

**SUFFOLK COUNTY LEGISLATURE**

**GENERAL MEETING**

**ELEVENTH DAY**

**AUGUST 4, 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 meeting was called to order at 4:09 P.M. \*)*

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

**P.O. LINDSAY:**

Could I have all Legislators to the horseshoe, please? Okay.  
Mr. Clerk, are we ready? Roll call.

**MR. LAUBE:**

Good afternoon.

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Present.

**LEG. BROWNING:**

Here.

**LEG. BEEDENBENDER:**

Here.

**LEG. LOSQUADRO:**

(Not present).

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

Present.

**LEG. ALDEN:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. COOPER:**

Here.

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

Present.

**P.O. LINDSAY:**

Here.

**MR. LAUBE:**

Seventeen (Not Present: Legislator Losquadro).

**P.O. LINDSAY:**

Okay. Welcome back, everybody, from our summer respite. We have a night meeting, which I know everybody enjoys, and we're going to start with the Pledge here. If everybody could rise. And tonight I have two very special people here that are going to assist me with the Pledge.

The first one, I guess most of the time that I've been in the Legislature, for eight and a half years, unfortunately, after the visiting clergy says his prayer, I always ask everybody to remember in their thoughts and their prayers our young men and young women that are defending our freedom overseas and that you would remember them in your thoughts and your prayers and bring them back to us safe and sound, bring our sons and daughters back to us. Tonight I have the answer to my prayers. My nephew is with us tonight, Sergeant Robert Hommel, who just got out of the service in May, he served four years active duty in the 101st Airborne and he served 18 months in Iraq and he's back to us safe and sound, and for that I give praise.

***Applause***

So Bob, would you come and lead us in the Pledge?

***Salutation***

Thank you, Robert. Wait a minute.

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

Robert?

**P.O. LINDSAY:**

We have a proclamation for you for your service to our country and to our County as one of our Suffolk County Legislature's Home Town Heroes, Bobby is a Bohemia boy and he did us proud, I'm very proud of him and I'm sure everybody else is. And I would encourage my fellow Legislators, as our sons and daughters come home, bring them here so we can honor them and thank them for their service to our country.

**SERGEANT HOMMEL:**

Thank you.

***Applause***

If you could remain standing. Before Legislator Viloría-Fisher introduces our visiting Clergy, we also have another honored guest with us tonight, it's Judy Montemurro who has a beautiful voice, an angelic voice, and she is going to play "God Bless America" for us.

***"God Bless America" Performed by Judy Montemurro***

***Applause***

**P.O. LINDSAY:**

Although Judy and Bobby have two totally different jobs -- Judy is the Music Director at Good Shepherd Roman Catholic Church in Holbrook and Bobby is a soldier -- but they do have one thing in common; for the last couple of years they faced death almost every day. Judy is a cancer survivor that just went through a tremendous battle with cancer and beat it.

***Applause***

Both of them, with those fears over their head, did their jobs, day-in and day-out and they're both home town heroes. Thank you.

***Applause***

We have a proc for you, too, Judy. If you would come forward. On behalf of the Suffolk County Legislature, I'd like to present you with the Suffolk County Legislature Home Town Hero Award. Thank you. You're welcome.

***Applause***

And with that, I would like to turn over the mike to Legislator Viloría-Fisher to introduce our visiting Clergy.

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

Thank you, Mr. Chair. Today's Clergy is Elizabeth Braddon who is the Pastor of the Stony Brook Community Church. She's been the Pastor of the church since July, 2007. She has served churches throughout the New York Annual Conference in both New York and Connecticut prior to coming to Stony Brook. Reverend Braddon describes her arrival at Stony Brook as coming home. She grew up in Babylon and I introduced her to Legislator Horsley earlier and I think they had some people in common that they knew.

**LEG. HORSLEY:**

Many.

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

Many people in common. And congratulations to Reverend Braddon who was just married two weeks ago. Congratulations.

**REVEREND BRADDON:**

Thank you.

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

She is an active member of the United Methodist Church. She serves as representative to the Connectional Table, the main coordinating body of the denomination, and as a member of the Board of Ordained Ministry in New York Annual Conference, theologically and politically. She would describe herself as progressive with a strong concern for ministry with the poor, human rights, peace and for a church that openly celebrates the gifts of all persons. And just as a side note, she's also a member of the Board of Directors of the Setauket Civic Association. She has many interests, she's a wonderful addition to our Three Village Community. Please welcome Dr. Elizabeth Braddon. I mean Reverend Elizabeth Braddon.

## *Applause*

### **REVEREND BRADDON:**

Was that a PhD you just gave me? It's wonderful to be here and I thank you for inviting me. And now if it is in your tradition, will you join me in prayer.

Holy God, our prayers today come out of many traditions and many understandings of your nature. We call upon your presence as the County Legislature begins its meeting this afternoon. Bring down your spirit upon each of us, instill us with the wisdom to follow your will and establish goodness and mercy in your land. We are all the privileged gathered here and as such are called the responsibility for those whose voices have been muffled. As the powerful, may we remember the weak; as the educated, may we place high value on the right of quality education for all; as the rich, we are called to a generosity that reaches to the poorest; as lawmakers, we call to the highest ideals of justice seeking; as stewards of this County's resources, decide carefully how they will be used; and as politicians, never be so bound by party lines that the value of dialogue gets lost.

Now, oh God, we give thanks for the dedication of these persons who have given their time and their talents to serve the rest of us. We commend our decision to move beyond self-interest and take on civic duties and responsibilities. So bless them, bless their families, bless their communities, bless our County as we all seek a wholesome and nurturing place to live out your will for the sake of all people. Amen.

*"Amen" said in unison*

### **P.O. LINDSAY:**

And before we sit down, as we do at every meeting, let us remember all those men and women who put themselves in harm's way every day to protect our country and that may our sons and daughters come back to us.

With that, please be seated. I would be remiss if -- Judy's husband is with her as well as Bobby's Aunt and Dad; so thank you for joining us and thank you for your help.

Okay. We have proclamations and first is -- Legislator Losquadro, you have a proc; no?

### **D.P.O. VILORIA-FISHER:**

Oh, actually, yes, you do, with me; it's for the Sachem School District.

### **P.O. LINDSAY:**

Legislator Viloría-Fisher and Losquadro have a shared proc

### **D.P.O. VILORIA-FISHER:**

Thank you. Is the mike on? Got it. Okay, I didn't have it up far enough. Okay. Thank you, Mr. Chair.

Legislator Losquadro and I are both Commissioners of the Soil & Water District and I would like to ask Paul TeNyenhuis to join us as well?

I thought I saw --

### **LEG. LOSQUADRO:**

Actually tough to miss.

### **D.P.O. VILORIA-FISHER:**

I know, I had seen him earlier. Each year the district participates in an Envirothon which involves students from all over New York State. This year our students from Sachem High School, Sachem North High School, did very, very well. We're very proud of their performance. They came in very high levels in several different categories; correct, Tedd? And today we're here to congratulate them and to offer a proclamation to the team. You're from the high --

**MS. FROST:**

From the district.

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

You're Sharon. Where's the high school? Come on up, please.

*Applause*

I'd like Paul just to tell you the categories because he's better at knowing what they did, or --

MR. TeNYENHUIS:

Sharon has them.

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

Sharon has them, okay. Sharon? Sharon is on staff.

**MS. FROST:**

The team won Suffolk County at the Long Island Envirothon and moved on to the State level which was held in May and they did excellent on the State level, they came in 3rd for Oral Presentation -- and girls, correct me if I'm wrong -- and 6th overall. Is there anything else I should add?

**UNKNOWN AUDIENCE MEMBER:**

First in Aquatics.

**MS. FROST:**

Oh, and 1st in Aquatics. So they did very well on the State level. And some of the girls have graduated high school and are moving on to college, but we have a strong team for next year from Sachem North again.

*Applause*

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

Legislator Losquadro?

**LEG. LOSQUADRO:**

Thank you. And I, too, would just like to offer my congratulations. As one of the Board of Directors members for our Soil & Water Conservation District, very few people even know what each of those districts were created for, and these are organizations that are chartered nationwide to make sure we don't have problems such as the Dust Bowl which occurred back over a hundred years ago.

So what we look for in encouraging young people is to become the next generation of environmental stewards. So I want to congratulate you on taking up that mantle and moving forward, especially taking 1st place in Aquatics makes perfect sense on Long Island, being surrounded by water as we are. And just say keep up the good work and we look forward to having individuals such as yourselves looking out for our environment in the future. Congratulations.

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

Thank you, Mr. Chair.

*Applause*

We'll go out and take a picture together. Unless one of you want to speak; no, you're okay? Okay, we'll go outside.

**P.O. LINDSAY:**

Legislator Viloría-Fisher? Vivian?

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

Yes?

**P.O. LINDSAY:**

I have another one, you want to -- I'll put you towards the end, you go and do that photo?

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

Okay. We'll be right back.

**P.O. LINDSAY:**

All right. Next, Legislator Browning for the purpose of a proclamation.

**LEG. BROWNING:**

I was almost going to say good morning there; I keep forgetting what time it is. I'm here today with members of the Ancient Order of Hibernians, the Ladies Ancient Order of Hibernians, and also the Brehon Law Society. If I could have Mike McCormack, who's the National Historian; Mark Donovan, co-organizer from Division 8, Selden; and John Hennessy, New York State Past President. And also, would the ladies, Winnie Morrissey, the County President; Margaret Hennessy, National Vice-President; Suffolk County Vice-President, Pam Larkin; and Cathy Conway who is a very good friend of mine, past State Vice-President.

I know you're all wondering why all these Irish people are here, it's not March; however, it's Irish for us every day. You know, you all know that I grew up in Belfast and I remember a day, it was 40 years ago, August 14th, where a 10-year old boy was murdered, which led to some other incidents and the beginning of the troubles of Northern Ireland. I was 10-years old at the time. Eleven years ago, the Good Friday Peace Agreement was signed, and I have a copy of the Good Friday Peace Agreement that was sent to all the citizens of Ireland and they voted yes.

Recently, you know, there is instability in Northern Ireland. However, life is much better today than it was. Jerry Adams, who's President of {Shinfame} was here in New York recently to -- for a "Unite Ireland Forum". The Irish American communities and elected officials had the opportunity to show their support and to discuss how we get there. Today the Suffolk County Ancient Order of Hibernians and Ladies Ancient Order of Hibernians are here today and they are proud Americans, but they're also proud of their Irish heritage.

The AOH was found in New York in 1836 and it's the oldest ethnic organization still operating in the United States. And they trace the roots back to Ireland, which that organization existed over 300 years. The AOH lives up to their motto, "Friendship, unity and Christian charity", and have contributed to their communities in many ways and over the years, through the Freedom-For-All Ireland Committee, have been involved in supporting a peaceful and just solution to the issues that divide Ireland.

The AOH continues to play their part here in America and to help their home here, and also to help the home of their ancestors to become united. I want to say thank you to my colleagues for joining me in presenting a proclamation to the Ancient Order of Hibernians for their dedication and hard work here in Ireland -- sorry, here in the United States and also in Ireland. Thank you.

***Applause***

And I also have one here for the Ladies Ancient Order of Hibernians, again, to say thank you for your hard work here and in Ireland. Thank you. And I shouldn't forget, Legislator Kennedy is also a member, like myself, a member of the Hibernians; I'm a Division 5 member and he's a member of Division 3.

**LEG. KENNEDY:**

Yes.

**LEG. BROWNING:**

So John. And also, we have Mike and Mark Donovan here who are constituents of Brian Beedenbender, so if you want to go do the picture with them and I'll do the last one.

**LEG. KENNEDY:**

I would be happy to. And I'd also like to say that it's my pleasure, along with my colleagues, to recognize the important contributions that the AOH makes each and every month and each and every year; scholarships, assistance to those in need. And I love to read the Hibernian News each and every month; as a matter of fact, particularly the historians column. So thank you. Thank you on behalf of everything that you do and thank you for great service to our County. Thank you.

*Applause*

**LEG. BROWNING:**

And I have one more. This one is Brian O'Keefe, President and founding -- sorry, President of the Suffolk Brehon Society, and also Laurette {Mulree} who is Vice-President of the Brehon Law Society. And also a founding member, Judge Mike Mullen. Come and join me. Oh, we have somebody --

**MR. O'KEEFE:**

And Neil Rogers.

**LEG. BROWNING:**

And Neil Rogers, also a former President. The Brehon Society of Suffolk County has joined us today. They were founded in East Islip in 1989 by Irish American Attorneys and Judges, dedicated to promoting the rich history and culture and traditions of Ireland, past and present.

Brehon laws were laws of Ancient Ireland and the Brehons were the law givers and Judges of ancient Ireland. The Brehon Society has supported efforts to obtain peace, justice and freedom in Northern Ireland. They've raised funds to support the Joseph R. {Criley} Program and international human rights, sponsored lectures and leading members of academia on the contribution of Irish writers and poets such as Yitz & Joice, and have promoted the study of the Irish language here in America. The Brehon Society of Suffolk County has, through the Suffolk Academy of Law, the educational arm of the Suffolk County Bar Association, presented a continuing legal education course entitled "Understanding the Peace Process in Northern Ireland; Lessons in Conflict Resolution".

Leaders of the Brehon Law Society in Suffolk County over the years have gone to Northern Ireland to support the peace process and help improve inter-community relations through issues such as education, parades and policing. They have done so much to contribute to Suffolk County and they have done so much to contribute towards peace in Northern Ireland, and I definitely, as a former resident, I am very grateful for what they have done. So I would like to give them also a proclamation to say thank you for their dedication and hard work here in the United States and in Ireland.

**MR. O'KEEFE:**

Thank you very much.

*Applause*

**LEG. BROWNING:**

Do we need any lawyers to come up here; no? Thank you.

**MR. O'KEEFE:**

I would like to thank Kate and the entire Suffolk County Legislature for this honor. We are truly

touched. Many of you have seen the book in the book stores, How the Irish Saved Civilization, and it's about how the Irish monks recorded everything during the dark ages. I think that some day the world will see that the Irish's greatest contribution is that they saw the wisdom of peace which enabled them to continue their struggle for freedom in Ireland but to do it in a peaceful way.

The conflict in Northern Ireland isn't over; the unionists still want to be part of the United Kingdom, the nationalists still want to become part of the Republic of Ireland. But what they decided was that they were going to pursue their struggles peacefully, which I think is an example for everyone in the world. The unification of Ireland is the natural culmination of that peace process which I think has implications for people of all nationalities in the United States, not just the Irish. I mean, it largely has been an Irish issue, but if we could have a reunited Ireland, it would be testament that peaceful political solutions can work. So the move to reunite Ireland is proceeding a pace, we're doing it in a peaceful, political way.

We're asking for all peace-loving and all freedom-loving people to help us. And again, we are very grateful that you honored us today.

Thank you, Kate and thank you for the rest of you.

***Applause***

**P.O. LINDSAY:**

Okay. Legislator Viloría-Fisher again has a proclamation.

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

Thank you, Mr. Chair. You know, there's hardly anything that I could think of that would be more frightening than to be on the water in a boat, have a strong storm come in, have your boat taking water and feel your boat sinking; it's got to be overwhelmingly frightening. That happened to some people off of Old Field Point. There were seven people on the boat -- four adults, three children -- and luckily for them, we had officers from our Marine Bureau nearby. I would like them to come up and join me at the podium, please.

And although this incident happened in my district, I think every one of us, especially those of us who have districts that are along the water, know of incidents that have occurred where the bravery of members of our Marine Bureau have literally saved hundreds of lives. With the riptides that we've seen, they've been out there, as well as the brave lifeguards that we have working on our beaches. My own son, who was having a severe asthma attack quite a few years ago, was saved by one of the members of our Marine Bureau as they put him on a boat and brought him over to a hospital. So these are people who are heroes every day and save lives throughout our County. I would like to acknowledge them together and as individuals.

***Applause & Standing Ovation***

Sergeant Chris Tamis; thank you, thank you very much. Officer Matthew Funaro, right behind me, thank you so much.

***Applause***

Officer Michael Cappiello, thank you.

***Applause***

Officer David Goldstein.

***Applause***

Officer Christopher Newins. Thank you very much.

## **Applause**

You know, earlier as we were speaking I asked among you how many years of experience of doing this do you think you would have, and I think officer Newins said over 70 years, right, if you put our years --

### **OFFICER NEWINS:**

Probably.

### **D.P.O. VILORIA-FISHER:**

Their years together. That's a lot of experience and that's a lot of real brave behavior out on our waters that's protecting all of us. Thank you very much, gentlemen.

## **Applause**

Did you want to say something, Sergeant?

### **SERGEANT TAMIS:**

No.

### **D.P.O. VILORIA-FISHER:**

Okay. Thanks. Thank you, Mr. Chair.

### **P.O. LINDSAY:**

They're not afraid of the water, they're afraid of the mike, though. Next up is Legislator Romaine.

### **LEG. ROMAINE:**

Thank you, Mr. Presiding Officer. I would like to thank my 17 other colleagues that signed this proclamation. We're awarding it today to our Suffolk County Clerk Judith Pascale and her whole office, and John Kennedy, who worked there with me, is joining me in this award.

Judy was awarded the 2009 Wheeler B. Melius Award by the New York State Association of Local Government Records as the Best Records Management Program of the 62 Counties in the State of New York. She also received a National Association of County Awards for her efforts to make electronic filing of Small Claims Assessment Review Petitions possible. This year we'll probably -- and I'm not there, but I would venture a guess that we probably had a record year for the filing of SCARPs, those are SCARPS when you grieve your taxes and the town turns you down; and some towns, like my town, turns everyone down. You have the opportunity to then appeal it. Those are Small Claims Assessment Review Petitions, I can still remember stacks and stacks of them coming in when I was County Clerk, now they can be filed electronically and a lot of the firms that help people do this will be filing them electronically, speed this along, less personnel involved. All of this speaks of a very efficient office and it's my pleasure to present our current County Clerk, Judy Pascale, this award and congratulate her on receiving both of these awards for her office. I see she has some staff members, her Chief Deputy --

### **MS. PASCALE:**

I'm going to introduce them.

### **LEG. ROMAINE:**

Oh, you're going to introduce them. Then I'll ask Judy to come up and say a few words. Sorry, Judy.

### **MS. PASCALE:**

That's okay. I just want to thank every member of this Legislature as well as the Executive Branch of this government who have been consistently supportive of our office. And I am going to thank each one of you; you've always been there for us when we need you and it has paid off.

I'd like to introduce -- I just want to say that I have been blessed with a hundred plus AME employees who are very dedicated and go the extra mile. I have a brilliant management team and I accept this award on behalf of all of them. I'm going to ask them to just stand, I know they're not going to want to speak. My County -- my Chief Deputy, Nicole De Luca.

***Applause***

My absolutely wonderful Director of Optical Imaging, the only one in Suffolk County, and the man that really puts us on the map in terms of technology for Suffolk County, and that's Pete Schlusser.

***Applause***

And I am blessed with three attorneys that work for us, which was something that I strived to do even when Ed was there and it's finally come to fruition and it's an absolutely wonderful asset to the office, and that is Chris Como, Dan Panico and Jim Malone.

***Applause***

During these difficult times when the residents of this County, like those of us in government, must do more with less, it's especially rewarding to have Suffolk County recognized for our efforts in facilitating government for the people that we are privileged to serve. I want to thank you on behalf of my staff. I am very proud to have received these awards on behalf of the one and a half million Suffolk County residents that we represent. Thank you again.

***Applause***

**P.O. LINDSAY:**

Okay. I think that concludes our proclamations. Oh, no, wait a minute. We don't have a proclamation, but I've been asked to recognize Jack Eddington's birthday today.

***Applause***

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

Happy birthday to you, happy birthday to you.

**LEG. EDDINGTON:**

Thank you.

**LEG. ALDEN:**

So how old are you?

**LEG. EDDINGTON:**

Sixty-two

**LEG. MONTANO:**

Put that on the record.

**LEG. ALDEN:**

Is that on your Facebook page?

**LEG. EDDINGTON:**

No Facebook.

**P.O. LINDSAY:**

Okay. I need Legislators to the horseshoe, please. At our last meeting we tabled a resolution that

would authorize the laying off of seven Police Officers, and I told everybody at that meeting that over our summer break that I would keep in touch with both Labor Relations as well as the PBA to try and see if we could move the talks forward to bring about a lag payroll by the PBA. And I -- and I also said that I would have both Jeffs, Frayler and Tempera, here to report on the progress, or the lack of progress, in those talks at this meeting.

I think Jeff Frayler is here. Jeff Tempera is on vacation. I talked to him last week and he didn't think he could make it, I can certainly understand that he didn't want to come back from vacation just to talk to us. But if you're here, Jeff, I know your time is valuable, if you would come forward and give us a status report of the negotiations, and at our next meeting I will have Jeff Tempera here to do a similar update or report as well. All right?

**MR. FRAYLER:**

Thank you, Presiding Officer and members of the Legislature, for giving me the opportunity to come up here today. Again, as you've heard me say at several of the last meetings, there's only one issue that's preventing us from reaching a conclusion in the negotiations and that is a guarantee that no more of our jobs are going to be given away.

From a basic common sense point of view, we're in a position where we can give the money and lose our jobs or not give the money and lose our jobs. That's a lose/lose situation for me. The reality is I've heard Ben Zwirn and Jeff Tempera publicly state how nobody is looking to take our jobs; if that's the case, it's very easy to sign the agreement. I have the language right here in my pocket, it's available to anybody who wants it, if you want to make copies. The PBA Attorney is here to explain anything that you need explained legally, but the bottom line is we need our jobs to be protected.

I've heard Ben and certain other people make remarks about, "Well, the Police Officers make a lot of money and everybody else gave their fair share." We're not opposed to giving our fair share in the same climate that everybody else did. There were certain gains made. The Corrections, I believe, got a contract and deferred certain monies, the SOA got certain promotions and certain guarantees, the Detectives Association got promotions and certain guarantees. What has the PBA gotten? We've had our Highway Patrol on both Sunrise and Long Island Expressway taken away from us. We're spending a lot of money and a lot of time in fighting that in PERB, but that comes with the territory; I have big shoulders, I can handle that.

Some of what I'm learning through the PERB case is very upsetting. Like there was testimony that had been given here that, "Oh, nobody knew this was going to happen until nine o'clock that morning." Well, the reality that's been given in sworn testimony on the record in PERB will unequivocally refute that, that a plan was in place for over a year by our County Executive and by our Sheriff to take those roads over, and clearly our Police Commissioner was allowing it. And as you've seen by some of the conduct of our members in several of our sessions, they're very upset about it, they're highly upset about it, and that's what leads to a severe lack of trust.

Then I hear the Commissioner writes a letter to the Sheriff requesting him to take over the Warrant Squad. What Commissioner, who truly cares about his department, forget Police, would just give it away? I venture to say that if Yonkers were to have set up a radar trap in front of 1 Police Plaza in New York City, Commissioner Kelly in New York City would have had them towed away, if not arrested. People protect a job that does really well.

We've also seen the productivity change. We all read the 63% article. And I don't ever mean to put anybody down or hurt anyone in particular, never the individual Sheriffs who are out there doing the best they can. This is a political game that Steve Levy has played because he dislikes the Police Department, very much dislikes the union. This was orchestrated, it showed the complete lack of trust that we have for him now. That plan took a long time to bring to fruition. We can't just say, "Okay, here's the money. We'll go along, we trust you." If you really have no intention of taking

any more of our jobs, sign the language; sign the language that protects it. You still have the right to civilianize or eliminate jobs, we're not saying that you don't, that's part of the language that we have. But what we are saying is we all remember April 1st was the drop-dead date or the County was going to fall into the ocean. Well, the only thing that's disappeared in that time are Suffolk County Police jobs and we want the jobs that we held as of April 1st back.

The PERB case, the Police Officers who are in Highway Patrol, that case in PERB, we're willing to make that fight within PERB and whatever the Judge decides, we're prepared to live by. Nobody is saying that Steve has to give that back, we're not twisting his arm to do that, we will live with whatever the decision from PERB is. But as far as coming to an agreement and doing the lag payroll or some form of it, we need to have the language that guarantees no more of our jobs will be given away to another Police agency. And I'd be more than happy to answer any questions.

**P.O. LINDSAY:**

The reason, to my colleagues, why I asked Mr. Frayler to come up before this is that you -- so that you could ask questions, it isn't under Public Portion, so. Maybe before I recognize Legislator Alden, if I could just ask, Mr. Frayler, do you see any progress at all?

**MR. FRAYLER:**

I have to say that today I did get a call from Jeff Tempera and he wants to schedule a prolonged session, he says we're going to need more than a few hours. And as from the beginning, I let Jeff know, "You tell me when and it doesn't matter how long, I'll be there." You know, we're willing to try to work it out. It seems to me that now, through some of the things that we've discussed and what Presiding Officer Lindsay has attempted to work out and bring the parties together, it seems like there is a willingness now on their side to come forward and maybe reach that conclusion and guarantees the jobs. I hope so.

**P.O. LINDSAY:**

Okay. And just for my colleagues, and I think you can verify this, in all my discussions over the month of July with you, and Tempera isn't here to validate it, but I've said the same thing over and over again, we need the PBA to agree to the lag payroll like every other employee in Suffolk County.

**MR. FRAYLER:**

As I've said, I agree with that a hundred percent. We're willing to do it, but we have to have those jobs protected.

**P.O. LINDSAY:**

Okay. Legislator Alden.

**LEG. ALDEN:**

Thank you, Mr. Presiding Officer. Jeff, one quick question on the hearings; and that's sworn testimony, right, the PERB hearings?

**MR. FRAYLER:**

Yes.

**LEG. ALDEN:**

Is that sealed after the hearing is over, or is that available, Would that testimony be available to us?

**MR. FRAYLER:**

I believe we can get the minutes, I can ask my attorney. We can get the minutes of that. Believe me, we will, we'll get them.

**LEG. ALDEN:**

Thank you. And if you can share them with us, I think it would be very important, because there were certain promises made to at least -- this I can vouch for 1,000 percent; the Commissioner, before he was sworn in as the Commissioner, sat in my office for about two hours and one of his key promises was that before any major change or even slightly minor changes were made in policing in Suffolk County, he would come to the Legislators, me specifically and every other Legislator. And on the record, when he was questioned, because I asked him the same thing, on the record, before the public, he made that same statement. So that just seems like really going back on something that was key in actually my vote for him to come on as the Commissioner.

**MR. FRAYLER:**

Well, he's also the same guy who said he would never backfill with COPE and take them out of their jobs.

**LEG. ALDEN:**

You're right. Thank you.

**P.O. LINDSAY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Jeff, you know, we've all talked about our growing concerns about what's going on with the ability to, you know, staff basic patrol function, and last Thursday I talked about, you know, my concern with the neighborhood watch and some of the other functions here in the 4th Precinct. It occurs to me, as we're continuing to talk about this, there's a natural retirement cycle, I think, that occurs with your work force, and my recollection was I thought that it was -- the natural breaks are January and July when Police Officers traditionally go out. Did we have another round of officers that retired during the past month?

**MR. FRAYLER:**

Yes, I believe we had another 33 to 35. And through the -- you'll get very few between now and the rest of the year. But one of the things that you have to remember, what's unique to patrol is that when people retire, people get terminated, people get promoted, whatever the case may be, they're pulled out of Patrol and we're short. You know, we are budgeted for 380 more Police Officers than we currently have, that's a sad state. And we all know here that the money for our class, the class that should have been hired this year was removed in expectation of the stimulus money; that stimulus money appears to be not forthcoming.

We all know the fiscal crisis that we're dealing with. You're putting your Police Officers, the men and women of this great department, under tremendous stress, especially in light of the conduct of the Police Commissioner who think it's okay to transfer people all around the County and play these political games in order to pressure the union to give in for the County Executive. Well, all of these things are going to take a toll, but one of the things that's really and truly going to take a toll on the people of Suffolk County is the fact that hiring to the street is going to take a year at best, and we haven't even begun the process. If we hire a class tomorrow, they'll be lucky to be here by the end of next summer. That's something that is going to create a lot of havoc out on the streets of Suffolk County.

**LEG. KENNEDY:**

Jeff, I just have one other question with that Warrant Squad memorandum that the Commissioner put out on Wednesday afternoon, at 4:15 in the afternoon. Did that, in effect -- did that take effect or is that unit still functioning now; what became of that?

**MR. FRAYLER:**

To the best of my knowledge, I had conversation with Sheriff DeMarco yesterday and he told me they are not taking the Warrant Squad. I believe Presiding Officer Lindsay had conversation with

the Undersheriff, Joe Caracappa, who told them no commitment was made, despite what Commissioner Dormer had said here before the Legislature that it had been agreed to. Apparently much like what Cameron said and the fact that he would never, you know, backfill with COPE, what he said here was less than accurate as well, too.

**LEG. KENNEDY:**

My concern, again, goes to a very simple pragmatic thing. With seven officers and in my conversations approximately eleven hundred individuals apprehended last year who were out on warrants, even if all we were talking about is cost effectiveness, I can't think of a more cost effective way to preserve the public safety. And in absence of any accurate information, I apologize to my colleagues, but I'm just desperate to know what's really going on, and it seems that's not forth coming. So I appreciate it. Thank you.

**MR. FRAYLER:**

You're welcome.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

I would also agree that predicated on the letter dated July 31st which was sent by the Director Tempera to you, that apparently the County seems to be, as you pointed out, maybe moving in the direction of some sort of a mutual settlement with regard to this entire issue.

I'm not going to read the entire letter, but there are some sections here, one section in particular which I think kind of leads me and others who have read this letter in that direction. The County has offered to resolve, and I quote, "The County has offered to resolve the issue of Police Officers being removed from work and transferring that work to other County sworn officers, to grant the arbitrator in the current interest arbitration the authority to issue an award for an additional year through December 31st, 2010, that there would be no layoffs of unit members for the remainder of 2009 and 10, that the County will not seek additional concessions for 2009 and 10 excluding through contract negotiations, to restore the overtime, to restore the overtime removed from the budget with the understanding that it is not a guarantee, that the department can't exercise its management rights to control overtime. In addition, the department will not seek the transfer of the duties of the Warrant Section to the Sheriff if we are able to come to some sort of agreement."

Other parts of the letter, Mr. Tempera indicates that there are 30 different command units, that there are settlements, as far as he is concerned, in 23 -- 22 of those areas, yet there are still some open questions in eight command units and he's asking you for some input in terms of duties and functions of those Police Officers. But the impression I get from reading the letter is that they seem to be moving in the direction of some sort of a settlement if an agreement can be reached with reference to the lag payroll.

**MR. FRAYLER:**

The money is the least of the problems in the discussion. If you look at that letter, the brave men of the Marine Bureau who made that rescue, the Marine Bureau is not on that list. Does that mean they're looking to eliminate the Marine Bureau?

The SOA and the Detective Division agreed to have their overtime restored and what happened? Despite that agreement and giving the lag payroll, their standby pay was taken away. And the Commissioner knows very well what that could have led to and it did; it led to a horrific event where a poor individual was left laying in the street for hours and hours and hours. And had they lived up to their word and kept the overtime that they were enjoying at that moment, I'm not even saying restore what had already been taken away, I'm saying just left it alone from that point, that incident never would have occurred.

