISHER:

It's in the manilla folder.

P.O. LINDSAY:

Legislator Horsley, I'm assuming that you want to make a motion on the --

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve, second by Legislator Gregory.

LEG. ALDEN:

Can I have an explanation, please?

P.O. LINDSAY:

Legislator Horsley, you want to explain it?

LEG. HORSLEY:

This is a charge, and no one likes to have an additional charge, but it's something that at all other, almost all the Counties of New York State have charged. What has happened is that people who have hard wired phones are diminishing. These monies go to the 911 system, support of the 911 system in our fire departments in the County, and that's where the monies go for. They're finding out that they don't -- the fire departments no longer have the monies to keep up our 911 systems in a proper, adequate way, and so it's a matter of defending that system itself and that's where these monies go. And because of the fact that people are going to hard -- moving away from hard wire phones where there is this charge, they are going -- they're looking to put it on the cell phones.

LEG. ALDEN:

Okay. So this would actually decrease the tax on the hard wire phone or eliminate that?

LEG. HORSLEY:

No, no. They're diminishing; they're going away by the way of the dinosaur.

LEG. ALDEN:

I have two questions, then.

LEG. HORSLEY:

There is lack of monies going into like Central Alarm in Babylon Central Alarm System. Smithtown has the same situation, Riverhead has the same situation, and also to our Police Department.

LEG. ALDEN:

Right. I have two problems, then, and maybe you can answer them.

LEG. HORSLEY:

Sure.

LEG. ALDEN:

I get a phone bill from Verizon for my house phone and the basic service is \$12 and the tax is \$14. That I have a major problem with. And on my Verizon wireless bill, there's over -- I think it's over \$20 a month on taxes, and that's on basic service. That's without using the phone I'm paying over \$20 a month. Surcharge for this, surcharge for that, and some of that money actually goes to Suffolk County.

LEG. HORSLEY:

This goes directly to the 911 system.

LEG. ALDEN:

I think our hands are in people's pockets enough. I wouldn't want to encourage New York State --

LEG. HORSLEY:

I'm not happy about this either, but --

LEG. ALDEN:

-- to get into our pockets even more.

LEG. HORSLEY:

-- every other County was allowed this. It was something that was turned down to only Suffolk County is the only one out on this, and we're watching our 911 system fail. Can we afford to have our 911 system fail.

LEG. ALDEN:

But at one time we were the only one in New York State to tax home energy costs, so, you know, we're one there and maybe we're not one over on this side, so maybe it balances out in the end.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, a couple of questions. First of all, this money is only for infrastructure, isn't that true, not for personnel or anything like that.

LEG. HORSLEY:

No, this is infrastructure; that's correct.

LEG. ROMAINE:

That's only infrastructure.

LEG. HORSLEY:

I believe so.

LEG. ROMAINE:

Okay. And you want to impose a tax that doesn't exist now and add to the additional taxes through cell phone uses. Is that correct?

LEG. HORSLEY:

On cell phones, that's correct.

LEG. ROMAINE:

So you want to add this to cell phones. It's not there now, you want to add this. But you're not adding it to people with Vontage or Optimum or the other thing.

LEG. HORSLEY:

No, no, no.

LEG. ROMAINE:

It's already there for hardwired Verizon --

LEG. HORSLEY:

That's correct.

LEG. ROMAINE:

But not for Optimum or not for Vontage or other private systems; is that correct?

LEG. HORSLEY:

Cell phones is what we're talking about.

D.P.O. VILORIA-FISHER:

Optimum isn't cell phones.

LEG. ROMAINE:

Right, right.

D.P.O. VILORIA-FISHER:

And it is not hard wire.

LEG. ROMAINE:

So you just want to add cell phones to the current list of things. One-hundred and eleven years ago, about this time, believe it or not, this country went to war. It was called the Spanish American War, and at that time --

LEG. HORSLEY:

1898.

LEG. ROMAINE:

-- they had to come up with some way to fund that and telephones had just been invented and they did a temporary tax. That temporary tax stays there this day, to this day, long after the war has been paid for, long after it's gone. We are going to impose yet another fee.

You know, I looked at the State this year and I thought of that song the very air you breathe, because that's probably the only thing they didn't tax. And I don't want to see this County nickel and dime everyone again. I'm not voting for this. I'm not going to vote and impose this. I'm not going to send a Home Rule Message to add this to people who have cell phones just because they live in Suffolk County. Now they have to pay this surcharge?

Let me ask you this. Even if this does pass, how is this infrastructure money going to be split with the other police departments and jurisdictions that have their own 911? Is any of this money going to go to the nine villages and the five towns that run their own 911 systems? Have you worked that out? I mean --

LEG. HORSLEY:

No, I'm not the sponsor of this.

LEG. ROMAINE:

-- I can't vote for this unless I have some assurances on that. These are questions that are very legitimate questions that aren't being addressed. Thank you, Mr. Presiding Officer.

LEG. HORSLEY:

That's a good idea. Why don't we do this. Why don't I make a motion to table this for one cycle and we'll let our fire departments come in and explain it.

P.O. LINDSAY:

Do you have the time?

LEG. ROMAINE:

Good. That would be great. And in that cycle if -- in that cycle --

D.P.O. VILORIA-FISHER:

Aren't we close to the end of the Assembly --

LEG. KENNEDY:

Yeah, but we'll meet again before and we can adopt it by May 12th. They don't go out of session until the second week in June.

LEG. HORSLEY:

Good question.

LEG. ROMAINE:

Wayne, in that cycle maybe you can get some answers. One, how much is this going to raise, estimated revenue, how much is this going to raise in a given year; and two, how is this going to be divided amongst other jurisdictions within Suffolk that run their own 911 systems? Because this is -- people on the East End use cell phones as well.

LEG. D'AMARO:

I can answer that now; not enough and none.

P.O. LINDSAY:

Legislator Horsley, you want to commit this to committee?

LEG. HORSLEY:

Yeah, I think that's a fine idea. That's a great idea.

P.O. LINDSAY:

Make a motion.

LEG. ALDEN:

What committee?

P.O. LINDSAY:

Public Safety.

LEG. ALDEN:

That's a good one.

P.O. LINDSAY:

We have a motion to recommit it to committee.

LEG. D'AMARO:

I'll second it.

P.O. LINDSAY:

Second --

D.P.O. VILORIA-FISHER:

Seconded by Legislator D'Amaro.

LEG. D'AMARO:

Very briefly on the motion just to also ask the sponsor how else is the County 911 system funded. What are the other sources?

LEG. HORSLEY:

There are revenues -- there is still revenues coming in from the hard wire phones, so there is --

LEG. D'AMARO:

Is that the only way it's funds?

LEG. ALDEN:

Wayne use the -- I can't hear you.

D.P.O. VILORIA-FISHER:

Use the mike, Wayne.

P.O. LINDSAY:

Taxes.

LEG. D'AMARO:

Yeah, that's what I'm asking. How else -- is it funded just through the surcharge on hard line phones, land line phones?

LEG. HORSLEY:

My understanding if we're -- honestly I can't -- I don't have that answer. No sense in me making it up.

LEG. D'AMARO:

I just want to see if there are other sources of revenue before I go ahead and -- you know, to help make the decision.

LEG. HORSLEY:

I think that's fair. Let's all look at this together.

LEG. BARRAGA:

Can you also find out what rank Ed Romaine was in the Spanish American War?

P.O. LINDSAY:

Before we get into remember the Maine let's keep going. Home Rule Message -- oh, we didn't call a vote.

MR. LAUBE:

I need a motion and a second.

P.O. LINDSAY:

Motion by Legislator Horsley to recommit.

D.P.O. VILORIA-FISHER:

D'Amaro seconded it.

P.O. LINDSAY:

Seconded by D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Home Rule Message No. 8. Home Rule Message requesting the State of New York to authorize Suffolk County to extend a temporary one-percent sales and compensating use tax rate (Senate Bill S.4024 and Assembly Bill A.7335). For Suffolk County this is what we do I think every two years. The taxes aren't going up, it just has to be redone every two years. I'm going to make a motion. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Procedural Resolution No. 9 - To set a Public Hearing for the inclusion of new parcels into existing agricultural districts in the Towns of Brookhaven, Riverhead, Southampton, and Southold. You East End fellas want to make a motion on this?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

That was a Procedural Motion, correct?

P.O. LINDSAY:

That was a Procedural Motion.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And I missed --

D.P.O. VILORIA-FISHER:

Number 9.

P.O. LINDSAY:

I missed number nine. *Home Rule Message 9 - Requesting the State of New York to amend Chapter 311 of the laws of 1920, constituting the Suffolk County Tax Act, in relation to redemption of certain property owned by persons deployed by the United States Military (Senate Bill S.4025/Assembly Bill A.7227).*

LEG. BEEDENBENDER:

Motion, Mr. Chairman.

P.O. LINDSAY:

Huh?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *Procedural Motion No. 10 - Procedural resolution authorizing funding for community support initiatives (Phase II).*

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

There's a list. Legislator Losquadro makes a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. That's it for the folder. Let's go to the red folder.

LEG. ALDEN:

Can I make a request for Budget Review?

P.O. LINDSAY:

Sure.

LEG. ALDEN:

Through the Chair, Budget Review, I don't know if you have the information today or you don't have the information today, but could you do a comparison as far as the cost of policing the Sunrise Highway and the Long Island Expressway, because I think the Sheriff's Department is doing that now for two quarters so it's probably enough time that we can make a comparison to how our costs were with the Police Department, and if there are any savings or if they're insignificant savings, whatever that might be. If we can get a report on that I would appreciate it.

MS. VIZZINI:

We'll try. The only thing I can say is that we have asked for overtime data from both the Sheriff's Office and the Police Department. They don't keep it in the same fashion. We cannot get it independently, but we are trying and I don't know if I can break out just the L.I.E. and the Sunrise, but we will try.

LEG. ALDEN:

If you are trying. Thank you. And even their performance data, like how many officers they used, how many were used on the Police Department patrol, how much money we're taking in, whether they are writing a ton of tickets for cell phone use, because that money comes to us, right, the cell

phone?

MS. VIZZINI:

People talking on the phone while driving?

LEG. ALDEN:

Right. That money does come to us, right, that's specific to us?

MS. VIZZINI:

Well, most of those traffic violations, a portion would go to the State.

LEG. ALDEN:

Well, if it's V & T Law it ends up in New York State, that Motor Vehicle Hearing Bureau, but there are some tickets that are written that actually come, you know, put in District Court where we end up with more of the revenue. I don't know if you could break that out or if you can look at it.

MS. VIZZINI:

Yeah.

LEG. ALDEN:

Thanks a lot.

P.O. LINDSAY:

All right. Let's take it from the top. *1284 - A responsible plan to address 2009 revenue shortfalls and avoid a reduction in the workforce of County personnel.* I'll make a motion.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Second by Legislator Losquadro.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Can we just get a brief explanation of what this does? It looks to me like there's 30 million, right?

P.O. LINDSAY:

No, it's more than that. We had 30 million from the Reserve Fund, there's some appropriations, reductions, that total 3,259,000. There's some interfund transfers; it picks up 157,000. There is some additional State administration sales tax of three million. Interfund transfers, 157, and the -- somebody mentioned before these are the people that I guess are being transferred back to Labor that are going to be paid out of -- go ahead, Gail.

MS. VIZZINI:

Mr. Presiding Officer, this amended version is pretty much consistent with the information we provided to you in our memo of April 20th with the exception of the fact that the closing of the Central Islip Satellite Health Center has been removed in its entirety. But the short of it is just to make sure the record is accurate. It allows accessing tax stabilization reserve in the amount of 30 million dollars mid-year.

LEG. ALDEN:

Can I stop you there? What part of State Law authorizes us to access the 30 million dollars without

raising taxes?

MS. VIZZINI:

General Municipal Law Section Six -- I'd defer to George.

MR. NOLAN:

Six E, I believe.

LEG. ALDEN:

Sixty, George?

MR. NOLAN:

Six E.

LEG. ALDEN:

Six E. Thanks.

MS. VIZZINI:

It strikes 3.2 million in sales tax from the Police District as well as corresponding appropriations. Therefore, there would be no police class in 2009 unless other funds were provided. It caps the EPIC Program to the 2008 actual expenditures, although it does not strike any of the appropriations. But I can tell you that we've already reserved 818,000 from EPIC, leaving 2.2 available, which is about what we spent in '08. Finally, it creates 15 positions in the Labor Department anticipating additional WIA funding, some of which you already approved today by resolution.

P.O. LINDSAY:

Are those positions being transferred from other departments back to Labor?

MS. VIZZINI:

Not in this resolution. This resolution just creates them. There probably will have to be another resolution to do any transfers.

P.O. LINDSAY:

Mr. Kovesdy, you want to add to this?

MR. KOVESDY:

Good afternoon. We're going to be looking for volunteers from various departments to fill -- to move voluntarily from their position into the Labor Department.

P.O. LINDSAY:

So that we're going to try and --

MR. KOVESDY:

Ask people who want to change --

P.O. LINDSAY:

Keep County employees but get them under a Federally aided position.

MR. KOVESDY:

Yes, sir.

P.O. LINDSAY:

Okay. I have another question, too, about the police class and maybe you can answer it and maybe you can't. We're applying for Federal funds under the police, the COPS Program, to fund a class. Is that correct?

MR. KOVESDY:

Yes, sir.

P.O. LINDSAY:

So --

MR. KOVESDY:

Eighty, and what Robert had mentioned at the last meeting, it funds out for 80 officers for three years starting on October 1st.

P.O. LINDSAY:

So -- but removing the funding is taking it off our dime and again hopefully putting it on the Federal dime.

MR. KOVESDY:

Yes, sir.

P.O. LINDSAY:

Legislator Alden and then Romaine.

LEG. ALDEN:

Gail, just one other quick question. Sometimes in the past we've been given things that are titled similarly to this, like a responsible plan to address revenue shortfalls, and when we end up voting for it we find out later on that the hidden costs actually exceed any of the savings. For instance, that CI Health Center closure -- I know it's out of it now -- but that possibly could have cost us more money when people decide to go to the hospital rather than one of our other health centers. Is there anything in here that can lead to a cost increase, a hidden cost increase?

P.O. LINDSAY:

The only thing that I could think, I know you asked Gail, while she's studying it, is if we don't make a change like we talked about before to the Reserve Funds that we are mandated to put money back from surpluses at the end of the year, that would really negate taking money out. You know, we'd be on a merry-go-round. We're going to take care of that. So that's the only thing I could think of.

MS. VIZZINI:

In the short-term it's intended to be an expenditure reduction to make up for the fact that we expect at least a seventy-eight million dollar shortfall this year in sales tax. In the long run --

LEG. ALDEN:

Yeah, because a lot of times the long run plan comes back and it is going to squash us. Like, for instance, giving up all that revenue.

P.O. LINDSAY:

Seven to eight million shortfall? More than that.

MR. REINHEIMER:

Seventy-eight.

P.O. LINDSAY:

Seventy-eight.

MS. VIZZINI:

Seventy-eight just in sales tax alone.

P.O. LINDSAY:

And the other thing, in all honesty, you know, just to -- is the health center was removed out of this bill really at my request because I didn't think it had support and I didn't want to bottle up, especially the 30 million dollars, and I think that we have to look at it more. I don't think we know enough about the plan, if you're going to consolidate, how you are going to accommodate the other people, how you are going to transport the people, how many doctors you are going to move to Brentwood, if you are going to do that, and I think a plan is being developed.

LEG. ALDEN:

I'm glad and I compliment Legislator Montano, because he actually gave me a call about it and asked my opinion, and sometimes it ends up costing you more. So whoever got it removed from this piece of legislation that's a good thing and we take another look at it. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Thank you, again, for your leadership, Presiding Officer, in getting the Central Islip Health Center Clinic removed from this list. I'm looking at the 17th, 18th and 19th reserve -- Whereas Clauses about the significant savings and suspending the police class, etcetera, etcetera etcetera. Now, it's my understanding based on the questions that you asked and Mr. Kovesdy answered, the 80 Police Officers we put in the class, that would be subsidized by the Federal funding.

MR. KOVESDY:

We requested Federal funding for 80 Police Officers, yes.

LEG. ROMAINE:

Let me ask you this then, sir. What is the absolute limit that we could have requested under the stimulus money for Police Officers in Suffolk County? I don't believe it's 80.

MR. KOVESDY:

I don't know.

LEG. ROMAINE:

Well, I'm asking that question because I believe that we are entitled under Federal stimulus money to more than 80 Police Officers to be funded.

MR. KOVESDY:

I don't have the answer, Ed.

LEG. ROMAINE:

Okay. How long will it take to get that answer, Allen?

MR. KOVESDY:

I'll probably have the answer tomorrow.

LEG. ROMAINE:

Okay. Well, I don't want to push you.

MR. ZWIRN:

The answer is we could have asked for more than 80, yes, that's true.

LEG. ROMAINE:

Under the Federal Stimulus Program what would Suffolk County be entitled to apply for?

MR. ZWIRN:

I think we could have applied for probably a couple of hundred. Whether you get the money or not -- but the fact is after three years it's 100% County funded.

LEG. ROMAINE:

And let me just scratch my head for a second, because my understanding is that the Police Department will not be static for three years; in those three years a number of Police Officers will retire. So in essence you could wind up with a zero sum game. It may not cost the County anything after three years.

MR. ZWIRN:

Yeah, and again, it could cost the County a lot of money. So it's a 100% funding. The three years is great, because that pays for benefits and everything. At the end of three years it's 100% County funds.

LEG. ROMAINE:

But you --

MR. ZWIRN:

You just voted against the sales tax extension, which is 225 million dollars in revenue and, I mean, it's just inconsistent.

LEG. ROMAINE:

Do you want to know why?

MR. ZWIRN:

It doesn't matter why. The question --

LEG. ROMAINE:

There's a reason. Because there was no language in terms of revenue sharing for the East End.

MR. ZWIRN:

You are trying to save jobs, you're voting against revenue that's been coming into the County to cut further revenue and it's just --

LEG. ROMAINE:

But I'm not here to debate you but I am happy that you --

MR. ZWIRN:

It's just inconsistent.

P.O. LINDSAY:

Let's stay on the issue.

LEG. ROMAINE:

-- put on the record the fact that Suffolk County could have had more Police Officers and the Executive, not this Legislature, not one member of this Legislature, but the Executive made the sole decision not to apply for that money. And I certainly would ask my colleagues why are you elected? What is your voice in policy? What is your voice in financial planning? But that's another issue for another day.

The EPIC money, the only question I want to ask about the EPIC money, because I support this resolution, I obviously want to see the 30 million from the Stabilization Fund provide balance to our budget this year, but the EPIC we don't need as much money; is that correct, Allen?

MR. KOVESDY:

No, the amount of money that we spent last year will be appropriate for this year. The extra money we put in was in case there was a cut in a nutrition program by the State and the State funded the nutrition program at 100%.

LEG. ROMAINE:

So we don't need that.

MR. KOVESDY:

No, we don't.

LEG. ROMAINE:

Thank you for answering my questions. Thank you, Presiding Officer.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I intend to support this resolution, but my concern is with the withdrawal of the officers in our -- in the class for this year. As I've advocated since I've been here at the Legislature I think we don't have enough officers out on the streets. Crime in my community has increased. And just looking at the application itself, I hope that we didn't jeopardize our position. In part it says that in preparing your agencies grant application please be advised that grantees are prohibited from reducing State, local or travel funding for sworn officer positions as a direct result of applying for and/or receiving this CHRP grant. Now, it appears to me that we've reduced what we budgeted and therefore we may jeopardize our application status, and I hope that we haven't done that and I hope that you can address that.

MR. ZWIRN:

No, and we haven't. We don't have the sales tax revenue coming in to pay -- you know, it's one thing, it's a lovely thing to put something in a budget. We've got this budgeted. We've got sales tax budgeted. This is a number we put in there, and the money doesn't come in. I mean, the budget document is a living document. It is a snapshot in time. When you did your budget the expectations were that revenues from sales tax were coming in. Now you hear your Budget Review Office saying they're looking at a shortfall of 80 million dollars in sales tax revenue. We have to balance that.

Now, what we did was we took, because we don't have the money for a class because sales tax revenue is so off, the economy is in such bad shape, we looked at what the Legislature wanted to do. We took the number of the people in that class, which would have been 80, and we've gone to the program with the Federal stimulus money to see if we can get those 80 Police Officers and a few Deputy Sheriffs and a few Park Police also through some funding from the Federal Government to get us through this period. So we heard the Legislature and the County Executive heard it. He's also trying to balance going forward. If we're not out of this morass in the next couple of years, then the cost of those Police Officers will now be on the backs of the County tax payers 100%. Maybe things will improve. Sales tax revenue could improve. You could, if you want to, raise taxes theoretically and hire as many Police Officers as you want. Just raise police taxes, Police District taxes, and then you could hire as many police as you want to do. That's a decision that's made by the Legislature.

LEG. GREGORY:

And that's reflected in here that there is -- I guess we're striking appropriations for the class from the sales tax?

MR. ZWIRN:

Yes.

LEG. GREGORY:

Okay.

MR. ZWIRN:

And that was in both models from Budget Review Office and the County Exec's Budget Office as we tried to work through a program and a plan to try to deal with the economic crisis.

LEG. GREGORY:

And you're comfortable that that will meet with the Federal guidelines.

MR. ZWIRN:

Yes.

LEG. GREGORY:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I just have a question for Counsel I guess and then a question for BRO. George, the language in 6E that talks about accessing the Tax Stabilization Fund talks about the declaration of a public emergency. Are we basically -- is the County Executive submitting that to us and acknowledging now that there is a fiscal emergency?

MR. NOLAN:

You don't have to declare a public emergency or fiscal emergency to access tax stabilization. To access tax stabilization the County Executive must propose it to us and he is saying that the criteria that we're meeting is that revenues that we were counting on have not come in, and that is one of the grounds of the General Municipal Law in order to access tax stabilization reserve. We could not have done this unilaterally. We couldn't have introduced the bill. It had to come from the County Executive to propose it and now we're acting on it.

LEG. KENNEDY:

Okay. And then just one other question, Mr. Chair, for BRO. Obviously this 30 million dollars is going to be something that's much needed for us in order to fulfill our responsibilities throughout the balance of the year. As we sit right now, what ability do we have to continue to meet our ongoing obligations, like a payroll, like our FICA contributions, like our tax contributions on the behalf of employees? Are we at the point where we need this 30 million to keep the lights on for next week? Where are we at right now?

MS. VIZZINI:

Well, the County Executive has to make the necessary modifications in the budget. One of the first things that the County Executive's Office did was to reserve certain appropriations, roughly 3% in personnel and 7% in all other costs. So there's a reserve set aside. We will do as we have done in other years. We will borrow as our cash needs require. We happen to be in a negative 20 million dollar cash position as of April 28th based on reports we get on a daily basis from the Treasurer's Office. That simply means it's time to borrow some cash from either assessment stabilization reserve or tax stabilization reserve or some of the other funds.

We are also -- you know, we have these budget shortfall mitigating resolutions before us and I'm sure that the Budget Office is saying no to most requests for, you know, any kind of discretionary expenditure whatsoever. I don't know if Allen has more to add, but those are the types of things that the County is doing to make sure that there is sufficient cash flow and sufficient appropriations.

LEG. KENNEDY:

So assuming that this passes and the County Executive signs it, then that plugs that 20 million negative on the cash position we have now?

MS. VIZZINI:

Well, I'm not sure there is a direct correlation, but, you know, it helps the overall hundred and -- 120 million dollar problem that we have, you know, shortfall that we're anticipating for 2009.

LEG. KENNEDY:

Okay. All right.

P.O. LINDSAY:

That's the other thing that I wanted to point out about declaring a fiscal emergency or whatever. I don't -- I think it does have to start with the Executive, but you have to have a deficit in the fiscal year you're in, which we are now. If this was next year, he could still access it, but in order to access it he'd have to raise taxes. Legislator Alden.

LEG. ALDEN:

And just for Budget Review. You actually just prepared this memo that went out. Roughly how many Police Officers retire each year?

MS. VIZZINI:

It had been 80. It is now slowing. I think we're projecting 53.

MR. REINHEIMER:

Fifty-three, fifty-five.

MS. VIZZINI:

Yeah, so it is slowing. I think it's, you know, a function of the economy or demographics or whatever.

LEG. ALDEN:

Okay. So even at the lower number over three years you would probably anticipate at least 150 retirements out of the Police Department.

MS. VIZZINI:

It's not unlikely. It depends on how long the economy is as slow as it is these days. You know, it's an individual choice on the part of the officers themselves. It had been 80, now it's down to 50, 50-something.

LEG. ALDEN:

Okay. Then the other question, Ben, if I could ask you a question. The application for the Police Officers, is that an up to or you had to be real specific on the number?

MR. ZWIRN:

Specific.

LEG. ALDEN:

So they're either going to approve it on 80 or disapprove it on 80. You couldn't apply for 100 and then say we really only need the funding for 80.

MR. ZWIRN:

No.

LEG. ALDEN:

And is there an opportunity at some point in the future to either amend or to put in another application for that?

MR. ZWIRN:

It wouldn't appear that way now, but I think we are just going to have to wait to see. We don't know what other municipalities have done, whose put it for Police Officers. Some municipalities might not put in for any, we don't know.

LEG. ALDEN:

So they'll either approve -- it's definitely an all or nothing as far as our application --

MR. ZWIRN:

I believe they can approve up to the number that we've asked for.

LEG. ALDEN:

It can be up to the number?

MR. ZWIRN:

We've asked for 80.

LEG. ALDEN:

And then how many -- I don't know if I even asked that question.

MR. ZWIRN:

If they offered us 60, we would take 60, but we've asked for 80.

LEG. ALDEN:

And there's no way that we could amend that and ask for 125 or 150 at this point?

MR. ZWIRN:

Not right -- no.

LEG. ALDEN:

Funding up to.

MR. ZWIRN:

Right.

LEG. ALDEN:

And it was only the Executive Branch of government that could put in that application?

MR. ZWIRN:

Yes.

LEG. ALDEN:

Thanks, Ben.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Just to add a point, through the Chair, to Legislator Alden's questions, because my office did make some contact with the Department of Justice and Senator Schumer and Gillibrand's office. There were a total of 7,762 applications submitted nationwide as against one billion authorized under the stimulus. Unfortunately, nobody in Justice knows at this point how much everybody sought in the composite or what the time frame is or what the likelihood is that we'll prevail on a 26.6 million over

three years that we sought. So we're rolling the dice again.

P.O. LINDSAY:

Okay. Any other questions? No? We have a motion and a second. Am I correct, Madam Clerk?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

All in favor? Opposed?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Abstentions?

LEG. ROMAINE:

I'm here.

LEG. SCHNEIDERMAN:

I'm here.

LEG. ROMAINE:

Voting in favor.

MS. ORTIZ:

One abstention.

P.O. LINDSAY:

One abstention.

MS. ORTIZ:

Seventeen.

LEG. BARRAGA:

Did you record me as a no?

MS. ORTIZ:

Oh, I'm sorry.

P.O. LINDSAY:

Okay. ***1335 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for intersection improvements on CR 3, Pinelawn Road/Wellwood Avenue, Towns of Babylon and Huntington, Suffolk County, New York.*** Do I have a motion from Babylon and Huntington?

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We did 1391.

MR. NOLAN:

We did.

P.O. LINDSAY:

We did 1391 already. ***1401 - Accepting and appropriating a federal grant in the amount of \$7,000.00 from the US Department of Labor, Veterans' Employment and Training Service in support of the Suffolk County Veterans Service Agency's Veterans Stand Down.*** Motion by Legislator Stern, second by Legislator Barraga?

LEG. BARRAGA:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. ***1402 - Economic recovery project municipal/sponsor resolution (CP 5127.310).*** This is for resurfacing on -- this is -- how does this differ from the -- this is the Expressway Service Roads again. Oh, it's the same thing. They're accompanying --

D.P.O. VILORIA-FISHER:

It corresponds.

P.O. LINDSAY:

They are corresponding legislation.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Okay. Motion by Legislator Montano, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Same thing for the next one. ***1403 - Economic recovery project municipal/sponsor resolution (CP 5131.310).*** This is the Motor Parkway one.

LEG. MONTANO:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote. All right.

LEG. MONTANO:

Yeah.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1404 - Economic recovery project municipal/sponsor resolution (CP 5127.311). Okay.
This is the paving -- resurfacing paving. It's another resurfacing paving, Expressway.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

So I got same motion, same second, same vote.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1405 - Making certain findings and determinations in relation to the increase and improve facilities for Sewer District No. 21-SUNY (CP 8121).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1406 - Authorizing the execution of a compliance agreement relating to the lease of premises located at 3500 Sunrise Highway, Great River. Do I have a motion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. Seconded by Legislator Alden?

LEG. ALDEN:

This is the back room stuff, right?

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

Support services.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

Not back room deal, but I'll second it.

LEG. MONTANO:

Thanks for clarifying that.

P.O. LINDSAY:

This is to find room to put the additional DSS workers in a facility so that we could process claims faster and whatever.

LEG. HORSLEY:

Medicaid.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1407 - Economic recovery project municipal/sponsor resolution (CP 5567.310). Again, another economic recovery project. This is the Commack Road from Nicolls Road to the vicinity of Polo Street.