**LEG. BARRAGA:**

Well, I think the letter talks about the restoration of overtime if some sort of an agreement can be reached. And I agree with you, there's no mention in the letter with reference to the Marine Patrol section, but it is one of the eight areas that Tempera would like to discuss with you in terms of the duties and functions of these units to see if you can come to some sort of an agreement which would lead to the lag payroll.

**MR. FRAYLER:**

I have been available every time they asked, I'm here today. When Jeff talked to me before this meeting, I told him, "I'll sit down for as long as it takes." But everyone has to realize, put all of the rhetoric aside, put all of the language issues that they have that, you know, talk about, "Well, we'll give what's guaranteed under your collective bargaining agreement. We'll give you what is guaranteed under PERB law"; well, that's ice in the winter. That is not guaranteeing the jobs that we currently enjoy and that's what it's going to take. And again, I keep going back to the fact that they've said it publicly that they're not looking to take them; if that's truly the case, sign the agreement.

And the other issue is -- that I think needs to be looked at is where do all these Sheriffs come from? There's 44 to 50 on the Expressway, the Marine Bureau is left out, there are several other commands, at least seven I believe, that are left out. Where are they coming from? Whose funding that? What funding have you been given prior to now that paid for all those additional bodies? I think that's something that needs to get looked into.

Suffolk County Police Officers and their pay are on the front page of every newspaper, come up at every press conference that Steve Levy has, and you know he has quite a few of those, but nobody is asking the question of where did all these Sheriffs come from? Who's paying for the overtime so that the jobs they're being pulled from are being done? I don't hear that discussion anywhere. But you know what I hear all the time? "Jeff Frayler, PBA, we want that lag payroll. You know, you guys make a lot of money." And I'm telling you, we make a good salary, I never say we don't. The PBA has done a great job through the years, my predecessors have been phenomenal, but the reality here is we are happy to do our fair share, but our jobs cannot continue to be taken away from us and given to other law enforcement agencies with the County and have cooperation be expected; it's not practical.

**LEG. BARRAGA:**

The only thing that I would ask is that if the offer has been made to sit down, some sort of extended negotiating session, go ahead and do it.

**MR. FRAYLER:**

I'm there. I have told Jeff that already and I've been available -- I haven't canceled or missed one meeting, not one, including today.

**LEG. BARRAGA:**

This kind of exposure I don't think helps anyone.

**MR. FRAYLER:**

There's only one issue.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. The one thing that was discussed at least -- well, by myself and others for quite some time now, and especially at the last Public Safety meeting and you referred to it, we were talking

about Patrol and backfill of Patrol; now, not only by COPE but by any number of units. I just want to get your impression, because it's a great concern of mine and I think it should be to all the residents of this County, of what other units and what other functions within the department are suffering as a result of boosting up patrol?

Now, we know patrol is important, we know that the response to the calls for service are, of course, the primary function that the road going public or people who have their homes burglarized or anything like that, they want that response in a timely fashion. But as you know very well and we know very well, that's not all the Police Department does. There's a lot that goes on behind the scenes and most people don't see that lead to the arrest, that lead to crimes never taking place in the first instance such as investigations by the Gang Unit or Drug Unit or any other number of units that operate, you know, somewhat in anonymity within the Police Department. And from what we've been all to extract, like pulling teeth with a string tied around the door knob and slamming it at times, has been that these units are being drawn down on a regular basis. I'd like you to comment on that; what areas do you see as the most impacted?

**MR. FRAYLER:**

Well, first you have to start with the fact that we're 384 below what we're budgeted for. And right from the beginning, Steve and Commissioner Dormer have been less than honest with this Legislative body. Early on they came in and they told everyone about the doom and gloom, how short-staffed they were, how Bob Gaffney hadn't hired a class for 2004. What he didn't tell you at that time is that there was a class in the academy that was a Bob Gaffney class of 133 Police Officers. But you heard when Dormer first came in about all this doom and gloom, but through civilianization and efficiencies, which I know you're all getting tired of hearing, we will create all these additional bodies and have more Police Officers on the streets than we ever had in the history of the department; we hear that all the time. If you did, you wouldn't be backfilling with Gang Units, COPE Units and Crime Section Units. Those officers would be in their commands doing their jobs rather than being in patrol cars covering sectors throughout the County.

Now, when those 133 Police Officers graduated, miraculously we had press conferences galore. Here's Steve Levy; "Through civilianization and efficiency that I and my Police Commissioner have introduced to the Police Department, we have been able to make X amount of promotions to bosses. We've made X amount of promotions to Detectives and we have more Police Officers in the streets than we ever had." Well, I'm here to tell you that it wasn't through civilianization and efficiency, it was through the 133 that graduated the Police Academy in July of '04; that's what did it. And they perpetuated that story from day one where Commissioner Dormer came here and said he would never backfill with COPE, that the COPE Unit, created by Dan Guido, who was probably the best Police Commissioner we ever had, dealing with quality of life issues in all of our communities, getting down and dealing with the real complaints that people who live in suburbia and in particular Suffolk County have, it was earmarked and it was tremendously successful. And each time we run into financial difficulty, as we did with Bob Gaffney, what do they do? They eliminate that great unit, COPE, and then it comes back because without it there's a lot of pain, pain to the people. The public suffers. And when there's enough outcry from the public then you act, and when you act things get restored. What we need now is don't let it disappear again.

**LEG. LOSQUADRO:**

I understand completely. The point I was getting to is I've asked the Commissioner repeatedly, he made a public statement back the end of last year, I think the number was 140 less officers or 140 more officers on patrol, 147 less in the department. And I said, "Okay. Basic accounting tells me you transferred 287 people, then; where did they come from?" Because to accomplish that, you have to add the two numbers together. And the evening before the last Public Safety Committee meeting, I was given a partial list of transfers and things that occurred within the Police Department, but it didn't even account for half of that number that was quoted to members of this body, and a lot of those transfers that were listed on that document that was provided to me were temporary transfers from units of people who went out for three weeks but then went back to their old job.

So what I have been trying to get to the bottom of for years now, since these statements have been made, and perhaps the PBA or someone can finally be of assistance here, is where are these bodies coming from to make up the patrol numbers? And what units -- I mean, it's just very simple; there has to be work that's not getting done somewhere. Other units are suffering and, you know, we as elected officials have a right to know what those are so we can make the appropriate decisions when it comes to the safety of the residents of this County, and we're not being given that information.

**MR. FRAYLER:**

The Police Officers came before you, those that work in COPE units and they tell you, nobody's there. Legislator Kennedy spoke of neighborhood watch. He was directed to get people involved, he did, and what happens? No one answers the phone now. You know, it's just like response time. Response time is going up out there, it's taking longer and longer for your Police Officers to get to the calls. But as was reported in Newsday, they had another great press conference and our Commissioner said, "We're changing the way that we calculate response time." If someone is breaking into your house at nine o'clock at night and you dial 911 at nine o'clock, that's when the response time should start, and up until now always has. However, the new calculation goes from when the call is dispatched. So if there's no car available for half an hour and the car doesn't get to your house until 9:35, the response time that they're recording and coming here and telling you how great they are is five minutes. But for the poor person who needed an emergency response, it was 35 minutes and 35 minutes is totally unacceptable in a County like this.

**P.O. LINDSAY:**

You done, Legislator Losquadro?

**LEG. LOSQUADRO:**

Yes. Thank you very much, Jeff.

**P.O. LINDSAY:**

Legislator Montano.

**LEG. MONTANO:**

Good afternoon, Jeff. Jeff, just one quick thing, more specific. After the murder in Central Islip in May and the assault at Timberline Park and then the more recent murder on Patton Street, there was a press conference by the County Executive, Police Commissioner and District Attorney talking about reorganizing the Gang Unit. What is the status of the Gang Unit and the reorganization at this moment? Have those transfers been effectuated, has this new structure been put in place, is it on hold; basically where do we stand with that?

**MR. FRAYLER:**

I haven't seen the actual transfer, I can only go by what the Commissioner said here, that clearly each individual -- the intent is that each individual gang unit that's attached to each separate precinct -- and don't lose site of the fact that each separate precincts have separate and distinct problems as it relates to gangs. Not everyone is created equal in the gang world. And to centralize the unit -- and again, there's many fewer gang officers being put in this centralized unit than we had when we had them in the individual precincts. And he loves to use terms like "hot spots". So what's going to happen is where we have a major problem you'll get them flooded, but the way to deal with gangs, if you look at any of the research and talk to any real Police professionals about it is in the prevention and getting out there in the community, walking the streets, talking to young men and women who may be leaning towards joining a gang. That's where some of what goes on here in Suffolk County is very disturbing to me as a resident, is the Hispanic community and certain immigrant communities that we have suffer when we have a County Executive who is as callous in his speech as our County Executive.

And some of these people who would like to hurt gang members -- not gang members, excuse me, but who would like to hurt minority community members, they feel empowered. And if people in the minority communities, in particular those where gangs are prevalent, if those people are hurt, that

empowers the gangs. You know, if I got beat up by a gang and I had a son who was very disturbed by that fact and the Police came and the Police really didn't do anything about it, they weren't able to or it was a bad response, well they could pray on my son and say, "You see? The cops don't care. You know the County Executive doesn't care. We'll protect you. You come join our gang, we'll give you pride, we'll give you something to stand up to make you proud and we won't let anything happen to your family." We have to be very careful of that. Not just the after-response to a murder or an assault, we have to accept the fact that gangs are growing at a very upsetting rate here in Suffolk County and it needs to be stopped and it needs to be stopped quickly. And the only way it's going to be done is by a strong Police presence and people who are educated in dealing with gangs, and every precinct's unique issue needs to be dealt with in the precinct.

**LEG. MONTANO:**

I agree with what you've said and I won't repeat it. But the other day after the Villalobos shooting I was -- or stabbing, rather, I was having dinner in my district in a restaurant, I was talking with some of the people. And there is a real perception within the Hispanic community, particularly around Patton Street, and I was told specifically by people that would know because, you know, word gets out on the street very quickly -- we may not know about it but people that live in the area do -- and there is a real concern and there was a real fear by many people who knew what was going on in terms of calling the Police Department, they didn't want to get involved. There was concern that, "Well, we know people that may be undocumented, they may be in our family, they may be our neighbors," etcetera, etcetera, etcetera, and that is a real problem in terms of law enforcement. And this goes back to the initial concept of the deputization that first came forward when I got elected, and I think we're seeing that effect.

I also believe, and just comment on this very quickly that, you know, when I was growing up in the city, there was a prevalence of gangs, but you had officers in the Community Relations Unit that would go into the pool halls, the neighborhood youth programs and deal with the kids and there was a rapport within -- between the Police Department and members of the community and if something happened, they would have intelligence, they can go out there and ask a couple of kids, and I don't get the impression that we have that to the extent that we need it, if at all. You know, what is your impression on that? Am I accurate in my perception and is the perception within the Police Department and its relationship in particular to the Hispanic community as I express it here?

**MR. FRAYLER:**

When you look at a community whose population is roughly 1.6 million and you have 20 gang officers, that speaks for itself. The reality is that they need to be more involved within the community. Those officers who aren't assigned do a tremendous job. Our Gang Unit is very successful, but one of the issues -- and again, I know they became a victim of hard fiscal times. You look at the DARE unit, we have much fewer officers in the schools than we ever had, contrary to what the Police Commissioner says; and there is a pattern there, most of what he says here is less than accurate. But when you look at DARE, you can even set aside the effect that they have on drugs in our communities. The most important thing is that the first encounter that young people have with a Police Officer is very positive. They see Officer John or Officer Jane and they love them, "Oh, Mommy, Daddy, Officer Joe told me this story today, it was so good. He came into my class," it's good. Because when you take that away from our children, what is usually the first encounter? A traffic ticket, which is negative, or there's a fight at the family BBQ and they see Uncle Joey get locked up for beating up Uncle Billy at the BBQ and he's taken out in handcuffs by the Police, so the Police are put in a bad light. It's very difficult for the Police to really have those positive encounters.

The ones that really have the most profound effect is when we save a life, when our Marine Bureau saves somebody from drowning, when your child is not breathing or there's somebody drowning in the pool in the backyard and it gets there in time to give mouth-to-mouth and save your child's life. Nobody talks about the money during those moments. But that's what happens every day in this County. The men and women of the Suffolk County Police Department do a phenomenal job. And our numbers are getting less and less and they're getting stretched too far the ability to deal with gangs, with COPE issues, with a lot of the issues that face the public today are very difficult and our numbers are depleted.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Hi, Jeff. Thanks for being here.

**MR. FRAYLER:**

You're welcome.

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

I just want to clarify a little bit more, getting back to the negotiations and the lag payroll. Because as I read the language of Jeff Tempera's letter and I listened to your reaction to that letter, it seems to me that that issue of distrust is rearing its ugly head again. And that the County -- the County Executive's Office and the Commissioner and you, or Jeff Tempera and you, are -- differ in how you define the duties of a Police Officers. I mean, in the letter it says something about 30 duties as opposed to eight duties or --

**LEG. BARRAGA:**

Commands.

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

Commands.

**MR. FRAYLER:**

Right.

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

And as I understand what you're looking for, rather than trying to itemize those duties that are done by Police Officers that you do not want to have transferred to other areas of the County, what you're asking for is a kind of blanket statement that says that those duties that are performed by the Police Department will remain in the Police Department. Does that kind of encapsulate what the issue is?

**MR. FRAYLER:**

That's pretty accurate.

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

Okay. So do you --

**MR. FRAYLER:**

Except, again, for the highway issue where we're willing to allow the PERB judge to decide that.

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

Right, that's in the letter, you said that. So do you think that you will reach the point where Jeff Tempera will be able to accommodate you in having that blanket language, or do you think that you might be working toward having a bigger and bigger list included?

**MR. FRAYLER:**

I don't think the list will get any bigger. When you go back to the drop-dead date of April 1st when the whole world was going to end, you can take a snapshot at that point in time and look at it. If there are certain issues where it was something that could be civilianized, they have the absolute right to civilianize. You know, part of the problem that we have right now where the trust is really at issue stems from the testimony that's come out under oath at PERB. And I can tell everyone here, you will all be as shocked as I was only I got to be there as it was coming out of certain individual's mouths. And it's clear that they weren't a patrol presence on the Long Island Expressway and Sunrise Highway within the Police District, it was set up from a particular date and we now know the

date. And that's what I don't want to get into with the semantics of the negotiations over the language, because -- just because the Sheriff's boat drove through Huntington Harbor doesn't mean that they patrolled Huntington Harbor and their responsibility was handling 911 calls and emergencies within Huntington Harbor. The Police District, in 1960, was given to the Suffolk County Police Department. And the jobs that we currently enjoy, unless technology changes or there's an ability to civilianize, that's fine, we all know things are going to change. There's a difference between change and what appears to be a dismantling of the job. And again, the story that got told here the morning that it occurred, or I guess the first Legislative meeting after it occurred, that nobody knew anything until nine o'clock that morning; I can tell you unequivocally that that is not the truth.

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

Thank you, Jeff.

**MR. FRAYLER:**

You're welcome.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yes. As Chair of Public Safety, I have been trying to help, as the Presiding Officer has, to try to resolve this issue. And I guess you're aware that in the past, you know, I've supported the County Executive's initiatives when I thought they were fair and equitable and a good move, not always to your pleasure. I don't know if you know, but as I've been reading in the paper, I'm your new best friend.

*(\*Laughter From Panel\*)*

So I guess things do change. Unfortunately you can -- you have to be on one side or the other, and as long as I'm the Chair of Public Safety, I'm going to be on the citizen's side.

I have a Procedural Motion, because I know that there have been times in my committee where after the committee, when I check out what I was told, it was false; sometimes half truths, sometimes lies. And this is Procedural Motion is asking for subpoena power because people have told me that they're afraid to come because of punishments and threats. I'm getting those myself right now, so I can understand why they would be fearful.

**MR. FRAYLER:**

And I can tell you this in regards to that. When we had hearings on Police Department staffing, the Commanding Officer of the 4th Precinct was at that time the Commanding Officer of the 1st Precinct, and when he said he needed additional Police Officers due to problems that existed within the 1st Precinct, he was subsequently transferred to the 4th Precinct. And from that point, no Precinct Commander was allowed to testify at those hearings, I believe the Chief of the Department, Bob Moore, from that point forward would be the only one that came to answer any questions.

**LEG. EDDINGTON:**

Well, then do you feel that having subpoena power and the ability to swear in witnesses would help in any way maybe alleviate the situation and get some closure on this problem?

**MR. FRAYLER:**

I think that clearly it would help people be more honest and play less semantics. Back when the CO was transferred from the 1st Precinct to the 4th Precinct, I had asked Angie Carpenter and Pete O'Leary, who were then on the Public Safety Committee, to do just that. That we can't have Commanding Officers afraid of coming forward and telling the truth and being punished for it and being transferred. I think what Steve likes about our Commissioner is the fact that he only does

what he's told to do, and that can be a difficult thing to deal with.

**LEG. EDDINGTON:**

Thank you, Mr. Frayler.

**P.O. LINDSAY:**

Okay.

**MR. FRAYLER:**

That's another thing. One thing my attorney advised me of is we also had two Police Officers who were assigned -- a Sergeant and a Police Officer who were assigned to motorcycles. They testified at the PERB hearing and by the time they got home there was no more Motorcycle Unit. It's a dysfunctional problem that we have between the County Executive's Office and the Police Commissioner and something needs to be done to straighten it out.

**P.O. LINDSAY:**

Okay.

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

Ed Romaine.

**P.O. LINDSAY:**

Ed?

**LEG. ROMAINE:**

Yes, just a quick question about the Motorcycle Unit, if I may. It's my understanding that it was authorized to be disbanded at two o'clock that day, regardless of the overtime expense or anything of that nature; could you comment on that?

**MR. FRAYLER:**

I heard the same thing and it was that, "We don't care how long it takes you to bring those motorcycles in here, we want them in here today." Clearly it was a punishment for the testimony.

**LEG. ROMAINE:**

Regardless of the overtime.

**MR. FRAYLER:**

Correct.

**LEG. ROMAINE:**

I'm making a formal request of the Budget Review Office to provide me overtime cost of disbanding the Motorcycle Unit without notice at 2 PM as of a certain date. My understanding is there was no notice to any of those officers or any of their commands and overtime had to be employed to get those motorcycles back and secured. So I'm asking for the Budget Review Office to give me a full accounting of the overtime expenses involved in that decision. Thank you.

**P.O. LINDSAY:**

Okay. Legislator Kennedy has the last question.

**LEG. KENNEDY:**

Jeff, just one more. With all these specialized units and the things that we're hearing about the possibility of disbanding, one of the things that I heard at a fire department function on Saturday was a concern about the Arson Squad or the Arson Unit. Has anything come to your attention about the possibility of disbanding that as well?

**MR. FRAYLER:**

Well, that's a Detective unit and I haven't heard anything about them being disbanded.

**LEG. KENNEDY:**

Okay. Thank you very much.

**P.O. LINDSAY:**

First I'd like to thank you for coming here tonight. I'm sorry that Mr. Tempera couldn't be with us tonight, but he will be at our next meeting. And we got kind of far afield here; the issue was we need this contract dispute resolved, we need the PBA to agree to a lag payroll.

**MR. FRAYLER:**

Well, that's not a contract dispute, let's get that clear.

**P.O. LINDSAY:**

All right.

**MR. FRAYLER:**

The contract's totally separate. As far as the lag goes --

**P.O. LINDSAY:**

We need that done, Jeff.

**MR. FRAYLER:**

The only issue that stands out is the fact that the jobs need to be protected.

**P.O. LINDSAY:**

Okay. We need a settlement. What I'm telling you is the same thing that I told Steve Levy, I'll tell the same thing to Jeff Tempera as well.

**MR. FRAYLER:**

Well, hopefully we'll get there. We're trying.

**P.O. LINDSAY:**

All right? And I know Mr. Zwirn wants to respond to some of -- come on forward.

**MR. FRAYLER:**

Thank you very much.

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

Thanks, Jeff.

**LEG. ALDEN:**

Thanks, Jeff.

**MR. ZWIRN:**

Thank you, Mr. Presiding Officer. You know, a lot has been said and I would like the opportunity to respond, and I'll be brief. But one of the things that's been talked about is the PERB complaint that was filed. I would request that the PERB complaint that was filed be read into the record, and I don't have a copy of it with me. But I remember all the rhetoric that was suggested about that was about public safety, about putting the Sheriffs on. The complaint was surrounded by overtime losses, vacation pay losses; it was monetary, not about public safety. Because there were questions that were asked -- mentioned about PERB, and I think that should be part of the record so that the public will understand exactly what -- the basis of that complaint was.

You know, I listened to Mr. Frayler and we're living in another world. You talk about the 380 Police Officers that are in the budget that were not funded; they were not funded. There was no money in the budget to pay those salaries. The Legislature didn't fund it, the County Executive didn't fund it;

there was no money in there to pay for them. So when they say there's 380 positions that are there, they were never funded positions, they were not real. And those positions were not filled because there was no money available to do that.

Sales tax revenue continues to go into the tank. You know, we're talking about a perfect world where there's money to pay for everything. Every bargaining unit in this County has come to the table and worked the lag payroll. You know, there's a gentleman by the name of Fred Gorman who is a civic leader who requested the salaries of all the Police Officers in Suffolk County; over 500 of those Police Officers make over \$150,000 a year without benefits added to that. We have asked AME workers, we have asked people who are Civil Service employees around this County who make 35, \$40,000 a year to step up to the plate and give up 10% of their salary. You on the Legislature and elected officials and exempt officials have all done that and we've all seen the results. We have asked the Police Department -- everybody says, "Well, we can't get together"; we have settled with every other bargaining unit in Suffolk County. And as you know, they're not all fans of the County Executive; in fact, probably none of them are fans of the County Executive, but they managed to get together in good faith and get this resolved. This is the only bargaining unit that has not stepped up.

The Police Commissioner was here and has always been here; every time you have asked him to attend he has done so. And even though that I think he was under an awful lot of pressure, he handled himself as a gentleman, answered all your questions and stayed until every question was done.

**LEG. MONTANO:**

He didn't answer my questions.

**MR. ZWIRN:**

Well, there were certain questions that he could not answer on the advice of Counsel and you saw that.

**LEG. MONTANO:**

Right, but --

**MR. ZWIRN:**

Excuse me. When the County Attorney -- if I might.

**LEG. MONTANO:**

Well, don't misstate, because he did not answer every question.

**MR. ZWIRN:**

He answered the questions --

**P.O. LINDSAY:**

Okay. Let him finish his statement.

**LEG. MONTANO:**

Sure.

**MR. ZWIRN:**

He answered the questions unless the County Attorney stepped in, on advice from the District Attorney, not to jeopardize a prosecution of three individuals who have been charged with murder.

Let me also set the record straight again. The fact that there was no -- the standby policy that the Commissioner imposed had nothing to do with the incident in Brentwood where the body was

on-scene for a long period of time; it had nothing to do with that. It had to do with the events that took place and the extensive crime scene that was there. The event happened at night, everybody responded; the Crime Scene, the lab technicians, the identification personnel, the Police were on the scene cordoning off the crime scene in the beginning and it was a very large crime scene, and the Police did their job and they apprehended the people who they believe are responsible for these heinous acts and others as well.

The department worked. The Police Department is working. What we have here is a dispute over money in one of the most difficult economic times that anyone has ever seen. And the County -- it's easy to sit here and say the County Executive should do this and there's not enough people here and there's not enough people there; somebody has to pay for all this. We took money out this year, the Legislature together with the County Executive, took \$3.2 million out of this year's budget for a class that would have started very late in the year. We tried to get stimulus money. We've even been accused by the PBA of manipulating statistics so that we wouldn't get the stimulus money; it's absurd. Does that mean every community in the United States of America who didn't get stimulus money manipulated their figures; New York City, Nassau County? It's absolutely absurd accusations to make. We tried to get that money because it would have alleviated the taxpayers for the next three years of having to pay for 80 more Police Officers coming on board.

But ladies and gentlemen, we're living in a crisis mode and we have to do the best we can with resources. Unemployment rates are at record levels out here in Suffolk County, foreclosure rates. I attended a fundraisers last night for the food pantries out in the east end, Legislator Schneiderman was there, because people are relying on these services more than ever before because they're struggling and they cannot make ends meet.

We're asking you not to table IR 1296 and pass it today so that we can have some pressure, so we can put some pressure on the PBA to try to get this done. We've done it with every other bargaining unit, with your cooperation and support in this County and it has worked, but we are \$7 million shy that we were counting on. You want all the patrols filled, you want every position filled. You don't want any reduction in services; we have to have the money to do that and we have to do it together. And we would appreciate it.

I appreciate the opportunity to respond here today and I look forward to the debate going forward. But it is very hard to sit here and listen to some of the things that were said without being able to respond, so I thank you very much for the opportunity.

**P.O. LINDSAY:**

Wait a minute, wait a minute. Legislator Viloría-Fisher and I have a two other Legislators that just would like to ask a question.

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

Hi, Ben. I'm not a labor specialist, but I do have a remark regarding your opening remarks. It's always been my understanding that if you bring a complaint before PERB that it has to revolve around terms of employment. I don't think that the complaint could have been about public safety, but rather it had to be directly involved with terms of employment and that would be salary and overtime and that sort of thing. So I think that's where the complaint had to be.

**MR. ZWIRN:**

Well, the rhetoric that was surrounded the complaint --

**MR. FRAYLER:**

It was the injunction, not the PERB complaint.

**MR. ZWIRN:**

All right, so the injunction. The rhetoric has been about how public safety was going to be affected.

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

Okay. But I'm just trying to say that that had to be the complaint.

**MR. ZWIRN:**

I'm just saying, read the language that was revolving around the legal proceedings and you'll see it's very different than what the perception was.

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

Okay. What I'm saying is I think that's what it has to be; it has to be regarding terms of employment.

**MR. ZWIRN:**

But I think the public should understand that as well.

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

Okay. Legislator Montano.

**LEG. MONTANO:**

Ben, I've heard what you said, I've heard it before and I'm going to resist the temptation to debate it with you today. But I do want to take you up on your offer to give us the record of the PERB proceedings. I would like to get copies of the transcripts, the testimony and the documentation; can you accommodate that and, if so, by when? Because you made the offer that we should look at this and I want to take you up on that. I'd like to look at not just the complaint but the entire record. And I would imagine that you would have, or the County Attorney's Office or the County Executive's Office has copies of the transcripts and the testimony. So I'm asking you publicly to disclose that to us and I'd like to know by when my office can have a copy so I can begin to read them.

**MR. ZWIRN:**

I don't have an answer to that because I don't know --

**LEG. MONTANO:**

Well, you just made an offer a little while ago to give us --

**MR. ZWIRN:**

A copy of the complaint, the PERB complaint?

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

Well, that's how you started. You said that you want to make it part of the record, and I agree with you. So if we're going to make it part of the record, then I want the entire record, not just select portions that you think may benefit one side or the other. Is that acceptable to you based on your own offer?

**MR. ZWIRN:**

If it's available to the -- it's open to public, I have no problem with it. And I don't know -- maybe my Mr. Frayler would know, but I'm sure he'll be able to make it available to you as well.

**LEG. MONTANO:**

Right, but you offered it, so I'm taking you up on it. And what I'm asking you is when do you think you will be able to comply with the request?

**MR. ZWIRN:**

I don't know when it's going to be concluded, if it hasn't been concluded, because I'm not a party to the action. So I can get the information for you and get back to you, but I don't know.

**LEG. MONTANO:**

All right. But will you be able to provide the record and the transcripts? Do you have them in your office?

**MR. ZWIRN:**

I do not have them -- I don't have them in my possession. I'm not sure.

**LEG. MONTANO:**

Who would have them?

**MR. ZWIRN:**

I'll have to find -- I don't know.

**LEG. MONTANO:**

All right. Then we'll make a note of that and ask you at the next meeting. Thank you.

**MR. ZWIRN:**

Sure.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

Hi, Ben. Just to get back to I think the sticky point. And the point seems to be with the Police, they've come up and they've represented a number of times that they will be agreeable to the lag payroll, but they want -- and I think it's just common sense type of assurances, that their jobs aren't going to be given away. Is there a plan for those jobs to be given away? Because otherwise, why can't you come up with -- it's pretty simple to me. You know, legalese aside, just, "We don't intend to make any more changes in the Police Department, in the policing -- in the Police District, so all those jobs are guaranteed if you give us the lag payroll." To me -- and I am a lawyer so we can make it more complex than it really should be, but I would like to boil it right down right now. Tell us, is there a plan right now to give away more portions of what are Police duties. Not civilianization which you're allowed to do under the contract, but are there plans right now to do that?

**MR. ZWIRN:**

I think that the County Executive is trying to balance the concerns of the PBA with that very issue without sacrificing the opportunity to make additional reforms to what he believes is the right thing to do in the Police Department moving forward and to where he can save money for the taxpayers.

**LEG. ALDEN:**

Ben, having said that --

**MR. ZWIRN:**

And one of those issues I think was raised and I'd like to address it because I missed it my first time around was warrants. And my understanding, and from the County Executive directly, is that there was an agreement reached between the Sheriff and the Police Commissioner as to -- the Sheriff said he could take over the warrants, but the exact start date was not finalized. So I just want to make that clear.

**LEG. ALDEN:**

And maybe I'm mistaken, but watching the Suffolk County Police Department grow but also watching Suffolk County grow over the years, it was just a few years ago that we were approximately a million people in Suffolk County and we had 300 more sworn officers in Suffolk County doing the policing, and one of those units actually was a unit that Commissioner Dormer commanded and that's the Motorcycle Unit. So I'm standing -- and I swore an oath to uphold the

Constitution, but also it's to protect the lives and safety of the people in Suffolk County. And before any big changes, or even minor changes are made in the Police Department, I would think that the respect should have been shown to this Legislative body to at least make us aware of the fact. And what I heard tonight is really shocking, and I hope for the Executive branch that it's not true, but plans were made over a year in advance to take out the Highway Patrol? That's something that it didn't to anybody to, "Oh, let's just give a head's up to the: Legislative Branch of government?" I find that amazing, and not in a good sense, if that's the truth.

So if there is a plan right now, I'd like you to share what plans you have. And just a blanket statement to same save money, that doesn't cut it, Ben. Because this is a coequal branch of government that is charged with the safety and protection of the people in Suffolk County, and if we're going to make changes in the way we police and protect at least half of Suffolk County -- and it actually goes into all of the County because there are services that are provided to all ten of the towns, not just the five western towns -- I want to hear about it and I'm going to bet, not my life, but I'm going to bet that most of my colleagues would love to hear that plan in advance, not after the fact.

**MR. ZWIRN:**

Let me just say about the Highway Patrol and the Long Island Expressway and Sunrise Highway --

**LEG. ALDEN:**

Those are done deals. I'd like to hear your plans going forward.

**MR. ZWIRN:**

But you said if it was going to happen before the moment it happened, if it was going to happen months or a year before, you would have liked to have known about it. Well, I was here months, months before it happened, as I testified, I was up in Albany trying to get the State highway -- the State Police to take over those roads, that we went up to Albany to try to get money, the Presiding Officer, we were all trying to get the money originally to cover the expense of patrolling those roads. When the money wasn't coming forth, then we tried to get State Troopers and that -- there was --

**LEG. ALDEN:**

Ben, I'm going to stop you right there.