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion by -- who made the motion? Stern and seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

14 -- what is it?

MR. NOLAN:

We did 1411.

P.O. LINDSAY:

We did 1411. I think that was the next one, right?

LEG. MONTANO:

Do we have the revised?

P.O. LINDSAY:

1412 is a revised copy.

LEG. LOSQUADRO:

What changed?

P.O. LINDSAY:

It's removing one position. *(1412) Enhancing Administrative Budget Deficit Control*. It's authorizing the layoffs, and one was a --

LEG. GREGORY:

Public Administrator.

P.O. LINDSAY:

Public Administrator, which they tell me was something to do with the courts; am I correct?

LEG. ROMAINE:

Surrogate Court, yes.

P.O. LINDSAY:

Right, and that we didn't have the ability to lay off somebody from the Surrogates Court. So 1412 is before us. I will make a motion, second by Legislator Losquadro.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

To start with, the Fifth Resolved Clause, what's the target; is it enumerated anywhere?

P.O. LINDSAY:

Could -- well, you really should have somebody -- Mr. Kovesdy, can you answer it, or Mr. Zwirn?

MR. KOVESDY:

What's the question?

LEG. ALDEN:

Okay.

MR. KOVESDY:

Please.

LEG. ALDEN:

This resolution authorizes the firing of -- there's a lot of people. There's like two pages, mainly --

LEG. ROMAINE:

Probation.

LEG. ALDEN:

Probation Officers, some Senior --

LEG. ROMAINE:

Detectives.

LEG. ALDEN:

Deputy Sheriffs, Detective Investigators, and a couple of other people. It says in Resolved Clause

Number 5, unless they meet some kind of a target.

MR. KOVESDY:

Yes.

LEG. ALDEN:

Where's the target?

MR. KOVESDY:

There is a basic target. I don't have the exact number with me at this point. This resolution isn't a resolution to fire people, this is a resolution basically to try to get some reduction in personnel costs that go along with the other savings to reach the 30 million dollar number that we've been working with.

LEG. ALDEN:

Can I ask you a question, though?

P.O. LINDSAY:

Does Mr. Tempera have the target?

MR. TEMPERA:

I don't have the number with me, but it was determined, based on the Budget Office looking at the 30 million dollars and proportioning that amount to each of the bargaining units covered by the Operating Fund.

LEG. ALDEN:

And I have to -- I just have to take a little exception to what you just said in answer to me, that this is absolutely a resolution to fire people, because it sets a target, which we don't have, and if that target's not met, these people get fired, I mean, unless I can't read, but --

MR. KOVESDY:

No, I'm -- it's not my really place to argue. I just wanted to point out to you, Mr. Alden, that the original 1205, which had significantly more people, had the same clause in it, and it said that if that -- if the bargaining units who came forward and reached an agreement, the names would be taken off the list. This does the same thing, it just brings the two groups that have not yet reached an agreement with the County. Again --

LEG. ALDEN:

Okay. So this is, in essence, a loaded gun, that if you come forward and do what we say, and in here it's not even a spelled-out target, so if you comply with our target, which we haven't really attached to the resolution, then we won't pull the trigger, but if you don't, then these people get fired; is that what happens?

MR. ZWIRN:

In essence, what we --

LEG. ALDEN:

Good.

MR. ZWIRN:

Yes.

LEG. ALDEN:

Okay. Thank you.

MR. ZWIRN:

But let me say that we -- when this list began, we had to deal with the entire unit, all the different bargaining units in the County, and most of them have stepped up. This list has drastically been reduced.

LEG. ALDEN:

Okay. But that's not my question.

MR. ZWIRN:

And we are -- and we are hoping --

LEG. ALDEN:

I just wanted to understand what this resolution does.

MR. ZWIRN:

And we are hoping -- it was a 30 million dollar package. The County said that it would what it could. We said -- we made a commitment to go into the Tax Stabilization Reserve Fund for 30 million dollars, and not more, because going forward --

LEG. ALDEN:

I'm all done.

MR. ZWIRN:

That is the rainy-day fund, and once you use a one-shot, when that fund is gone, the only place you can go to replace that money is back to the taxpayers.

LEG. ALDEN:

Ben, I don't think you want to expand the discussion you and I are going to have about one-shots, unless you want to do that right now.

MR. ZWIRN:

I'm here to answer your questions.

LEG. ALDEN:

Good. You answered it when you said, yes, it's the use of a loaded gun if they don't --

MR. ZWIRN:

Those are your -- those are your terms.

LEG. ALDEN:

All right. So what does it do, if it doesn't -- if they don't meet the target, these people get fired.

MR. ZWIRN:

That's correct.

LEG. ALDEN:

There you go. Okay. That was all I asked. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. If I could, through the Chair, could I ask representatives from the different units that are listed here to come up, so I can ask them questions?

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Mr. Chair. Okay. Detective Investigator, Park Police, Probation, and Deputy Sheriff.

LEG. MONTANO:

Vivian, if I may. Are those the four bargaining units that are referred to in Paragraph 5? That's all I want to know.

D.P.O. VILORIA-FISHER:

That are on the attached list of people who are on the layoff list.

MR. MONTANO:

Right, but it says any bargaining units. So those bargaining units are in 5?

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

Okay, I got you.

D.P.O. VILORIA-FISHER:

Thank you. Okay. If you could just one by one come up and identify yourselves.

MS. D'AMBROSIO:

My name is Gail D'Ambrosio, and I'm the President of the Probation Officers Association.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

MR. WEISHAHN:

I'm Jack Weishahn. I'm President of the Suffolk County Detective Investigators Association.

D.P.O. VILORIA-FISHER:

Thank you. I think I have made it very clear from the first time we received a list of people to be laid off that I was not in support of that particular strategy to get people to the table. I believe that part of leadership is to bring people to the table, rather than force people to the table. And I'm very happy that AME, under the leadership of Cheryl Felice, was able to reach a negotiated agreement, as well as other groups who reached a negotiated agreement with the County Executive's Office, because this is a time where many people are asked to make sacrifices. And so I'm going to ask Gail and Jack, both of you, and then you can answer individually, were this bill not before us, and knowing that your fellow County employees have come to the table, and have negotiated, and have made sacrifices, what is your position with regards to going to the table, and negotiating, and providing givebacks?

MS. D'AMBROSIO:

I have no problem going to the County to try to help save the jobs of these people at all.

D.P.O. VILORIA-FISHER:

Okay. And can -- why has there not been an agreement reached at this point between you and the County Executive's Office?

MS. D'AMBROSIO:

Well, there's a lot of reasons.

D.P.O. VILORIA-FISHER:

Okay. I'm sorry, can --

LEG. MONTANO:

Sorry.

D.P.O. VILORIA-FISHER:

Thank you.

MS. D'AMBROSIO:

It just seems like everything is so prolonged. Things that could have happened much quicker took longer to happen. But, as of yesterday, we were in Jeff's office talking.

MR. ZWIRN:

Hours.

MS. D'AMBROSIO:

I'm sorry?

MR. ZWIRN:

Hours.

MS. D'AMBROSIO:

Right. And we plan on continuing those talks. We did have something in mind yesterday, and then I went to my Board of Directors and we discussed it and that's no longer on the table, but I never said I would not go back into the County to talk.

D.P.O. VILORIA-FISHER:

Okay. So there's no sense on your part, Gail, that your unit has -- your union has decided that there aren't --

MS. D'AMBROSIO:

That we're not talking to the --

D.P.O. VILORIA-FISHER:

-- enough Probation Officers, and that you don't want to talk and you don't want to give anything back?

MS. D'AMBROSIO:

No.

D.P.O. VILORIA-FISHER:

So you are --

MS. D'AMBROSIO:

No.

D.P.O. VILORIA-FISHER:

-- actively negotiating with Jeff and anyone else from the County Executive's Office to provide some relief, some budget relief?

MS. D'AMBROSIO:

We are definitely going to try.

D.P.O. VILORIA-FISHER:

Okay. Thanks.

MS. D'AMBROSIO:

And as far as I'm concerned, we have tried.

D.P.O. VILORIA-FISHER:

You have been trying, is what you're saying.

MS. D'AMBROSIO:

Right.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Gail. Jack, same questions.

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

MR. WEISHAHN:

Yes. Let me give a little bit of history. And I'm in a little bit of a unique situation, because when the first resolution came out there were no -- none of my members were on the potential layoff list. In spite of that, knowing this was coming down for quite a while, myself, my board and my members prepared for some discussion about how this was -- what would come down would be dealt with.

When the first resolution came out and none of us were on there, I was tasked with trying to convince and explain to my members that it was in our best interest and it was the right thing to do to sit down with the County and work out some way which -- where we could participate and do our fair share in resolving this issue; that was without the gun being there, that was the without the gun being loaded. And I took a lot of heat for that because I did have a lot of members who said, "If there is no threat, then just don't talk," and that was not our approach, it was not the approach of the board. So I sat down with Jeff Tempera, we discussed in principle what he was looking for, how we might get there. Some time went by, and I could explain that obviously by my size -- well, not by my size, but by my unit size -- we're the smallest --

(*Laughter From Audience*)

We're the smallest union, and certainly we're the tail, we're not the front-end of the dog, we're more of the back-end as far as that's concerned, and we tend to follow and not lead because of the size of the unit. But I thought we had a responsibility and Jeff and I sat down cordially and discussed what I -- what he expected and what I expected and we were going along fine. And then suddenly last week I got a call that four of my members were now on the list. It wasn't because there was no cooperation; I think Jeff would agree with that. It wasn't because we were in any way stepping back or not being willing to do what we felt we should be doing. Since then, since the names appeared on the list, I had to explain to my members why -- at first we thought that there was a certain level of respect, which I think was shown to us by agreeing that we would do what had to be done, and then all of a sudden the threat came in. I don't think it changed the negotiations very much. We sat down yesterday, we spoke for a few hours. There were some technical problems we had to work out as far as -- before we could go back to the members and explain what had to be done, and that's where we're at now. At no time during this entire process did I say at any time that this was -- I wasn't going to do anything unless there was a threat and when the threat came it that was going to change the negotiations

D.P.O. VILORIA-FISHER:

In fact, when you didn't have a threat, you stepped up.

MR. WEISHAHN:

Yeah, absolutely.

D.P.O. VILORIA-FISHER:

Because of your sense of responsibility.

MR. WEISHAHN:

Absolutely.

D.P.O. VILORIA-FISHER:

And the assumption is that whether or not this bill were before us, that both you, Jack, and Gail would continue to negotiate --

MR. WEISHAHN:

Sure, absolutely.

D.P.O. VILORIA-FISHER:

-- and continue to do the right thing. Because as you say, you're the tail and the larger unit, under Gail's leadership, stepped up, negotiated, worked it out with the County Executive and have set the direction --

MR. WEISHAHN:

Right.

D.P.O. VILORIA-FISHER:

-- in which all of the County workers would probably move.

MR. WEISHAHN:

Right.

D.P.O. VILORIA-FISHER:

Am I going --

MR. WEISHAHN:

And Cheryl deserves a lot of credit for, you know, stepping forward as she did.

D.P.O. VILORIA-FISHER:

Cheryl certainly does deserve a lot of credit, yeah.

MR. WEISHAHN:

And I would -- if this resolution doesn't pass, I'll still sit down with the County and we're going to work something out. Again it gets down, I think, to a level of respect and how you approach negotiations. Do you sit down as equal partners trying to resolve a problem, or does one person, as we've said so many times, put the gun on the table and say, "Let's talk"? I take offense at the fact that that's necessary.

D.P.O. VILORIA-FISHER:

So do some of us. Thank you, Jack.

P.O. LINDSAY:

Okay. Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chair. I guess my questions are for -- I'll start with Mr. Tempera. Jeff, is the Park Police Officers a separate bargaining unit?

MR. TEMPERA:

They are.

LEG. KENNEDY:

Okay. What kind of dialogue have you had with them?

MR. TEMPERA:

We've had dialogue over the course of several weeks. I was with the representatives, their attorneys and the union representatives on Friday. We were with them most of the day on Friday, discussing both this resolution as well as their contract negotiations. Both the Deputy Sheriffs and the Park Police are represented by the same hierarchy and we held discussions dealing with both groups at the same time; two very different sets of circumstances, though.

LEG. KENNEDY:

How close would you guesstimate you are towards coming to some meeting of the minds with them?

MR. TEMPERA:

With the Deputy Sheriffs and Park Police?

LEG. KENNEDY:

Well, let's start with the Parks Police.

MR. TEMPERA:

Park Police? Um, you know, it's tough to gauge with any group. Both the Dep -- and I'll lump the Deputy Sheriffs and Park Police in together because we've been talking to them as one group. There's different circumstances, different politics that go on within unions and different push and pulls that go on with the union. It's been a difficult negotiation, but we are continuing to talk and they're putting ideas on the table, we're putting ideas on the table and we're trying to move forward.

LEG. KENNEDY:

And in each case, do you have a specific dollar and cent amount that you're looking for?

MR. TEMPERA:

We do.

LEG. KENNEDY:

Okay. So it's immaterial to you whether it was accomplished by lag or whether it might be accruals or whether it could be reductions in meal allowance, uniforms, this, that or the other thing? What you're looking for is you're looking for a particular dollar and cent amount.

MR. TEMPERA:

Absolutely, and that has been made clear to all of the unions. We have mentioned the lag payroll because it seems to be the way that saves the majority of money and the most painless method, but if the unions come up with a way or they have advice as to move in a different direction that saves us the same dollar amount, absolutely we will -- as long as the numbers prove true, we will absolutely move in that direction.

We are not dictating what the terms will be here.

LEG. KENNEDY:

Why does it seem that there is a disparity in the percentage of positions that you've identified when you look at the different bargaining units? There are 40 Park Police Officers and there are four positions on this layoff list.

MR. TEMPERA:

If I might interrupt. There's one filled position, as I understand it, there is one position where someone is on a leave, and the other two are vacant positions. Jack Weishahn talked about four members; there's one filled position and there are three vacancies.

MR. ZWIRN:

If I can just --

LEG. KENNEDY:

A lot of this list you're looking --

MR. ZWIRN:

There are 23 filled positions on this list, the rest are vacancies. Now, you compare that with the over 300 people that were -- the AME Bargaining Unit that have now been removed --

LEG. KENNEDY:

Ben, Ben, wait.

MR. ZWIRN:

-- the Correction Officers that have been removed. I mean, there has been movement --

LEG. KENNEDY:

Ben, I hear that.

MR. ZWIRN:

-- on the part of the unions.