**MR. ZWIRN:**

But that was no secret.

**LEG. ALDEN:**

That's playing chicken with people's lives. When you pulled -- when the patrols were pulled, there was no corresponding assignment of Sheriffs. The first time the patrols were pulled, it was right before the July 4th weekend, not this year but last year. There were no Police patrols, they were pulled off of those highways. We're playing chicken with people's lives.

**MR. ZWIRN:**

No, we weren't.

**LEG. ALDEN:**

Unacceptable.

**MR. ZWIRN:**

That's not true.

**LEG. ALDEN:**

And then the County Executive changes his mind, put out a press release and said, "Oh, not only am I going to put back those patrols, but I'm going to put extra patrols because it's was the 4th of July weekend"; that's unacceptable. This body should have been told about those plans.

I'm asking you right now straight up. You're asking me not to table and to vote for the resolution that would give the Executive Branch the power to layoff Police Officers and abolish Police positions; you tell me right now what the plans are. Are there any more plans to transfer more of the Police functions to another policing body in Suffolk County?

**MR. ZWIRN:**

Yes, there will be additional plans. We --

**LEG. ALDEN:**

You've answered the question. Thanks, Ben.

**MR. ZWIRN:**

Because there's no money. The money's not coming in.

**LEG. ALDEN:**

You answered the question.

**MR. ZWIRN:**

So would you rather have -- you would rather have no changes and run major --

**LEG. ALDEN:**

No, no. Ben, and you know what? I know Jeff Frayler and these cops, they're very smart people. And guess what; if you ask them for an arm and they give you an arm and then you want to take an arm, leg and a couple of ears, they're not going to do that and we're not going to -- I'm for one, I can only speak for myself, I'm not going to empower the County Executive to do that. The last time you guys asked for the power to layoff I think it was Probation Officers that monitored sex offenders, I find that -- what the heck is going on?

**MR. ZWIRN:**

But we didn't have --

**LEG. ALDEN:**

There's other areas to explore that we could save a couple of million bucks.

**MR. ZWIRN:**

But we didn't layoff.

**LEG. ALDEN:**

You don't put people's lives in jeopardy.

**MR. ZWIRN:**

We didn't have to layoff.

*Applause*

**MR. ZWIRN:**

We didn't have to layoff any Probation Officers because the Legislature had the gumption to stand together with the County Executive to get the lag payroll done.

**LEG. ALDEN:**

Ben, you guaranteed their jobs but you're un -- you're really unwilling to guarantee the jobs of the cops right now; that's the big difference between the treatment of the Probation Officers and the cops.

**MR. ZWIRN:**

We had guaranteed the -- nobody --

**LEG. ALDEN:**

You just told me there's plans to dismember it.

**MR. ZWIRN:**

Nobody has lost a job in this County.

**LEG. ALDEN:**

I'm actually done. I'm actually done.

**MR. ZWIRN:**

Nobody has lost a job in this County.

**P.O. LINDSAY:**

Okay. Okay.

**MR. ZWIRN:**

Not one Police Officer.

**LEG. ALDEN:**

No thanks to you.

*(\*Laughter From Audience\*)*

**P.O. LINDSAY:**

Okay, okay. Legislator Browning. And folks, I beg everybody's indulgence that this is taking longer than it is, but it's a very important issue. And although there's dialogue, it's painful for everybody involved. I'm hopeful that the pain will bring gain, that we'll get to an agreement eventually.  
Legislator Browning.

**LEG. BROWNING:**

You know, when I was involved in negotiating contracts with school bus drivers, we always looked at Suffolk County and all the bus drivers around Suffolk County and what do they make and we always said, "We want too". Actually, some companies did have what they call the "me too" clause.

You talk about no money and you keep talking about transferring and transferring and transferring the Warrant Division, Highway, and you're pulling from one bargaining unit to another. And I said it on Thursday at the Public Safety meeting, you know, you keep wanting to transfer because you think you're saving money today, but a few years down the road when the Sheriffs are negotiating their contract, don't you agree and don't you believe that those Sheriffs are going to turn around and say, "You know what? Suffolk County cops were driving Highway for how many years? We want what they made." Transfer the Warrant Division, "We want what they made"; transfer the Marine Bureau, "We want what they made". What are we doing? We might be saving some money today, you think, but down the road it's going to cost us more money. And maybe the County Executive is not going to be here when they get their "me too", but we're -- this is -- I think what you're doing is you're just going down a slippery slope, you're giving another bargaining unit an opportunity to say, "I want the same. We want parody," and it's not going to save us money in the end.

*Applause*

**MR. ZWIRN:**

If you look at what happened on the Long Island Expressway and Sunrise Highway, the County Executive was able to take 55 Police Officers and put them in to your communities to do community policing without sacrificing patrols on those two major roadways. I think that was pretty good budgeting and managing considering the economic climate that we have -- we're in. I mean, you

cannot ignore outside factors with -- look, under a perfect world we probably wouldn't be doing the things, some of the things that we are doing, some of the things we would be doing. But we are now under a lot more pressure to try to make ends meet in this County and, you know, I think that's why you have the County Executive as the Chief Budget Officer and the day-to-day manager of this County in a position to do the kinds of management things that he has to do. If you had to put everything up to a vote, we probably wouldn't get a lot done. Somebody has to take the reins, somebody has to say, "This is how we're going to do it." There's going to be a lot of heat.

And you know, with all due respect, anybody could challenge the County Executive for his spot. When he was up for reelection, nobody did, nobody; he got every line, he got 96% of the vote. So there's a portion of people maybe outside this room who are taxpayers in this County who his positions resonate with who have to pay the bills and are having trouble paying their bills, and they respect and they appreciate his efforts trying to balance their checkbooks with the services the County has to provide, and so far the numbers bear it out.

**UNKNOWN AUDIENCE MEMBER:**

That's right.

**P.O. LINDSAY:**

Okay, we have a couple of more. Legislator Barraga.

**LEG. BARRAGA:**

Just a few comments, if I may. I just want to make sure it's clear in everyone's mind, because I heard the term layoff. No one has been laid off, no municipal employee in Suffolk County has been laid off, no policeman has been laid off, and that will not happen. I mean, I pointed this out last week. The intent of this Legislature and the County Executive, from the very beginning, as I understood it, was to stabilize property taxes and at the same time no terminations, no layoffs. That certainly has not been the case in many other municipalities throughout this State and this nation.

As was pointed out, our sales tax revenues are dramatically down; year-to-date, in excess of 11%. That figure is somewhere between 70 and \$80 million on the negative side. When you have a particular group, for whatever reason, that does not want to participate in the lag payroll and there's a loss of revenue, a loss of savings of \$7.1 million or \$7.5 million, I can easily see why a County Executive, if I was in that position, would turn to the Commissioner and say, "Okay. We're not getting that seven point something from your people, find alternative ways to save that money in your department, in your agency." And for the last couple of months, that's exactly what's been happening and will continue to happen, because this County Executive has to close the gap.

The best way to handle this, very quickly, is not to be coming in here, again, but go out and negotiate with the County Executive and settle your labor problem with him and his people. All you're doing here is lots of rhetoric and nothing is being accomplished and it's getting worse. It is getting worse; the more you come here, the more you have to say, the more negative this tone takes. It's like the snowball running down a hill; it's getting bigger and bigger, until you reach a point where there is absolutely no solution. Work out the lag and the rest will, I believe, fall in place.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Actually, I just have a brief question for Ben that he can either answer now or take it back and get back to me later. Ben, as you know, the Sheriff's Department has taken over the patrol of the Long Island Expressway and Sunrise Highway and now the Warrant Squad. It's my understanding that the Sheriff's Department is paid from General Funds. Those activities that they are now conducting are being conducted for a Special District, essentially the Police District. None of Sunrise Highway is

within -- all of Sunrise highway that is patrolled is within the Special District. All of the Expressway, minus two exits which aren't patrolled, are in a Special District. Is it legitimate to spend General County funds in a Special District? And there may be some complication with the question that I don't understand, and if you don't have an answer I completely understand.

**MR. ZWIRN:**

I have an answer.

**LEG. ROMAINE:**

If you wish to get back to me, I'd like the answer to that at some point.

**MR. ZWIRN:**

I have an answer now.

**LEG. ROMAINE:**

Okay.

**MR. ZWIRN:**

This year the County transferred \$68 million from the town General Fund into the special Police District Fund, and last year I think it was pretty close to that, about \$60 million. So the answer to your question is yes, we do transfer money from the General Fund into a Special District Fund. County General Funds do pay for Police services.

**LEG. ROMAINE:**

Right, but that's from the sales tax. We're talking about funds such as property tax, General Funds that are coming in. Are you spending -- my question is, and I think you know where I'm going with this, are you spending General Funds for Special District purposes?

**MR. ZWIRN:**

Well, we're -- yes, the answer to that question is yes.

**LEG. ROMAINE:**

Okay. And that is permitted under the State Constitution?

**MR. ZWIRN:**

Yes; as far as I understand, yes. We've been doing it. We do it with the Police Department.

**LEG. ROMAINE:**

Well, the reason I raise those questions --

**MR. ZWIRN:**

No, I know. I understand why you raise those questions.

**LEG. ROMAINE:**

You understand because you live on the east end.

**MR. ZWIRN:**

That's right.

**LEG. ROMAINE:**

The east end has their own Police Departments, okay, and they pay into a County General Fund and some of that money is going for a Special District purpose which doesn't benefit them.

**MR. ZWIRN:**

Right. But they do get -- they even get benefits from the Police Department with Crime Scene,

Homicide Division.

**LEG. ROMAINE:**

They pay for those and those are General Fund expenditures, they're not Special District expenditures.

**MR. ZWIRN:**

Correct. Right. But I understand, I understand your question.

**LEG. ROMAINE:**

Okay, but you'll get back to me on that. Because I don't want to pin you down on a quick answer, I'd rather have a full and complete answer from either yourself or the County Attorney as to the legitimacy of that expenditure and its constitutionality. Thank you.

**P.O. LINDSAY:**

Okay. Thank you, Mr. Zwirn, for stepping up and filling the void of Mr. Tempera. And we will ask Mr. Tempera to be at the next meeting --

**MR. ZWIRN:**

Thank you.

**P.O. LINDSAY:**

-- until we get an agreement. We'll keep bringing everybody back.

Okay. I apologize to the people that have been patiently waiting for the Public Portion. You have three minutes. First up is Patricia Bartik. Patricia Bartik?

**MS. BARTIK:**

Good evening. My name is Patricia Bartik. Two weeks ago, I don't know if anybody viewed the Channel 12 or read the paper about "Justice For Joanna", the Nassau County woman what was murdered by her ex? Well, I'm a 24-year survivor of domestic violence; five years not involved with any court system and 19 years involved in the system, still trying to stay alive.

I experienced a very similar situation back in the early 90's with my son's father. However, I am still alive today and I'm still trying to save my life, and I'm still in fear of my life actually. I have 38 Orders of Protections, this is my book of Orders of Protections. And, let's see, one was a five-year Order of Protection, so I've been through the system. My son's father is a parole violator for -- he served two to six years for trying to kill me. After he was released four years, he tried to kill me seven months after he got out, after four years, and then he maxed out his six-year term and he came to my house that night when he came out after maxing out the full six years.

So I know that -- I had spoke at the Suffolk County Forum at the Town of Brookhaven, that "We Work For You". And one of my problems is -- first of all, I have to say, two times I had used the panic alarm and they saved my life both times. One was in 1995 when he was released on parole, and the other time was in 1998 when he maxed out his parole, the Police came there in three minutes, so that was a good thing.

This past holiday, December 14th, my son's father had contacted my Mom, which he always does, and this was something that I had always had to fight for as a contingent in my Orders of Protections, not to contact any family members or through third party. So I had contacted, I went to the 4th Precinct over here, asked for -- you know, reported a harassment thing with my Mom and went to Family Court and tried to get an Order of Protection, which I wasn't granted one. I have a 24-year history of domestic violence with this man. You know, I think that this is intimidation and I was really pissed that I did not get an Order of Protection because when he contacted my Mom after the -- you know, I haven't heard from him for five years now, and he asked my question -- my Mom questions like, "So how's the baby?" The baby is 18 years old now. You know, which frightened me

even more because I'm like, okay, is he living in the past? Is he blaming me for going to jail for his behavior? You know, it was a very frightening experience, so I was very upset when I didn't get an Order of Protection, because the purpose why I tried to get an Order of Protection was so I could get another panic alarm.

So I did speak out at the town forum, like I said, and Commissioner Dormer was there and he did say that he would be able to give me an Order of Protection. Because my biggest fear is if he murdered me today, nobody knows where to find him, and I think that that's wrong. And I've been looking at this new legislation by Legislator Gregory and, you know, I'm just sitting here and I'm like, unfortunately I feel it's not going to work, okay? There are guys that are out there, they owe child support. You know, we know that there's a deadbeat registry, they're supposed to notify the court systems every time they move or Child Support Enforcement Bureau, it never happens, okay? My son's father owes me now like \$50,000 in child support, I just lost my job on Friday, working at Stony Brook for eight and a half years. You know, I'm just about -- I'm a paycheck away from foreclosure, you know, and I can't -- nobody is ever going to get that money for me? My child is entitled to that.

So there's many more issues here about who's going to do this registry. I'm actually working with Assemblyman Mark Alesi and Senator LaValle to try to get a State registry. Because what happened, when I took that phone number that was on the caller ID with my Mom, I brought it down to the Child Support Enforcement Bureau to provide them some information, maybe they could follow-up and try to find him, okay? Not that he's probably working anyway but, you know, I'm a citizen, I'm trying to do what I'm supposed to be doing to get this guy, you know, to pay child support, whatever. It's two separate issues. So anyway, I learned from Child Support Enforcement Bureau that he was just released from jail again. Now, why don't they -- these systems, they're not connected when they come out of jail. They could find out where the person is going or where they're living, but they're not connected, so that's an issue. Number two, they --

**P.O. LINDSAY:**

Ms. Bartik, could you wrap up? You're out of time. Ms. Bartik, if you could wrap up.

**MS, BARTIK:**

Okay. Well, I just want to say it took me 30 days to get an Order of Protection from the time I spoke out at the Town of Brookhaven "We Work For You Forum". And Commissioner Dormer did do a great job, he was pissed at the Lieutenant that he provided the information to, you know, follow up with me; he never followed up with me. So my point, again, and my question, I'm not even sure if I'm staying for the 6:30 Public Hearing because I was here since 2:30, but it's just that, you know, the monitoring, it's a really serious crime, this is a serious issue. And again, if my son's father killed me right now, nobody would know where to find him. So I think, you know, we need to work on these issues.

**P.O. LINDSAY:**

Thank you very much. Cesar Malaga.

**MR. MALAGA:**

Good evening, Presiding Officer, Legislators. My name is Cesar Malaga, I'm the President of the Hispanic American Association. I want to talk about speed on County Road 39. I do not know how many of you drive on County Road 39. The speed written on the road signs, "35 miles per hour", is ridiculous. No one drives on that road at 35 miles per hour; most of the cars are going about 50 miles per hour. I drive often on the road; weekdays, also weekends. The Police cannot stop speeding cars above 35 miles per hour because there is no place to pull over. The speed limit should be increased to 50 miles per hour. The signs should be changed, and also it should be indicated that all trucks use the outside lines. There should be a sign at the Shinnecock Shopping area indicating, "Please allow cars to enter and exit County Road 39". This sign should be placed in the east and west directions.

I was opposed to the enlargement of County Road 39 because more developers will build houses on the farmland and destroy the beauty of the east end, which is now happening. Developers are not -- they do not care about congesting the highways, they are only interested in how much money they are going to make by developing on the east end.

I'm sure that you heard that by building new highways and enlarging existing highways, you do not solve the traffic congestion. The day you open a new or an enlarged highway, the roads are congested. The solution is mass transit. I asked the Long Island Railroad for many years to provide additional service from Speonk to East Hampton with bus connections to Montauk. Their reply was, "There is no demand."

How can you have demand if there's no service available? I even asked the President of the Long Island Railroad, at that time {Permegast} who left to run the London Underground, and I also said in Suffolk County at the Long Island Railroad Commuter's Council to provide a bus/rail transportation from Speonk to East Hampton. He indicated at that time the Long Island Railroad was looking into it. The bus/rail is just adding railroad wheels and smaller adjustments to the bus. Today they have the work trucks that are running now in the Long Island Railroad tracks.

The traffic congestion between Southampton -- I don't know whether you are familiar with it -- Southampton Village, Water Mill and Bridgehampton can be eliminated by allowing cars only to use the Head Pond Road from Hampton Road to Sag Harbor Turnpike. And if going to East Hampton you can continue to Route 114. There is no need to waste money to please developers who are building homes or mega-mansions along Montauk Highway. Just remember that when a new highway or an enlarged highway get congested the day that they're open. The solution to congested roads is mass transportation, bus and rail service.

Thank you very much.

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

**P.O. LINDSAY:**

Thank you, Mr. Malaga. Charles Murphy.

**MR. MURPHY:**

Thank you for listening to me. My name is Charles Murphy. I'm a member of the North Shore Baymen's Association in Huntington. I'm here opposing this leasing of this bay bottom out in the Peconic and Gardiner's Bay. Reasons: The last three years, our area in Huntington have been closed for shellfishing, a large -- the whole area in Huntington, because of a red tide. It's -- it has been closed for approximately about three to four weeks. In this area they want to lease out there, I can go out there and there are clams in these areas where they say there is none. They're missing -- they're giving you wrong information. There are baymen in this room here right now who've gone in these areas and dug clams in these areas.

The baymen are not opposed to aquaculture. Our Town, Huntington, we take 50% of my -- what they charge for my fees, it goes into a grow-out facility, that is the clams are put out into the bay for public -- for public use, for anybody. So this area they're looking to lease out in the Peconics, I think you should table it until you find out more information. There are clams out there that I can go out there, or when these other areas in Huntington are closed. And thank you for listening to me.

**P.O. LINDSAY:**

Thank you, Mr. Murphy. Forgive me in advance if I mess up your name. Joseph Woronowicz.

**MR. WORONOWICZ:**

Thank you for giving me the opportunity to talk to you. I'm here about the same thing, the leasing of the bay.

New York State, Suffolk County, the Towns have spent hundreds of millions, if not billions, of dollars

to save the bay for the ecology of the bay, the Sound, the Peconic Estuary, save the eel grass, save the fish habitat. Now we want to let dredge boats in there, blast the bottom through hoses, six inch hoses with high pressure water, undercut everything with a steel blade and destroy the bottom, destroy the ecology. Who's recommending this, DEC? Cornell University? Are the lunatics running the asylum? Does it make any sense? Why spend the money? What don't we do away with these grants and stuff like that and just say, Let's go out and destroy everything"?

The bottom for years, the shells, shellfish, the fish that belong to the citizens, the residents. Any time they want, they can go out and harvest it, if they lose a job, if they need a part-time job to make extra money. It belongs to them. It doesn't belong to any special interest group, I hope.

I'm not going to waste your time. You think about what I said. And when it comes time to vote, decide who you represent. Thank you, gentlemen.

**P.O. LINDSAY:**

Florence Sharkey.

**MS. SHARKEY:**

My name is Florence Sharkey and I'm a bayperson. And what I've done for my whole life is clam on the Great South Bay. But clamming on the Great South Bay, I had a company called Blue Point Company that was adjoining our lands. I know about dredging of clams. For 99 years they have done it. They talk about the wild clam that I like to talk about in the Peconic and the Sound. Blue Point Company did 90% of their harvesting of wild clams. They said they were aquaculture. Maybe they put out three 400,000 seeds, that -- the type of clams, we can identify them by the lines in them. In my whole life I caught seven. I'm out there over 60 years.

So what I'm saying to you is, if we have a managed program where they let harvest of a special group to go out there, they're not interested in the mariculture system, they're interested in the wild clam, not only clams, razor clams. New York State has the biggest abundance of razor claims in the United States. Our men and women cannot take them because it's mechanical means. Today I could put 500 men doing what agriculture wants to do if the State allowed our people to do it. Think about this: Five hundred employees could go out there with a state license and do it. New York State says you can't because it's mechanical means, yet the mariculture can do it. So, please, when you talk about this program, we've had mariculture. I told you, Blue Point company, I worked next to it. Please, our men need that area when they're closed down from environmental means in our back bays. They have a place to go and harvest clams and they can make a living. Thank you.

**P.O. LINDSAY:**

David Conover.

**MR. CONOVER:**

Good evening, Presiding Officer Lindsay, Deputy Presiding Officer Vilorio-Fisher, and esteemed Members of the Suffolk County Legislature. My name is Dr. David Conover. I'm the Dean of the School of Marine and Atmospheric Sciences at Stony Brook University where I have taught and conducted research on local issues affecting Long Island's living marine resources for 30 years. Harvesting the living resources of the sea has played a fundamental role in the history and development of Suffolk County. Today the County is poised to make a major step in continuing this tradition by adopting the Suffolk County Shellfish Aquaculture Lease Program in Peconic and Gardiner's Bays.

The Legislature's environmental planning agriculture committee recently approved the Introductory Resolution Number 1546, which would by law establish a shellfish aquaculture lease program. I have been a member of the Aquaculture Leasing Program Advisory Committee set up by the County to help it frame and shape the particulars of this leasing program. The objective was to develop a program that would provide a framework for a balanced expansion of commercial aquaculture in our

eastern bays. The concept of balance was key. The growth of commercial aquaculture should not come at the expense of the environmental integrity of these waters, and it should not come at the expense of other beneficiaries of our marine resources, including other commercial and recreational users. I believe the program being submitted for your approval strikes this balance well. The designated leasing areas have been drawn so as to avoid the leasing activities in environmentally sensitive areas or in areas that are heavily used by others. The amount of new acreage that could be leased each year by the County for the shellfish aquaculture program is a very small fraction of the surface area of the Peconic/Gardiner Bay system. Moreover, the leasing process provides that any proposal to lease a specific track will itself be subject to an environmental review and user conflict assessment before any lease is made.

The benefits to the County and its maritime economy from a successful shellfish aquaculture leasing program are clear and potentially very significant. First of all, Suffolk County will secure ownership title to roughly 100,000 acres of underwater lands in Peconic and Gardiner's Bays. However, if the County fails to execute a lease by December 31st, 2010, it will lose this opportunity and the property will revert to New York State. Investment in commercial aquaculture farms in the County will increase, and greater aquaculture production will be achieved with minimal conflict with other users.

The presence of larger numbers of filter feeding bivalves such as clams and oysters will help control the noxious harmful algal blooms and other water quality problems that plague our East End bays. And finally, reproduction from these bivalves that are being farmed may help to augment the spawning potential of natural shellfish in these bays, which represents a win-win situation for farmers and commercial harvesters alike.

Over the last several decades we've seen a loss of employment, a movement away from our bays, sounds, and estuaries to shore-based jobs. This is not an irreversible trend. With the proposed resolution, the County has an opportunity, I believe, to bolster its marine economy in a structured, balanced and environmentally sustainable way, and I urge the Legislature to adopt Introductory Resolution 1546. And I have written copies of my comments that I'll leave at the desk here.

**P.O. LINDSAY:**

Thank you very much, Mr. Conover. Allen Kovesdy. Allen Kovesdy?

**MR. KOVESDY:**

Hi. Good evening. It's been a policy of the Budget Office to keep the Legislature informed on major revenues and expenses as they occur during the year. Last Tuesday, I addressed the Legislative Budget and Finance Committee, gave out a chart that said that we expected a revenue shortfall for this year against the budget in the hundred million dollar range. Unfortunately, we got notification from the State today of today's sales tax numbers. Suffolk County had probably the second biggest hit in New York State. Our revenue is down 14.6% for this last check. The check is the July 1st through basically July 22nd. That's an 11.8 million dollar hit. And the estimates that we had of a deficit in sales tax in the hundred million dollar range, we think we're a bit optimistic, and we will probably have to adjust those revenues down.

I just wanted to point out, secondarily, that this is a two-year hit. If the numbers go down this year, the base is eroded and the two-year problem will probably be in the range between 180 and 200 million dollars. The Budget Office gets one more large check before we present the budget to you. We'll try to keep you informed. But the news was so bad today. New York State revenue is down 11.5%, Nassau County was down point 11.7%, but we were down 14.6. So I just wanted to alert you to the size of the deficit we have in sales tax, that it's growing. We're working to keep the budget balanced, but I thought it was incumbent and Connie thought it was incumbent upon us just to give you the actual numbers as we receive it. There'll be a small check next week in the 17 or 15 million dollar range, there'll be another check following that. But we just wanted to keep you informed as to the numbers, and if you have any questions, we'll either address it at your convenience the next meeting or whenever you'd like. Thank you for your time.

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

Thank you it, Allen.

**P.O. LINDSAY:**

Robert Wemyss.

**MR. WEMYSS:**

Hello. My name is Bob Wemyss. I'm a secretary of the North Shore Baymen's Association. I'm here to talk against Aquaculture Lease Program.

The devil is truly in the details. You know, everybody who comes up and speaks in favor of this doesn't mention the fact that the law requires that the cultivation zone be certified as being without significant hard clam resources, without bay scallop areas for -- areas that haven't been bay -- have bay scallop habitat going back 20 years prior to brown tide. And the recommendation policy and analysis from the County itself, when you went to the Legislature, State Legislature and asked for this -- for the authorizing statute, areas not recommended for leasing, oyster grant lands, private oyster grant lands, you weren't going to lease them. What happened was the oyster grant holders asked the Legislature to give them the rights to harvest clams on their grants wholesale, right out. Legislature said no. They weren't anticipated or meant to be included in the program.

This map that you're planning to adopt, this is 30,000 acres that hasn't been tested. Right? The area here in Gardiner's Bay that was included, these oyster grants that you plan to lease to these people, they're natural clam beds. The devil in the details is that you didn't do the benthic work to determine what resources were there.

This is an official document. The shaded green down there says "not significant", right? Thirty thousand acres not significant. When you went to the State you said 10,000 acres. Ten percent of the land they giving you, 10,000 acres you would consider putting into the lease program and half of that you would consider leasing. So you should have been looking at 10,000 acres to designate. You should have been looking for 2,000 acres to start with that you could carefully vet and test. This is an official document. This is a statement but by the County. It's a statement now by Planning saying that there's no significant resources for the independent baymen of this state in this -- in these areas that are designated. Well, there are. When you vote on it, that's your stand. Right? None of you, none of you have gone through this -- have gone through this program and understand what it does. Understand the bait and switch. You go to the State Legislature saying you'll protect bay scallop habitat of 20 years ago. You write the program for five years. Right? You say you're not going to include the oyster grants in the a program. You include the oyster grants in a lease program. Right? All this to get the legislation passed.

We lobbied in Albany to stop them from giving the oyster grant holders the rights outright to take the clams. Right? Don't override the State Legislature. This is -- that's not your role. Your role is to go with the law. Do what they -- the Department of Planning are way off base. If you adopt this map, you're way off base with them.

I had it signed today by the baymen that came to the meeting, that it's productive areas. That's our affidavit to you that this contains productive areas. This is not a map that you should -- that you should adopt. This is an official document. You're saying you agree with the Planning Department's determination that there are no productive clam lands in this map, 30,000 acres that haven't even been tested. The State requires that you do not include it in the cultivation zone if it has a natural clam bed, if it's scallop lands. You have included all these things here. There's a giant set of deep water razor clams in the cultivation zone. I was out there two weekends ago. Right? Mature razor clams. You know, it didn't check. You're going on information from 1987 which was bogus anyway. You can't adopt this map.

I swear to God, we will throw you out, not out of office, we will go to court and have this map stripped, we'll stop this lease program. You didn't listen, you don't listen. You don't understand the program. You can't adopt this map. This was not an act to give Karen Rivara and the grant-holders the rights to take natural clams from oyster grants. This was supposed to be a program for new small leases. You're talking about thousands of acres. Everybody says it's small? These grant lands are not small out here, they're hundreds of acres each. They're privately owned. They're worth nothing as oyster grants. They were illegally granted in the first place. You adopt this map, they can go apply for a lease, doesn't matter there's clams on there. They can jump through the little hoops that planning set up and they can go out there and dredge the clams. That's just plain wrong.

If you vote for this, every bayman that lives in your district that's my age and older, guys that aren't on the bay anymore that remember everything that happened with Blue Points, happened in Huntington, is going to know how you voted on this, and these are guys who understand what I'm saying.

**P.O. LINDSAY:**

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

**MR. WEMYSS:**

I work with a hand rake next to dredge boats.

**P.O. LINDSAY:**

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

**MR. WEMYSS:**

This is for you.

**P.O. LINDSAY:**

You can leave it with the Clerk.

**MR. WEMYSS:**

This is all signed. You're taking --

**P.O. LINDSAY:**

Okay. We heard you. We heard you. Max Velazquez.

**MR. WEMYSS:**

You're making a gift.

**P.O. LINDSAY:**

No, no, you're done.

**MR. WEMYSS:**

You're not even charging them one acre --

**P.O. LINDSAY:**

Come one, you're long over your time. Max Velazquez.

**MR. VELAZQUEZ:**

Good evening, Ladies and Gentlemen. I apologize ahead of time. I spoke here last week, and for those that are hearing my thoughts again, I apologize ahead of time. I'm here to talk about I.R. 1347.

It's been nine months since I embraced this new technology that we have all come to know as the electronic cigarette. As I have embraced it, so has my family and friends. Now, for many years I've

tried different, different approaches to quit smoking, not only because of the health problems that they have been proven to cause, but also because it is segregation and isolation from others due to the proven harmful effects of secondhand smoke. Now, since I starting vaping, not only have I stopped smoking cigarettes and cigars, but now enjoy spending quality time in the company of my family and friends without having to constantly step outside for that so-called smoke. This new device has greatly improved my quality of life, and I'm sure the quality of life of many others like me.

The proposal to ban this new device for those that are under the age of 19, I totally agree with, without a doubt. However, the proposal to ban this device from being used in areas that are commonly banned -- areas that commonly ban smoking on mere speculation that secondhand vapor can be or may be harmful to others, I tend to disagree with. Now, this ban will eventually cause all my family and friends to believe that secondhand vapor is dangerous to them, although at this time there is no concrete evidence and proof that this is the case. This will result in my being asked by my family and friends to once again segregate and isolate myself from them by stepping outside to use my personal device. And this will also expose me to the very same secondhand smoke that I wish to avoid at all costs.

Due to the lack of conclusive evidence, I believe -- personally, my beliefs are that this has more to do with people getting offended in public places observing someone smoking a device that appears to be a cigarette and one appearing to be smoking. So, tell me, if at a family restaurant there's a family sitting at a table next to others that are listening to music via an iPod that's a little on the loud side, the music even may be offensive, does that person have to go outside to listen to their music? If a group is offended at vulgar language used at a sports bar by another group of people, does this group have to go outside of the sports bar to continue their conversation? If a person on a plane has an offensive body odor and others on board the plane find that body odor very offensive and he's asked -- is he asked to catch another flight? I don't think so.

So, in conclusion, yes, there are facts and findings announced by the FDA, and there are facts and finding published by experts challenging the FDA's findings, what it boils down to is whether or not you see the glass half full or you see the glass half empty. As a retired Police Officer, I have faith and believe in our justice system, and our justice system finds that everyone is innocent until proven guilty by legitimate facts, testimonies and evidence. I ask that you base your decision and your vote on whether or not there is enough evidence and facts to ban the use of these personal vaporizers in public places. Doing so unjustly will greatly impact my quality of life and the quality of life of many others. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Velazquez. Gregg Rivara.

**MR. RIVARA:**

Hello. My name is Gregg Rivara. In 1986, I was hired by Cornell Cooperative Extension of Suffolk County to be their Aquaculture Specialist, and since that time, I've worked with baymen, the townships, all ten towns in Suffolk, and mostly with people that want to grow shellfish for a living. I've helped them get permits, start businesses, solve problems. We've created new technologies for them to use. I could tell you that the Aquaculture Leasing Program is sorely needed for these people. There's people waiting in line to get underwater land. We're talking about ten-acre parcels out there, not hundreds of acres.

I also want to tell you that aquaculture is good for the environment, and I'm going to leave you with these -- a couple of brochures from Rhode Island Sea Grant that explain that. I'm sure you know most of it already.

One thing I'd like to clear up that Ms. Sharkey said is in the Towns of Brookhaven and Southampton, razor clams are allowed to be taken by mechanical means. They're allowed to be taken my churning, which is very similar to clam dredging on a small scale. And if Ms. Sharkey wants to change the law, I suggest she go to the State, not the County. Thank you.

**P.O. LINDSAY:**

Okay. David Relyea.

**MR. RELYEA:**

My name is David Relyea. I'm one of three owners of Frank M. Flower and Sons Shellfish Company in Oyster Bay. I supply a lot of the oyster and clam seed to the aquaculturists that are working in the Peconics right now. And I followed for three years what's been going on with the aquaculture proposals and I think it's been done properly. I think they've come to the right conclusions. And I'm sure there's one person on -- one Legislator here that knows exactly what was going on in the Aquaculture Advisory Committee and that's Legislator Schneiderman. He was at every meeting, I'm sure at least every meeting I was at, and I was at nearly all of them. So I would hope that you people would rely on his expertise, you know, to get the story.

The baymen that are here objecting to the problem, I understand their fears, and it's a long-term thing, but I think that, you know, they're overreacting to it. We're talking about 600 acres in ten years. That's 60 acres a year. I mean, this is so insignificant that it's not going to impact anything. All it is is a try, and if it works, maybe you'll want to expand on it, maybe you won't. But this is not a threat at all, this is an opportunity. And I'd just like to say that I know personally of baymen that have become aquaculturists, and it gives them an opportunity to stay on the water.

And I would urge you to vote yes on 1546. And I've made my expertise in aquaculture. I've done it since 1964 with the Frank M. Flower Company in Oyster Bay and it's worked out really well there. I've supplied the Committee with my expertise on aquaculture and I think it's the right way for you to go. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Relyea. Spike Babaian.

**MS. BABAIAN:**

I have some handouts. I'm sure you're all bored of seeing us, but we're going to keep coming back. We are here to talk about electronic cigarettes. I was handed today a memo from Commissioner -- Health Commissioner Chaudhry. As far as I've been made aware, the Health Commissioner's job is to help you to understand the issues and to determine whether or not if something is healthy or not so that you can make a proper judgment call on something. I may be wrong, but that's -- as far as I know, that's what the Health Commissioner's job is, is to inform you.

I spoke with Commission Chaudhry on Tuesday when we left the Health and Human Services Committee meeting and I asked him if we could meet with him to go over the FDA study and the results of the FDA -- well, preliminary study, which it's not a finished study yet, and he said, "I've already made up my mind on this issue." And I said, "Well, have you read the study?" And he said, "No, I have not, I don't need to." And I said, "Isn't it your job to read the study and explain it to the Suffolk County Legislature, because they may not be educated enough in science to understand what the study means?" And he said, "I've already made up my mind. Thank you. I don't have any interest in meeting with you, but if you have any information, you can E-mail it to me." And I said, "Can I get your E-mail address?" And he said, "You can find it on the website," and he left. I felt a little bit disregarded, but I did come here today to provide you with a copy of the FDA report, so that, as educated people, you can yourselves look at the FDA report.

There are two stapled packets in your -- in your paper clip. One of them looks like this. It has information on electronic cigarettes. This particular packet includes copies and links, website listings of all of the studies, scientific studies in peer reviewed -- published in peer reviewed journals with information on nitrosamines and on electronic cigarettes. Okay? So it's not too hard. There's also a link at -- it's listed at the top, the website you can go to to click on these links, because some of them are rather long, where you can go and click on the links to actually read the scientific studies. Not that I expect you to do that, but I did pull out some information from each study and I quoted it

in these -- on this handout so that you can actually read the quotes. I just wanted to provide links to where these -- where this information came from and where the facts came from.

If everybody would pull out the FDA report and flip to Page 4 of the FDA report, there's a chart in the FDA report that shows you the levels of these carcinogens that they are saying are cancer-causing. If you look at the chart on Page 4, you'll see that in the areas that I've circled, the letters "ND" appear a lot. If you look at the bottom key at the page, it says "ND" means not detected. What "not detected" means was that it was in an amount that was small enough that their device could not measure any carcinogen. Okay? So while they're telling you that it's cancer-causing, if you will look at the facts of what their study says, it shows the levels of carcinogens were not detected in the majority of the tests that they did. They had some tests that found very small levels. A number of people are going to be here to speak to you about how we can compare those levels in real life, but you can see them for yourself. They show you a number here. 04., .01, 11. -- numbers are parts per billion, parts per billion of the air. So if you imagine when you look at, you know, one cubic inch of air, one part per billion, so one part per billion of that inch of air.

Essentially, what we're saying is that we have doctors' statements, we have articles, in fact, they're included in your pamphlet here. That are doctors' statements, there are doctors saying, "We've read this preliminary study and we found that these electronic cigarettes are about one 1/100th as dangerous as a tobacco cigarette. Okay?"

Also, briefly, the Nicotrol inhaler study is included in this packet, there's a link to it, and it explains to you that the Nicotrol inhaler is approved by the FDA, it is an FDA-approved device. In the Nicotrol inhaler, you inhale liquid nicotine and you exhale it into the air. Legislator Cooper had concern that other people around the user would be affected by the nicotine exhaled into the air. I am here to tell you that the FDA has said, and I quote -- wait, hold on, I have the quote.

**P.O. LINDSAY:**

Spike. Spike, you have to wrap up. Your --

**MS. BABAIAN:**

All right. Well, the quote is on the second page of your little pamphlet. The FDA quoted, says that there are not high enough levels exposed into the air to affect anyone around the user of a nicotine inhaler. So that should calm the fears of Legislator Cooper, as far as exposure in the air. There are also studies in here that show you the levels of acceptable nicotine in the air.

If there are any questions, we can be contacted through the website, [vaporsclub.com](http://vaporsclub.com). It's listed on your pamphlet. And we're happy to meet with the few of you that have not met with us yet, there are four or five of you that have not met with us yet, at your convenience, so feel free to contact us for a meeting. Thank you.

**P.O. LINDSAY:**

Okay. William Friedman.

**MR. FRIEDMAN:**

Good evening, Honorable Legislators. I've spoken in front of quite a few of you a couple of times already, and I usually read from a prepared statement, but tonight I'm going to step away from that, because I really just want to stress the importance to you.

I.R. 1347 is a wolf in sheep's clothing. It's presented to you as a resolution to prohibit the sale of electronic cigarettes to minors, which is something that we do in fact need some legislation for. However, within that legislation, there is language hidden that would prohibit the use of these devices in public. This cannot be allowed. You must reject this resolution with this language included.

The Constitution of the United States grants our lawmakers the powers to make laws that govern

property rights and to keep people from infringing upon the rights of others so that they will have the right to pursue life, liberty, and the pursuit of happiness. We are not doing any of that. What we are doing is not infringing on other people's rights. And you do not, as Legislators elected by the people, have the right to legislate our behavior if we're not doing something that's harmful to others. So I'm just asking you to please consider that there are real people involved in this subject, and there are real people who are having their lives changed dramatically for the better by these devices. Creating negative stigmas surrounding these devices, that will not help the cause.

My associate, Max, explained to you how his family has received these devices and what will happen if you are to ban them, what it will do to their perceptions. You must reject this resolution in its form. You must demand that a resolution be drafted that would prohibit minors from accessing these, and only prohibit minors from accessing these without any other special interests involved.

I've spoken at quite a few of these meetings already, I've met with quite a few of you, and I'd like to point out to you that at every point, at every juncture, there has been people in front of you speaking in favor of these devices. In all of the meetings so far, there has only been one person. He did not plan, he did not prepare, he just got up and spoke impromptu. There's only been one person that spoke against these, and that one person had no prior information prior information to these prior to ten minutes before he spoke. This is something that people care about, this is something that people want. We're coming out here to show you this, and there's nobody, nobody at all standing in opposition to us. There's nobody planning and preparing, preparing information and telling you that these are bad. There's no nobody standing on the other side of the fence. So, as Legislators, as representatives of the people, who are representing if you pass this? You're not representing the people who are coming to you and asking for representation.

So, please, give this consideration. Do not pass this resolution under its current form. Demand that this secret language that would prohibit public use be stricken from the proposal, and then let's get some legislation through that will protect our children from access to these devices. Thank you very much for your time.

**P.O. LINDSAY:**

Thank you very much. At this time, we're going to -- we have to go into public hearings, it's past 6:30, and we'll resume the public portion as soon as we get done with the Public Hearings.

First is ***IR 1290 - A Local Law to enact a grading policy for food establishments.*** I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Losquadro?

**LEG. LOSQUADRO:**

Motion to recess.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen. (Not Present: Legs. Browning and Montano)

**P.O. LINDSAY:**

Next up is ***1314 - A Local Law to authorize the County registry for domestic violence offenders.*** And I do have a card on that, Patricia Bartik.

**LEG. ROMAINE:**

I think she left.

**P.O. LINDSAY:**

She left? Okay. Is there anyone else in the audience that would like to speak on 1314? Seeing

none, Legislator Gregory?

**LEG. GREGORY:**

I make a motion to recess.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen. (Not Present: Leg. Montano)

**P.O. LINDSAY:**

Next up is **1347 - A Local Law banning the sale of e-cigarettes to persons under the age of 19**. And I have Michael Kuhn.

**MR. MICHAEL KUHN:**

Good evening. My name is Mike Kuhn and I'm an employee of Tobaccoless Cigarettes. As previously been discussed, the recently released FDA report has resulted in something of a maelstrom of media coverage with respect to the safety and efficacy of electric cigarette. Now, I'm not sure how many in attendance today are qualified to hold the position at the FDA as a scientific researcher. I myself -- I myself am, however. As such, I'd like to take it upon myself to explain to you in a little bit more detail the problems with the so-called study as it was released as such.

Basically, they used high pressure liquid chromatography to examine tobacco-related specific nitrosamines. The four they included they found in two Smoking Everywhere cartridges out of 14 and four of the NJOY cartridges they tested. However, what they -- was not released was that while they were detected, they were below the limit of quantification, which was set at 21 parts per billion, and, thus, were too small of an amount to even attach a number to. However, it was also not explained that according to Dr. Richard Scanlan, Professor Emeritus of University of Oregon, that the per capita exposure rate is in the range of 1 to 10 one to ten parts per million on a daily basis for the average American, while for tobacco smokers, the average is 17 parts per million. We are not talking about 20 parts per billion, less than 20 parts per billion anymore. This is several thousands time greater exposure on a daily basis for every American.

Moreover, while these molecules have been public decried cried to be known human carcinogens, a review of the literature provided by the International Agency for Research on Cancer, the go-to guys when it comes to cancer, indicates, and I quote, that while NNN, one of the nitrosamines, is reasonably anticipated to be a human carcinogen based on evidence from experimental animal studies, there have been no adequate studies of the relationship between the exposure of nicotine -- of NNN and human cancer. The FDA even allows NNN to be present in rubber baby bottle nips at a maximum level of 10 parts per billion. Mind you, the amounts we are talking about are less than 21 parts per billion.

At the heart of the FDA furor is the finding of the humectant diethylene glycol. Diethylene glycol is found in the quantity of less than 1% in a cartridge of one single Smoking Everywhere High cartridge. However, in spite of the dangers it may present, the Code of FDA regulations -- of Federal regulations allows for a maximum of . 2 percent to be found in common -- sorry, in common humectants such as propylene glycol, a common ingredient including, but not limited to, cosmetics, tooth paste, medicines, food colorings and flavorings, as well as traditional and electronic cigarettes. Thus, while one cartridge was found to be above acceptable levels, 17 others were found to be nonexistent with the level of detection to be in the parts per million -- parts per trillion (sic).

The report conducted -- contended that there was a greatly varying level of nicotine as well, specifically with regard to the NJOY cartridge, at a level greater than the Nicotrol inhaler. However, simple calculation of the data by way of multiplying the average number of puffs advertised by the product with the nicotine content per pull, told by the FDA report, demonstrates that it's still well

within the advertised level, but, in fact, slightly lower than it. A traditional cigarette averaged between 12 to 15 drags in a pack of 20 cigarettes. Electronic cigarette cartridges is advertised to provide upwards of a pack of cigarettes. Ergo, using even liberal estimates of 15 puffs times 20 cigarettes, then we end about 300 puffs per cartridge. The range of nicotine this would amount to, 8.04 for the low end, and 12.96 milligrams of nicotine, well below the industry standard of 14 to 16 milligrams of nicotine per cartridge for a high level cartridge.

However, what is most disturbing was the fact that there was no data published for the control group, the Nicotrol inhaler. Upon correspondence with Professors Straneva and Morelli of the Biology Department of the SUNY College at Cortland, the FDA report would not only fail to meet the standards of any peer-reviewed journal, but would not likely even pass an introductory bio course. To not include data and then expect to -- accept the conclusions drawn from it is absolutely ludicrous. This was not science, this was pseudo-science sensationalism drawn to draw fear to a product. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Kuhn. And another Mr. Kuhn, Henry Kuhn.

*(\*The following was taken & transcribed by  
Kimberly Castiglione - Legislative Secretary\*)*

**MR. HENRY KUHN:**

Good evening, everyone. It's been a little time since we spoke, since we last spoke, and a few things have changed since then. Since we spoke last time, President Obama has designated the FDA to be the regulatory agency over tobacco and nicotine products. Okay? Previously, it was regulated by Congress. And secondly, there has been released, as we've heard before, an FDA study, okay, evaluating e-cigarettes which refutes the arguments or the questions we had last time as to there were no credible studies with regard to the safety of tobaccoless cigarettes. Thirdly, numerous field demonstrations have been conducted at malls, bars, festivals, concerts, benefits, and country clubs in which no confusion, altercations or angst were reported. There was not even reported a case of the hives. Okay.

Assembly Gregory there was an honored speaker at the Carlisle, which is a country club in Bethpage, for a firefighters benefit we attended with John Basedow. There were over 2,000 members there. And I believe he can verify there were no altercations there. There was no -- there was no angst. There weren't people passing out or for anything. We had the most visited booth there. So I believe that was the second -- that was the second question or the second issue that Legislator Cooper had brought up, and that was that it would cause angst. I have a list of bars, like I said, bars, festivals, and other events we've attended, and I am almost certain that nobody here has received a report of any kind of confusion or angst or altercations; okay? So I think that should somewhat relieve that issue. Okay?

Thirdly, the FDA report everyone's touched on here. They released their own independent study on electronic cigarettes, and the findings verify the previous test results, which we tried to bring forth the last time we spoke to you, and that is it validates that electronic cigarettes are up to fourteen hundred times safer than the leading brand of cigarettes. Okay? The previous study has been verified and validated by the FDA report. I mean, it shows that cigarettes only contain very low levels, 8.2 nanograms per gram, electronic cigarettes that is, of tobacco specific nitrosamines versus 11,900 for the leading tobacco cigarette. Now, that's a big difference.

Perhaps more important are the findings of what the FDA did not find. Their tests did not reveal any of the known carcinogens that are found in traditional tobacco cigarettes, nor stated any new dangers or findings.

Okay. Dr. Michael Siegel of Boston University said the FDA and anti-smoking groups are comparing electronic cigarettes to a solution, a spring fresh main mountain stream water, when they really

need to be comparing them to cigarettes. The toxic emission scores, which is a score based on level of 59 priority toxicants, were zero for electronic cigarettes. In contrast, it was one 126 for Marlboro and it was no lower than 100 for any other brand of conventional cigarettes. As I believe Spike or Mike, someone pointed out, just to highlight it, if you look here, this is what Michael was talking about. This is what Michael was talking about, that this would not be accepted in Biology 101. You cannot pick your own control group and then say there was no sample to test it. That's what these blank boxes say. I mean, that's absurd. And the control that they chose was nicotrol, readily available, it wasn't kryptonite. There is no excuse for releasing a report with absolutely no control numbers. I mean, I'm sorry, that's just not science.

And just to put it in perspective, because I know everybody here is not -- you know, doesn't have their majors in science, to give you idea of what Spike said, the OSHA standard measures carbon monoxide in parts per million, 35 parts per million, over a weighted eight hour average. Okay. Everything here was measured in parts per billion. To put it in perspective, a part per million would be one second of time in approximately 11 and a half days. The measurements found here of the alleged impurities, which were measured in parts per billion, would be one second of time in approximately 31.7 years. Okay. That's a huge difference. So the fact that they're saying they found traces, which were not even quantitative, on their own instruments, okay, and when we put it in that perspective, it's just -- it's apples and oranges. We're not even talking the same thing. I mean, I have here -- if I have the time I'll try to read it real quick. Do I have 60 seconds, 30 seconds, ten seconds?

**P.O. LINDSAY:**

Go ahead. Wrap up quick.

**MR. HENRY KUHN:**

Excuse me?

**P.O. LINDSAY:**

Wrap up quick.

**MR. HENRY KUHN:**

Okay. I have here a colleague of mine, he's a renowned expert in pulmonary medicine. His name is Steven Brown. Just to sum it up. "My name is Steven Brown. I've been practicing pulmonary medicine at the Lung Center in Milwaukee, Wisconsin, for a little over 20 years. I'm on the faculty of the University of Wisconsin Medical School. I'm a board certified lung specialist and a fellow of the American College of Chest Physicians.

It is my firm conviction that based on all available evidence, both scientific as well as empirical, that tobacco-less or e-cigarette is by the healthiest and more realistic alternative than traditional smoking of cigarettes. The most recent FDA study released only helps to confirm this conviction in spite of the fact that glaring omissions in this report would not allow it to stand up to peer review. The included data alone confirms the tobacco-less cigarettes superiority to the consumption of traditional tobacco products. I think the electronic cigarettes is an excellent tool to assist with smoking cessation for those who cannot tolerate nicotine." And that's Dr. Steven Brown, Milwaukee, Wisconsin.

**P.O. LINDSAY:**

Okay. Mr. Kuhn, stay right there because Legislator Beedenbender has a question for you.

**MR. HENRY KUHN:**

Certainly.

**LEG. BEEDENBENDER:**

Good evening. Thank you to you and the previous speaker who gave us a plethora of scientific information. But my question would be, I understand -- I think from previous testimony at an earlier meeting, you own several businesses that sell this product.

**MR. KUHN:**

Yes. Yes, that's correct.

**LEG. BEEDENBENDER:**

I guess what I'm having a difficulty understanding is how this could hurt. And I'll be clear. I was not under the impression that when Suffolk County banned smoking in restaurants that cigarettes sales went down, so it would seem to me that even if we banned smoking one of these in a restaurant, that that itself would not drive the sales down. What would drive the sales down, and you have to your credit agreed to, is prohibiting the sale to people under 19. And you have said that you believe that that is what we should do. So I guess I don't get.

**MR. HENRY KUHN:**

Let me try to explain it to you. Not only restaurants, bars will tell you that sales went down dramatically when they forced people outside to smoke. Okay. I can understand that.

**LEG. BEEDENBENDER:**

The sales of cigarettes inside the bar went down.

**MR. HENRY KUHN:**

No, no, no. Because what happens is, again, we went through this. If you are not a smoker, and most smokers smoke in groups, and when they are asked to go outside in a bar, any bartender will tell you, the worst thing you can do is have someone step away from the bar. Because what happens is I say to you Brian, Jack, whatever, come on outside, let's have a cigarette. When we get outside, there is always the chance, you know, that bar's a dump. Let's go down the block or let's call it a night, I had enough. Once you leave that bar, that's where they lost the sales.

As far as in our environment, one of the reasons people want it -- and believe it or not, everyone argues about it being a smoking cessation device or whether it is or whether it isn't, okay, it wasn't actually invented for that. The actual reason was to give people back their freedom because businesses were losing productivity. You have to allow someone a cigarette break. I mean, you see any office building, you see what I'm talking about.

**LEG. BEEDENBENDER:**

Absolutely.

**MR. HENRY KUHN:**

That's where we end up losing, because one of the reasons people do buy it is because maybe the husband smokes, the wife doesn't, he does it in front of the kids. Now he doesn't have to. But if we go to a restaurant, a bar, a bar and smoking, they go hand in hand. I think you'd understand. Most importantly was the initial before -- I don't know how it's going to end up, how the Legislature was, you were in the mall, I remember you.

**LEG. BEEDENBENDER:**

Yep.

**MR. HENRY KUHN:**

Okay. I think you can appreciate -- first of all, we were able to draw people's attention. Okay, that's what it is. I don't smell anything. Hey, okay. Now, just imagine somebody comes in and says, you know, this unit doesn't work. I'm like well, okay, how do I know that. Let's go out to the parking lot. I mean, that's absurd. I mean, I think you'd appreciate that.

**LEG. BEEDENBENDER:**

Well, I understand what you're saying. I guess my question would be it seems like that people -- the people who's business may get hurt is the Restaurant and Tavern Association, but from my perspective, the more we talk about it, the better business will be for you. I don't think we're

hurting her business at all. In fact, the more we talk about it and the more it's in the paper, the more people want to know what it is.

**MR. HENRY KUHN:**

But not if anyone -- see, the whole selling point is at the Carlyle on the Green, at a bar, okay, the selling point -- they can go outside to smoke a cigarette. The selling point here is, well not, you know, that they can use it and get their freedom back. They don't have to run outside. You go to the mall, you can see all the burnt cigarette butts in the ashtray because smoker's light one up before they get to the door, and then they toss it. Okay. It gave smokers back their freedom, which was taken away from them without bothering anybody else. And like I said, I really -- I could understand the concerns of all the Legislators as far as it causing confusion, and hence since we spoke I have gone to a number of news of venues, of which I have the names of the owners, everything else, the fact that we created no chaos, no angst, and they've invited us back. I mean, that's a non-issue. I've proven that. I've field tested that. That's my concern.

**LEG. BEEDENBENDER:**

Thank you.

**P.O. LINDSAY:**

Mr. Kuhn, Legislator Barraga has a question, too.

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

He's over here.

**MR. HENRY KUHN:**

Okay. Sorry about that.

**LEG. BARRAGA:**

I guess my comment has to do with the sponsor's bill. I mean, you know, predicated on the FDA report, which you folks have a problem with, and based on the Commissioner of Health in Suffolk County, his letter, which I read, which you have a problem with, I can easily see the sponsor turning around, if he chose to, and using those two supportive documents to put a piece of legislation in to completely ban e-cigarettes. You look at terms like ingredients used an antifreeze, nitro cylines found in e-cigarettes.

I guess the point is I would think from your perspective this shouldn't be a bill that you have serious problems with. The item is not going to be sold to somebody under the age of 19. It still can be sold to everyone else. Now you've gone down this road about e-cigarettes and restaurants and public places. I think it's a specious argument. What you should be doing here, from my perspective, declare victory and go home.

**MR. HENRY KUHN:**

Okay. Can I address that or is that a --

**LEG. BARRAGA:**

Just a statement.

**P.O. LINDSAY:**

No, it's supposed to be a question.

**MR. HENRY KUHN:**

If it's supposed to be a question, okay, personally what I believe is this. I do not believe that we as people who were former smokers should have to be exposed to secondhand smoke in public and treated as secondhand citizens. And I don't know if I really impressed enough, because I only have five minutes, the amounts that we have talked about and what is present there. There are more impurities in drinking water that's approved by Suffolk County Water Authority. That we can look

up, okay, so we're not talking about -- we're talking apples and oranges here. The amounts are very, very important. And the fact that the Commissioner admitted that it was read off of the press release and did not want to discuss it further, you know, I find that very ominous. I don't know why somebody would not go further as a Commissioner before they said I've made my decision and not offer any other justification.

This report -- we don't find problem with the FDA report outside of it not having a -- right, we don't have a problem outside of the FDA report being missing sections. Actually, this FDA report actually backs us up because had there been anything detrimental to health that they could put their finger on, they would have issued a ban as opposed to a warning, which they issue on products every Tuesday. If they felt that this was detrimental to human health, it's their job to ban this.

**LEG. BARRAGA:**

The Commissioner of Health uses the following sentence. "A laboratory analysis of electronic cigarette samples that the FDA completed found that they contain carcinogens such diathiamine glycol, an ingredient used in antifreeze and nitrosamines." That's a petty dramatic statement. I think a lot of people reading this statement and hearing this in the public would have a serious problem with this particular product and would want it banned. This bill does not do that.

**MR. HENRY KUHN:**

Okay. Again, I think what's happening here is that the prior people who spoke gave you percentages, gave you information. It is possible one sample, if you look at the report, there's only one sample out of everything tested that showed even a trace amount. And just like peanuts may show a trace amount in marshmallows simply because of poor quality control, on a particular item to have one out of 30 where all the rest show absolutely nothing detected, not even a quantitative amount, I think that is throwing the baby out with the bath water.

**MS. BABAIAN:**

I don't know if anyone --

**MR. HENRY KUHN:**

You're not allowed to.

**MS. BABAIAN:**

Well, I wanted to answer his question.

**MR. HENRY KUHN:**

I don't think you're allowed to.

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

Only the person who's card has been called to speak. He has the floor. Were you done, Legislator Barraga?

**LEG. BARRAGA:**

I'm done.

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

Legislator Cooper has a question.

**MR. HENRY KUHN:**

Sure.

**LEG. COOPER:**

Before I ask the question I want to lead off by reading a portion of the Consumer Health Information Bulletin that the FDA issued and --

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

You're leading into a question.

**LEG. COOPER:**

I'm leading into a question, but I have to set the grounds for that. And all the Legislators should have received a copy of this bulletin headline FDA Warns of Health Risks Posed by E-Cigarettes. The FDA has joined other health experts to warn consumers about potential health risks associated with electronic cigarettes. The agency is concerned that the products may contain ingredients that are known to be toxic to humans because clinical studies about the safety and efficacy of these products for their intended use have not been submitted to FDA. Consumers have no way of knowing if e-cigarettes are safe for their intended use, about what types or concentrations of potentially harmful chemicals or what does of nicotine they are inhaling when they use these products, but particular concern is that the devices do not contain any health warnings comparable to FDA approved nicotine replacement products or conventional signatures.

The FDA announced findings from the laboratory analysis that indicates that electronic cigarettes expose users to harmful chemical ingredients. One sample was found to contain diathiamine glycol, a toxic chemical used in antifreeze. Several other samples were found to contain carcinogens, including nitrosamines. It goes on to include that the FDA is planning additional activities to address its concerns about electronic cigarettes.

You're well aware that I've met with you and the other proponents of e-cigarettes many times over the past several months. I've bent over backwards to try to reach a compromise in my resolution, but are you aware that there are a number of people in the Suffolk County Health Department that are upset that I even compromised this far, that urge me to impose a complete ban on electronic cigarettes, which was my original resolution. I'm now permitting anyone over the age of 19 to purchase these products, I'm allowing you to use these products anywhere where cigarettes are not banned. You can use them in your home, you can use them in your vehicle, you can use them outside, anywhere. You just can't use it in places like restaurants where other people could be exposed, and I believe rightfully be concerned about what they or their children, loved ones, would be inhaling if the vapor wafts this way.

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

There is a question here, right?

**LEG. COOPER:**

So are you aware of all that, sir?

**MR. HENRY KUHN:**

I am certainly aware of all that, and like I said, I believe to answer your question if I'm aware, yes I'm aware, and unfortunately, because of the way that these hearings are set up, the people with all the technical information, okay, because, again, everything here is relative, okay? Everything's relative and without being given a forum, okay, to address everybody and explain to them you say carcinogens, we say there are more in the water samples you're going to find out here in Suffolk County. Okay, we can go back and forth, he said she said, but without having a forum and more than three minutes to say look, see this one here, in water we have this. You see this here, this is what's acceptable by FDA standards. If you happen to notice the B part, you have this there, if you notice the B part, every one of these, okay -- it says here present but less than the level of nicotrol products. So if these things are so dangerous, how does nicotrol get approved?

And there's a question here about this when we have in this product less by it's their own admission. So it's apples and oranges. It depends how much is present in how big a sample and what's the permissible limits, because there's permissible for almost every carcinogen out there based on what the sample they're taking, be it water or be it tobacco or whatever it is, nicotrol. I mean, we're not saying that this is safe. They're comparing, as Dr. Seigel said, you are comparing this to spring water. Yes, it's more toxic -- yes, it's more toxic than spring water, but we really should be

comparing it to what the alternative is. And to take this away from people, that's where I have a problem. Yes, I have a horse in the race, there's no question about that, but I know as being a smoker, okay, I know what it entails.

And like I said, I tried to address your particular concerns we spoke about as far as the angst and all this. I tried to address the other concerns, and I really believe that anyone looking at this, okay, objectively looking at this report would be able to read this and say gee whiz, the nicotrol is approved, there is nothing here. I mean, the report speaks for itself. It bolsters our contention. Not that there's absolutely nothing there, but it is so trace their instruments cannot pick it up to be quantitative. I'm trying to be fair about this, but I mean, realistically we don't have -- we don't have the forum to go through item by item.

**P.O. LINDSAY:**

Okay. Mr. Kuhn, I think you answered the question.

**MR. HENRY KUHN:**

Thank you.

**P.O. LINDSAY:**

Any other questions please? No? Thank you very much.

**MR. HENRY KUHN:**

Thank you very much.

**MS. BABAIAN:**

Can I answer Legislator Cooper's question?

**P.O. LINDSAY:**

No, you had your chance, Spike.

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

Eliot Bloom.

**MR. BLOOM:**

My name is Eliot Bloom. I'm Henry Kuhn's attorney. Now, Henry Kuhn, who just spoke to you, operates four kiosks that sell e-cigarettes, and three of them are in Suffolk County. So my concern as his attorney is that you may pass legislation that will deprive him of his ability to earn a living for his family. Now, granted the whole issue of e-cigarettes is experimental. The test results from the FDA just came out last month. They're not conclusive, and the press releases show that the FDA is going to continue to explore more additional test results. That's experimental.