LEG. KENNEDY:

I understand that. I understand that. I know there's different bargaining units that have moved. And quite candidly, I detest having to have this conversation about different bargaining units when this should be around a bargaining table and not in front of us. But nevertheless, I still want to try to get from Jeff a little bit about unilaterally what brought the Executive to make the suggestions or selections that he did on this list. That's the reason I'm asking these questions, that's all.

MR. ZWIRN:

Well, we tried to find a way to do this looking at the County County-wide, trying to find -- first we took the vacancies, because we have to do that, and then we tried to find places where we thought we could do it without having a major impact.

You have to understand, we're asking for a lag payroll. Does anybody on this board think that we don't have a problem in the nation, in Suffolk County? Nassau County did a lag payroll, New York State's doing a lag payroll.

LEG. KENNEDY:

Ben, I understand that.

MR. ZWIRN:

New York City is laying people off.

LEG. KENNEDY:

Listen to me, I'm not interested in the broad --

MR. ZWIRN:

I mean this -- we're talking about 23 filled --

LEG. KENNEDY:

-- scope rhetoric. Let me finish talking to him about the positions.

MR. ZWIRN:

It's not rhetoric, Legislator Kennedy. We are talking about 23 filled positions, where other bargaining units have come to the table to help out the taxpayers of this County.

LEG. KENNEDY:

I count 54 Probation Officers; I'm trying to figure out how we got the list down to where it's at,

that's all.

MR. ZWIRN:

Fifteen -- there are 15 --

LEG. ROMAINE:

Point of order, Mr. Chairman.

MR. ZWIRN:

There are 15 filled positions --

P.O. LINDSAY:

Hold it.

MR. ZWIRN:

-- in Probation, that are affected.

P.O. LINDSAY:

Could I just explain something to Legislator Kennedy about a conversation in my office last week?

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

And, you know, Civil Service was involved, our Budget Review was involved, our attorney was involved. The initial list that went out, and I don't know whether you guys want to admit to this or not, it was faulty in that there's a Charter Law that goes back to 1991; you can't lay off a Civil Service person --

LEG. KENNEDY:

I understand.

P.O. LINDSAY:

-- unless --

LEG. KENNEDY:

Right, all the vacancies have to be --

P.O. LINDSAY:

-- the vacant positions are abolished.

LEG. KENNEDY:

Yes, right.

P.O. LINDSAY:

So why the list shows so many people and why so few are filled, in order to get to the filled position you have to lay off the vacant positions. That's why there's so many vacant positions on there.

LEG. KENNEDY:

Which bodes a whole nother (sic) area, particularly when we talk about Probation. But -- so then you're saying that out of the Probation unit at this point, there's only 15 officers out of the 257 members that are in the Probation Department at this point, that would be associated with this list?

MR. ZWIRN:

That's correct.

LEG. KENNEDY:

Okay. It's still 15, way too many. What is the Assistant to the Commissioner of Info Tech; is that a filled position, is that a Deputy? Because we've not laid off one Deputy anywhere yet, or talked about it.

MR. ZWIRN:

I'm told it's filled.

LEG. KENNEDY:

That's a filled position over in --

LEG. LOSQUADRO:

In what department?

LEG. KENNEDY:

Yeah, where; where is this individual?

MR. ZWIRN:

IT.

LEG. KENNEDY:

Building 50, that's an individual that's in Building 50? Is that the gentleman that we just appointed like two or three months ago from Computer Associates as a Commissioner?

MR. ZWIRN:

No.

LEG. KENNEDY:

That's not him.

MR. ZWIRN:

No.

LEG. KENNEDY:

Somebody else in that department.

MR. ZWIRN:

Yes.

LEG. KENNEDY:

And what did --

MR. ZWIRN:

He's a probationary employee, or she's a probationary employee.

LEG. KENNEDY:

All right. And I didn't understand before about the Public Administrator. We are laying off a Deputy Public Administrator or we're not? -

MR. ZWIRN:

No. No, it's a Surrogate's appointment.

LEG. KENNEDY:

So we just disregard that on this list.

P.O. LINDSAY:

You should have a revised bill.

D.P.O. VILORIA-FISHER:

You should have a revised bill.

P.O. LINDSAY:

In all your paperwork there, you should have a revised bill --

LEG. KENNEDY:

All right.

P.O. LINDSAY:

-- that removes that one position.

LEG. KENNEDY:

Okay. All right, I'll yield for now. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, I stepped out, and you probably answered this. The bargaining units that I'm looking at, there are five bargaining units that are involved here, Jeff? Is that what's left, five units; the DA's Office, ITS, Park, Probation and Sheriffs? Am I misunderstanding this?

MR. TEMPERA:

The Detective Investigators, the Park Police, the Probation Officers and --

P.O. LINDSAY:

Deputy Sheriffs.

MR. TEMPERA:

Deputy Sheriffs, thank you.

LEG. MONTANO:

Deputy Sheriffs, and there's one ITS position.

MR. TEMPERA:

There's one ITS position.

LEG. MONTANO:

Is that a bargaining unit, or just --

MR. TEMPERA:

No, it's not a bargaining unit. It's a -- I don't know if that's -- I'm assuming that's management?

LEG. MONTANO:

Is that a position or a live body?

D.P.O. VILORIA-FISHER:

It's a live body.

MR. TEMPERA:

That's a live body.

LEG. ALDEN:

That person's screwed.

LEG. MONTANO:

So why is that person in -- well, then it begs the question, why is that person in this bill if -- because if the other units agree, she's -- he or she is still out of a job, right? Am I reading this right?

MR. TEMPERA:

No.

LEG. MONTANO:

No?

MR. TEMPERA:

No, we're doing a -- and I can't answer why the --

LEG. MONTANO:

Which bargaining unit is that person in is what I'm asking then.

MR. TEMPERA:

It's in Bargaining Unit 21 which is management, my understanding is; right?

MR. REINHEIMER:

Yes.

MR. TEMPERA:

Yes.

P.O. LINDSAY:

So it's in the wrong bill.

LEG. MONTANO:

Well, that's the impression I'm getting, it doesn't belong here. Because the fifth RESOLVED clause says that anyone -- "Any bargaining unit whose membership ratifies the agreement," unless it's relating to another resolution, or you explain it to me. That wasn't my question, but I guess we're on it so maybe you can explain it to me.

MR. TEMPERA:

What's going to happen is if -- and again, I did not put this list together but I'll take a stab at it. For management, you're dealing with management doing a lag payroll or other savings. My guess is that if this is an exempt employee, management meets their goal, whatever that goal is under the savings plan, then this title would be deemed to have been satisfying the requirements.

LEG. MONTANO:

All right, so this person would be saved by an agreement with another bargaining unit or another bill.

MR. TEMPERA:

Well, by the management. By the management one, yes.

LEG. MONTANO:

All right. And then the other question that was asked earlier, I'm not sure I understood the answer, was the bargaining units that we're talking about, those four, have to achieve the savings target. Where is the savings target for those bargaining units spelled out? Is there a document that exists that tells you or tells them how much dollar-for-dollar they're savings target is?

MR. TEMPERA:

There is; I don't have it with me. It was a document --

LEG. MONTANO:

You don't have it with you but it does exist and they're aware of it.

MR. TEMPERA:

Absolutely. As a matter of fact, if you remember, at one point Gail, in speaking to you, gave you her number earlier on and I think she was questioned by the Legislators where did that number come from and --

LEG. MONTANO:

I don't remember but I'm sure you're correct.

MR. TEMPERA:

Yeah, it's true.

LEG. MONTANO:

Okay. Those are just the two questions I had. Thanks.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I'm very distressed at this whole thing. You know, we're spending -- I hear a lot of content, but from my background, I'm also concerned with the process. And I know the Probation Officers are going to get what I'm saying, I don't know if anybody else will. But you know what? If I'm here for eight more years, I'm going to keep saying the same thing. All I hear from the Executive Branch is what has to be done, and I would never question it, I think they see it. But I'm going to continue to tell you that how you do what you do is very important to me and the workers of Suffolk County. And when I hear people in this meeting all day today saying things like "threats", "the hammer", "bullying", and I hear you say, Jeff, "made clear"; do you know what those words mean? I mean, you could say, "Oh no, we've been fair and we've been negotiating," but perception is reality. And people are hearing that they're being threatened and if they don't come to the table then this is what's going to happen and that's what this is showing, "Yeah, this is what's going to happen." And I don't like threats. And I've been on the side of receiving threats, so I know what it feels like and I don't like it.

And when we target Probation Officers when they're already doing a job and a half, and we talk about the Police Officers, everybody tells us; and, I mean, as Chair of Public Safety, I hear it all the time. They are under staffed and yet we know that 56 are going to retire every year, so we ask for 80. To me this is like crazy. We already know we're going to have a problem with staff and then all the economists say, "Yes, we're in terrible times," and of course we know crime then tends to go up. So are we going to wait to deal with that? And then we had a fiasco of six years with the Correction Officers and then we've got Superior Officer positions that haven't been filled. I mean, I'm looking past this budget to a social problem and I don't see anything happening. I keep hearing the same thing, people are feeling like if they don't run to the table and do what Daddy wants them to do they're going to be punished.

MR. TEMPERA:

Well -- and I'll respond to a couple of things. First of all, I don't think anybody sitting around this horseshoe, across the street, out there, questions that we are in financial times today like we have never faced before. And when it comes to myself going to the table with the unions, I've been doing this job a long time; I sit down with the unions and they get treated fairly across the board. You won't find any of the unions coming back and telling you from where I stand that at the end of the day that they didn't get a fair shake. It may take a while to get an agreement with certain groups, it may take different processes to go through, mediation, fact-finding, interest arbitration for those

groups; it's different for every group that we deal with.

We've got eleven bargaining units in this County; when I first started doing this job there were five bargaining units. We had three unions at the time who had binding arbitration; I think we've got somewhere in the area of six to seven groups that have binding arbitration right now. So there's a different process for each group to settle their contract. But this is separate and apart what we're dealing with today than contract negotiations, and that's what complicates the factors as well. Because you have these unions coming to us and saying, "We've got contract negotiations going on in one path and we've got this other path that we're dealing with these budgetary concessions," for lack of a better term; and that's the truth, we have two paths going on. Unfortunately, today I had to miss an executive session dealing with the Police, dealing with the PBA today, because it was important for me to be here to handle any questions that may have come up either with Vito's contract with the Correction Officers or to deal with these layoff resolutions and answer any questions that you may have had. Because this is the priority and the PBA understands that and that session, I allowed it to go forward with my representative, my Labor Counsel at it moving the process so it wasn't delayed. So we do understand that these are difficult times and that the unions have a point of view.

And yes, clarity is something that I try and do with all the unions. Because in my line of business, when you're not clear in what you put across the table, you're going to have grievances, you're going to have complaints, you'll have questions afterwards. So absolutely I make clear what it is the County is seeking, as do the unions that sit across the table from me. If you ask each of them, they'll tell you they have a target number that they've been given by me and that's the goal that we have in this resolution, to reach that target with each and every union. And when we deal with negotiations, unfortunately, it takes to the point that you get to the eleventh hour. I can't tell you why that it is, but that's whether we're talking with County employees, whether you're talking with private sector, you always hear that the agreements are reached at the eleventh hour because people have to feel that pressure. I don't like to feel it, I'd love to be able to get these things done well in advance, but that's just the nature of the beast that we deal with in collection bargaining. It takes time to get things. If you settle too early, the numbers think you should have gotten more; that's just the way it is. So we all approach this understanding how difficult a process it is. And no one wants to be before you asking to abolish positions and have layoffs, but the reality of it is if we can't reach an agreement, savings have to come from somewhere.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ALDEN:

There's a long list, Bill?

P.O. LINDSAY:

Pretty long.

LEG. ROMAINE:

Thank you. I have no questions for the Executive staff at all. So let me just go into what I see here.

First of all, it's been my pleasure to be an elected official of this County for 24 years, and during that time, I've gotten to know all the municipal union leaders. And I think when we heard Jack speak and we heard the President of the Probation Officers speak today, you got a little bit of the quality of what we have in the leadership of our union leaders. They're responsible, they're sensitive to the County needs and they're certainly willing to sit down and talk.

But over a month ago, without authorization of this Legislature, taxpayer dollars were spent to send off layoff notices to well over 3,000 County employees; 3,000, more than 3,000. This Legislature never authorized that. I'm surprised a taxpayer lawsuit hasn't been brought for the overtime that

Alan Schneider's office had to incur, the overtime that the printing office had to incur, the postage. There was no authorization to expend that money, there was no authorization to allow these layoffs. But someone who has been in government I think even longer than I spoke power to the truth earlier today and called the bully the bully.

These are responsible union leaders. When the first meeting was called and they were told they were going to meet with the Executive, they all showed up and he didn't, and every meeting thereafter he failed to show up. They are responsible union leaders who want to talk, who want to negotiate, who want to help the County. But instead of reaching out to them as fellow County workers, a gun was pointed at their head and layoff notices, without legal authorization, were sent out. The Executive does not possess the power alone to lay off individuals. And guess what? If we act on this again, he's going to send off a whole group of new layoff letters, but this time he'll do it with our blessing when we vote for this.

The AME, largest union, and the Correction Officers came to an accommodation. I dare say, and I would say this for all unions, they would all come to accommodations if treated properly, if negotiated fairly, if brought into the process and not threatened. But that wasn't the case, unfortunately. Now we have a few that negotiations are still going on, dealing in good faith. Detective Investigators came forward when there was no one on the list. And we're being asked to vote on this today.

I understand we have grievous financial times. I understand that we need all to give something. Myself and four other Legislators froze their pay this year. I'm certainly willing to take the lag, I'm certainly willing to understand the County, I represent a lot of the taxpayers of this County in the 1st District. My suggestion to my colleagues is we commit this to committee, because we'll give two more weeks to the unions who would have, without the gun, come and sat and talked and who are talking now. And if we enact this today, all we're doing is authorizing more layoff letters to go out. Why don't we commit this to committee? I'm going to make a motion, Mr. Chairman, which I believe takes precedence over approval, to commit this to committee, allow this to go through the committee structure and give the municipal unions two more weeks of discussion. So that when an agreement is reached, it's reached as all labor unions should meet with management, through the collective bargaining system, not through threats and intimidation. Particularly for the people who carry the reputation of this County on their sleeve, who work for us and who represent us and who do such a great job for us. Give the process time. These unions are all talking, let them continue to talk. Commit this to committee and give this two weeks. The lag isn't taking place for some of these unions until July and December; we have plenty of time to do this.

So my motion is for reason, for comedy and for a willingness for the parties to come together and do what should have been done from the very beginning, negotiate. So I would ask that. I don't need Mr. Zwirn's comment, he's not a member of this Legislature, he should sit down now because he should not be entertained, he's a representative of the Executive. I've offered my colleagues a suggestion, I think it's worth while. I'll make the motion and hopefully it will get a second. Thank you.