Additionally experimental are people that go to these kiosks and say to Henry and his company I'd like to try your e-cigarette signature. They want to try the e-cigarette as an alternative so that they can stop smoking. We're not attracting, in this business, people that don't smoke. We're attracting customers that already smoke and are looking to experiment with alternatives. So we have a good public person -- purpose on our side as well.

Now, Mr. Cooper, you should be commended for this bill. I mean, it makes a lot of sense to protect society and children from purchasing e-cigarettes that are somewhat unknown if they're not yet 19 years old. We agree with that. That makes a lot of sense. It serves a very good public purpose. But it doesn't serve a good purpose for people that want to try to sell this product in shopping malls. And, you know, Mr. Barraga, you said that it was kind of an open and shut issue, that Mr. Kuhn should take well enough and stop, but I disagree with that most respectfully. Because if he's going to sell these items in shopping malls and if we all agree that there are issues that may have some people say that this product may be beneficial to current smokers, well people need to try those e-cigarettes when they're shopping at his key kiosks.

His kiosks are at South Shore Mall, Sunrise Mall, Walt Whitman Mall and Smithhaven. They are in public places. Mr. Cooper's bill proposes to continue the ban on smoking as it applies to e-cigarettes in public places. So, therefore, if I were to walk up as a smoker and I wanted to stop smoking or limit my nicotine intake, I couldn't do that if I was going to sample it. I cannot sample at his kiosk, at Mr. Kuhn's kiosk. That's what we wanted as a compromise. We wanted the ability for people to sample our e-cigarettes so that we could help them in their efforts to save their own health. And we also wanted people that were aware of e-cigarettes and were already smoking them to have a place in bars if they so chose with the proprietors of those bars to smoke e-cigarettes.

I don't think anyone here would disagree that e-cigarettes are better than cigarettes. They are. But we don't have any conclusive, scientific results, as Mr. Beedenbender suggested. We don't have any of those scientific results to make a decision on. I mean, you're not here to act on speculation and whim and your opinion. You're here to base a decision that changes the law on what science tells you, and if the Suffolk Department of Health says to you I've heard -- we've heard that there's an FDA report, rely on it, I would think that you would need to know more about what that report says. It shouldn't be a temporary report, it should be a final report. It shouldn't have one test result, it should have 1,000 test results. The FDA report is inconclusive.

So without repeating the things that have already been said, I respectfully submit to you that on one side you're going to try to protect the public interest and that's a good thing. On the other side you're taking away a person's ability to earn a living for his family, and that's what courts look at and that's what you need look at as well. So don't speculate and don't guess and don't take scientific results that aren't final. Base your decision here on something that is final, and if there are not final results, why don't you wait until the Federal or State Governments conduct more test results. And that is, in fact, contained in Mr. Cooper's bill, that should the Federal and State Governments follow-up and legislate laws preventing or permitting e-cigarettes, that I guess this bill will be superseded by those bills. That makes a lot of sense, but you should also wait until you have finality in these test results. Thank you.

**P.O. LINDSAY:**

Thank you, Mr. Bloom. Okay. I do not have any other cards on 1347, thank God. Is there anybody else in the audience who would like to speak on this subject?

**LEG. ALDEN:**

Who hasn't spoken?

**P.O. LINDSAY:**

Seeing none, Legislator Cooper, what is your pleasure?

**LEG. NOWICK:**

Close.

**LEG. COOPER:**

I'm going to do everyone a big favor here, no, and make a motion to close.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Motion to close, second by Legislator Nowick. All in favor? Opposed? Abstentions?

**LEG. SCHNEIDERMAN:**

Opposed to recess.

**P.O. LINDSAY:**

Well, unfortunately the motion was to close. Nobody made a motion to recess, so that's what's called second guessing.

**LEG. SCHNEIDERMAN:**

That's why I'm opposing it. Opposed to recess -- opposed to closing.

**P.O. LINDSAY:**

Okay. Note that there's one opposition to closing.

**MS. ORTIZ:**

Sixteen (Opposed: Legislator Schneiderman).

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

**P.O. LINDSAY:**

***IR 1415-09 - A Local Law banning the sale of drop side cribs in Suffolk County (Horsley).***

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

**LEG. HORSLEY:**

Motion to recess.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

***IR 1525-09 - Calling for a Public Hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 23 - Coventry Manor (CP 8149)(County Executive).*** I have no cards on this subject. Anybody in the audience want to address us on this subject? Seeing none, I'll make a motion to close.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Seventeen.

**P.O. LINDSAY:**

***IR 1568-09 - Adopting Local Law No. 2009, a Local Law to strengthen the County's Land Transfer Program for Affordable Housing (Cooper).*** I have no cards on this subject. Anybody in the audience who would like to speak to us on this subject? Seeing none, Legislator Cooper?

**LEG. ALDEN:**

He just left.

**P.O. LINDSAY:**

Where did he go?

**LEG. D'AMARO:**

He went to smoke a cigarette.

(\*Laughter From Panel\*)

**P.O. LINDSAY:**

I'll skip over it until he comes back.

***IR 1589-09 - Adopting Local Law No. 2009, A Local Law to ensure the timely filing of vacancies on the Human Rights Commission (Montano).*** I have no cards on this subject. Anyone in the audience like to speak on this subject? Seeing none, Legislator Montano?

**LEG. MONTANO:**

Motion to close.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen.

**P.O. LINDSAY:**

***IR 1604-09 - Adopting Local Law No. 2008, a Local Law requiring retailers of swimming pools to post signs regarding State Pool Alarm Requirements (Romaine).*** I have no cards on this subject. Anybody in the audience like to speak on 1604? Seeing none, Legislator Romaine?

**LEG. ROMAINE:**

Motion to close.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Fifteen.

**P.O. LINDSAY:**

Okay, and we're back to 1568. Legislator Cooper, if you're within ear distance, if I get no direction, I'm going to close this. Seeing none, I'll make a motion to close.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Sixteen.

**P.O. LINDSAY:**

Set the date for the following Public Hearings of August 13th, 2009, at 2:30 PM in the Riverhead Culinary Arts Center; 1614, a Local Law to reauthorize the Hotel/Motel Tax; 1633, a Local Law to standardize the dating and labeling of milk in Suffolk County; IR 1636, a Charter Law to transfer print shop from County Department of Public Works to County Department of Human Resources,

Personnel & Civil Service; 1638, a Local Law authorizing a wireless communication surcharge; 1651, a Charter Law to authorize the use of development rights for smart growth community development and job creation; 1683, a Local Law amending the Suffolk County Empire Zone boundaries to include Merchant Services, Inc; 1707, a Local Law requiring disclosure of the Metropolitan Commuter Transportation District Mobility Payroll Tax on real property tax bills; 1708, a Local Law law imposing a surcharge on wireless communication service in Suffolk County; 1709, a Local Law reallocating the distribution of one quarter of one cent Sales and Compensating Use Tax.

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

Motion.

**LEG. ALDEN:**

That sounds familiar.

**P.O. LINDSAY:**

Motion by Legislator Viloria-Fisher. I'll second that. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

The date is set for those following hearings.

All right, back to the Public Portion. Karen Rivara.

**MS. RIVARA:**

Good afternoon. Thank you, Presiding Officer Lindsay. My name is karen Rivara and I'm here to speak in support of Resolution 1546, adopting a Suffolk County Aquaculture Lease Program.

I want to emphasize the scale of this program. After ten years with a maximum amount of acreage lease, there will be about thirty-one hundred acres of farmland in a 110,000 acre estuary. It allows new entrance up to ten acres of land, a maximum of 60 acres per year would be leased over ten years and then only 600 new acres of under water farmland after the ten years. So only 600 of those acres would be new acreage. What it does offer is stability. Current farms will keep working under a more solid, legal framework. Opponents of Aquaculture, New York, use weaknesses in the law to attack a grower's right to farm. The issue of access is more appropriately resolved through this program than in court. And the last time the North Shore Baymen's Association sued the County, that lawsuit was dropped.

All farmers can spend capital developing their farm without worrying about losing their access. It offers accountability. Lessees must use their under water land for shellfish farming and if they don't they lose it. It offers sustainability. Farm shellfish reduce harvest pressure on wild populations and shellfish farming has well-documented environmental benefits.

The shellfish farming community has waited 30 years for a growth opportunity in New York. We have participated in the development of this program and many of the people here speaking against it did not attend a single {ALPAC} meeting. If this program is not adopted, there will be no new opportunity or future in New York for shellfish farming. The County, State and local towns have spent millions enhancing the harvestable stocks of shellfish for baymen on Long Island, all through aquaculture. Shellfish farmers are simply looking for a chance to spend their own money growing shellfish instead of having to fight over what is left on public grounds. For my grant that I've had since 1993, which is not productive, I have spent about \$30,000 trying to convert it to productive land. This bill is also, I will add, supported by the New York State bill sponsors, Senator LaValle and Assemblyman Thiele.

It is time for aquaculture -- shellfish farmers to have a chance to make a go at it here in New York State.

And I'll just tell you a quick story about a gentleman who grew up in Cutchogue, went to school at Southampton College, went out to California to learn shellfish aquaculture and came back to New York in 1985 to look for an opportunity to start a farm here. He found none because of perceived stakeholder conflicts. He went back to California and started a company, Hog Island Oyster Farm. He has two restaurants, he's very successful and he employs 80 people. So that opportunity went to another state. I have four people working with me that are under 35 years of age and they would like to have an opportunity to do this in the future. And I would just ask respectfully that you adopt this leasing program. Thank you.

**P.O. LINDSAY:**

Thank you, Karen. Bill Pell.

**MR. PELL:**

Thank you for the opportunity to come in tonight and speak. It's been nine years since we started this. I'm the fourth generation of commercial seafood business in my family. It started in the late 1850's with my great-grandfather and I hope my daughter is the fifth generation.

If 1546 goes through, it would be good for the environment, which we all know, and it's a no win for everyone. If there was great clams in Peconic Bay, why do all the clambers in the summertime go to transplant in the city? That's what I don't understand. I have thirty-one acres, there's no clams on it. I wish there were clams on it, then I could go out there clamming myself in between doing my oysters, but I can't. The townships has the right for power dredging or power turning or it's like hydraulic dredging for razor clams. Not the County, not the State, not the government, it's the township who has it. Southampton has it, my friends do it, other baymen do it there, Brookhaven has it. A lot of these people who don't come to the meetings over the last nine years, they make judgment against this 1546. They're doing it the wrong way. If they did, they would have got educated and learned about aquaculture instead of throwing stones at us.

I represent East End Marine Farmers. It's about 26, 27 people and it's growing. We want to grow oysters, we want to grow shellfish, we want to grow bay scallops. With all this stuff, other stuff comes with it. Eel grass comes, other fish comes and the environment wins again. And the County wins, the State wins and the government wins and the local people win again. Thank you very much.

**P.O. LINDSAY:**

Thank you, Mr. Pell. Gerard Troisi. Gerard Troisi? I hope I'm pronouncing it correctly. Huntington, Gerard Troiso; no? He left. Philip Curcio.

**MR. CURCIO:**

Thank you, Mr. Chairman. My name is Philip Curcio. I live here in Hauppauge and I'm a principal owner of a start-up oyster aquaculture business based in Southampton. As such I urge you all to support the adoption of the Peconic Aquaculture Leasing Program, IR 1546. This program has been painstakingly crafted over nearly a decade, taking into account public input from many diverse user groups. It is a well thought out and planned to allow for limited growth, and I do mean limited growth, of shellfish aquaculture in the Peconics, while also promoting fair and equitable compromise between growers, traditional harvesters and other user groups.

Shellfish aquaculture is a green industry that advances State and Federal initiatives for sustainable development in the use of ocean resources. And it preserves and protects the historic Long Island tradition of working waterfronts and water dependent economies. Moreover, aquaculture is a growing industry with the potential to provide hundreds of local jobs by small businesses that are the backbone of the American economy. As such, shellfish aquaculture shares many attributes of the East End wine industry and can be expected to yield similar economic and social benefits, and it fits comfortably into the existing mosaic of life on Eastern Long Island.

In short, the Peconic Aquaculture Leasing Program signifies Suffolk County's commitment to the dual

objectives of environmental stewardship and economic growth. For all of these reasons, I urge you all to vote in support of IR 1546. Thank you for the opportunity to express my views here today and I'd like to submit these for the record.

**P.O. LINDSAY:**

Thank you, Mr. Curcio.

**MR. CURCIO:**

Thank you.

**P.O. LINDSAY:**

Dennis, it looks like Connell? Dennis? Okay.

**MR. CONNELL:**

Good evening. 1546 is what we're going to talk about.

**LEG. LOSQUADRO:**

Can you pull the microphone down a little?

**MR. CONNELL:**

How's that, good?

**LEG. LOSQUADRO:**

Good.

**MR. CONNELL:**

My name is Dennis Connell and I represent the West End Baymen's Association which includes Amityville, Copaigue, Lindenhurst, Babylon, Farmingdale, Deer Park, West Islip, Bay Shore, Wyandanch; that's quite a few people. The shellfish community made suggestions, too, and comments in the past years has fallen on deaf ears, I hope it doesn't happen now. At these meetings, I've spoken with DeWitt Davies about the lease program. The County was spending much of this money on this program, the State already has a program. They have lease assignments; these people fail to tell you this.

Karen Ravara stated no chance for a program? We have a program. She said she spent \$30,000 on making her land productive but no success; what does that tell us? It's just been stated that the growers have been working on this program for ten years, the law was only enacted in 2004. The size of these leases, if you're going to hand them out, are way too large and just allows people to go out there and dredge natural sets of clams, it places an unfair advantage with the leaseholder against the individual harvester. The Blue Point Clam Company for many years purged the bottom and in the end they were unsuccessful and quit, which was the largest clam company in the east coast. In the past we've learned that these clam barrens have only owned -- only owned profit in mind and not stability of the market and longevity. They take what they can and they leave.

Connecticut dredge boats are now working on a set in Long Island Sound, and that's only suppressed the price in New York and unfortunately for everyone up and down the east coast. To allow this to happen again we see as counterproductive and self destructive to the industry. In speaking with the reps from Suffolk County and pushing through with this program would be an unwise decision since insufficient research has been done to check the natural product in a designated area. Basically, you were supposed to go out and survey the bottom lands to see if they were productive; it hasn't been done.

I spoke with this in many shellfish committee meetings with DeWitt Davies. And the County has funded quite a bit of money for this, but this process, which precedes everything else, just wasn't done. You don't know what's on that bottom. Cutting off main sections of the designated area is denying the individuals harvest right to work natural sets of clams.

The State has a program for off-bottom culture and the State currently allows it, which is smaller assignments, that seems to be working for the interested parties without putting a large negative impact on the industry.

Now, I've worked on the water for 35 years. I've worked the entire East Coast, all the states up and down, and most states have lease programs, but they're not like this, and they're not proven to be successful. I subscribe to the Farm Fishing News, and if you read this article or this magazine, these people are going out of business all the time. Just recently, a few years back, we had --

**P.O. LINDSAY:**

Mr. Connell, you're at of time. If you could wrap up, I'd appreciate it.

**MR. CONNELL:**

All right. I don't know. You gave the smoker a lot of time. He had this guy, he was a roofer, and he came into the business to dredge clams in the Peconics, and the State had to sue him to have him stop. And as soon as the State sued him and he couldn't harvest clams mechanically anymore, he left the industry, nowhere to be found. And in New York and Florida -- in New York I'm familiar with, but I'm really familiar with Florida, too, and they're going out of business. The farms that they've set up there are going out of business. As a matter of fact, the largest farmer down there has got his farm up for sale and he's going out. Florida has the most productive waters for growing shellfish. It takes three to five years to get shellfish to grow to size. Okay? So, economically, you can't really feasibly do that here in this state, the water temperatures don't allow it. So what are they going to do? They're going to get the lease and they're going to go out there and they're going to dredge the lands, which is not allowed by the law, but that's what's going to happen. You don't have enough law enforcement to watch these people properly. You know, it's just not going to work with the State, not the State, but the County. The guy just said you're broke. How are you going to send these marine patrol officers out there to monitor these leases? It's just not going to happen. The real agenda of these people is to get out there and run their dredge boats through these lands; take the natural product and then say, "Okay, we're done." I have more, but since you said I'm out -- but there's one more point I'd like to make that --

**P.O. LINDSAY:**

First, Mr. Connell, you made a -- you talked about the smokers. The smokers were under a Public Hearing. It's a five-minute time limit.

**MR. CONNELL:**

All right.

**P.O. LINDSAY:**

Under public portion, it's three minutes and you're well over --

**MR. CONNELL:**

One more statement, then.

**P.O. LINDSAY:**

You're well over four.

**MR. CONNELL:**

All right.

**P.O. LINDSAY:**

You're well over four.

**MR. CONNELL:**

But I saw quite a few people go well over. Let me just say that they started off --

**P.O. LINDSAY:**

Well, wrap up, one sentence.

**MR. CONNELL:**

Mariculture started off with saying that we can't produce a product that's feasible in a certain amount of time and they dropped the law down to seven-eighths, then they went to five-eighths. And now the growers in this state want to push scallops to a smaller size. All right? It's not good for me. I'm put at a great disadvantage if you allow this to go through. Thank you. That's all I have to say.

**P.O. LINDSAY:**

Thank you.

### *Applause*

Alexandra Donargo.

**MS. DONARGO:**

Hi. My name is Alexandra Donargo. Thank you for giving me time to speak. I work for Cornell and a private oyster company, and I believe that Introductory Resolution 1546, the Suffolk County Aquaculture Lease Program for Peconic and Gardiner's Bay, is an important piece of legislation and vital to the management and productivity of Peconic and Gardiner's Bay. I have spent the past three years working on these waters as a shellfish farmer, both as a researcher for a not-for-profit organization and as a commercial bayman or woman. And so the past three years have given me insight into the importance of aquaculture to both the health of our bays and as a stimulus to our local economy. I find the Suffolk County Aquaculture Lease Program to be the most efficient management plan to foster shellfish aquaculture and manage natural resources, and even offer possible job opportunities to our community.

Though the past three years have allowed me to be part of our maritime culture and be privy to the troubles of our local baymen, I admit that my three short years working as a shellfish farmer is nothing compared to the many years my employers and supervisors, and many of the people here have endured. Therefore, my opinions and testimony here is that of a student. And, as a student, I was taught to understand the complexity of managing common property resources, and I find Suffolk County's Aquaculture Lease Program to be both fair and enforceable, which is important, and takes into account the history and culture of the East End of Long Island.

I understand that theory and practice do not always go hand in hand, but any scholar and student will tell you that historically success has been grim when enabling individuals to sustain long-term productive use of natural resources. Not so long ago, New England found themselves struggling to manage their fisheries. The National Marines Fishery Service had to recognize that when fishermen do what is individually rational, the results are disastrous.

New England fishermen were not surprisingly opposed to new management of their waters. These fishermen dismissed the science of -- behind stock assessment and resource extraction, and the larger picture in general, and solely relied on their own anecdotal knowledge. New England Fisheries crisis called for important legislation to quell habitat degradation and to the -- and so the Sustainable Fisheries Act was passed. Though our situation is different, our need for important management legislation is not. Most of our underwater ground is barren and not teeming with the shellfish the Peconic Bay is known for.

The Aquaculture Lease Program management of underwater land helps to remedy our problem and is the innovative policy needed to strengthen conservation efforts and maintain our historic tradition of shellfishing in Peconic and Gardiner's Bay. Quickly, I also am a recreational boater and I am not concerned about possible extra buoys that might be placed out on our bays as a result of the lease program. There's plenty of water and plenty of room, and the buoys that are -- will -- might result

-- might be the result of the lease program is just a small portion of our waters. Thank you.

**P.O. LINDSAY:**

Thank you, Alexandra. Joanne Polacsek. Joanne Polacsek.

*(\*The following was taken & transcribed by  
Kimberly Castiglione - Legislative Secretary\*)*

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

Joanne?

**P.O. LINDSAY:**

Joanne Polacsek?

**MS. POLACSEK:**

Yes.

**P.O. LINDSAY:**

Joanne Polacsek, please, come forward.

**MS. POLACSEK:**

Good evening. I'm here to make a genuine attempt to reach out to all the Legislators in Suffolk County.

**LEG. LOSQUADRO:**

Speak closer to the mike, ma'am.

**MS. POLASCEK:**

To consider adopting a law here within Suffolk County now that our State has failed our children. Child Support Collect Unit for New York State overall has failed not only my family, but many others. It's a simple thing. It's equal parenting. The issue that go on inside of our courtrooms of course I know we have the control over, but there are many levels of each level or division of child support; nobody's on the same page, there's no communication. We have a incredible Sheriff, Sheriff DeMarco, who posted this website to help parents, men or women, collect what's rightfully their children's.

In my case, for the justice that I've been handed by Suffolk County, the loss of my home, the separation of one of my children, I honestly think that we need to stand behind our elected officials and the things that they stand up for, things that to me mean a lot, which is and family and family values. I think my family has lost too much and I can't allow any other parent to go through what I have endured. I consider it a journey through child support enforcement.

Article 5241, the Retrieve Bill, is in existence, but it is as useless as the paper that it's written on. Unless that spouse works on the books, there's no way for Suffolk County to collect. The only way I was able to do this and make that CPLR 5241 come to life is by videotaping the operation that my husband worked for over and over until only Assemblyman Alessi heard me. The advice was given to me by someone in Albany that the only way to beat this and to be true to it is to stand strong and fight it. And when I did that, all of child support enforcement at every level denied my evidence, even at the request of inquests through Sheriff DeMarco and his investigative team.

I just think that Suffolk County should be aware that a lot of their recipients on Social Services today, I think it is a great safety net for the women and men that are raising their children that don't make that amount of money and are afforded that safety net. Some of us parents make too much, but not enough to make the cut and lose everything. And all the way up to Albany the answer is "I

don't know what to tell you." That's unacceptable when they take my home and I have to be separated from my children.

I work very hard to pay my taxes. When the child support tables turned and they took from me to give to my children I never missed a payment, I never missed a beat. It shouldn't be a law, unfortunately it has to be, there needs to be some type of award program put in place in Suffolk County so that these parents, for whatever you may deem, I had drawn -- what I'd like to share with either the Presiding Officer or both, since I don't have two copies -- actually I do. An idea that I had come up with and given to Assemblyman Alessi that he can bring to the Legislature --

**P.O. LINDSAY:**

Joanne, if you give that to the Clerk I'll make sure -- he's right here -- she's right there, Barbara, will make copies and I'll make sure every Legislator gets a copy of it.

**MS. POLACSEK:**

Thank you. Again, I don't want to take up any more of your time tonight, but I do think that it should be seriously considered. It would lessen the rolls of Social Services, it would give children, if nobody else, a better sense of hope, especially the parents with younger children out there. And there are men struggling, too.

A lot of changes need to be made in Suffolk County, within New York State, and we can't do it all, so -- because New York State has shown me that they don't care about my children I need Suffolk County to stand up and tell me that they do. And these parents need to be forced to work, whether it be through the Department of Labor, if Sheriff DeMarco comes up with some type of, you know, pilot program during incarceration. Westchester County has an incredible program, New Jersey has an incredible program, Philadelphia has an incredible program. I have supplied a lot of this information to Roland Hampson, Gregory Blass. I believe they do stand behind me.

But my only life saver here is Assemblyman Alessi. I honestly think that if he didn't listen to me and have the heart that he had and give me the faith to think that -- that many of you here would have, I probably would have killed myself. Honestly. Child support enforcement is worse than a murder trial in Suffolk County and it's a simple thing. Marriages fail for various reasons. There is no reason to fail the children. And when your magistrates are failing them and your laws that are written aren't implemented, then we need to rescue our own because we can't rescue New York State as a whole.

**P.O. LINDSAY:**

Thank you, Joanne.

**MS. POLACSEK:**

Thank you.

**P.O. LINDSAY:**

Tom Isles. Thank you, Tom, for hanging in.

**DIRECTOR ISLES:**

Thank you, members of the Legislature, for the time tonight, and I will keep it as brief as possible. Obviously you've heard a lot of testimony tonight. You've heard about the years of effort that have gone into this effort and certainly it's not one where there is unanimous consent for it. Just a couple of points I'd like to bring to your attention.

There was a brief comment about the comparison to Blue Points Company where they did extensive mining of natural shellfish stock for over a century. That was 13,000 acres. It was privately owned land by Blue Points. We're talking about ten acre lease; six ten acre lease sites, new sites, a year, an extremely limited program and certainly not comparable in any way, shape or form to Blue

Points.

But fundamentally let me make the point that we've done this in complete accordance with New York State law. The Act of 2004 has been the gospel, obviously, of how this effort was undertaken and certainly done in lock step with the Department of Law, so we are completely in compliance with the law on this.

A point was made before about the shellfish cultivation zone and a map was shown as 30,000 acres of land. That's the overall area within the 110,000 acres where it's possible to do this program. As stated, however, the actual amount of aquaculture maximum, including the existing aquaculture there, is 3200 acres. So we heard numbers, well it should be 10,000 acres or something less, here again, this is small scale.

In terms of the issue of productivity, there was extensive work done to find what's productive out there in the Peconic Bay system as well as what are important natural resources and so forth. As part of this effort, we and our consultants interviewed over 70 people, commercial fishermen, fish trap operators, conch fishermen and so forth. We included bay men's groups and so forth, tell us where there's productive lands out there. Here again, that was just once source of information.

Our consultant did meet with Mr. {Weims}. We did give the map to him and said you tell us what you think is consultant where there are beds there. We didn't receive anything back. That's his prerogative, I understand that. But just for you to know, we did extensive outreach to try to find out what should we stay away from. But we didn't leave it just at that, because we also know that if we went out there in 2007 and surveyed and somebody comes in with a lease applications in 2011, well, things may have changed. So what we require at the time of the lease application is a site specific public vetting period. We have two months notification to the towns, to the trusts, as we talked about at the EPA Committee, to anyone's who's interested. Plus, if there is a question, we refer them to another site or if they want to go on that site they must do a site specific, scientific survey. So in terms of the compliance with the law of not harvesting, allowing this unproductive lands, that has been thoroughly considered and is included as part of this program.

This program enjoys the support of many groups. The Long Island Farm Bureau has supported it. The Nature Conservancy has supported it. The Marine Science Center, we heard tonight, at Stony Brook. The Long Island Regional Planning Council, the Suffolk County Planning Commission and so forth.

This is essentially a pilot program. This was given to you, the Suffolk County Legislature, or pre-Legislature, in 1969, to say come up with an aquaculture program for Suffolk County. Nothing happened. It was an area of intense dispute. We've spent the past three years with the help of the advisory committee trying to put forth what we think is the best program possible. It reflects, here again, 60 acres a year. It is highly respectful of all other interests, including private bay men. It does not propose any aquaculture on productive lands.

And then further, the State of New York gave you a five year period that you have to review this program and you can change it, you can eliminate it, whatever you want to do. So, therefore, this is a pilot program, this is a test to see if this can work out, and being respectful of all the interest in this case, I think {ALPAC} has done that job with this. I urge your support of this program. We are under a clock. As Dr. {Conover} said, the clock stops at 2010. We think this is sound, we think it's consistent with the law.

And then the final point I'll make in closing is clam -- one oyster, adult oyster, filters about 30 gallons a day of water. If we take a million clams, we're talking about 30 million gallons a day of filtered water. That's the Southwest Sewer District, folks, right there. So a million clams will filter the equivalent of the Southwest Sewer District. In this program if it maxes out, we don't know if it will, we're looking at 13 to 15 million oysters that are going to be cultivated into this program, in this very limited program, so we're talking a very significant environmental benefit, not to mention

the economic benefits. We've heard about Suffolk as the number one agricultural County in New York State. Here again, it is part of our economy, and it is part of our environment. I thank you very much.

**P.O. LINDSAY:**  
Thank you, Tom.

**D.P.O. VILORIA-FISHER:**  
Thank you, Tom.

**P.O. LINDSAY:**  
All right. Did Gerard Troisi come back in the room by chance? I'm not seeing any. Is there anybody else that would like to address us under public portion that has not spoken? Seen none, I'll entertain a motion to close the public portion.

**LEG. ROMAINE:**  
Motion to close.

**P.O. LINDSAY:**  
Motion by Legislator Alden, second by Legislator Losquadro. All in favor? Opposed? Abstention?

**MR. LAUBE:**  
Seventeen.

**D.P.O. VILORIA-FISHER:**  
Losquadro and Romaine sound alike.

**LEG. LOSQUADRO:**  
I wasn't adverse.

**P.O. LINDSAY:**  
Okay. The Consent Calendar is on page six. I'll accept a motion.

**LEG. LOSQUADRO:**  
Motion.

**LEG. ROMAINE:**  
Motion.

**P.O. LINDSAY:**  
That was Legislator Losquadro.

**LEG. LOSQUADRO:**  
Yes, it was.

**P.O. LINDSAY:**  
And it was Legislator Romaine who seconded it. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**  
I abstain.

**MR. LAUBE:**  
Seventeen.

**LEG. ALDEN:**  
I have to abstain.

**P.O. LINDSAY:**

Legislator Alden abstained.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

Okay. Resolutions tabled to August 4th, 2009, Page 8. ***1107, To enhance efficiency in the selection of leasing process for County buildings.***

**LEG. ROMAINE:**

Motion to table, Mr. Chairman. We had a meeting on this and we're waiting for all the parties to get back on this situation.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Okay. We have a motion and a second to table 1107. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1205, Enhancing the administrative budget deficit control.*** Do I have a motion?

**LEG. COOPER:**

Motion to table.

**P.O. LINDSAY:**

Motion to table by Legislator Cooper.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Kennedy. All in favor?

**LEG. LOSQUADRO:**

Can I make a motion to table subject to call?

**P.O. LINDSAY:**

Motion by Legislator Losquadro to table subject to call.

**LEG. ALDEN:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Alden.

**LEG. COOPER:**

Sure.

**P.O. LINDSAY:**

So we have two motions before us. You want to --

**LEG. D'AMARO:**

Please note my continuing recusal on the record, Mr. Presiding Officer.

**P.O. LINDSAY:**

Okay.

**LEG. D'AMARO:**

Thank you.

**P.O. LINDSAY:**

And you withdrew your motion, Legislator Cooper?

**LEG. COOPER:**

Yes, I'll withdraw.

**P.O. LINDSAY:**

Okay. So the only motion before us is table subject to call. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. *1296, Enhancing administrative budget deficit control for fiscal year 2009-2010 to proportionally include the Police District Fund 115 in Budget Mitigation Plan.* Do I have a motion?

**LEG. ALDEN:**

Motion to table subject to call.

**LEG. ROMAINE:**

Second.

**P.O. LINDSAY:**

We have motion to table subject to call. Mr. Counsel, we've had a couple of mitigation plans. Could you just review this one with us?

**MR. NOLAN:**

I believe this is the one involving the Police Department, I believe a layoff resolution. I'll defer to Budget Review to confirm that, but that's my understanding of it.

**LEG. COOPER:**

I'll make a motion to table.

**P.O. LINDSAY:**

We have a motion by Legislator Cooper to table.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. We have two motions before us; one subject to call and one to table.

**LEG. BARRAGA:**

Can I get an explanation for this?

**P.O. LINDSAY:**

That's what I just asked for. That's what he just gave. Go ahead, do it again.

**LEG. BARRAGA:**

A little more depth.

**MR. NOLAN:**

I'll defer to Budget Review to explain what this does to the budget.

**MS. VIZZINI:**

This is the resolution that strikes \$5.5 million from the Police District commensurate with the reduction in sales tax and abolishes seven filled positions and a numeral number of vacant Police Officer titles, approximately 300 vacancies.

**P.O. LINDSAY:**

I'm going to make a plea with my colleagues to go along with a straight tabling motion. I think it's very important.

**LEG. ALDEN:**

I'll withdraw it.

**P.O. LINDSAY:**

Yeah, that this stay alive to keep pressure on all parties to try and negotiate a lag payroll, which is I think the purpose of everybody involved, okay.

**LEG. ALDEN:**

So on the motion.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

Officially I'm going to withdraw my table subject to call, but just on this motion, I think we heard testimony that there's no intention to give a guarantee of police jobs, that they won't all be given to another policing agency, and without that guarantee, I don't think the Police are going to -- I wouldn't if I was in their position, go along with this type of give back or whatever you want to call it. It's a sacrifice of financial nature, and I would hope that there'd be some movement on the administration's part and a little bit of reconsidering that maybe we already have an agreement right there and we just have to give that guarantee, so to speak.

But we heard testimony, and it was from Ben, that they do have plans that they're undertaking right now or making to actually institute changes in the policing in Suffolk County. Those plans haven't come over to the Legislature, so at no point would I ever consider supporting this type of legislation, especially in light of the fact that the Legislature has been not included in any of the plans for even going forward on the cost mitigations as regarding the policing in Suffolk County. And that's what we put our hands up and swore that we would protect the safety and well-being of the people in Suffolk County, and without even seeing a plan, I don't see how we can even entertain this type of motion. But I will go along with -- or this type of resolution. I'll go along with the tabling for the time being.

**LEG. GREGORY:**

Mr. Chair.

**P.O. LINDSAY:**

Yes, Legislator Gregory.

**LEG. GREGORY:**

I just wanted to make a statement. I know earlier, I've been sitting here pretty quiet, I know there was mention made that we haven't lost any officers, other units we're threatening to lose officers. I don't think that's the only measure that we should look at, whether officers losing their jobs -- I think some of the policy changes that have been made have possibly jeopardized public safety or at least we're doing it a different way.

That may not be important in some communities, but it is certainly important in my community as crime has increased. The statistics may not show that, but that's a fact that I see everyday. So where I understand where the PBA is coming from, they want to preserve, you know -- you know, the rights of their members and not be used as political pawns before they come to some agreement, you know, our only -- our other concern is public safety, and we shouldn't just look at, well, they haven't sacrificed. But the community at whole maybe sacrificing as we all go through this negotiation process, which is not really negotiating when you're having things -- when you're having your members, you know, put through changes, you know, such as wholistic policing, which, you know, I don't understand that. I don't know how you put someone -- you know, that's just as good as putting me somewhere in Iowa, you know, to patrol that area. I have no knowledge of that area. I don't understand how we can say that we're doing the right thing. So, you know, I think as a body we should just not look at the numbers, but we should be looking at the policies that have been in place until we get the negotiation over with.

**P.O. LINDSAY:**

Okay. Legislator Alden, you had another comment to make?

**LEG. ALDEN:**

Budget Review can correct me if I'm wrong on this. I think I made the statement a little bit earlier that in Suffolk County, and it's probably about ten years ago, we had roughly a million people. It might be a little longer than that ago. We had a million people living in Suffolk County and we had "X" number of sworn officers. Today we have 1.5 million people living in Suffolk County and we have 300 less sworn Police Officers than we had at that past point in Suffolk County. And just by the numbers you have to question whether people are safer or whether they are not safer. And if we were doing things a certain way 5, 10, 15 years ago, and we've improved it to the point where we don't need 300 Police Officers, I would love to see that plan, because I haven't seen that plan. All I've seen is just on a piecemeal basis coming up and destroying the people that actually keep our constituents safe.

So to Budget Review, is that approximately correct on the number of people, the population, the number of sworn officers? It would be sworn personnel, I believe.

**MR. REINHEIMER:**

Yes, you're correct on the population. As far as the number of Police Officers, active employees on the payroll, as of the last payroll there were 1619 PBA members, 452 SOA members, 374 Detectives. Going back how many years?

**LEG. ALDEN:**

Well, pick a point in time when we had about a million people as far as the population, so 10, 15 years. Or actually go to -- what was the top number of sworn Police in Suffolk County?

**MR. REINHEIMER:**

I'll get back to you on that. I've got the information, I've just got to find it.

**P.O. LINDSAY:**

Is it all right if I move forward with tabling motion?

**LEG. ALDEN:**

No, absolutely.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Who do you have? Who's miss?

**MR. LAUBE:**

I don't -- oh, there he is. He was sitting down. Eighteen.

**P.O. LINDSAY:**

Okay. I'm going to beg everybody's indulgence because they just passed me a note and I -- this is a way we can save real money. We have Rich Tortora and Bob Smith outside to talk about a CN, 1609 and they're on the clock.

**LEG. ALDEN:**

Our time?

**P.O. LINDSAY:**

Yeah, our clock.

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

Our nickel.

**LEG. HORSLEY:**

Legislators time?

**P.O. LINDSAY:**

I would like to hear from them so we can dismiss them to get them off the clock.

**LEG. LOSQUADRO:**

Sounds good.

**P.O. LINDSAY:**

Mr. Tortora and Mr. Smith, if you could come forward and comment, you know, tell us what you've been hanging around to tell us.

**MR. TORTORA:**

Good evening.

**LEG. ALDEN:**

You have to push on the bottom.

**MR. TORTORA:**

I have to hold it the whole time?

**LEG. ALDEN:**

Yeah.

**MR. TORTORA:**

Okay. Richard Tortora, with Capital Markets Advisors. We're here this evening just to give you an update, events that have occurred since the meeting in June, at which time we discussed the possible issuance of County General Obligation Bonds to fund the existing JFA bonds, Judicial Facility

Agency bonds that are currently outstanding. Since that time it has been determined by Bond Counsel that unfortunately the County cannot issue tax exempt debt to fund this acquisition, they have to issue taxable debt. So, as a result, the level of savings that would be captured via this refunding, it just isn't going to be as attractive.

That being said, the savings are still rather significant. If indeed the County approves this authorization this evening, it would be our intention, with the rest of the County's finance plan -- finance team, to go into the market later this month, sell federally taxable bonds in the competitive marketplace, close on that issue in early September, trigger the call of the JFA bonds, and then pay those bonds off on October 15th, with the entire transaction is still predicated on the appraisal coming in at a level that's acceptable. If indeed the appraisal comes in at or below a certain number, this transaction will indeed work. The level of savings under current market conditions, which change on a daily basis, the County would recognize approximately four-and-a-half million dollars in net savings once this transaction closes.

**P.O. LINDSAY:**

Mr. Tortora, I thank you for your patience. We do have some questions because this is a very, very unusual transaction. There is a lot of questions. Legislator Alden.

**LEG. ALDEN:**

Just very quickly. When do you see the appraisals coming back?

**MR. TORTORA:**

We understand it will be in early next week.

**LEG. ALDEN:**

Good. So we need time for our next cycle, basically, for committees, and certainly by the next General session?

**MR. TORTORA:**

That's correct.

**LEG. ALDEN:**

Thanks.

**MR. TORTORA:**

The only -- if I could just add to that. The only danger, of course, that we have is if the resolution is put off to the next meeting and we have to go through a 20 day estoppel period. We'd have a very, very tight window to sell and close on the issue. It's doable, but it limits our flexibility somewhat.

**P.O. LINDSAY:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes. If I could go through this with you. When you originally appeared at our last meeting in Riverhead the number wasn't four-and-a-half million that you were telling us. What was the number at that time?

**MR. TORTORA:**

At that time with the issuance of tax exempt debt the number was certainly much closer to seven and a half million.

**LEG. ROMAINE:**

That we could save -- but now with the tax exempt. Let's talk a little bit about the appraisals. Essentially there is a municipal law that says a municipality cannot give a gift, even to another municipality, is that correct?

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

**MR. TORTORA:**

I'm not the attorney on the deal; I'll defer to Bond Counsel.

**MR. SMITH:**

Yeah, a municipality is not authorized to make a gift of this -- yeah, lend it's credit, etcetera, all those things

**LEG. ROMAINE:**

So what we would have to do to make this deal work is we would have to have an appraisal that would be somewhere around 61 to 64, maybe even 70 million might work.

**MR. TORTORA:**

Actually, quite a bit more than that.

**LEG. ROMAINE:**

Really?

**MR. TORTORA:**

And frankly, I prefer not to say the number, so I wouldn't want to --

**LEG. ROMAINE:**

Right.

**MR. TORTORA:**

-- affect the process.

**LEG. ROMAINE:**

I'm not going to ask you for the number because I understand that.

**MR. TORTORA:**

But the number is higher than that.

**LEG. ROMAINE:**

But at some point, if the appraisal comes in at true value and that value is rather high, our savings would be greatly diminished.

**MR. TORTORA:**

At some point we would recommend not even proceeding with the transaction.

**LEG. ROMAINE:**

Do you have any self-interest that would be gained for the County proceeding that you have yet to disclose?

**MR. TORTORA:**

I'm not quite sure I understand your question. We, of course, get paid a fee if the transaction closes.

**LEG. ROMAINE:**

Yes, you do. Right now my understanding is that Capital Market gets paid \$40,716 a quarter for a total of \$162,864 a year. But it is also my understanding, in this particular deal, that you would be paid 95 cents per thousand dollar bond issued, so the larger the bond issued, the more you would directly be paid for this particular issue; is that correct?

**MR. TORTORA:**

That is.

**LEG. ROMAINE:**

Okay. I was -- I wanted to bring that out because I was surprised that you hadn't disclosed that because this is above and beyond the deal with Capital Market. And it would be something that you would benefit from, but I understand that your professionalism would not allow the County to make a deal from which they weren't getting net proceeds.

**MR. TORTORA:**

Of course. If at -- we present the refunding numbers to the County and the County makes the decision whether or not it's in the County's best interest to go forward with the transaction, and of course all the fees are disclosed at that time. So the retainer that my firm has with the County compensates us for four financings during the course of the year, two cash flow financings which typically are 300 to \$400 million.

**LEG. ROMAINE:**

Right.

**MR. TORTORA:**

Two capital financings that are typically in the neighborhood of a hundred to \$150 million.

**LEG. ROMAINE:**

Right.

**MR. TORTORA:**

Plus any other meetings, memos, research, etcetera, etcetera.

**LEG. ROMAINE:**

Right, right, you're retained for that purpose. But on this particular issue, since this is not part of that contractual obligation, you would gain a benefit of about 95 cents per thousand dollar bond issued?

**MR. TORTORA:**

That's correct.

**LEG. ROMAINE:**

Okay. And the reason I ask that is because some people have raised the question if you can act independently since you have an interest in this obligation, and I just want you to state for the record that that -- I'll let you state for the record.

**MR. TORTORA:**

We'll get paid a fee for services rendered. I might just add to this, because of the nature of what you -- I suspect you're suggesting here, the arrangement between my firm and the County had been at one time purely fee-based on transactions.

**LEG. ROMAINE:**

Right.

**MR. TORTORA:**

We had suggested -- and I think you were a member of the Legislature or you were certainly in the County at the time many years ago, that we suggested and it was -- I don't recall which one of the Legislators, one of the Legislators who's no longer with us made your point, and at that point I

immediately went to the Comptroller and said, "Good point. We should be on retainer, it would make a lot more sense."

**LEG. ROMAINE:**

Right. But this isn't part of your retainer.

**MR. TORTORA:**

No, it is not.

**LEG. ROMAINE:**

No, but you have a contractual obligation with the County where you would benefit from this but I'm -- I'm sure that --

**MR. TORTORA:**

Transactions that were not envisioned outside the normal four transactions, two cash flows and two Capital financings, are based on a per bond or a per note basis.

**LEG. ROMAINE:**

Right. But this would not impede your independence to give us professional guidance.

**MR. TORTORA:**

Absolutely not.

**LEG. ROMAINE:**

I just wanted you to say that for the record.

**MR. TORTORA:**

I mean, it would be fool-hearty for someone in my position to recommend a transaction today when I hope to be doing work with the County next week, next month, next year, etcetera.

**LEG. ROMAINE:**

I understand that. I just raise those questions in full disclosure. Concerns.

**MR. TORTORA:**

That's fine.

**LEG. ROMAINE:**

My concern also is -- I'm going to urge that my colleagues table this because the appraisal is going to tell us whether the deal makes sense or not. If this appraisal comes in -- because the JFA cannot give a gift. If this appraisal comes in too high, then there'll be no benefit for us to refinance whatsoever, or the benefit would be so meager we would have to question why we would take on additional debt. Because understand, when you came in front of us in June, we had just received a Veto Message on our Capital Budget where the County Executive, even though our Capital Budget was \$6 million less than the year before, where the County Executive ripped every member of this Legislature and then in the same breath he said, "Oh, by the way, I want you to waive the rules and add \$66 million of debt to our Capital Budget." So the dichotomy of those two statements within one meeting was astounding and left a bitter taste in some members' mouths that that advocacy could be made.

So we're going to look at this very carefully. I would urge that we table this because we really should not act on this until we have an appraisal. That appraisal will tell us what, if any, savings we will receive, because we may receive no savings or the savings may be so minuscule, it may not benefit us to go into 66 or more millions of dollars worth of debt. Thank you, Mr. Presiding Officer.

**P.O. LINDSAY:**

Before I go forward, Ms. Bizzarro, you take the microphone, do you have something to add to this?

**MS. BIZZARRO:**

Thank you. Yes, I just wanted to apprise the Legislature that you've passed a resolution already that caps you at the \$66 million. So if the appraisal did come in too high, the deal would not go forward in any event, so you have that protection. And I do know that Capital Markets and Bond Counsel is urging you today to move forward with these two resolutions, so tabling would not be a good idea if you are on board with the resolutions. As I said, you've already passed the resolution that caps it at \$66 million. You know, notice went out capping this at \$66 million, so you cannot go above that number.

**LEG. ALDEN:**

(Inaudible).

**P.O. LINDSAY:**

Ms. Bizzarro, I think you better stay there because I think your comments might have raised more issues than solved. Legislator Kennedy?

**LEG. KENNEDY:**

Thank you, Mr. Chair. I want to go over to MR. TORTORA again. My recollection when we started the dialogue with this was that the way the current bonds are set -- first of all, how many more years left to run on the current bond?

**MR. TORTORA:**

The current bonds mature --

**LEG. ALDEN:**

Hit your button.

**MR. TORTORA:**

The current bond issue, the JFA issue matures in 2016.

**LEG. KENNEDY:**

Okay, so six-and-a-half years. And there is a sizeable escrow that is held now with this set of bonds?

**MR. TORTORA:**

That's correct. There are monies in a Debt Service Reserve Fund, approximately eleven, \$12 million.

**LEG. KENNEDY:**

And if this proposed transaction goes forward that we're speaking about, notwithstanding that 12 million in escrow, our net gain is only going to be four million; that's inclusive of that escrow or on top of? Are we at four million plus 12 or we're just net four?

**MR. TORTORA:**

No, no, it's the four plus million is your savings. The escrow is factored into the numbers. So the escrow was a debt --

**LEG. KENNEDY:**

So we have 12 million to heave at this and we can only take four out?

**MR. TORTORA:**

No, the Debt Service Reserve Fund is required in a revenue deal, the JFA deal was a revenue bond issue.

**LEG. KENNEDY:**

Yeah.

**MR. TORTORA:**

At the time the JFA bonds were issued in 1999, a certain amount of money was set aside and put in a Debt Service Reserve Fund and invested and the purpose of that fund is to give additional security to investors. So that in the event that any time during the life of those bonds, if there was a revenue shortfall and there wasn't enough money available to make principle and interest payments on time and in full --

**LEG. KENNEDY:**

Yeah.

**MR. TORTORA:**

-- you would tap into the Debt Service Reserve Fund.

**LEG. KENNEDY:**

Exactly.

**MR. TORTORA:**

So that Debt Service Reserve Fund is still there and it can only be used to pay debt service on the JFA bonds.

**LEG. KENNEDY:**

Right.

**MR. TORTORA:**

So if indeed this deal proceeds, the monies in that Debt Service Reserve Fund will be applied to pay off those bonds, it will be used for the purpose in which it was intended, to pay off those bonds. So this transaction, if indeed it goes forward, will have the effect -- you have to look at it I guess for purposes of this analysis -- as a refunding issue. We're going to issue debt at interest rates with a structure that's more attractive than the existing debt and the net effect of issuing these refunding bonds is that the County is going to save, over the next six-and-a-half years, approximately four and a half million dollars.

**LEG. KENNEDY:**

Okay, let me try to go a little bit further here. And I don't want to minimize four and a half million. Based on what we keep hearing, we're probably going to be selling furniture soon.

*(\*Laughter From Panel\*)*

But if we were to go along for the next six-and-a-half years, make the payments and pay off these JFA bonds, what would happen with that \$12 million?

**MR. TORTORA:**

It would be used for the last debt service payment. So effectively it would -- what would occur is exactly what you would anticipate when you originally did the financing, you would just use -- you would make, you know, the lease payments which go to pay off the bonds, and then in the last year, to the extent that the Debt Service Reserve Fund has not been tapped, then it's used to pay off the last maturity of the bonds, or perhaps even the last two maturities.

**LEG. KENNEDY:**

So then we wouldn't go for six-and-a-half years. How frequently do we make those payments now?

**MR. TORTORA:**

If indeed you refund these bonds --

**LEG. KENNEDY:**

Yes.

**MR. TORTORA:**

The term of the new bonds, the refunding bonds will match the term of the old bonds. So you will not extend the term of that debt by virtue of this new transaction. It will be structured such that you will still have debt service payments in each of the next six-and-a-half years.

**LEG. KENNEDY:**

Okay, on that, Rich, stay with me with what we have now for a second. How often do we make these payments now?

**MR. TORTORA:**

Twice a year.

**LEG. KENNEDY:**

Twice a year. We have approximately six-and-a-half years left to go, we have 12 million sitting there, and if we just continue to make our payments, we'll bang out 12 against the last year, so it's five and a half years, definitely five and a half years left.

**MR. TORTORA:**

That's right.

**LEG. KENNEDY:**

Okay.

**MR. TORTORA:**

No, the debt service payments will be made six-and-a-half, the County will pay from available funds for the next five-and-a-half and then the last year would be paid from money that's already invested in the debt service reserve fund, that 10 to \$12 million.

**LEG. KENNEDY:**

Does this 12 million, is this in an interest-bearing type of a mechanism?

**MR. TORTORA:**

Of course, sure. A very high interest-bearing mechanism.

**LEG. KENNEDY:**

It is.

**MR. TORTORA:**

At a rate that's maybe 10 times what you would be able to do under current market conditions, so it's a good investment.

**LEG. SCHNEIDERMAN:**

(Inaudible).

**LEG. KENNEDY:**

With what we have right now.

**MR. TORTORA:**

Correct.

**LEG. KENNEDY:**

So if we held that for another five-and-a-half years, wouldn't that continue to throw that preferred interest rate?

**MR. TORTORA:**

What you have to understand is when we run -- this transaction, even though it's in one instance characterized as an acquisition, the County's acquisition of the JFA asset, in another instance we have to look at it as a refunding because we have existing principle and interest payments that we could look at that the County would be paying if we did nothing, and we can compare that to principle and interest payments that the County would be responsible for if this transaction went forward. And the net effect, even factoring in the use of the monies in the Debt Service Reserve Fund, is if indeed we refund this issue under current rates and current taxable rates, the net effect will be that you'll save approximately four-and-a-half million dollars as a result of this transaction. You know, that's independently verified by a verification agent.

The transaction will indeed save, unless market conditions change significantly, if the appraisal comes in at an acceptable rate, this transaction will, with certitude, save you a significant amount of money. We don't know the exact amount of money until we sell the bonds and get the interest rates, but we're projecting, based on current market conditions, the level of savings resulting from this transaction, net of expenses, will be approximately four-and-a-half million dollars.

**LEG. NOWICK:**

Net.

**LEG. KENNEDY:**

Okay. I'm going to yield for a time.

**P.O. LINDSAY:**

Go ahead. Whose on the list?

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

I'm sorry, I forgot I had the list. Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Thank you. Rich, I just -- I appreciate the in-depth conversation you just had with Legislator Kennedy. And at the last General Meeting, or I think it was the last General Meeting, we had an extensive conversation about time, so I just want to talk about that first.

There was a suggestion by one of my colleagues earlier that we should table. Last comment -- at the last General Meeting in Riverhead, we were confident we could wait till today, but if I remember correctly, we couldn't wait any longer. So could you just refresh my memory and tell me --

**MR. TORTORA:**

Sure. Once this resolution is approved, the next step will be what the appraisal comes in at. If the appraisals comes in at a number that makes this transaction attractive, the County's finance team will move forward, prepare an official statement, market it typically for about eight days, sell the issue and then typically close a week to ten days later; all of that has to occur by early September. I believe the next meeting is maybe about the 18th. It just -- it would really put you under the gun to get this deal sold and closed in time to be able to trigger the call. And keep in mind --

**MR. SMITH:**

The estoppel period.

**MR. TORTORA:**

The estoppel period that Bond Counsel mentioned. Once the resolution is adopted, you have to publish it for a 20-day estoppel period and that's the final part of the authorization process.

Something that shouldn't be lost on anyone. This transaction is going to be a good transaction, it's going to be an attractive refunding. As long as interest rates hold up, whether it's going to be a good transaction whether we close it September 1st or 15th or October 15th or October 20th. The

difference is if indeed we can meet the call date, the October 15th call date, you recognize that significant amount of savings in the current fiscal year, approximately 5.2 million. If indeed we miss the call date, it's not to say the transaction is dead, you just will not have the savings in the current fiscal year, you'll have savings in subsequent years but you'll lose the benefit, which I understood was one of the motivating factors, of getting a significant amount of savings in fiscal '09.

**LEG. BEEDENBENDER:**

Okay. So -- well, the second thing I want to talk about is upside and downside. So I think you said earlier that we could save four-and-a-half million dollars, and that takes into account the \$5.4 million in 2009's budget, right.

**MR. TORTORA:**

That's correct.

**LEG. BEEDENBENDER:**

Okay. So the upside is four-and-a-half million, roughly, depending on what the appraisal comes in and the final, whatever date we do it. What about the downside? So I know one downside is the appraisal doesn't come in at a value and it doesn't make it attractive to go forward. So my question is is there a way for Suffolk County to lose money if we -- to lose out on the deal if we approve this bill today?

**MR. TORTORA:**

I'm just going to have you restate the question again.

**LEG. BEEDENBENDER:**

Okay. What I'm trying to figure out, Rich, is when I look at this, it seems like if I approve this we have a chance to save four-and-a-half million. What I want to know is -- so I'm saying four-and-a-half million positive is the best case; what is the worst case? The worst case is that we have zero. We can't lose money on this, can we?

**MR. TORTORA:**

You certainly can't lose money. So I guess to answer your question, if it's approved today, the best case is that you can save four-and-a-half million dollars over the life of this issue, the next six-and-a-half years, including saving about 5.2 from the current year's budget.

**LEG. BEEDENBENDER:**

Okay.

**MR. TORTORA:**

If indeed you don't approve this today and so we don't make that October 15th call, you'll certainly still have savings -- maybe a little bit less savings but not, you know, two million or three million, you'll have less savings -- but the effect is you won't have any savings in the current fiscal year.

**LEG. BEEDENBENDER:**

Well, I guess the point that I'm trying to figure out if it's correct and what I would make to my colleagues is that it seems, at least in my estimation, if the upside is four-and-a-half million and the downside is that we just do nothing and we do what we did, then in terms of assessing risk, I'm pretty confident that, you know, this is worth it. We passed a bill, we get the appraisal, if it works out we save money, somewhere in the neighborhood of four-and-a-half million. But from what I'm hearing is there's not a possibility that we do any worse than we are right now.

**MR. TORTORA:**

Absolutely. You make a good point. If you do nothing, basically you leave about four-and-a-half million dollars on the table. So if you said let's not touch this, let's just business as usual, we'll just pay debt service as we had in the last year, we'll use the Debt Service Reserve Fund to make the

last payment, you could certainly do that but you will have missed a four-and-a-half million dollars savings opportunity.

**LEG. BEEDENBENDER:**

Right. So just the one final question I would ask is that just -- I don't want to oversimplify because I know that I kind of just did. But what else is out there? I mean, would you say there are any other things that would cause us a problem if we move forward, whether it's legal in terms of Bond Counsel or from a financial standpoint, from your perspective? Is there anything else that we're missing out there? Because I don't see it, but I'd like to make sure.

**MR. TORTORA:**

Yeah, the only -- so the next big hurdle is the appraisal. Let's say the appraisal comes in, then it's all about the market. If the market -- you know, the market has improved for us since June, so the savings are better now than they were in June, but for the fact that now it's a taxable deal versus a tax-exempt deal. It always works -- you know, time is our friend, is our enemy. If the market moves away from us, I mean, we've been in a very squirrely market the last year or so, that could cost us money; it could also save us money if rates improve over time. But that's the only risk.

**LEG. BEEDENBENDER:**

But when you say cost us money, you say instead of four-and-a-half it could be a number -- some number less than that.

**MR. TORTORA:**

Yeah, certainly. If for some reason interest rates went up significantly, 25, 50 basis points, a half of percentage point -- this is -- basically we're looking at it as a refunding issue, the debt service on the new bonds as compared to the debt service on the existing bonds. The magic of this transition is we can -- you know, the interest rate difference and the structuring difference is what's going to save money. If those interest rates go up, your savings will -- the amount of savings will start to diminish.

**LEG. BEEDENBENDER:**

Okay.

**MR. SMITH:**

If I could just add to give the complete answer to your question about legal matters as well as financial. The only legal thing that pops up is the estoppel period that Rich mentioned before. So we'd start -- that period is going to run 20 days from the date that the resolution is actually published in the paper. So if it's adopted -- I'm told, I don't know for sure when the Clerk really gets things published, if it's a day or two or three, I'm told about three days is what's really necessary based on publishing schedules, newspapers, etcetera. So if we start that period two weeks later, we've eaten up a lot of the time when we could have been selling the bonds.

**LEG. BEEDENBENDER:**

So from your perspective, if we're going to do this, we should start the estoppel period as soon as possible.

**MR. SMITH:**

It's always better to start sooner rather than later, sure.

**LEG. BEEDENBENDER:**

Thank you, Mr. Chair; Madam Chair, I should say.

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

Legislator Montano?

**LEG. MONTANO:**

Yeah. Actually, Legislator Beedenbender asked two exact questions I was going to ask. But just to follow-up, you unequivocally are stating that we cannot lose money on this deal. And at the end, you said if interest rates go up then we don't make as much, but it's not at the point where if interest rates go up they spike that we can lose money. Are you saying that that's not going to happen? I mean, I want an unequivocal statement that we're not going to lose a penny. We may not make the 4.2 million that you say we're going to save in this cycle; is that a fair accounting?

**MR. TORTORA:**

Yeah, I'd never want to characterize it as losing money. The level of your savings is affected by interest rates. I'm presently, under current market conditions, if you sold this deal today, we're confident that you would save approximately four-and-a-half million dollars.

**LEG. MONTANO:**

At today's interest rate.

**MR. TORTORA:**

Correct.

**LEG. MONTANO:**

If the interest rates goes up, savings is diminished proportionately; am I correct?

**MR. TORTORA:**

That's correct, certainly.

**LEG. MONTANO:**

Is there a point where if the interest rates spike, we wind up in the negative? That's --

**MR. TORTORA:**

We would -- well --

**LEG. MONTANO:**

You wouldn't complete the deal is what you're saving.

**MR. TORTORA:**

Of course. The nice thing about this, this is a competitive sale. We can go into the market, on the day we go into the market we sell bonds at eleven o'clock; by 11:15 we run all the numbers and we know exactly what you saved. We present that to the County and we walk them through the savings and if it's -- you know, generally our rule of thumb, the New York State Comptroller, when he looks at refundings, he looks for a refunding to generate 2% on the present value basis of the refunded par amount. So if the refunded par amount is 65 million, they look for the present value savings to be 2% of that number. I think it's safe to say that the County has always had a much higher threshold than that, self-imposed. I don't think, for as long as I've been here, we've ever done a refunding that didn't save, maybe in one instance, 3%. So at some point we would say, "No deal," and we would just come back and do it again, hope that market conditions improve.

**LEG. MONTANO:**

Thank you, Richard.

**MR. TORTORA:**

You're welcome.

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

Legislator Alden.

**LEG. ALDEN:**

Rich, you said before that this year we've have five point -- what is it, 5.2, 5.5?

**MR. TORTORA:**

The existing debt service I believe is about 5.6. When we issue the new bonds, the new bonds themselves will have a debt service payment this year, so that offsets any savings. So we think the net effect of this transaction, when you factor in the fact that we're refunding the October 15th payment on the JFA bonds and then we'll be making a payment on our new bonds, the net effect is we think you'll save in this fiscal year about 5.2, 5.1 million.

**LEG. ALDEN:**

So we'll have dissavings in one or a couple of the other years.

**MR. TORTORA:**

You'll have -- roughly, you'll have a savings of approximately five -- again, based on the snapshot, you'll have savings of approximately 5.2 million this year and then what we consider di minimus savings for the next five years, less than a hundred thousand; one, two, three, four, five, less than a hundred thousand for the next five years. And if you remember, the sixth year you'd have dissavings --

**LEG. ALDEN:**

Of a million.

**MR. TORTORA:**

-- of a million and change, a little over a million, and then the seventh year is relatively flat, maybe a little dissavings, maybe a little savings, but nothing to speak of.

**LEG. ALDEN:**

Okay. Thanks, Rich.

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

Legislator Barraga.

**LEG. BARRAGA:**

I think Legislator Alden really covered the points I wanted to. But I just wanted to make sure, based on your conversation with Cameron Alden, the call date becomes important, October 15th, if you want to save that \$5.3 million this year; is that correct?

**MR. TORTORA:**

That's right. Now, the call date is October 15, but we have to tell the Trustee to send out the notice of the call 30 days before, so the Trustee has to send the notice out no later than September 15th. And the documents tell us we should direct them I think 45 -- well, if we close this deal before the 15th of September, we're okay. If it's on or after the 15th, we probably -- we'll miss the call, the October 15th call and miss the savings in this fiscal year.

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

Legislator Romaine -- I'm sorry, did you want to go?

**P.O. LINDSAY:**

Go ahead.

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

Legislator Romaine?

**LEG. ROMAINE:**

I just want to follow-up on the question of the appraisal. There is a very strong possibility that the appraisal could come in, and I heard the representative of the County Attorney's Office say, "Hey,

this resolution is capped at \$66 million." What happens if the appraisal comes in at 80 million, 79 million, 75 million?

**MR. TORTORA:**

Basically you -- the deal is no longer economically attractive.

**LEG. ROMAINE:**

So this resolution is null and void.

**MR. TORTORA:**

I don't know if the resolution is null and void, but we wouldn't recommend going forward with the transaction.