D.P.O. VILORIA-FISHER:

I'll second it.

LEG. ALDEN:

You can take me off the list.

P.O. LINDSAY:

Motion and a second.

LEG. MONTANO:

Would you put me back on the list?

P.O. LINDSAY:

Yes. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I have a question and it doesn't matter to me who answers it. We were talking about that ITS position before. Just to follow up on the questions that Legislator Montano was asking. The only way that individual can be saved is if we approve the lag payroll for the exempts later. This person doesn't have a bargaining unit.

So I guess, Ben, why -- this is like the -- this is like the man or woman on an Island; they're the one that really doesn't have a recourse. I don't think the bill says that if we approve the lag payroll that this person is saved. I mean -- or I guess to Counsel; would you interpret that as the way this goes?

MR. NOLAN:

Well, this person apparently is not in a bargaining unit, so nobody could agree to a lag payroll on her behalf.

LEG. ALDEN:

She's screwed.

MR. NOLAN:

I don't see that there's an out. I would say this authorizes the County Executive to do the termination, it doesn't mean he's going to.

*(*Laughter From Panel*)*

LEG. BEEDENBENDER:

Right. But what I'm saying is the resolution says that any bargaining unit that meets its target will not have its individuals, its members laid off.

MR. NOLAN:

It wouldn't apply to them, correct.

LEG. BEEDENBENDER:

This person doesn't have someone to go to, so --

MR. ZWIRN:

I am certain that if this bill is passed and we are able to come to an agreement with the remaining unions, that this person will not suffer the consequences because they were not in a particular unit.

LEG. BEEDENBENDER:

But will this individual be subject to -- I mean -- Ben, this individual doesn't have, you know, a place to go.

MR. ZWIRN:

I'm telling you that if we can reach agreement that this individual will be saved. I would ask you not to hold up this bill while that is unresolved at this point.

LEG. BEEDENBENDER:

All right. I have a couple of other questions. What -- 27 million is what we're talking about in terms of lag payroll if every bargaining union agreed to it?

MR. ZWIRN:

Pardon me?

LEG. BEEDENBENDER:

Twenty-seven million is what the lag payroll would be if every bargaining unit --

MR. ZWIRN:
That's correct.

LEG. BEEDENBENDER:
So what percentage? We have AME and the Correction Officers --

MR. ZWIRN:
Eight hundred and seventeen thousand dollars is represented here.

LEG. BEEDENBENDER:
I'm sorry?

MR. ZWIRN:
Eight hundred and seventeen thousand dollars in savings is represented here.

LEG. BEEDENBENDER:
So we've agreed to about \$26 million worth of the savings already?

D.P.O. VILORIA-FISHER:
That's the target.

MR. ZWIRN:
Well, we're getting there.

LEG. BEEDENBENDER:
Well, no. But if AME and CO -- if there's 817,000 left, then we've gotten about 25 or \$26 million in savings.

MR. TEMPERA:
No, because it --

LEG. BEEDENBENDER:
Oh, no, because we need the Police in there as well. All right.

MR. TEMPERA:
Thank you.

LEG. BEEDENBENDER:
Okay. Then just a process question. Before anybody could be laid off, if this bill passes tonight then there would need to be letters that would give those employees 60 days, correct?

MR. TEMPERA:
The contracts call for 60 days notice.

LEG. BEEDENBENDER:
Okay. So nothing -- nobody could be fired for 60 days, there would essentially theoretically be a 60 day window that would exist for something to happen.

MR. TEMPERA:
There's a time period out there. There's a question, and I don't have an answer for you today, whether the notices that went out started the clock ticking, whether we would send out new notices. But yeah, theoretically it could be a new 60 days notice.

LEG. BEEDENBENDER:
Okay.

MR. TEMPERA:

But it's certainly not going to happen tomorrow.

LEG. BEEDENBENDER:

All right. Well, then let me just add one thing. Legislator Romaine spoke quite passionately and strongly about how he felt about the situation. I see it a little bit differently and I just want to explain that and offer this to my colleagues to consider.

While it may be something -- you know, it may seem good to consider that we should not pass this and give additional units more time. I worry about what that says to AME and the Corrections Officers who we -- as a Legislature, I think many of us in our conversations, at least my conversations with the union, said, "We need to get this done. We need to have this done and if it's not done, your members will be on this list tonight"; and they came to an agreement and they're not on this list.

And while I don't want to see anybody fired, and my inclination would be to not have to do this, I think that, you know, AME and the Corrections Officers -- which I don't think would be a surprise for anybody if I said do not enjoy the greatest relationship with our County Executive -- sat down, they negotiated a difficulty and they came to an agreement. And I think it sends a terrible message to the members of AME, to the Corrections Officers union if we say, "There was a hard deadline, but you know what? You agreed, but now the hard deadline isn't a hard deadline anymore."

So while I understand the point that Legislator Romaine made, I just respectfully disagree in the sense that I think, you know, there certainly are legitimate concerns and questions about the way this has happened. But if we don't approve this today, I think we're just sending a terrible message to every AME employee who contacted our office, every Corrections Officer who contacted our office and who needed help from us and asked us to try to push both the union and the County Executive to a place where they could agree, and I think we just thumb our noses at them and say, "You know what? We weren't for real in the first place." And I am very hopeful that this will come to a reasonable conclusion. We will not have to fire anybody and nobody will be laid off, everybody will take the least painful of a list of painful options and we will be able to move forward. But I just think it would send a terrible message to the people that did negotiate, regardless of the conditions, to not move forward with this as we said we would. So thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. I certainly understand the gravity of the current financial situation. You know, Jeff talked about a lot of these negotiations being finished in the eleventh hour and, in essence, we've have reached the twelfth hour where we're poised to vote on giving the County Executive the authority to layoff potentially 23 people, and I have some questions and process types of questions.

One, I want to first go back to Brian's last question, Legislator Beedenbender's question, in terms of the timeframe, and something you had said, Jeff, recently about not sure whether it would be another 60 day window. When I spoke with the County Executive the other day, he assured me that there would be a new letter directly to these individuals, the 23 individuals. And I'm concerned -- I'll assume that that is the case and there will be a new letter. Will there be enough time? Because I'm not sure whether the unions have to have their membership ratify any decision that they reach and whether they can be done in a 60 day window. Can you respond to that?

MR. TEMPERA:

Absolutely. If the County Exec gave that commitment, obviously that's the commitment. But in terms of getting something approved and ratified within a 60 day period, that's done all the time. You just saw the Correction Officers approve a contract and get a vote within one week's period of time. It's dependent on each union's constitution and bylaws, but certainly a four week period of

time is not unusual to see something like this take place.

LEG. SCHNEIDERMAN:

Okay, so technically it could be done. But now once we release this, we have given away our authority to make the decision.

LEG. ROMAINE:

Totally.

LEG. SCHNEIDERMAN:

And now it's in the County Executive's hands. If no agreement is reached, he would have the power, and probably exercise the power, to layoff 23 individuals.

Now I have to get at how the decision was made, because I heard some testimony earlier today, there's I think 15 Probation Officers. One individual was saying that there are a certain number of registered sex offenders that might not be supervised. Now, in making a determination as to who could be laid off -- and I think we all hope we never get to this moment and actually be facing the actual layoffs -- I've heard testimony many times at this body about the caseloads that Probation Officers have, that they're way above national standards, some, instead of having, you know, 30, 40, maybe 60, 70, 80, 100, even over a hundred people. Crime is offly high right now. We've been trying to encourage alternatives to incarceration. Imprisonment is very expensive; if we start laying off Probation Officers, it actually may cost us more money because we might end up having to incarcerate more people and we might actually not get the savings that we're actually shooting for. So, I mean, I'm certainly hoping that this issue gets resolved. But I have to ask, was there any analysis done, was Commissioner Desmond brought in? Did anybody say this department has some give, some leeway that we can lay off some people here and still function? Because I don't see how based on the things that I've heard.

MR. TEMPERA:

Again, I can't get into the details because I wasn't the one who was involved in picking titles and dealing with it. But I will tell you, I know every department head was involved in looking at the list, reviewing the list, making suggestions to the list, so absolutely.

LEG. SCHNEIDERMAN:

So you're saying Commissioner Desmond might have said that yes, his department could function without these people?

MR. TEMPERA:

I know John Desmond had reviewed the list and made comments on it. I don't know if he had any suggested changes.

LEG. SCHNEIDERMAN:

Is there a contingency --

MR. TEMPERA:

But I will say, you talk about, you know, different units and who would be laid off and who wouldn't be laid off. When you go through the bump and retreat analysis, and that's what Civil Service does, you wind up losing the person with the least retention time under Civil Service.

LEG. SCHNEIDERMAN:

Right, I understand that. But --

MR. TEMPERA:

Then the department will have decisions to make, probably some tough decisions, how they reallocate the manpower within the department.

LEG. SCHNEIDERMAN:

Apparently it's a fairly stressed department now. Is there any contingency plan if there's no agreement made? And I hope to God that there is an agreement and that nobody loses their job. But if there is no agreement reached and the County Executive is forced to do this layoff, is there a contingency plan?

MR. TEMPERA:

I can't answer that. I don't have the answer.

MR. ZWIRN:

Every department head wants to keep their whole staff. We looked at this County-wide. Nobody is happy, Jay, to be here. We don't want to lay anybody off, I've said that from the very beginning.

LEG. SCHNEIDERMAN:

We don't want unsupervised sex offenders running around Suffolk County.

MR. ZWIRN:

We don't want Health Sanitarians that are not in the restaurants, we don't want Child Protective Service Workers weren't on the list; there are so many key positions in this County that you don't want to touch. You could make an argument for just about everybody; I mean, you could, there's just no question about it. There's no easy answer here.

We're here today because we've gotten -- we've come a long way. We've come a long way from when this began. We had three hundred and I think forty-one people in those positions, we're down now to 23 because some of the unions have come to the table. You may not have liked the County Executive's style. I mean, I've heard some real characterizations here today which I think are unfortunate; I mean, personal attacks and name calling I don't think is real helpful.

You may not like his style, you may not like the way he did it; this is a tough job, not easy to have to manage a County this size. And to try to put in layoff notices and trying to get people to take a lag payroll which has been done in the past, which is being done all over the state, all over the country, he felt this way was the way he had to do it, to make sure that everybody knew how serious the situation was. Now, some people here disagree with that. They think there was a reservoir of goodwill on the part of the County workers that they would voluntarily come forward; maybe that's so. But we are here today and other unions, as Legislator Beedenbender has said, have stepped up, hundreds of people with jobs have been saved due to lag payroll; not forfeiting money, asking for a lag payroll.

LEG. SCHNEIDERMAN:

Ben, if you don't mind to suffer an interruption. Because I'm really not asking about the methodology that got us to this point in that regard in terms of how the County Executive dealt with it, other than the fact of how the decisions were made in terms of which bodies were actually to be laid off. And if we approve this, we are now -- it's leaving this body and it's in the hands entirely of the County Executive to make the decision.

Now, there's some encouraging testimony from union leadership in the affected bargaining units here that a deal may be imminent, and that's good. But I'm just asking, if no deal is struck in the next, say, 60 days and the County Executive now is forced to layoff these individuals, including 15 Probation Officers, is there a plan in place?

MR. ZWIRN:

Yes; the County will function, it will go on. We're not packing up and going home.

P.O. LINDSAY:

Okay?

LEG. SCHNEIDERMAN:

There is a contingency plan.

MR. ZWIRN:

Yes.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

George isn't here. Where's George? Actually, one of my questions was a Counsel question.

LEG. SCHNEIDERMAN:

It doesn't include rounding them up in a trailer and bringing them out to my district, though.

LEG. BROWNING:

He left. Now, my understanding is AME has to ratify this with the membership; right, Cheryl? You don't have to ratify this with your members?

LEG. SCHNEIDERMAN:

AME does.

LEG. EDDINGTON:

Yeah, May 1st, right?

MS. FELICE:

Oh, I'm sorry, you're speaking to me?

LEG. EDDINGTON:

Yeah, Friday.

LEG. BROWNING:

Okay.

MR. ZWIRN:

Well, no.

LEG. ALDEN:

Is that a question? It has to be in the microphone.

P.O. LINDSAY:

Cheryl, come forward and take a mike, if you don't mind.

MS. FELICE:

The process in the AME Bylaws leaves it with the Board of Directors. The Board of Directors has to ratify the agreement. They gave a tentative agreement for me to enter into and get a written agreement, which is according to the letter I submitted to you at our attorneys, and on Friday morning we'll be calling them back in for that ratification.

LEG. BROWNING:

Okay. I just wanted to make sure, because things could have changed if you needed to do that.

MS. FELICE:

Okay.

LEG. BROWNING:

You know, one of my concerns is we're passing this bill, we're giving the County Executive the authority to pass -- to do layoffs. And, you know, the Parks Police, the Sheriffs, if we see that they are -- you know, it's coming back to us that they are bargaining in good faith, my concern is -- and I hate to say that I don't always trust, but I don't -- that, you know, they could come back and say,

"You know what? We gave everything that he wanted and, you know, we have done our job." My question for Counsel is, you know, what recourse do we have? Is there a point in time that we could maybe come back, that we could come back and have a special session to say, "We want to pull this back"?

LEG. ROMAINE:

No.

MR. NOLAN:

Well, I guess the question is could we rescind the authorization to do the layoffs. Probably, I think we could. If before the layoffs occurred we rescinded the authorization for the layoffs, I think we probably could do that, yes. But it would have to be before the layoffs occurred.

LEG. BROWNING:

Okay. Thank you. I expect good faith.

P.O. LINDSAY:

Legislator Alden. You didn't want to be back on?

LEG. ALDEN:

No.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Me? Did you -- I'm sorry, did you recognize me?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

I'm sorry, I apologize. Thank you. Just a couple of quick points to try and tone down a little bit of the rhetoric, although I understand this is an important issue and a passionate issue, but my view is that this bill is not a gun to anyone's head. I mean, these are county employees we're talking about, and no one here, and I don't think anyone across the street, wants to hold a gun to anybody's head and I think that's really the wrong terms to use here. I see it more as a plea. I see it as a plea to the remaining bargaining units that have not yet reached an agreement but are bargaining in good faith, and I think that's a positive step here that we see today.

So that's my first point. I really don't think that we need to use that kind of rhetoric to describe what a bill is doing here. I mean, after all, the bill is not just about these positions, it also has a RESOLVED clause that permits any bargaining unit to not be subjected to do the drastic, last resort layoffs that we're talking about if you come to agreement, and all we're asking is that you bargain in good faith.

The second point I want to make is that this is the last resort. You know, we've done the \$30 million earlier today on the Stabilization Fund, we've tapped that reserve fund. We've also done some other things in some other bills today to try and come up with the shortfall. Two unions have already come to an agreement with the County, which is a very commendable thing for us to see here today. So this is not something that we're just doing, you know, flippantly, you know, "Oh, well, we don't care about these employees. Let's put a gun to their head and force them to the table"; no, I don't see it like that at all. I see it as we care about these employees, we're asking them to work with us, we're giving them the out in this legislation saying if you bargain in good faith and there is this agreement that everyone is assuring us is going to happen, then this bill has no effect. All right?

The second point I want to make, or maybe the third, is that all holds true whether or not this bill goes back to committee or not. You know, putting it back to committee is just a delay, all right? That's all you're going to accomplish there. You know, this bill, if it gets passed today, has that clause in it that allows bargaining units to continue and to come to agreement. Whether or not this bill is in a committee is irrelevant, it doesn't need to go into a committee. In fact, this bill has been pending for quite some time. Okay? So I would encourage you not to consider that.

And the last point I want to make is two points really. I want to first commend the Corrections Officers and AME because they truly, truly negotiate in good faith, as do our other unions. And maybe there is something to the fact that the larger unions go first or whatever, I'm not an expert in all of that, but it really is commendable. And AME members should be proud of their leadership and what they accomplished, because they saved jobs, they saved the jobs for their own membership and the other unions should look at that as them taking a lead and that is a fine example to follow.

If we don't vote for this bill -- I agree with Legislator Beedenbender, the most important point is that we will be under-cutting the largest municipal union in this County at the expense -- at their expense for some others, and that is just patently not fair. Okay? There should be the same position taken for all of these unions, it's irrelevant whether or not this bill goes into committee. And I really do, again, commend AME and the Corrections Officers for coming to terms with the County, because this is all about cooperation and that's the kind of leadership and cooperation that we need from everyone involved in this process if we're going to overcome these difficult financial times.

MR. TEMPERA:

Legislator D'Amaro, let me just, if I might?

P.O. LINDSAY:

Go ahead.

MR. TEMPERA:

A couple of your points. And I agree with you, this bill has been pending for some time. I think it was filed prior to April 1, we're talking about this bill probably being out there for a month. And all of the unions were told, as we came before the Legislature, that any union that comes forward and we negotiate the target with, they've been removed from the bill. They've been told that back in early April and they've been told that and consistently we've applied that. The Correction Officers came forward, they were removed; AME came forward, they were removed. And I agree with you, I think it's a disservice to AME where they did the right thing, they came forward. And to say that, okay, you know, these other groups are negotiating in good faith. And let me say that right off the bat; the groups that we are negotiating with, all the unions in the County, there are good faith negotiations going on. But at times -- I won't call it a loaded gun, but there has to be pressure applied. And I was around back in 1991, the last time we had the lag payroll, and I was involved in the '91 negotiations, and it was this Legislature that passed a resolution that mandated pay cuts unless we negotiated lag payrolls with all the unions. So it was the Legislature -- again, it's not a loaded gun, but it is a process that's -- that helps the parties reach an end. And no one, not the County, not the unions, wants to see layoffs and I think there are good faith efforts to avoid layoffs.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Legislator -- I have a long list yet.

LEG. ROMAINE:

Oh, I'm sorry.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'm glad that you went back, Jeff, to talk about the leadership. And Legislator D'Amaro, I agree with what you say. And I think in some ways you reiterated some of my remarks which is my respect for the two large units who negotiated, who paved the way and until the very last statement I was right on board with you, with what you had said. Because the smaller units do tend to wait until the larger units have done the negotiation, because they are the larger units and they generally do take the lead. And during this time, and it seems it's a long time since this was introduced, but there has been a lot of angst, there has been a lot of emotion, there were over 3,000 letters sent out which I think was a distraction to a lot of what could have been a more positive direction. But during that time, I suspect, Jeff, you were spending a lot of time with AME, with Corrections Officers, with the Police because you're working on -- so how much time did you have to reach out to all of the smaller unions or units?

MR. TEMPERA:

And again, I don't have my notes with me as to how many meetings we've had, but I have been --

D.P.O. VILORIA-FISHER:

But you've been very busy.

MR. TEMPERA:

Believe me, I didn't leave my office last night till well after eight o'clock last night where I had been with the Superior Officers for three hours who aren't on this list, before that I had been with the Detectives Association for hours and hours, as I had been with Jack Weishahn and Gail. So yes, it's been a very busy period.

D.P.O. VILORIA-FISHER:

Okay. So to be fair, you have had a very full plate and the time has been marching on and here we are again at another eleventh hour. If we were to commit this to committee, there's no reason to believe that the negotiations would not continue, is there?

MR. TEMPERA:

Well, the negotiations absolutely will continue. But I think it's just delaying the process as it's been delayed since before April when this bill was filed. The bill has been out there and has been on the table now for probably a month, if not longer.

D.P.O. VILORIA-FISHER:

But is it delayed or has it been ongoing work? Because you've just stated that you've been working very hard, that you've been working nonstop, so you have been involved in active negotiations.

MR. TEMPERA:

Without getting into, you know, the little variables that go on in negotiations, there were different politics that may have been going on that may have slowed the process down, and I'm not going to get into any more comments other than that. But, you know, it's a process. It takes time to go through negotiations and get to the end point, but if you keep moving the end-line and moving it back, it delays the process even further. I believe once you have a hard and fast deadline, that is the deadline that will be met by all the parties. But when you push the deadline back, people tend to relax, they tend -- the shoulders go down, they tend to take a step back and, "Okay, I've got another two weeks." Well, we don't have another two weeks. It's going to take time for Data Processing to lag payrolls. And AME did it in one method where they talked about saying we're going to do something in July and December, but you also talked about the traditional lag that we've seen from 1991, it's a ten pay period lag and we're running out of time to be able to program and implement something like that. So moving that deadline back and moving the end-line back is possibly putting the process in jeopardy. So I'm telling you that we shouldn't move this process back.

I have absolute belief in the unions that we've been negotiating with that they're coming to the table and I'm very encouraged by my conversations with Gail and the Probation Officers yesterday, and you heard her come before you and say that she was encouraged and went back to her board and we're going to sit down. You heard from Jack Weishahn that he stepped up to the plate. I've had ongoing discussions with the Deputy Sheriffs and the Park Police; so yes, I'm encouraged. But I think if we keep pushing this deadline back, it's just going to delay the process even further and put in jeopardy us being able to program and meet the needs of these different groups.

D.P.O. VILORIA-FISHER:

Well, the normal course of a resolution is to go through committee, and so that's not really creating an artificial deadline, that's actually the type of deadline that most resolutions have.

And as far as anyone thumbing their noses at the unions who have worked so hard and have reached an agreement, I believe that that's a really poor characterization of how we are reacting, because I believe that the unions who have worked so hard know that we've supported them; I've certainly been supportive of the unions. And it doesn't mean that a vote on sending this to committee is thumbing the nose or under cutting the work that's been done by our largest unions who had such an incredible burden on their shoulders. This morning I told Cheryl that I had written a letter to Joe Sawicki this morning to -- for me to have a lag payroll on my own pay, and so in form of solidarity and Ed Romaine has said the same thing and there are many other Legislators who are trying to stand with our other -- our fellow employees. So I believe that to characterize any action or reaction here as thumbing noses or under cutting our unions is just as bad as the rhetoric that's talking about holding a gun; I haven't used either end of that type of rhetoric and I think it doesn't benefit any of us to use those loaded expressions, whether you're on one side of the question or another.

MR. TEMPERA:

Let's not lose site of the fact also that this resolution, at least the companion resolution 1205 did go through the committee process. And what you have before you on the CN is a resolution that's removed all the AME members because AME did the right thing and stepped up and negotiated an agreement on behalf of their members. So this resolution has gone through the committee process.

P.O. LINDSAY:

Never got out of committee.

MR. NOLAN:

No, it did get out of committee.

D.P.O. VILORIA-FISHER:

It didn't get out of committee.

P.O. LINDSAY:

I see you, Ed; I've still got a lot of people on the list. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I am going to ask Ms. D'Ambrosio to the podium, except for one moment, Jeff. Hold on one second, Gail. It's important when we discuss people's lives that we speak in terms of fact. And both you and I were here back in 1991, and in 33 years I've done three lags. I don't look at a lag lightly, I know what it involves. And as a courtesy of this Legislative body, I was one of the 39 employees who was pink slipped, along with Mr. Kovesdy, and came within two weeks of free-fall as well; that's not what's happened this time around. There's been no retaliatory act by this body yet to take out a significant section of the County Executive's staff. We've had many positions identified, but nothing from the Executive's Office whatsoever. So when we talk about sharing the

pain and feeling a contribution across the board. I see precious little coming from the Executive's office.

I also think that when we look at what we're doing with these multiple unions, and you said it yourself, you are one individual with eleven collective bargaining units. I don't think that you could, if you cloned yourself, get to the agreements that needed to be gotten for all these folks. So to take a small unit and somehow disparage them or look at them like they're not bargaining in earnest and dropping arbitrary hammer to me seems to be advocating what we need to do. Now I need to talk to Gail. Thank you.

MR. TEMPERA:

Well, I don't know that I said that we're not bargaining in good faith or they're not bargaining in good faith. And I think I actually complimented the unions that --

LEG. KENNEDY:

But we are talking about this purported need for finality with this resolution.

MR. TEMPERA:

Absolutely.

LEG. LOSQUADRO:

That's where we disagree.

MR. TEMPERA:

And I will tell you, I'm one person, I do have a staff in my office, we have labor Counsel. I am confident in my ability, in the County's ability to negotiate with the unions because we've done it before. We get all our contracts done and we've been able to reach agreements with AME, we've reached the agreement with the Correction Officers. I'm confident, if things continue on the path as they have been with both the Probation Officers and the Detective Investigators, that we're close to agreements with them as well if things continue down the path and very hopeful with Park Police and Deputy Sheriffs.

LEG. KENNEDY:

Then you could support a tabling to committee, right? Gail, can I speak to you, please?

LEG. ALDEN:

Can I just set the record straight on one thing?

LEG. KENNEDY:

Nope. I need to speak to Gail.

MR. ZWIRN:

But you asked --

LEG. KENNEDY:

Mr. Chair?

MR. ZWIRN:

There were --

P.O. LINDSAY:

Hold on. Hold on! Say what you're going to stay and then you can question your next -- this isn't a trial.

LEG. KENNEDY:

I didn't think it was.

MR. ZWIRN:

Legislator Kennedy said that there were no individuals that were touched in the -- the first -- the list that first came out, there were 13 individuals from the County Exec's Office that were touched, got layoff notices, but they came off the list when AME signed up on the agreement.

P.O. LINDSAY:

Okay, that's for clarity. Go ahead, Gail.

LEG. KENNEDY:

Hi, Gail. How are you?

MS. D'AMBROSIO:

Hi. How are you?

LEG. KENNEDY:

It must be great sitting here listening to all of this, huh?

MS. D'AMBROSIO:

It's lengthy.

LEG. KENNEDY:

What has been your opportunity, I guess, to go ahead and talk about, A, first of all, to establish that what the Executive is looking for from your bargaining unit is proportionate to what's being asked for from all of the other bargaining unit. Have you been able to establish that at all?

MS. D'AMBROSIO:

No, I haven't.

LEG. KENNEDY:

Okay. Has there been any opportunity? We're working in vague, gray, almost wisps here, things called targets. But I know they are dollars and cents to your members and to everybody else out there, to AME and also to the Correction Officers. What opportunity have you had to reach whatever this elusive target is with the Executive's Office?

MS. D'AMBROSIO:

Well, I know what we would have to do to reach the \$870,243; I think that's it.

LEG. KENNEDY:

That's out of 15 members?

MS. D'AMBROSIO:

Fifteen members, yeah. I thought it was actually 16, I thought we had 37 vacancies and 16 people.

LEG. KENNEDY:

Okay.

MS. D'AMBROSIO:

But it may be 15, you know, maybe Ben knows better than me. But I just want to say that when Cheryl -- Cheryl just came to her negotiation on Friday.

LEG. KENNEDY:

Yes.

MS. D'AMBROSIO:

And I did call Jeff on Friday, right after I heard. It is true, we are a smaller union, we were waiting to see what was going on with the larger unions, but I called immediately. And I'm going to say it again, we definitely want to do something to help the County. That was never a problem for us. I've said it in all of my speeches before you and to the Budget & Finance Committee. My initial concern was that I wanted to see a longer range plan. I work on the weekends, like I'm sure you do, and I try to figure all these things out, because my initial thought was that the crisis isn't going to go away. So what we tried to do yesterday was work on a longer range plan so that my members wouldn't get these letters again -- this is mine -- in January, but that might not be able to happen.

I'm not opposed to trying to work things out; there's no way I would be opposed to that. I don't want to see any of my members laid off.

LEG. KENNEDY:

How close are you?

MS. D'AMBROSIO:

I'm hoping close. I mean, to me, you said two weeks, I looked at the lag from 1991 and it was signed in July.

LEG. KENNEDY:

That's right.

MS. D'AMBROSIO:

You know, this -- I've read the whole --

LEG. KENNEDY:

And we furloughed, too.

MS. D'AMBROSIO:

Right. I'm sure. You know, there's a lot of things I know that could be done. I know what we'd have to do.

LEG. KENNEDY:

How much time do you need with Jeff?

MS. D'AMBROSIO:

I don't think I need much time at all. It's funny, because I know what I've planned already, even asking our Treasurer to set up a room so we can have a meeting. You know, I met -- I made an emergency board meeting last night and I discussed with our Board of Directors the proposal that I had originally spoke to Jeff about. I don't think we need a lot of time, but I do -- and I haven't said the words "loaded gun" once, you know, but --

LEG. KENNEDY:

No, you shouldn't.

MS. D'AMBROSIO:

Well, I don't. But, you know, I do think that, you know, you should have some faith in us, too.

LEG. KENNEDY:

Okay. I'll yield, Mr. Chair.

P.O. LINDSAY:

Thank you. Legislator Alden.

LEG. ALDEN:

Jeff, if you could come up for a minute. Jeff, you're an expert in labor relations, correct?

MR. TEMPERA:

I've been doing it a long time. I've been called a lot of terms, expert is one of them.

*(*Laughter From Panel*)*

LEG. ALDEN:

Well, I'm sure on and off the record you've been called a lot of different terms. What's the term, then, when management uses the layoff or the firing; what's that called, that technique? Isn't there a special name for it?

MR. TEMPERA:

When management -- what are you talking about, the abolition of --

LEG. ALDEN:

When management is negotiating, when management's negotiating and one of the techniques they might use is firing, layoffs; what's that usually called when management uses that -- there is a little bit of --

MR. TEMPERA:

Layoffs, firing? I don't know -- if you give me a little help here, I don't know what term you're looking for.