**LEG. ROMAINE:**

I'd like to ask Counsel that. We're about to vote on a resolution that's going to bind this counsel -- this County to a specific policy. Counsel, when we vote on this resolution, is there a proviso in this resolution that says -- is there a cap in this resolution that says \$66 million and is that cap -- is there a provision that would say if the appraisal exceeds the amount that we're limited, that this resolution is null and void?

**MR. SMITH:**

There's not a provision that's -- there is a provision that limits the \$66 million and that's the amount of bonds that can be issued. And there's not a provision that says it becomes void based on what the appraisal says, but the fact is that the deal just could not be done if we couldn't issue more than 66 million, so it kind of becomes null. It's subject to rescision, it could be rescinded at the next meeting.

**LEG. ROMAINE:**

Well, if the deal is for 75 million, you could go out to bond under this resolution theoretically for \$66 million?

**MR. SMITH:**

If this resolution authorizes 75 million in bonds?

**LEG. ROMAINE:**

No, if the appraisal came in at 75 million, you could refinance \$66 million of this debt, theoretically.

**MR. SMITH:**

You could issue up to \$66 million in bonds, you can issue less than that, of course, also. I defer to Rich on whether the deal would make any sense to issue -- to buy part of the building, you know.

**LEG. ROMAINE:**

What I'm concerned is that we're committing to a legal course of action, and we have oversight of that course of action.

**MR. SMITH:**

No, there's --

**LEG. ROMAINE:**

Who makes the call if the deal makes sense, doesn't make sense?

**MR. SMITH:**

No, adopting the resolution doesn't mean that we have to do it. I mean, as with any Bond Resolution the County ever adopts, there's an authorization to issue bonds, there's not a requirement to issue them. And every Bond Resolution that you, the Legislature, adopts includes a provision that says the County Comptroller, as Chief Fiscal Officer, has delegated the authority to make those final determinations.

**LEG. ROMAINE:**

That's what I wanted on the record, that the County Comptroller will make the call. Okay, thank you.

**P.O. LINDSAY:**

Okay. Ms. Bizzarro, you wanted to add something?

**MS. BIZZARRO:**

If I could just throw this in as further protection. The contract of sale will specifically limit the purchase price to the \$66 million; that is it, it cannot go above that number.

**LEG. NOWICK:**

That seems pretty clear to me. I got it.

**P.O. LINDSAY:**

And my only question is would Budget Review weigh in on this, please?

**MS. VIZZINI:**

Generally speaking, we're in favor of going forward. I think it's been explained fairly well by Mr. Tortora. There's the aspect of the budgetary savings. There's money in the budget, \$5.6 million, that we would not have to spend in 2009; that money could be used to offset the tremendous shortfall that we have in '09-2010.

Over the life of the deal, which is no longer than the original deal, based on Mr. Tortora's numbers, we have the potential to save over \$4 million. So from that perspective, it may be worth moving forward.

**LEG. NOWICK:**

Okay.

**P.O. LINDSAY:**

Anybody else; no? Do you want to take this out of order while they're here?

**LEG. ROMAINE:**

Yeah, motion to take it out of order.

**P.O. LINDSAY:**

Motion by Legislator Romaine to take 1609 out of order, and seconded by Legislator Alden. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay, it's before us. *1609-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the acquisition of the partial interest in the John P. Cohalan Court Complex, constituting the portion of facility not currently owned by the County, form the Suffolk County Judicial Facilities Agency (CP 1137).* It's a CN, so it needs a super majority; am I correct.

**MR. NOLAN:**

(Nodded head yes).

**P.O. LINDSAY:**

Anybody have anything else to say about it? Okay, let's have a roll call.

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

Do we need a motion?

**LEG. BEEDENBENDER:**

Motion.

**P.O. LINDSAY:**

Oh, we need a motion. Motion by Legislator Beedenbender, seconded by Losquadro. Roll call.

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

**LEG. BEEDENBENDER:**

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:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**LEG. NOWICK:**

Show me the money.

**P.O. LINDSAY:**

Thank you, gentlemen, for waiting around --

**MR. TORTORA:**

You're welcome.

**P.O. LINDSAY:**

-- and doing that explanation. It's a very complicated deal, I'm not sure I still understand it, but you did make it clearer.

Okay. Back to the Tabled Resolutions on page eight:

***1327-09 - Adopting Local Law No. -2009, A Charter Law to establish a new process for adopting the Suffolk County Community College Operating Budget (Horsley).*** Do I have a motion?

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

Wayne? It's the college one.

**LEG. HORSLEY:**

Oh, yes. Motion to approve..

**LEG. COOPER:**

Second.

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

Second.

**P.O. LINDSAY:**

Motion to approve by Legislator Horsley and seconded by Legislator Cooper.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

Wayne, what did you do about that -- is it mandatory now or is it -- is it flexible, the timeline, or is it

mandatory?

**LEG. HORSLEY:**

It is mandatory, right? Mandatory the end of August.

**MR. NOLAN:**

We have the same drop-dead date as we always had, August 31st.

**LEG. ALDEN:**

But this just provides a mechanism where we could do it earlier, if possible, right?

**MR. NOLAN:**

Oh, we absolutely could, yes. Like we did this year, we did it in June.

**LEG. ALDEN:**

Okay.

**LEG. HORSLEY:**

Yeah, we could do it earlier. What this is is just codifying the whole plan that we had worked out with the college.

**LEG. ALDEN:**

Budget Review, you guys can do the analysis on the budget?

It's a pushed-up date, basically.

**MS. VIZZINI:**

No, it reflects the process, when the college has to give us their requests. The August 31st date is still the outside date, but we were successful this year in trying to expedite our analysis so you could vote in a timely manner. So it reflects the provisions that are in the MOU which is a five-year agreement.

**LEG. HORSLEY:**

It's flexible is what she's saying, yeah.

**P.O. LINDSAY:**

I'm confused. What's new here, what changed?

**LEG. HORSLEY:**

Nothing.

**LEG. ALDEN:**

You just codified it.

**LEG. HORSLEY:**

The language.

**P.O. LINDSAY:**

Then why do we need a resolution if nothing changed?

**LEG. NOWICK:**

We never passed it.

**MR. NOLAN:**

I would just --

**LEG. HORSLEY:**

Go ahead.

**MR. NOLAN:**

I'll weigh in on that in that we had an agreement with the community college, but in our own laws we don't have any provision currently for how we adopt the community college budget. So we thought this would be a good time to put that in our Administrative Code, to really lay out the process for adopting that budget, the timelines consistent with the agreement with the college, but it's in our laws and will be there even after the agreement with the community college; if that ever goes away, this will be here.

**LEG. HORSLEY:**

All right.

**P.O. LINDSAY:**

George, you didn't --

**MR. NOLAN,**

Did I make a dent?

**P.O. LINDSAY:**

No, you still didn't tell me what's different. I mean, there's nothing different but we need a resolution to say that it's codified, that nothing's different.

**LEG. HORSLEY:**

It's --

**P.O. LINDSAY:**

If it's the same I'll vote for it.

**LEG. HORSLEY:**

It's the same.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1469-09 - Approving the reappointment of Michele T. DelMonte as a member of the Suffolk County Human Rights Commission (County Executive).***

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

Nobody wants to make the motion?

**P.O. LINDSAY:**

Do I have a motion?

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion to approve?

**LEG. ALDEN:**

I'll second it.

**LEG. STERN:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator Stern.

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

Mr. Chair, I'm just going to put on the record that the County Executive has, as he had indicated last month, he has laid on the table for next month the rest of the appointees to have a full contingent, and so I'm very satisfied that he has done that and I will be supporting this resolution.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1470-09 - Approving the reappointment of Rajeshwar Prasad as a member of the Suffolk County Human Rights Commission (County Executive).*** You want to do same motion, same second, same vote; is that all right with everybody?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1499-09 - Approving the reappointment of Augustus G. Mantia, M.D. as a member of the Suffolk County Human Rights Commission. (County Executive).***

**LEG. KENNEDY:**

Motion.

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

Second.

**P.O. LINDSAY:**

All right, we want it separate? Okay, we have a motion by Legislator Kennedy, a second by Legislator Nowick. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Seventeen.

**MS. MAHONEY:**

Seventeen?

**MR. LAUBE:**

Eighteen, Eighteen; check that.

**P.O. LINDSAY:**

1609-09 - Amending --

**MR. NOLAN:**

We did that.

**P.O. LINDSAY:**

We just did that one.

**1610-09 - Bond Resolution of the County of Suffolk, New York No. -2009, authorizing the issuance of \$66,000,000 bonds to finance a part of the cost of the acquisition of a partial interest in the John P. Cohalan Court Complex constituting the portion of the building not currently owned by the County (CP 1137) (County Executive).** Isn't that the same one?

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

That's the bond.

**P.O. LINDSAY:**

Okay, that's the Bond Resolution that accompanies 1610. And we didn't do that? What was the CN?

**MR. NOLAN:**

We amended the Capital Budget & Program and increased it by \$66 million.

**P.O. LINDSAY:**

But we still have to vote the bond?

**MR. NOLAN:**

You still have to vote the bond.

**P.O. LINDSAY:**

Okay.

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

Motion.

**P.O. LINDSAY:**

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

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

Seconded by Legislator D'Amaro. On the motion?

**LEG. BEEDENBENDER:**

On the motion, Mr. Chair?

**P.O. LINDSAY:**

Go ahead.

**LEG. BEEDENBENDER:**

Just quickly to Counsel. The resolution is for the issuance of 66 million, but according to the testimony we had, I guess it's up to.

Is that included in the text of this resolution, that it could be any amount up to 66 million.

**MR. NOLAN:**

Up to \$66 million.

**LEG. BEEDENBENDER:**

Okay.

**P.O. LINDSAY:**

Which I think is pretty standard for our Bond resolutions. We approve Bond Resolutions and sometimes we don't authorize it all; am I correct?

**LEG. BEEDENBENDER:**

Right. I just wanted to make sure because we had that discussion earlier on the previous resolution.

**P.O. LINDSAY:**

Okay. We have a motion and a second. Roll call.

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

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

Yes

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. STERN:**

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, *Home Rule Message No. 17-2009 - Home Rule requesting the State of New York to amend the Local Finance Law to authorize Suffolk County to amortize the separation pay of County employees for a period of ten years (Senate Bill S.6040/Assembly Bill A9050). (Co. Exec.)*

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

Motion to table.

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Motion to table by Legislator Vilorio-Fisher, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It stands tabled.

*Home Rule No. 18-2009 - Home Rule requesting the State of New York to amend the Local Finance Law to authorize Suffolk County to amortize the separation pay of County employees for a period of ten years (Senate Bill S.4695/Assembly Bill A8092) (County Executive).* Same motion, same second, same vote all right?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

It stands tabled.

Page nine, *Introductory Resolutions*; moving right along now.

*1575-09 - Establishing a "Shop Suffolk" promotional campaign (Cooper).*

**LEG. COOPER:**

Motion to approve.

**LEG. HORSLEY:**

Second.

**P.O. LINDSAY:**

Motion to approve by --

**LEG. HORSLEY:**

Second, jealously.

**P.O. LINDSAY:**

-- Legislator Cooper. Second by Legislator Horsley. Legislator Cooper, would you be so kind to explain what this resolution does?

**LEG. COOPER:**

Sure. It will direct the Department of Economic Development to work with local Chambers of Commerce and business improvement districts to come up with an educational campaign to educate Suffolk residents on the benefits of shopping locally, in our local stores, as opposed to buying over the Internet.

**LEG. NOWICK:**

I'll volunteer my services.

**P.O. LINDSAY:**

Okay. Legislator Alden.

**LEG. ALDEN:**

Just to be clear on this, because I did raise it committee, this doesn't obligate us to spend any money.

**LEG. COOPER:**

Correct. If there are any costs involved, Economic Development will come back to us requesting authorization.

**LEG. ALDEN:**

For authorization, good. Thank you.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

*IR 1600-09 - Authorizing use of property at Francis S. Gabreski Airport by the Kiwanis Club of Greater Westhampton (County Executive).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman. Second?

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1508-09 - Adopting Local Law No. -2009, A Local Law Amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species (Schneiderman).***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman, second by Legislator Viloría-Fisher.

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

Cosponsor, Tim.

**P.O. LINDSAY:**

Didn't we pass this legislation a couple of years ago?

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

Yeah, we had.

**LEG. BROWNING:**

Tim, cosponsor.

**LEG. SCHNEIDERMAN:**

We did. From time to time it will need to be amended; some species of plants will come off the list, some will be added to the list. This takes some off, it adds new ones, it also does a couple of other things. It creates a framework for allowing cultivars of species that were banned. If somebody produces a sterile variety of something that may have been banned, that sterile variety could then be used if it meets certain standards. It also transfers the enforcement over to Consumer Affairs from the environment. Other than that, that's what it does.

**P.O. LINDSAY:**

Did anybody talk to Consumer Affairs to see if they could do this?

**LEG. SCHNEIDERMAN:**

I've spoken with Consumer Affairs and the Department of Environment on that issue, so --

**LEG. ALDEN:**

Who did you speak to?

**LEG. SCHNEIDERMAN:**

The head of Consumer Affairs.

**P.O. LINDSAY:**

You know, the last time -- and the only reason I raise that, and it is --

**LEG. SCHNEIDERMAN:**

And I can't say he was thrilled about it but, you know, he's going to need some help enforcing it.

**P.O. LINDSAY:**

Well, because for one thing, you know, they had 13 clerical people there, they're down to seven and two more of them are going to retire. We had three supervisors there, we're down to one. We had, I think, five Field Inspectors and we're down to four, and unless we replace somebody over there and we keep giving them more and more work, the house of cards is going to collapse.

**LEG. SCHNEIDERMAN:**

Well, we're fortunate in this case that the industry is self-policing. There are only a couple of major

sellers of these plants, they're from the west coast. And, you know, the Department of Environment has no ability to enforce this, so it's better than the current regime in terms of enforcement and luckily the industry is complying.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1546-09 - Adopting Local Law No. -2009, A Local Law establishing the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay (County Executive).***

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro. Seconded by Legislator Vilorio-Fisher. Any debate on this, any questions?

**LEG. ALDEN:**

Cosponsor.

**P.O. LINDSAY:**

Cosponsor. Mr. Isles, could you just answer one question for me?

If you could.

**LEG. SCHNEIDERMAN:**

Tim, list me as a cosponsor as well.

**LEG. LOSQUADRO:**

Tim, cosponsor.

**P.O. LINDSAY:**

I was a little confused by all the testimony. I understand this program is for 60 acres, which I think anybody would agree is not a huge amount of area. But some of the testimony kept throwing in the issue of the Oyster leases; is that different than what we're talking about and will that expand what we're talking about?

**DIRECTOR ISLES:**

It is different from what we're talking about, because the oyster grants exist out there presently; there are over 5,000 acres of oyster grants. What this does and what the State law said in 2004 is it said to the County of Suffolk, "Please clean this up," it's used the word "clarify that." It's been the subject of a dispute literally for like 80 years. So what it does is it does control and regulate that, and what specifically it does is two things. One is that anybody who's got an oyster grant can do oyster grant because they got that authority many years ago.

In terms of other species, two things can happen. One, if they have permits right now for that from DEC from the State of New York, and there are about eleven hundred acres that fall under that, they will have the ability to convert those to leases under the control of this program so it's regulated, but it's not changing the activity in terms of the amount of land.

The second thing, somebody who's not doing other species on an oyster grant can apply for a lease for non -- you know, for clams, for scallops and so forth.

**P.O. LINDSAY:**

On the same property.

**DIRECTOR ISLES:**

On the same property, but they're limited to one ten-acre lease with the option of a second one if there's enough room for that. The reason for that -- and here again, this was the deliberation of the committee over the years -- is that that entire grant could be planted extensively with oysters. The feeling was to allow a very small part of that, here again, where they're not currently doing it for the grant of other shellfish, would be appropriate. Part of what the State of New York was trying to do was not to put everybody out of business out there. There is aquaculture out there, it's very tenuous, it's antiquated, it's an ad hoc system. What they've directed to you is come up with a system that's going to work, let's regulate it and let's allow this modest growth of new activity which is the 60 acres a year.

**P.O. LINDSAY:**

Okay. So the oyster grants or leases --

**DIRECTOR ISLES:**

Grants.

**P.O. LINDSAY:**

-- was initially given by the State of New York?

**DIRECTOR ISLES:**

What they did was the State of New York gave that authority to Suffolk County in 1884. There was a Board of Shellfish Commissioners, they met and issued land grants. They basically came apart in around 1915 and basically disbanded, so all the grants that were issued, up to 50,000 acres worth, of the turn of the last century, we have been living with problems ever since then. And here again, we're now down to about 5,000 acres, 6,000 acres. What this is attempting to do is to put it into a workable, viable program that respects other users. At the end of day, we're talking about less than 3,200 acres, less than 3% of the land that's been granted to the County overall. So there's still 97% that's available for everybody else.

**P.O. LINDSAY:**

How is there only 3,200 acres? If it was 5,000 acres for oyster grants and we're going to do 60 acres a year for the next ten years, how does that add up to 3,200?

**DIRECTOR ISLES:**

The way that works is that there are two classes of grants, one where they've already got permits to do other species other than oysters, so those eleven hundred or so acres can come into the program. They're already out there conducting businesses. In terms of oyster grant holders that want to do other species, they're limited to, here again, two ten-acre sites. So when you add all that up, in the maximum scenario, everybody went to their maximum, you'd come up with 3,173.5 acres that could be species including oysters or other than oysters, and that's it. That's after ten years and then there's a mandated review at five years and ten years by this Legislature and the Executive to see if it worked or it didn't work. So it is very much a pilot program, going very cautiously. But that's how the numbers happen, is that they can't take all the 5,000 acres of grant land and start doing clams and razor clams and everything else. They've got to come through the program, they've got to be vetted, they've got to make sure they're not productive, they've got to agree to the terms and conditions. So here again, it's a very careful, deliberate process that hopefully works.

**P.O. LINDSAY:**

Okay. And some of the baymen talked about power -- what did they call it?

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

Dredging?

**DIRECTOR ISLES:**

The mechanical dredging.

**P.O. LINDSAY:**

Yeah, mechanical. Does that allow -- if someone holds a lease, does that allow them to do that on the bay bottom of the natural clams?

**DIRECTOR ISLES:**

Okay. The County's authority is to provide access through a leasing program. It does not diminish in any form whatsoever the authority of the State of New York through the Environmental Conservation Law, so they're the ones that regulate the actual activity.

In terms of the question of mechanical or hydraulic dredging, that was extensively discussed at the committee meetings. There was a general feeling that it could be problematic in some cases, but it was also something where the committee did not have the authority, we felt, to totally outlaw it. So the program is designed to be a small-scale aquaculture program.

When we've seen in the past large-scale dredging of the bay bottoms, they're usually on parcels that are hundreds or thousands of acres in size. Here again, this program is small-scale. Is it possible that somebody could apply to DEC for the ability to dredge clams that they put in, that they planted? The answer is yes, they could apply and they'd have to go through that process. It's not likely because the parcels are so small.

What they can't do, and DEC regulates it strictly, is they can't go in and take out natural set clams out of the bottom. Here again, the State of New York does not allow you to take it from productive areas. This is not a perfect program, I'm not representing it that way, but we think it's -- we've tried to think of every possible problem and come up with a solution that we think is fair and balanced and, here again, enables the activity to go forward. Aquaculture is sustainable, marine farming, but also, here again, protects the rights and businesses and the livelihoods of other users that are in the bay system.

**P.O. LINDSAY:**

Okay. And who's going to enforce this, Consumer Affairs?

*(\*Laughter From Panel\*)*

**DIRECTOR ISLES:**

No. Here again, the aquaculture law that you have the authority on comes out of Environmental Conservation Law. So -- and the permitting, as I said, comes out of Environmental Conservation Law. So certainly we would work with State DEC on those matters.

**P.O. LINDSAY:**

So the State would be the enforcement agency?

**DIRECTOR ISLES:**

Here again, if there's a violation of State law, they would have the ability to enforce it.

**P.O. LINDSAY:**

Okay. But what happens if somebody just takes it upon themselves to put out their own buoys and say that they have a lease and the property and they don't; who enforces that?

**DIRECTOR ISLES:**

If they don't have a lease, then certainly they wouldn't have DEC approval, number one. So they would be in violation of State Law in that regard. They would also be in violation of this Local Law, if

you see fit to adopt it, which has a procedure and a lease requirement. So therefore, if they're out there conducting on-bottom or off-bottom aquaculture without a lease, without a permit, certainly DEC could enforce that and certainly the County could enforce that.

**P.O. LINDSAY:**

But who in the County?

**DIRECTOR ISLES:**

Here again, we would lean mainly on DEC because they're -- they would be the primary authority. We also then have the authority through the Department of Law. And let me just make the point, too. We've consulted with the State extensively on this program as we were developing it. The State's had their assignment program in effect for 25 years; they've not had the problem of, here again, somebody going out there totally illegally and putting in cages and so forth on the bottom. We think -- we put in certain conditions, certainly if somebody is not living up to the terms of the lease, the County has the right to revoke the lease and so forth.

Just one final piece of history in terms of that kind of control. Up until around 2002, the County of Suffolk would get tax deeds, these old oyster grants lands. You passed a policy around that time saying, "You know what? When these go out into grants we lose control, we lose some control over these properties." So the County Legislature and the County Executive at that time made a policy decision, let's not do grants anymore. It puts us into a condition where we don't have as much control. The idea was let's do a leasing program. So there are some grants out there, they're phasing out. But the whole idea was to have a better way of managing and controlling these things, including enforcement problems. So we think it's got a system that has that structure in place. Here again, you have the -- not only the prerogative but the responsibility to review it in five years and ten years, and you have the prerogative then to adjust it as you see fit if problems surface, and we don't think there would be significant problems but we think we'd have control in that sense.

**P.O. LINDSAY:**

Counsel just told me the legislation says you're the enforcement agency.

*(\*Laughter From Panel\*)*

**DIRECTOR ISLES:**

Okay. Well, we're the administrators -- thank you. We're the administrators of the program, certainly.

**P.O. LINDSAY:**

Okay.

**DIRECTOR ISLES:**

So we would have to initiate. And we deal with this all the time, for example, in the County Farmland Program where the County owns development rights. We do inspections, we then contact the Department of Law and we work out an enforcement program with them. So we have 10,000 acres of farmland, we have the responsibility in County Planning to oversee that and we do work with the Division of Real Estate, so it's something we have done. And as the program administrator, here again, we'd work with DEC, we'd work with the Department of Law.

**P.O. LINDSAY:**

Thank you, Tom. You were very informative.

**DIRECTOR ISLES:**

Thank you.

**P.O. LINDSAY:**

You don't know anything about E-Cigarettes, do you.

*(\*Laughter From Panel\*)*

**DIRECTOR ISLES:**

While I learned a little bit tonight, I'll pass.

**P.O. LINDSAY:**

Okay. Legislator Kennedy, did you want to say something?

**LEG. KENNEDY:**

You covered most of it, Mr. Chair. I was concerned with some of the statements that we heard earlier with the gentleman whose the representative of the baymen. He -- I've tried to understand this program, but let me go and ask, then, from the perspective of -- and I don't -- there's very few of them left out there, but there's still some people who make at least a part-time living, you know, running tongs or jerk rig. As long as they're licensed out of Southold Town or Riverhead Town, what impact is this program going to have on them?

**DIRECTOR ISLES:**

We don't believe it will have an adverse impact. We believe we've set up a structure to avoid conflicts, and that's really what this is about is managing the bay system so that the different users can coexist. Here again, this is -- there's aquaculture out there presently, this is not something new, it's been out there for 125 years. It's not very well supervised or regulated. This would provide a system for having better management of that, fewer conflicts, we believe. There's ample opportunity now for public participation in the decisions on where these sites are located, and it allows for modest growth, growth in the economy of the east end through -- and here again, that's referenced right in the State legislation, that the County has suffered, they felt, in not having a program, the authority was given to us in 1969, we didn't do anything about it.

In terms of your question on point, Mr. Kennedy, here again, the program has been designed to avoid conflicts; the small-scale, I think, is a large step towards that. Over 97% of the authority of the 110,000 acres that were granted the County are not allowed to be used for this purpose. There were specific areas that were excluded that are known fishing areas, clamming and harvesting areas. And here again, the program is dynamic.

If we've made a mistake, and we certainly -- you know, if somebody comes in within one of these zones and said, "I want ten acres right here," and then we get information from the town, from the Trustees, from the Baymen's Association and so forth there's a problem, then we have the option to deny that site and to look at other sites. So we think we've taken all the steps that are appropriate and reasonable, we think we've reduced the chance of conflicts, probably not totally eliminating that. And here again, understanding the fact that you have the five-year review. So this would be, as I said, a pilot program, we would see how it worked and then we can make adjustments, you could make adjustments down the road if it's not working.

**LEG. KENNEDY:**

All the area that's contemplated for this leasing is in the east end; Peconic Bay, Gardiners Bay, those areas there.

**DIRECTOR ISLES:**

Correct.

**LEG. KENNEDY:**

Is there any west end coastal area that's contemplated to go this route? I mean, would we in Smithtown Bay or Mouth of the Nissequoque, are we ever going to see this coming this way or is this exclusively something that my colleagues out east are wrestling with?

**DIRECTOR ISLES:**

I'm not aware of anything to -- any effort by the State of New York to apply to any other parts of the County. Let me point out to you that this -- your authority for these 110,000 acres begins a thousand feet off-shore, so this totally avoids a lot of the coastal waters, the tidal areas and so forth

that a lot of the towns control. But in answer, direct answer to your question, no, I'm not aware of any proposal or legislation to apply this to any other location. Here again, this goes back 125 years ago when the State ceded this authority to the County. So it's something you've had this control, in one shape or form or another, for that period of time.

**LEG. KENNEDY:**

I'm familiar with the oyster deeds, I saw them out in Riverhead.  
Okay. Thank you, Tom.

**DIRECTOR ISLES:**

Thank you.

**P.O. LINDSAY:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

You know, it's not a perfect program, as Director Isles said, but it's pretty good. And the amount of work that's gone into this is extraordinary and, you know, I want to publicly thank and appreciate Director Isles for the work that he has done in this regard.

You know, it seems like fairly simple, we're going to lease out 60 acres per year, but the amount of detail and analysis that got us to this point is reams of reams of papers and reports and, you know, Cashin Associates, Greg Green, Dr. Green is here and DeWitt Davies, Dr. Davies who's really specialty is aquaculture. Aquaculture is the future. These were once very productive areas, naturally, and a lot of people gathered shell fish and made their livings, but a lot of that has disappeared as the baymen have disappeared. And aquaculture has the potential to bring some of these baymen back as well as filtering out and cleaning the waters; it has great benefits.

The concerns that were raised, mostly by Mr. Weims, I'm not sure he fully understands what we're doing because he talks about the old grants and that they're going to get some kind of monopoly over naturally occurring other species. They were originally given a grant by the State to grow oysters on those lands. They will be able to lease like anyone else, but they'll be able to lease up to I think 20 acres of their own grant lands, but they, too, will have to prove that it's unproductive. So we set up a methodology to determine that it's unproductive. We couldn't do a benthic survey of the entire 30,000 acres that we're looking at, but we did set up a system by which as we contemplate a lease, anyone who raises an objection, then we can then request that, if it's credible, a ground truth and a field study be done to determine if it's productive or not. And the areas that we're looking at in general, that map that was shown, which isn't a perfect map, but it was based on a lot of anecdotal information, a lot of interviews, a lot of historical data. They did the best that they could. And yes, there are going to be productive areas within those 30,000 acres, but we won't lease those acres. So we have a mechanism in place to ensure that productive areas are not leased. And we're talking about 60 acres each year for ten years, 600 acres in a system that's 100,000 acres total. It's a small amount, it's a test program basically for five years, and we hope the positive aspects far outweigh the negative. So again, thank you, Director Isles, for all your work.

**DIRECTOR ISLES:**

Thank you very much.

**P.O. LINDSAY:**

Okay. Tom, we have one more comment from Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. Actually I was also going to commend you and your department. Because the first couple of years I was a member of {ALPAC} and I saw the hard work that you did and how much time you gave to the public portion and input. But I'm still left with a question, because there was something mentioned today that gave me some pause.

A couple of baymen who said that when they are unable to use their own -- you know, Huntington or some other eastern, coastal area -- western coastal areas, that they then had no place to go when they went east because so much of it has been designated for the program. Now, if it's not leased, if it's mapped as an area that's considered nonproductive and it's not leased, is there a prohibition for baymen to use it? He made it seem that once it had been designated there was a prohibition; is there such a prohibition?

**DIRECTOR ISLES:**

There is not. The only restriction, here again, would be on the leased areas. But as far as --

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

Okay. So baymen can go anywhere unless it's --

**DIRECTOR ISLES:**

They can go anywhere that's --

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

-- been leased by someone and then they can't go on that leased area.

**DIRECTOR ISLES:**

Right, anywhere that's a certified water, that's clean water and so forth. But in terms of a blanket 30,000 acres can't be touched; absolutely, that's not correct. It would be limited to those areas that are leased.

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

Okay. Just wanted to double check that, because he seemed to imply that. Thank you.

**P.O. LINDSAY:**

Tom, if you want a signed map, we have a signed map around here somewhere, if you'd like.

**DIRECTOR ISLES:**

Okay.

**MS. ORTIZ:**

It's right there.

**DIRECTOR ISLES:**

Okay.

**P.O. LINDSAY:**

Is there anybody else that would like to ask Tom a question? Thank you very much, Tom, for that explanation and for sticking around and clarifying a lot of the issues that seem to be a misunderstanding.

All right? Thank you very much.

**DIRECTOR ISLES:**

We very much appreciate your time tonight as well. Thank you.

**P.O. LINDSAY:**

All right, we have a motion and a second; am I correct, Mr. Clerk?

**MR. LAUBE:**

You're correct.

**P.O. LINDSAY:**

On 1546. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. *1587-09 - Approving planning steps for the acquisition of Farmland Development Rights – May 2009 (County Executive/Schneiderman).*

**LEG. NOWICK:**

Where is that?

**LEG. LOSQUADRO:**

Motion.

**LEG. COOPER:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve.

**LEG. STERN:**

Second.

**MR. LAUBE:**

Who made the motion?

**P.O. LINDSAY:**

Second by Legislator Losquadro, I think.

**LEG. LOSQUADRO:**

It's okay, they can second the motion.

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

It's a whole list of areas.

**P.O. LINDSAY:**

It's a master list?

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

Huntington, Riverhead, Shelter Island, Southampton.

**P.O. LINDSAY:**

This is all the small parcels that have been lumped together; is that it?

**LEG. LOSQUADRO:**

I'll second.

**P.O. LINDSAY:**

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

I'm opposed.

**LEG. GREGORY:**

Opposed.

**LEG. SCHNEIDERMAN:**

Cosponsor, Tim.

**MR. LAUBE:**

I heard another opposed over here. Sixteen (Opposed: Legislators Gregory & Lindsay).