LEG. ALDEN:

Well, actually it's called a loaded gun technique but, you know, I'm going to let that go. And all the unions actually, you know, have been experiencing that type of a technique.

On the other hand, what is the cutoff date? What is the date that you put out there to the unions that this is the date that we need closure? This is the date we need the final response by; what day is that?

MR. TEMPERA:

The date was today. We talked about the Legislature passing this resolution today, the unions knew that we would be meeting and we -- as a matter of fact, as you heard me say earlier, we met with all the unions yesterday, we made significant progress.

LEG. ALDEN:

Okay. Now so today was the day for the final thing. With AME, though, I think I heard testimony, and maybe I'm wrong, that they're going to ratify it on Friday.

MR. TEMPERA:

And we gave the answer consistently. And I remember Ben Zwirn coming before this Legislature and telling you, "If AME agrees to an agreement today, we'll take them off the list." All we have to do is know that they are going to enter into the agreement with the County.

LEG. ALDEN:

Okay. Then give me your definition of knowing that they're going to enter into an agreement. Because I just heard some testimony from somebody that represents the Probation officers that I might actually interpret as saying that sounds like they're going to enter into an agreement with you.

MR. TEMPERA:

If they commit to the details of that and I'm available, I'll meet with Gail whenever Gail wants to meet, as we met yesterday, and I'll meet with Jack, any of the other unions. When we get the details of a deal worked out, then that's when you have a deal. Cheryl and I sat --

LEG. ALDEN:

Whoa, whoa, whoa. Let me --

MR. TEMPERA:

-- down and we negotiated over several days and we came up with the specific parameters that she has now taken to her executive board and her executive board approved. But this isn't something that's a vague concept of, "Yeah, okay, I'm going to agree that I think I need to do something."

LEG. ALDEN:

No, no, I'm not saying that. I'm just saying, I want to hear a timeline, I want to hear when you delivered that timeline to the other unions, too; when you told them that they had to have a signed agreement. Because some unions still don't have signed agreements with you, ratified agreements, they just have basically a -- what would you classify it as?

MR. TEMPERA:

Who are you talking about?

LEG. ALDEN:

An understanding?

MR. TEMPERA:

Who are you talking about?

LEG. ALDEN:

Well, with any unions. What do you have so far with the unions, an understanding?

MR. TEMPERA:

No, we have an agreement with AME, it's been reduced --

LEG. ALDEN:

A signed agreement with AME.

MR. TEMPERA:

It's been reduced to writing, AME told you before, they're having it reviewed by their attorney. And there are specifics, I think everybody's read about the specifics. I don't think you're disputing that we have an agreement with AME as AME isn't disputing we've got an agreement.

LEG. ALDEN:

Well, actually -- no, I'm just -- as an attorney, when you get signed contracts returned, that's when I have an iron-clad agreement.

MR. TEMPERA:

In my business, though, in labor relations, you're right, you do have to have something, an agreement, but there's such a thing as good faith. And when Cheryl shakes my hand and any union President shakes my hand and tells me we have a deal, yes, we reduce it to writing, but we have a deal. And in good faith with Cheryl, when she shook my hand and she said, "Yes, we have a deal," we wished each other congratulations, it was put in writing, she took it to her executive board and her executive board, in good faith, approved that deal.

LEG. ALDEN:

Good. And when did you inform Cheryl that, "Here's the date, here's the drop-dead date"; when did you inform -- give her that?

MR. TEMPERA:

We've had -- in all honesty, we've had several dates, because we started with a date, I think, of April 1st and we've moved forward to where we are today. But we're at a point in time --

LEG. ALDEN:

No, but the dates changed, right? That's what you just testified; the date was a drop-dead date of April 1st, now it's changed.

MR. TEMPERA:

We're in a situation here that we're hoping the Legislature is going to pass this resolution and you have a situation now that if you do, there's going to be a hard and fast date.

LEG. ALDEN:

But Jeff, if I was in your position, what I'd be hoping for was that this debate would lead to, either tonight or tomorrow morning, having a handshake with everybody else.

MR. TEMPERA:

I would love that.

LEG. ALDEN:

Right.

MR. TEMPERA:

I would love that. But I've been --

LEG. ALDEN:

No. So you discourage me --

MR. TEMPERA:

I've been negotiating with the unions for over a month now trying to reach that point.

LEG. ALDEN:

But you discourage me when you say your hope is that we pass the resolution, because I think this resolution -- I don't really see any benefit from it. As a matter of fact, if you're an expert in labor relations, when you send out layoff notices, what happens to the morale? What happens to the job performance? There's a hundred different items that can -- depression, all kinds of things can lead to a non-performance of the job. So I'm not so sure that that's the ultimate technique in accomplishing the goal, and the goal is to service the people in Suffolk County.

So but getting back to the drop-dead date, it's moved a couple of times. When were the other unions informed that today was the drop-dead date and did you ever say that today is the drop-dead date?

MR. TEMPERA:

Absolutely. And I think if you ask any of the unions sitting here, they'll tell you the same thing, that we have had discussions, they knew today was the date. I sat through phone calls and sitting down with the unions yesterday. They didn't come to my office because they wanted to sit around and BS with me about what the weather was or have a cup of coffee, we were working and negotiating to try and reach an agreement to avert the Legislature having to vote on this resolution.

LEG. ALDEN:

Okay. What --

MR. TEMPERA:

Because no one wanted to be before you today saying, you know, "Please lay off 23 people, because our intent here is to lay these people off." Our intent to is to reach an agreement with each of the

unions and never get to that point. And the unions I met with last night, certainly two of the groups aren't even on this list and they came in because they knew it was the right thing to do, they knew they had a date --

LEG. ALDEN:

Well, good thing they did because otherwise they'd miss a drop-dead date that they didn't even know about, so.

MR. TEMPERA:

Well, if you have something you want to tell me about that someone doesn't know what the date is, please tell me. Because I'll get them on the phone right now and I want them to tell me --

LEG. ALDEN:

No, Jeff, what I'm --

MR. TEMPERA:

-- to my face that they don't know what the date is.

LEG. ALDEN:

What I'm not that happy about is the technique, because you know what it's going to lead to? A thousand calls to the Legislative offices because we have now established that our workforce is basically -- they're depressed, they are not happy with the way they've been treated. And maybe that's fair, maybe it's not fair, but I'm just talking about the actual -- the actuality of the situation. They're not happy with getting the layoff notice and their friends and families are not happy with their family member getting a layoff notice, and it directly translates into job performance. So if we think we're going to go forward with less people working for the County and expect the same type of dedication and service that they've been giving us in the past and we've been stretching them real thin and asking more and more of them, that we could use this type of technique and that's going to bring joy and happiness to the execution of their job; no, it's not going to happen. And that comes back on us, we're the ones that get the phone calls from it when people can't get their permits processed or they go and put an application in, and the person doesn't really want to even speak to the person putting the application in; "I just got my layoff notice. Why do I want to talk to you?" That's my whole point here. And if there's a drop-dead date, then that's fine, but it's already moved and it doesn't seem like this is the absolute drop-dead date. When do you have to institute the lag payroll to make the savings; it's in July, right?

MR. TEMPERA:

No, I wouldn't say it's in July because I think the lag payroll has to start in July. And it takes -- I've been told by Data Processing it may take them in excess of eight weeks to program a lag payroll.

LEG. ALDEN:

Okay. So even the units that have already agreed, you're talking about eight weeks to process that?

MR. TEMPERA:

That's what I've been told by Data Processing, it could take them eight weeks to process, program the lag payroll.

LEG. ALDEN:

All right. Thank you for your answers.

LEG. ROMAINE:

Too many vacancies.

P.O. LINDSAY:

Legislator Beedenbender. No? Done. Legislator Romaine is the last one on the list and then I'm going to speak.

LEG. ROMAINE:

Briefly. Briefly, I just want to say, I think Cheryl and Vito did the right thing for their membership. They understood, as union leaders, they had to protect their members and their jobs and they didn't want to see anyone fired. I want to give all the other union leaders an opportunity and I want to make sure when the process is over that the pain is proportional. They stood up for their members, I'm sure the other union leaders will, too.

All I'm saying is I am reluctant today, now, at this time, to vote for layoffs when I hear from union leaders and I hear from the union -- from the County negotiator that negotiations are going on in good faith, when I hear that there is an advent of a settlement, because they have the same concerns that Cheryl has, that Vito has, that any union leader would have to protect their members. But I'm reluctant to vote for it today, not because I have disrespect for AME, because I admire AME because they're leading the way and because they know negotiations are going on in good faith and because they don't want to authorize layoffs while that is taking place.

This is a resolution submitted to us at the last moment; I say let it go through committee. And I think you'd see a very different Legislature two weeks from now if there was no progress, because Cheryl and Vito led the way and I'm sure others will follow.

So I say let the negotiation process work and if it doesn't, two weeks from now I think you'll see a very different mood in this Legislature. Thank you, Mr. Chairman.

MR. TEMPERA:

But again, keep in mind, this is an amended resolution.

P.O. LINDSAY:

Stop, we heard it 17 times, okay?

I'm going to say something now because I've listened to everybody around this horseshoe. The one thing that you are all forgetting is we have a structural deficit of over \$100 million that you're obligated, legally obligated to plug. You can't keep going forward with that kind of deficit. We are a people industry; most of our money goes to people, our employees. The only way we have a filling that hole is to let people go. Whether you call it a gun or a threat or whatever, we don't have any other place to turn. Would I have done something different in terms of the negotiations with our employees? You bet your ass I would. It wouldn't have been this harmony that you see. But whatever it is, it's here, all right?

There was a bunch of speakers earlier today that had all kinds of solutions. You know, VLT's; well, we've been asking the State for VLT's for four years and we can't do it without their help. Red light cameras; eight years I've been on that battle. The Governor signed the bill today, finally, so we're going to get some revenue there. There was a thing about cell phones, 30 cents a cell phone, we all object to that, that means revenue to the County. Hotel/Motel Tax; we were on the phone last night with State Assemblyman Englebright who's committee is trying to work that out to see if we can get more revenue there.

Have we done anything here? Yeah, we've done something here.

We just passed a bill earlier that's going to cancel our next three newsletters; do you know what that is for an elected official to do that? That's a big, big thing. All right? I've laid off people here. We have vacant positions that we're going to extract from our budget, that's going to save a million dollars just in the Legislature, which is probably the smallest unit of it all. There's four or five of us around this horseshoe -- Legislator Romaine, myself, Legislator Beedenbender, Browning -- that have refused to take a raise; some of us are talking about taking lag payroll ourselves. All right?

My point is we're in trouble, folks. We're in trouble. We don't have any more time. This bill originally came out seven weeks ago. The County Executive wanted us to discharge this by April 1st; this Legislature refused to do that because we wanted to give you all more time to negotiate

something that was fair for all of you. I had every union leader in my office, and I told you this at the time, and that was five weeks ago.

And I just want to -- Cheryl, I hate to do this to you but could you come to the mike for a minute? Everybody looked for AME to make a deal. Was anything that I just said not true; did I tell you this five weeks ago?

MS. FELICE:

You absolutely did and you offered your offer -- your office up as cooperation. And I said even to News 12 today, that we came to the table because we respect the process of the Suffolk County Legislature. And the drop-dead date at this particular point in time was when the bill was discharged from committee without recommendation and going to be before you; we saw that as the urgency. And the reason that for the last week of my life, the first person I spoke to in the morning was Jeff Tempera and the last person I spoke to at night was Jeff Tempera, to get this job done and that's exactly what we did.

P.O. LINDSAY:

Well, again, and I know a lot of people have complimented you tonight and Vito, and we appreciate the leadership that you have both exhibited. Because nobody wants to lay anybody off here. We all know that we don't have enough employees, whether we're talking about Probation Officers or Food Sanitarians or Police or whatever, Hydrologists; we don't have enough employees anywheres. We can't afford to lay anybody off, but we have to because we don't have the money. And we're trying everything we can in terms of raising revenue, in terms of cutting back on expenses, in terms of using our reserve funds to try and make this work, and God, I hope it gets better.

The reason for the revised bill was at my insistence. I was not -- if a union made a deal, I was not going to approve a bill with -- and I told the Executive this, with any of those personnel on it. I don't care about any escape clause or whatever, I wanted a new clean bill without any of those people on that bill.

I would very reluctantly -- I don't want to authorize layoffs for anybody, but I would ask my colleagues to pass this bill tonight. And just a message to the Executive Office; if you don't sit down and negotiate in good faith to get this deal done with the remaining unions, we will call a special session and rescind this bill.

MS. FELICE:

I think that's only fair.

P.O. LINDSAY:

Does anybody else want to talk? Okay, we have a motion and a second.

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Roll call.

LEG. MONTANO:

We had a tabling motion.

MS. ORTIZ:

There's two motions, that's right.

P.O. LINDSAY:

Oh, motion -- yeah, we have a tabling, a commit resolution.

MS. ORTIZ:
Send to committee, yes.

P.O. LINDSAY:
Okay, so that takes precedence. Roll call.

MS. ORTIZ:
To commit?

P.O. LINDSAY:
To commit.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:
Yes.

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

LEG. SCHNEIDERMAN:
No.

LEG. BROWNING:
No.

LEG. BEEDENBENDER:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. ALDEN:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
No.

LEG. HORSLEY:
No.

LEG. GREGORY:
No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Thirteen.

P.O. LINDSAY:

Motion to approve.

MS. ORTIZ:

I'm sorry, five; thirteen no.

P.O. LINDSAY:

Roll call.

LEG. EDDINGTON:

The vote was going this way before.

LEG. MONTANO:

Yeah, we switched it in the afternoon, right?

LEG. EDDINGTON:

Do we switch it at half-time?

MR. LAUBE:

To approve.

P.O. LINDSAY:

Did you go the wrong way or something?

LEG. ROMAINE:

Yeah.

MR. LAUBE:

Yeah, she said corrected, it's five.

LEG. MONTANO:

No, no. We're talking about where the vote starts.

LEG. EDDINGTON:

First we went this way, then we went that way.

MS. ORTIZ:

Oh, I'm sorry, I started from the top. I started from the top;
I'm sorry.

P.O. LINDSAY:

All right, reverse it now. Reverse it now.

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

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

I'm sorry. This is to approve?

P.O. LINDSAY:

This is on the motion to approve.

LEG. ALDEN:

Layoffs.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Reluctantly, yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

LEG. KENNEDY:

Yes.

MR. LAUBE:

Fourteen.

LEG. ALDEN:

Let them sex offenders run around. It's a good thing.

*(*The following was transcribed by
Kimberly Castiglione - Legislative Secretary)*

P.O. LINDSAY:

Okay, **1413 - Instituting lag payroll in fiscal year 2009 for employees within the Suffolk County Board of Elections in Bargaining Unit 21 (BU 21) and Bargaining Unit 24 (BU 24) to address revenue shortfalls and avoid a reduction in the workforce of County personnel. I'll make a motion.**

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. KENNEDY:

Mr. Chair, on the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

As previously opinion obtained from the Ethics Board I have to recuse and exclude myself from any deliberation with this.

MR. NOLAN:

Is this the Board of Elections?

LEG. KENNEDY:

Board of Elections? Okay. Never mind.

LEG. MONTANO:

I have to recuse.

P.O. LINDSAY:

Yes. Okay so we -- Legislator Montano was -- huh?

LEG. ALDEN:

You out?

LEG. MONTANO:

Yeah, I'm out.

P.O. LINDSAY:

Yes, he's out. Okay. Do we have a motion and a second on this resolution?

MR. LAUBE:

On 1413, yes, you do.

P.O. LINDSAY:

Yes. Does anyone want to speak on this?

LEG. NOWICK:

I do.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I'm going to have to recuse myself from voting on this.

P.O. LINDSAY:

Do you have someone in the Board of Elections?

LEG. NOWICK:

I do.

P.O. LINDSAY:

Oh, okay. That's related or something? I mean --

LEG. NOWICK:

My sister-in-law.

P.O. LINDSAY:

Okay, okay. That's fair enough.

LEG. NOWICK:

That would not make a very good family dinner if I voted on this.

P.O. LINDSAY:

Okay. All right, anybody else? We have a motion and a second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Recused.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

(Not present)

P.O. LINDSAY:

Skip over him. He's not in the room.

LEG. MONTANO:

(Not present)

P.O. LINDSAY:

He's not in the room. He's recused anyway.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

What's this?

MR. LAUBE:

IR 1413.

LEG. ALDEN:

Is to approve or table?

D.P.O. VILORIA-FISHER:

Approve.

LEG. ALDEN:

Fine, yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Gail, can you -- there's a question here. What is Bargaining Unit --

LEG. KENNEDY:

Is 24 the exempt?

MR. TEMPERA:

Twenty-four is the Board of Elections and its the management people in 21. You have two groups at the Board of Elections.

LEG. D'AMARO:

Management and --

MR. TEMPERA:

Some management are in 21 at the Board of Elections and the rest of the people are 24.

P.O. LINDSAY:

Did you call the vote?

MR. LAUBE:

I did. It was 15.

LEG. MONTANO:

I'm sorry. You are on 1414?

P.O. LINDSAY:

We are now.

LEG. MONTANO:

Can I ask a question?

P.O. LINDSAY:

Let me just read it. We didn't get a motion yet. The last resolution ***1414 - Instituting a lag payroll in fiscal year 2009 for Bargaining Units 21 and 30 (Management and confidential employees, respectively and exclusive of Suffolk County Community College and employees of the Board of Elections) to address revenue shortfalls and avoid a reduction in workforce of County personnel.*** Now I'm going to make a motion --

LEG. HORSLEY:

Second.

LEG. GREGORY:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

-- to approve for purposes of discussion. Second by Legislator Gregory.

LEG. D'AMARO:

Point of order. Just note my recusal on the record as per my statement previously filed.

P.O. LINDSAY:

Legislator D'Amaro is recused. Legislator Kennedy is recused.

LEG. MONTANO:

I'm not.

P.O. LINDSAY:

You're not. And nobody else, right? So we got two recusals. But I just -- we have a motion and a second?

MR. LAUBE:

You have a motion and a second.

P.O. LINDSAY:

I just want to go through a little story with this because this involves our employees, the County Executive's employees, the District Attorney's, are all in that exempt category. When we put together the budget last year all of these groups have, you know, we agreed that they wouldn't get a step increase in July this year. So when this came up, you know, I had a discussion with the County Executive, which he instituted, recognized that it's a double hit and it really isn't fair. And he tried to rectify that in this resolution, and it's so freaking confusing that I had a hard time understanding it. So I'm going to ask Legislator Beedenbender, the smart young one, to explain it because he explained it to me, what they're doing with this language. I would have done it in a simpler way, but would you explain this, Legislator Beedenbender?

LEG. BEEDENBENDER:

Sure. The numbers are a little bit different than when I talked to you before, because I had people that do numbers clarify it. But the way this would work, if you took an average employee, \$45,000, which is not an unreasonable number for employees in the group that we talked about. Their average biweekly paycheck, this is all before taxes, would be about \$1730. That's what they would get. If they instituted a two week lag, that's what they would lose. Now, this is for somebody who that's not at top step. So they'd lose \$1730 from a two week lag.

By the language in the bill in the second resolved clause, it says the value of the lag time will be reduced to reflect the savings that would be achieved from the step. So let's look at the numbers. The biweekly paycheck is 1730. The step -- I had BRO give me the chart, a step is worth a little bit more than 4%, but we have to remember this is only half a year because it goes July to July. So it's a little over -- it's about 2.1% that the employee loses. So for that same \$45,000 salaried employee, it is \$978.

What you do is you take the \$1730 of the biweekly paycheck, you subtract the \$978 that they would have gotten from the step that we are going to give them the credit for, and you end up with \$752 which they are lagged.

In essence, as long as you are not at top step, because it is a totally different situation if you are a top step employee -- so just to go over it again. Forty-five thousand dollar employee, \$1730 biweekly payroll, gets a \$978 credit and leaves them \$752 that they lag, presumably half in July and half in December, I would imagine, since there's two weeks in the bill. Jeff, is that correct?

MR. TEMPERA:

That's correct.

LEG. BEEDENBENDER:

All right. Now, for the employee at the top step, they did not get a step this year, but if you're at top step you get a longevity check or some sort of -- no --

P.O. LINDSAY:

No, that shouldn't have anything to do with it.

MR. TEMPERA:

They lag.

LEG. BEEDENBENDER:

But you have to look at the whole picture.

MR. TEMPERA:

But the longevity has -- number one, it doesn't matter what step you're on, but longevity is based on years of service in the County.

LEG. BEEDENBENDER:

Okay. All right. There's no special payment for somebody who is at top step. They're just stuck.

MR. TEMPERA:

That's correct.

LEG. BEEDENBENDER:

Then somebody else will have to explain top step.

MR. TEMPERA:

They get a lag payroll.

P.O. LINDSAY:

They would lag two weeks, right?

MR. TEMPERA:

Correct. It's the lag. You did so well on the first part.

P.O. LINDSAY:

The net result, if I understand it, is that the exempts would give the same amount as everybody else.

D.P.O. VILORIA-FISHER:

So to speak.

LEG. BEEDENBENDER:

Give or take. And the only other difference is that \$752 that they would lag, that's -- you convert that to an hourly rate based on their current rate. You know, you use the current rate to convert to the number of hours, and when they leave, they get it at the new rate. So, they wouldn't get credit for a two full weeks of lag, they would only get credit, you know, when they leave for whatever they lost.

LEG. ALDEN:

Did you bargain this for them?

LEG. BEEDENBENDER:

No, but -- no, I didn't bargain it, no.

P.O. LINDSAY:

He interpreted it. I couldn't understand it.

LEG. BEEDENBENDER:

Cameron, to be perfectly honest --

LEG. ALDEN:

I was wondering who bargained it.

LEG. BEEDENBENDER:

No, I was -- I mentioned this, you know, in one of the caucuses. Because of the timing of when I came in, one of my employees was already with the County, two of my employees weren't, so they didn't get a step last year and they didn't get a step this year. The reason I did so much research is because I wanted to see how much additional they were going to be losing and it's not -- nobody's fault, it's when they came in. I spent the afternoon running back between BRO and the County Executive's Office getting everybody to agree that what we were saying was right so I could tell my employees how much money they are going to be losing. That's the only reason. I didn't bargain it. It just -- it's complicated and Bill asked me to explain it.

P.O. LINDSAY:

Thank you.

LEG. NOWICK:

Bill, I have a question.

P.O. LINDSAY:

Yes, I got a couple. Legislator Romaine, Losquadro and then Nowick.

LEG. ROMAINE:

Quick question, Jeff. Lag payroll, say everyone is lagging their payroll. What does that mean? When do they get their money back?

MR. TEMPERA:

They get their money back at the rate in effect when they separate from --

LEG. ROMAINE:

The County.

MR. TEMPERA:

County service, correct. They get it at that time.

LEG. ROMAINE:

I'm going to vote for this because I know we have a financial crisis, but I want to say this for the record. I'm going to meet with some of my colleagues, there's no rush because we're not getting, you know, out of the red for awhile. But I am going to put a bill in before my term is over to ensure that when we're in the black, we pay it back.

Applause

We should not have to wait -- if there's a 25 year old County employee, they may not be retiring for the next 35 years. That guy should not have to wait, or gal, for 35 years to collect their lag. So I will put in a bill that will establish what the black means, but when we're in the black, we should pay it back. That's a very simple statement that we should make a commitment to our employees.

P.O. LINDSAY:

That sounds like campaign slogan.

LEG. ROMAINE:

Absolutely.

P.O. LINDSAY:

When we're in the black, we're going to pay it back.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Obviously we can see this is a pretty complex set of calculations here, but I think this bears a lot more looking into because what we're -- what we haven't discussed is that none of these exempt employees can get paid for overtime. There are a lot of things that exempt employees are not entitled to that other employees in these other bargaining units get. We did take the step away. We did that obviously unilaterally. They have no union representation. I for one would like to take a look at this and see if we can work, continue to work with the Executive on coming together on an agreement here, something that's maybe a little easier to figure out that doesn't take, you know, an advanced trigonometry degree or something, but also takes into account those who are at top step. And again, the fact that these individuals have no ability to supplement their pay through overtime or other means. So I would like to see this return to committee. So I'll make a motion to commit.

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

Okay. Legislator Nowick?

LEG. NOWICK:

I just had a question. I'm a little confused. We've been here for about 12 hours now and the math has really got me a little bogged down. I mean, I know in my office there's an employee that is actually already lagged. Now, is she taken out of the equation? Certainly she doesn't have a step raise --

D.P.O. VILORIA-FISHER:

Why is she already lagged?

LEG. NOWICK:

Because she's been here longer than all of us and there was a lag in 19 --

P.O. LINDSAY:

Back in the 90's, yeah.

D.P.O. VILORIA-FISHER:

Oh, she was lagged a long time --

LEG. NOWICK:

Oh yeah, she was lagged once and then they will be lagging again and I just wanted to know. I would agree with Legislator Losquadro, just since this doesn't have to be ratified, could we just look it over? This was a surprise to me to look at this formula today. I have no idea what Legislator Beedenbender just said. But I would just ask your indulgence for two weeks and we can send it to committee and talk about it and decide what it is and figure out one that was lagged and who's not lagged and who's at the top of the step and who is not at the top of the step. So I would ask your indulgence for the two weeks.

P.O. LINDSAY:

Legislator Montano, did you want to?

LEG. MONTANO:

Yeah, I just want to say that I've been here over 12 hours and I have a simple rule. If I don't understand it, I can't support it. I think we should send it to committee and maybe by two weeks I'll understand what's going on.

P.O. LINDSAY:

Could I just ask Jeff who figured this out?

MR. TEMPERA:

Sworn to secrecy.

(Laughter from panel)

MR. TEMPERA:

But his initials are F.P.

(Laughter from panel)

P.O. LINDSAY:

That figures. You're a labor relations guy, you got to figure out an easier way of doing it, all right. I don't think -- I think we all know we got to do it, you know, and --

MR. TEMPERA:

I think the attempt here was to recognize --

P.O. LINDSAY:

I know, I know, to make it some equity here and I appreciate that and I appreciate the County Executive, you know, agreeing to bring in some equity into the formula. It's just the formula is a little confusing, if you can work on it, all right?

MR. TEMPERA:

Okay.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

Jeff, I just have a quick question for you. How long is it going to take for payroll to get this worked out? If we wait two weeks and actually pass this one, won't that throw this whole thing --

MR. TEMPERA:

We've got the same issue. Once we're programming for the AME and --

LEG. ALDEN:

But you can't do these because you don't have an agreement if we put this back into committee.

MR. TEMPERA:

Well, this one actually, quite frankly, is more difficult the way it's currently written.

LEG. ALDEN:

So we should have done this a couple -- like a month ago if we wanted it to kick in in the proper timeframe.

MR. TEMPERA:

Sure.

LEG. ALDEN:

So if you want to apply the same ruler to all the legislation then this shouldn't go to committee.

MR. TEMPERA:

Then pass it right now. This is a resolution the County Exec put forward and is supporting and asking you to pass.

LEG. ALDEN:

No, because I was just curious if you were going to support it going to committee because I saw you shaking your head this way when Bill was talking --

MR. TEMPERA:

Is that a motion to approve?

LEG. ALDEN:

What?

MR. TEMPERA:

Is that a motion to approve? Sorry, Bill. I didn't want to --

LEG. ALDEN:

I think we already have the motions.

P.O. LINDSAY:

We have a motion to approve and a motion to commit. Let's vote on it and get you out of here. Okay, the motion to commit goes first. You have a motion and a second.

MR. LAUBE:

No, I don't have a second.

LEG. LOSQUADRO:

It was was Lynne.

P.O. LINDSAY:

Lynne.

MR. LAUBE:

All right.

P.O. LINDSAY:

Roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:
Recused.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. KENNEDY:
Recused.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Pass.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes to commit.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
I guess yes.

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Okay. Don't leave yet, don't leave yet. We've got late starters. Motion to waive the rules and lay on the table the following late starters. 1378 to EPA; 1379 to EPA; 1380 to Public Safety; 1381 to EPA; 1382 to EPA; 1383 to Labor, Workforce and Affordable Housing; 1384 to Economic

Development, Education and Energy; 1385 to EPA; 1386 to EPA; 1387 to EPA; 1388 to Economic Development, Education and Energy. All right, hold it down, guys, hold it down. 1389, Labor, Workforce and Affordable Housing; 1390 to Health and Human Services; 13 -- do we have a 91?

D.P.O. VILORIA-FISHER:

Ninety-one was a CN.

P.O. LINDSAY:

1392, Economic Development, Education and Energy; 1393 to Parks; 1394 to Parks; 1395 to Ways and Means; 1396 to Ways and Means; 1397 to Parks; 1398 to Economic Development, Education and Energy; 1399 to Public Works; 1400 to Public Works; 1408, Health and Human Services; 1409 to Ways and Means; 1410, Labor, Workforce and Affordable Housing; 1415, Consumer Protection. I'll make the motion. Do I have a second?

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Motion to adjourn.

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

(THE MEETING WAS ADJOURNED AT 9:27 P.M.)

{ } - Denotes Spelled Phonetically