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

*1588-09 Authorizing, empowering and directing the Suffolk County Planning Department to file a grant application pursuant to the New York State County Agricultural and Farmland Protection Planning Grant Program for matching state funds to develop an update to the Suffolk County Agricultural and Farmland Protection Plan (County Executive/Romaine).*

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Schneiderman.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

*1593-09 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Andrews property – Town of Riverhead – (SCTM No. 0600-058.00-02.00-012.002 p/o) (County Executive/Romaine).*

**LEG. ROMAINE:**

Motion.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

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

**LEG. GREGORY:**

Opposed.

**MR. LAUBE:**

Seventeen (Opposed: Legislator Gregory).

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

*1594-09 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the H. Wojewocki, D. Wojewocki and P. Wojewocki property – Wojewocki Family Farm – Town of Riverhead – (SCTM No. 0600-020.00-03.00-008.000 p/o) (County Executive/Romaine).*

We have a motion by Legislator Romaine.

**LEG. SCHNEIDERMAN:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Seventeen (Opposed: Legislator Gregory).

**LEG. ROMAINE:**

Cosponsor.

**P.O. LINDSAY:**

*1601-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Stanton Avenue LLC property – Overton Preserve – Town of Brookhaven (County Executive/Eddington).*

**LEG. EDDINGTON:**

Motion to approve.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Eddington, seconded by Legislator Browning.

**LEG. MONTANO:**

Quick question; how much?

**LEG. NOWICK:**

Fourteen million five hundred seventy-eight thousand.

**LEG. MONTANO:**

Fourteen million?

**LEG. LOSQUADRO:**

Fourteen and a half.

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

Fourteen and a half million.

**P.O. LINDSAY:**

How many acres is it?

**LEG. MONTANO:**

A hundred and sixty-two.

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

It's very big.

**P.O. LINDSAY:**

Okay. Any other questions?

**LEG. LOSQUADRO:**

Tim, cosponsor, please.

**P.O. LINDSAY:**

No other questions. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**

Abstain.

**LEG. MONTANO:**

Abstain.

**MR. LAUBE:**

Who was the second abstention?

**MS. ORTIZ:**

Montano.

**MR. LAUBE:**

Gotcha. Sixteen.

**LEG. GREGORY:**

I'm opposed to that.

**MR. LAUBE:**

Fifteen (Opposed: Legislator Gregory - Abstentions: Legislators Alden & Montano).

***1602-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Belonzi property – Overton Preserve – Town of Brookhaven (SCTM No. 0200-524.00-01.00-047.002) (County Executive/Eddington).***

**LEG. BROWNING:**

Same motion.

**LEG. EDDINGTON:**

Yeah.

**P.O. LINDSAY:**

Same motion, same second.

**LEG. ALDEN:**

How much?

**MR. NOLAN:**

Four hundred thirty-two thousand.

**LEG. BROWNING:**

Cosponsor, Tim.

**P.O. LINDSAY:**

For how big a property?

**LEG. NOWICK:**

Three and a half acres, about.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Abstain.

**LEG. MONTANO:**

Abstain.

**LEG. GREGORY:**

Opposed.

**LEG. LOSQUADRO:**

Tim, cosponsor.

**MR. LAUBE:**

Fifteen (Opposed: Legislator Gregory - Abstentions: Legislators Alden & Montano).

**P.O. LINDSAY:**

***1478-09 - 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).***

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Browning, second by Legislator Eddington.

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1479-09 - 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).***

**LEG. BROWNING:**

Same motion.

**P.O. LINDSAY:**

Same motion, same motion, same vote all right?

**LEG. BROWNING:**

Yes.

**P.O. LINDSAY:**

You got that, Mr. Clerk?

**MR. LAUBE:**

Yep; eighteen.

**P.O. LINDSAY:**

*1578-09 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (County Executive/Schneiderman).*

**LEG. GREGORY:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Gregory.

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning.

**LEG. ALDEN:**

Explanation.

**P.O. LINDSAY:**

Ask for an explanation, please.

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

Southampton?

**LEG. BROWNING:**

That's --

**P.O. LINDSAY:**

Counsel, you got it or Budget Review?

**MR. NOLAN:**

Well, this is a --

**LEG. NOWICK:**

Town of Southampton.

**MR. NOLAN:**

-- planning steps resolution for a proposed affordable housing development in Southampton. Pretty straight-forward planning steps, a resolution for housing.

**P.O. LINDSAY:**

Do you want to comment?

**MR. ZWIRN:**

It's a planning steps for a land acquisition for -- as George said, for I believe it's 16 units in a farm-house style, four families in each unit and it's on --

**LEG. ROMAINE:**

Manor House.

**MR. ZWIRN:**

Manor House; it's on Sandy Hollow Road in Tuckahoe, Southampton.

**P.O. LINDSAY:**

Okay.

**LEG. ALDEN:**

Question.

**P.O. LINDSAY:**

Question by Legislator Alden.

**LEG. ALDEN:**

Who's going to do the development?

**MR. ZWIRN:**

I think it's going to be a private developer in this case.

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

It's CDC.

**LEG. ALDEN:**

And who might that be?

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

CDC.

**P.O. LINDSAY:**

Community Development Corps, not-for-profit.

**LEG. ALDEN:**

No, but that's in the contract? That's in the reso?

**LEG. SCHNEIDERMAN:**

I think it's a for-profit developer.

**MR. ZWIRN:**

It's a for-profit, yes. That's why I said private, yes.

**LEG. ALDEN:**

It designates them as the developer?

**MR. ZWIRN:**

In this case I believe it does, yes.

**LEG. ALDEN:**

That's all. CDC is designated in this reso as the developer of the property?

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

It's a partner, right?

**MR. ZWIRN:**

Yes.

**LEG. SCHNEIDERMAN:**

As a partner, a private developer.

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

It's a partnership; isn't it, Jay?

**LEG. SCHNEIDERMAN:**

I don't know. I've met with the developer at one point, it's a private developer. I don't know exactly the role CDC is playing. Maybe they're getting the money through CDC at a lower rate?

**LEG. ALDEN:**

CDC doesn't usually do a development, they do something with a builder.

**MR. ZWIRN:**

They're partnering with a private developer.

**LEG. SCHNEIDERMAN:**

Okay.

**LEG. ALDEN:**

And who's the builder? That's the question, who's the builder?

**LEG. SCHNEIDERMAN:**

I don't recall the name, it was about a year ago that I met with the individual.

**LEG. ALDEN:**

I wasn't here, then.

**LEG. SCHNEIDERMAN:**

I believe it's 16 units, it's four different buildings, each building has four units. A sewage treatment facility is connected to like a chrome-glass type of system.

**MR. ZWIRN:**

The property has been rezoned so it could meet all the qualifications.

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

Well, may I just say something, Mr. Chair?

**P.O. LINDSAY:**

Go ahead, Legislator Viloría-Fisher.

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

Legislator Alden, CDC also did a nice workforce project in Mattituck where -- I don't know who the developer was, but they did a beautiful job with that as well, for affordable housing.

**LEG. ALDEN:**

I'll just make a suggestion for the future. I'm not on that committee, but asking who the actual builder is can save us some agony later on, because there are builders that attempt to do these affordable housing projects that go bankrupt, or actually have to be replaced through the projects. And it has happened on Long Island, actually it happened last time I think over in Hempstead, they had major lawsuits and a major shut down of an affordable housing project because the builder actually defaulted. So it's an important question to ask. And also, just to ask when CDC -- when they do their contract, how much of a bond they're requiring from the building, which, you know, that's basic stuff which should have been in the record.

**MR. ZWIRN:**

Yeah, I don't have the answer to that question. But this is very basic planning steps to get an appraisal and to move forward to acquire the property. So it's the very beginning of the process.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Abstain.

**MR. LAUBE:**

Seventeen (Abstention: Legislator Alden).

**P.O. LINDSAY:**

Okay, *IR 1605-09 - Opting into New York State's Long-Term Care Insurance Plan (County Executive/Browning)*.

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Losquadro, second by Legislator Browning.

**LEG. NOWICK:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Nowick.

**LEG. NOWICK:**

I just thought it's worth mentioning that we had testimony from Alan Schneider -- Schneider? Schneider -- on this and this is going to be a win/win proposition for anybody that is interested in long-term health care. Because of such -- so many people involved in this program, I understand that we're going to get this at a very, very good rate. So Legislator Barraga testified about this program and what they're doing up in the State, and I think we're pretty fortunate that we're going to have this.

**LEG. LOSQUADRO:**

Bill?

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I just might say this is something I was actually excited to see this and I think that LTC Insurance is something that everyone who, obviously if you're in the County plan, you know, we're opting into this, everyone should look into. It's something that in the private sector, in large groups, is usually offered at a very good rate, as I'm sure the State plan is. It's something that can be very beneficial in the long run. So I encourage everyone to look into this.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**LEG. LOSQUADRO:**

Tim, cosponsor.

**LEG. BROWNING:**

Cosponsor.

**P.O. LINDSAY:**

***1596-09 - Approving a license agreement for Eleanor Tramaloni to reside at Robert Cushman Murphy County Park, Manorville (County Executive).*** Motion by Legislator

Viloria-Fisher, second by Legislator Browning.

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1599-09 - Reappointing Anthony J. Pecorale as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 12) (Cooper).***

**LEG. ROMAINE:**

Motion.

**P.O. LINDSAY:**

Motion -- who made the motion?

**MR. NOLAN:**

Romaine.

**P.O. LINDSAY:**

Legislator Romaine.

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

Jon?

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***1706-09 - Bond resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance the cost of improvements to County campgrounds (CP 7009.116 and .318)***

***(Presiding Officer Lindsay).*** I'll make the motion.

**LEG. KENNEDY:**

Is this across the --

**LEG. COOPER:**

Second.

**P.O. LINDSAY:**

Second by Legislator Cooper.

**LEG. ALDEN:**

On the motion?

**P.O. LINDSAY:**

This is -- just an explanation. If you recall, last winter when we were arguing over different things, we held up -- well, refused to approve the bond for the campgrounds; we approved the resolution but never the bond. And --

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

We're trying to get the money.

**P.O. LINDSAY:**

Yeah. You know, I moved it back on to the agenda because we have never done the work and it should be done.

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

Make a motion.

**P.O. LINDSAY:**

The motion and the second is made already. On the question, Legislator Alden.

**LEG. ALDEN:**

On the motion, bonding right now, I'm not sure what the timetable would be, but they probably couldn't start any of these improvements until the end of the year when these campgrounds close down or maybe beyond that because they're going to have to do a spec form, they're going to have to actually bid these out. So I'm not so sure a million dollars right now is going to help do anything.

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

(Inaudible).

**P.O. LINDSAY:**

Well, we could probably do a million dollars worth of improvements.

**LEG. ALDEN:**

Well, actually this builds up to authorized yet unissued debt which we seem to be having a little problem with. And what happened, I'll just remind everybody, we sold off a revenue stream to pay down some authorized and issued debt which is going to cost us very dearly going forward because that was a recurring income that now we're not going to have. So I'm not so sure that we actually need to do this right at this point. We might want to just wait until we get a report from the Parks Department or DPW, I don't know which one is going to handle the bidding on this and the specing of the job, to just see if it's doable this year before we go and authorize a million dollars worth of debt.

**P.O. LINDSAY:**

You want to make a motion to table?

**LEG. ALDEN:**

Unless somebody -- well, we don't have anybody here who could talk.

**P.O. LINDSAY:**

I've been talking to the Parks Commissioner about this right along and he wants us to issue the bond.

**LEG. ALDEN:**

He can do it before the end of the year?

**P.O. LINDSAY:**

Well, I would assume so if he wants the bond issued.

Legislator Losquadro.

**LEG. LOSQUADRO:**

Mr. Chairman, that was going to be my question. What work are they looking to perform? And I'm assuming because we held up the bond these are for specific projects that they already had in the pipeline; is that the case?

**P.O. LINDSAY:**

This is all part of the 2009 Capital Budget. The reason we held it up was over the dispute with camp fees.

**LEG. LOSQUADRO:**

I understand that. What I'm asking is are these projects which may already be specked out if they were part of the plan of work for the season, or maybe to be initiated once the season closes on some of these campgrounds, which I know sometimes is the case for the Parks Department?

**P.O. LINDSAY:**

I don't know what the timeframe was, to tell you the truth.

**MR. REINHEIMER:**

Mr. Presiding Officer?

**P.O. LINDSAY:**

Yes, Lance.

**MR. REINHEIMER:**

This is part of an ongoing program for improvements to campgrounds. It addresses rest room facilities, shower facilities, electric, water. It's an ongoing project for many of the campgrounds and it's a continuous program. So they -- they're funded periodically, almost every year, to do improvements throughout the campgrounds.

**P.O. LINDSAY:**

You want to say something else, Legislator Alden?

**LEG. ALDEN:**

You know, I got blasted for bringing forward a proposition, really, on a bond issue to improve a cart barn and that's something that generates hundreds of thousands of dollars in revenue every year and I got blasted by the County Executive's Office, and I'm not so sure that this is cost efficient. And in this time, when we're in dire straights, I think we really have to look at everything that we're doing and are relook at everything that we're going. Like even our acquisition program, you know, we set that in motion when it was completely different economic times and the people voted on that in completely different economic times. We're in a position where we were voting on before to layoff Police Officers. You know, I'm not so sure it's the time to go forward with piling on more debt, I don't know..

**LEG. D'AMARO:**

Bill?

**P.O. LINDSAY:**

Anybody else? Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I just think that Legislator Alden makes some valid points. I wanted to ask BRO, Lance, if you know. What's the Capital Project, the total amount of the Capital Project and how much have we already expended on the project? If you have that handy.

**MR. REINHEIMER:**

We should be able to get that information for you.

**P.O. LINDSAY:**

Would you like to skip over that until he gets that information?

**LEG. D'AMARO:**

Okay.

**P.O. LINDSAY:**

Okay, we'll skip over 1708 and we'll move to ***1579-09 - Accepting and appropriating federal funding in the amount of \$15,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) and Welfare Fraud Investigation with 85.14% support (County Executive).***

**LEG. EDDINGTON:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

***1580-09 - Accepting and appropriating federal funding in the amount of \$16,329 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 85.14% support (County Executive).***

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote?

**LEG. ALDEN:**

Sounds good.

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

***1581-09 - Accepting and appropriating federal funding in the amount of \$30,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement, for the Suffolk County Police Department's participation in the ICE El Dorado Task Force with 85.14% support (County Executive).***

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote.

***1582-09 - Accepting and appropriating Federal funding in the amount of \$80,000 from the United States Department of the Treasury, Internal Revenue Service, for the Suffolk County Police Department's participation in Operation STEPP (Suffolk-Treasury Enhanced Prosecution Program) with 86.75% support (County Executive).***

**LEG. EDDINGTON:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote.

***1583-09 - Accepting and appropriating Federal funding in the amount of \$13,000 from the United States Department of Justice, U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 85.14% support (County Executive).***

**LEG. EDDINGTON:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote.

***1584-09 - Accepting and appropriating Federal funding in the amount of \$79,272 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department's participation in the DEA Long Island Task Force with 85.14% support (County Executive).*** Same motion, same second, same vote.

***1585-09 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, for the Suffolk County Police Department's participation in the ATF Task Force with 85.14% support (County Executive).***

**LEG. LOSQUADRO:**

Same motion.

**P.O. LINDSAY:**

Same motion, same second, same vote.

***1572-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction/widening of bridge on North Ocean Avenue, CR 83, Town of Brookhaven (CP 5849) (County Executive).***

**LEG. BEEDENBENDER:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Beedenbender.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

Second by Legislator Eddington.

**LEG. D'AMARO:**

On the motion?

**P.O. LINDSAY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

I don't know if there's anybody here that can answer questions as to why we're amending the Capital Project. At this point, is this in the nature of unforeseen circumstances that came up, is it just appropriating funding that's already in the Capital Budget?

**P.O. LINDSAY:**

I see Mr. LaGuardia moving towards the microphone with that answer for you.

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

Our Federal contracts have automatic price adjustments for fuel, steel and asphalt contained within them. Over the period of time this bridge was being constructed, those prices went up. This funding is to cover that increase in cost. It's 80% funded by the Federal Government.

**LEG. D'AMARO:**

Okay, very good. Thank you.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Yes.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, 1572A, same motion, same second; roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**LEG. BEEDENBENDER:**

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. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

Seventeen (Opposed: Legislator Alden).

**P.O. LINDSAY:**

Okay. ***1576-09 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 – Southwest (Sludge – Cogeneration) (CP 8180) (County Executive).*** Do I have a motion? I'll make a motion.

**LEG. GREGORY:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution 1576A, same motion, same second; roll call.

*(\*Roll Called by Ms. Ortiz - Chief Deputy Clerk\*)*

**P.O. LINDSAY:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. ALDEN:**

Yes.

**LEG. 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.

**MS. ORTIZ:**

Seventeen (Opposed: Legislator Barraga).

**P.O. LINDSAY:**

***1577-09 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 9 – College Park (CP 8163) (County Executive).***

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

I'll make the motion.

**P.O. LINDSAY:**

Motion by Legislator Viloría-Fisher.

**LEG. COOPER:**

Second.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MS. ORTIZ:**

Eighteen.

**P.O. LINDSAY:**

***1595-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with Riverhead County Center Power Plant upgrade (CP 1715).*** Do I have a motion?

**LEG. BEEDENBENDER:**

Motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Motion by Legislator Beedenbender, second by Legislator Losquadro.

**LEG. KENNEDY:**

On the motion, Mr. Chair.

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Can we just get an explanation? Maybe Mr. LaGuardia can tell us a little bit about what this is going to be as well? The power plant seems to continue to undergo repairs. What's going on with it now, Tom?

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

We're doing miscellaneous upgrades with this money. There's some exhaust fans in the tunnels, we've got some structural repair issues that have to be done on the plant itself.

**LEG. KENNEDY:**

Does the thing run, though, when you fire it up, or does it still shut down?

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

It runs just fine.

**LEG. KENNEDY:**

It does. Okay, fine.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

How much is this for?

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

It's for \$550,000.

**LEG. ALDEN:**

And when was it that we did the actual upgrade on this power plant?

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

We've been doing miscellaneous upgrades on the power plant for the last ten years.

**LEG. ALDEN:**

Within the last year and a half we did a major, like a couple million dollar upgrade. Is this a back-up generator or this is the --

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

No, this is miscellaneous minor upgrades. The upgrade that's going on that you approved in the last year and a half or so, that work is being completed now, that was for a new cooling tower.

**LEG. ALDEN:**

When you say you, you mean the Legislature.

**CHIEF DEPUTY COMMISSIONER LAGUARDIA:**

The Legislature, yeah.

**LEG. ALDEN:**

Because I didn't, I voted against it. Okay.

**P.O. LINDSAY:**

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

**LEG. ALDEN:**

Opposed.

**MS. ORTIZ:**

Sixteen (Opposed: Legislator Alden? ??????)

**P.O. LINDSAY:**

Okay. On the accompanying Bond Resolution, 1595A, same motion, same second; roll call.

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

**LEG. BEEDENBENDER:**

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. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MS. ORTIZ:**

Seventeen (Opposed: Legislator Alden).

**P.O. LINDSAY:**

Okay, 1317-09; I'm going to skip over it because it's the subject of a CN and I'll discuss it then.

***1545-09 - Adopting Local Law No. -2009, A Local Law requiring fairness in cooperative home ownership (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator D'Amaro.

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

Second.

**P.O. LINDSAY:**

Seconded by Legislator Stern. All in favor?

**LEG. KENNEDY:**

On the motion.

**LEG. ALDEN:**

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Alden.

**LEG. ALDEN:**

At committee I had asked for a couple of whatever you want to call it, updates or just a little bit of research to be done. I had raised the fact that -- I'm not going to claim it was a fact, but I raised the question that almost every piece of legislation that I've looked at that concerns co-ops is New York State generated. Did anybody get any information that would convince me to vote for this?

**P.O. LINDSAY:**

Here comes Mr. Brown who's going to comment, try to answer your question.

**MR. BROWN:**

I wasn't at committee, Legislator Alden, but I was talking to Lynne Bizzarro about it and I believe that she made reference to the fact that you may have had a question about preemption; is that what you're alluding to?

**MR. NOLAN:**

Yes.

**LEG. ALDEN:**

That might -- yeah, one question I had was preemption.

**MR. BROWN:**

Well, while it's true that there are many laws in the State that deal with the issue of co-operatives, the issue of preemption, we felt that that did not apply in this particular case. Because in the bill which was proposed up in Albany, it in fact said in the Legislative Intent that as far as this area of legislation is concerned, that it was not covered in the State law pertaining to co-ops, and the

current bill, as you may know, it does contain a reverse preemption clause.

**LEG. ALDEN:**

And this is to cure what ill. So if somebody is discriminated against?

**MR. BROWN:**

Well, I wouldn't call it a discrimination bill. What the bill does it requires that when there is an application for a person to become a member in cooperative housing, that notice of receipt of the application be provided and that in the event of denial, reasons for the denial be set forth as well.

**LEG. ALDEN:**

In similar circumstances, like, for instance, New York City Co-op Board, who would actually control that?

**MR. BROWN:**

I'm not really -- I don't understand your question.

**LEG. ALDEN:**

New York State designated to New York City and basically gave them the power to regulate co-ops, and in Nassau County I think that there's a delegation, a specific delegation, to provide and promulgate rules and regulations for the running of co-ops. Is that what this attempts to do?

**MR. BROWN:**

This bill does not establish a co-op board. But I believe that there would be a remedy through a complaint to the Division of Human Rights to investigate if there was an allegation for, let's say, with respect to discrimination. Now, if there was -- if there was no notification to the applicant and it -- and there was determination that part of the basis of the lack of a notification was because of a discriminatory purpose, then I think that there would be a remedy through our local Division of Human Rights.

**LEG. ALDEN:**

And just to -- I'll give you a little update, because I did ask the question in committee. There was someone here from I think the Long Island Board of Realtors and gave their support of this and they actually -- they could not provide me with even one complaint on a co-op's action where it was actually brought to any authority, including the civil rights or to the Long Island Board of Realtors. So that's just an update. So it looks like we're trying to fix something where there is no problem?

**MR. BROWN:**

I can't answer that question, sir.

**LEG. ALDEN:**

But you didn't -- so you didn't draft it. This came out of where?

**MR. BROWN:**

Well, the -- it was drafted for the County Executive's Office in the Department of Law.

**LEG. ALDEN:**

Okay, then I'll ask -- you know, are you aware of any complaints that came to the County Executive that would trigger the drafting of this type of law?

**MR. BROWN:**

Me personally I'm not aware, no.

**LEG. ALDEN:**

Okay.

**P.O. LINDSAY:**

Legislator Losquadro, did you want the mike?

**LEG. LOSQUADRO:**

Well, could someone from the County Executive's Office comment on this, then?

**LEG. KENNEDY:**

Mr. Chair, when I get a chance, I'd like to address Mr. Brown, too.

**MR. ZWIRN:**

I don't know of any specific complaints, but I think the bill spells out a procedure that there may have been somebody who may have been discriminated against and wouldn't know it because this spells out that you have to get notice that your application has been completed. There's a 45 day, I think, processing, at some point they have to let you know whether you've been approved or not approved and why. I'm not sure that those were requirements beforehand, so somebody who might have been discriminated against wouldn't even have the opportunity to even put that together.

**P.O. LINDSAY:**

Does that answer your question, Legislator Losquadro?

**LEG. LOSQUADRO:**

Yeah, I guess so.

**P.O. LINDSAY:**

Okay. Legislator Kennedy and then Alden have questions. Go ahead.

**LEG. KENNEDY:**

Thank you, Mr. Chair. I guess my question is for Mr. Brown. Dennis, you know, a co-op is basically a private corporation. How is it that we're going to go ahead and direct them that they've got to undertake these behaviors. I mean, the Fair Housing Act basically governs or prohibits discrimination for anybody, and if there is overt discrimination to remedy for a Human Rights Board or even the EEOC to be there, regardless of this bill. So what is it that we're actually gaining by putting this in place?

**MR. BROWN:**

I think you're just gaining transparency and openness to the person who is an applicant. The person -- if you were looking to buy a -- I mean, you know where I'm going. If you were an applicant and you wanted to buy a house in a co-operative housing unit and you were denied permission to buy into that co-op from the board, I think that you would want to know the basis for the denial by the board, and that's all that this bill does is ask that that be set forth.

**LEG. KENNEDY:**

Okay. And if I'm one of the principals in the corporation and I just went ahead and did that denial and a prospective purchaser came and said, "Okay, I'd like the denial," and I said, "We're a private corporation. I'm not going to give you squat"; where there is no overt discrimination, who's going to enforce? Is the County Attorney's Office then going to move against the cooperation or the Co-op?

**MR. BROWN:**

Well, you asked the question if there's no overt discrimination, who's going to enforce.

**LEG. KENNEDY:**

Right.

**MR. BROWN:**

If there's no overt discrimination, I'm not sure if there's a basis for any enforcement. But if your question is there's been no disclosure, who's going to enforce --

**LEG. KENNEDY:**

Yeah.

**MR. BROWN:**

I think that the person who is the subject of that non-disclosure felt that there was some type of discrimination, whether it was being acted out against him or her, that that person would take that complaint to our Division of Human Rights.

**LEG. KENNEDY:**

But then I'll go back to --

**MR. BROWN:**

At least that would be one scenario, one opportunity.

**LEG. KENNEDY:**

-- my first statement. If there was overt discrimination in the first instance, notwithstanding this bill, you could still go there and get your remedy. So what are we gaining with this bill?

**MR. BROWN:**

Again, like I said before --

**LEG. KENNEDY:**

Okay, fine.

**MR. BROWN:**

-- it's openness and transparency.

**LEG. KENNEDY:**

All right. Thank you.

**P.O. LINDSAY:**

Legislator Alden.

**LEG. ALDEN:**

And you almost touched on it, but who's going to enforce this? Because this actually puts an obligation on the co-op, the owners or on the co-op board, to do something. Now, they're going to generate a lot of paperwork with this; who's going to look at that and is it going to be on an audit basis or is it going to be on a complaint basis? If it's only on a complaint basis, then we're creating a whole bunch of work and whole bunch of expense for private industry, and maybe even co-op boards; I don't know if they're considered private industry but it's certainly an association of co-op owners. They're going to be incurring expense, and for us to do what with, to look at on a periodic basis, to not look at it on a periodic basis?

**MR. BROWN:**

I don't know if it generates an inordinate amount of expense to co-ops boards. But from an enforcement perspective, I would say that the onus isn't on the board, I would say that if the person felt that he or she was being discriminated against and that information was not being given to the person who was making the application to the board, he or he is then compelled to act.

**LEG. ALDEN:**

Well, here's why I have a problem. We're requiring somebody to do something that we're not even

going to look at and we don't even know of any complaints that would generate this type of ordinance or this type of requirement; I just have a complete problem with that. And also the expense, that once we do get a complaint, we're going to have to go out and start auditing. We're going to have to audit co-op boards and look and see if they were complying with the law. Because the laws were already in place if they discriminated. So that's not the intent of this law because discrimination, that's already barred, that's already -- the remedy is provided for.

So this is strictly a document requirement that we're going to go out and we're going to spend more money than really is warranted with no complaints, there was no reason, unless the reason was a press release.

**MR. BROWN:**

Well, like I said, I don't think that this bill sets up any type of auditing requirements of the -- for any agency of the County to be carried out against any board. The board -- the bill requires the disclosure of information. Now, if you happen to be in the class or category of people that would be entitled to receive that information and you're not getting that information and you felt that you were the subject of some type of discriminatory practice, you have your remedies through the various agencies.

**LEG. ALDEN:**

Yeah, you already those remedies if you think you're being discriminated against. But this requires a paperwork, this is a -- basically some type of paperwork has to be generated that we're not going to look at; is that the purpose?

**MR. BROWN:**

If there was a failure to disclose, I would say that in the proceeding dealing with the issue of discrimination, it might be some evidence of whether or not there was discrimination.

**LEG. ALDEN:**

How are we going to know? How are we going to know if somebody is complying with this requirement?

**MR. BROWN:**

If a person makes a complaint that he or she --

**LEG. ALDEN:**

We already have an establishment that nobody has complained about it. So how are we going to know that people are complying with this or not complying with it?

**MR. BROWN:**

Yeah, I don't know if you can make the conclusion that nobody has complained about it if there's no avenue by which to set up complaints.

**LEG. ALDEN:**

Well, you told me you didn't know of any.

**MR. BROWN:**

I don't know of any, but that doesn't mean that people don't have complaints. This sets up an avenue for the complaints..

**LEG. ALDEN:**

Yeah, they're uncomplained complaints, so they didn't turn --

**MR. BROWN:**

That might be the case.

**LEG. ALDEN:**

Okay, yeah. This is great. Okay fine.

**P.O. LINDSAY:**

Legislator Losquadro and Legislator Montano after that.

**LEG. LOSQUADRO:**

Is there -- does anyone know if there's any mechanism in place to notify these co-op boards that they have to comply with this?

Is there a list compiled of --

**LEG. ALDEN:**

Houdini.

**LEG. LOSQUADRO:**

Of every co-op in Suffolk County that's going to have to comply with this? And who's going to be responsible for that, will that be done via regular mail, certified mail, e-mail? How are we even going to let these agencies know that this is something they would have to comply with?

**MR. BROWN:**

Is your question, if I understand your question, how is it that the public would become aware of this law?

**LEG. NOWICK:**

Yes.

**LEG. LOSQUADRO:**

Well, no, not just the --

**MR. BROWN:**

The co-op board is being part of the public.

**LEG. ALDEN:**

Oh, in a newsletter from the County Executive.

**LEG. LOSQUADRO:**

No, not just -- you're talking about a law, now.

**MR. BROWN:**

Correct.

**LEG. LOSQUADRO:**

This is not just something that the public would be made aware of, this is -- these are formerly constituted boards. So they, I would think, would have to be made aware somehow formally that --

**MR. BROWN:**

Well, the board is part of the public, and that's why I said the public, because the public would include all classes.

**LEG. LOSQUADRO:**

Well, how would you foresee the public being informed?

**MR. BROWN:**

There are many ways. One way is there's a public hearing that's published in the County newspapers prior to this law being adopted. After this law is adopted, then the County Executive holds public hearings. After the Public Hearings are held --

**LEG. LOSQUADRO:**

So you would not foresee specific notification being given to these boards that they might be in violation of a County Law?

**MR. BROWN:**

The bill doesn't require --

**LEG. LOSQUADRO:**

I don't think that's a very good idea. And as an attorney, I'm surprised that you would even suggest that. I mean, I think we would want to notify these boards that they might be violating a law.

**MR. BROWN:**

Well, you know, with all due respect, and I don't mean that facetiously, but laws are passed every day, either at the State or the local level, that doesn't require a specific notification to the class of people that are affected by the law.

**P.O. LINDSAY:**

Legislator Nowick wants to weigh in on this.

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

**LEG. NOWICK:**

Legislator Losquadro, I know this is going to come as a big surprise to you, but I bet we passed a few laws around here that nobody ever knows about. This might be one of them, maybe not, though. Maybe the Long Island Board of Realtors will let people know. But we don't have much of a notification process, which is sad, but true.

**LEG. LOSQUADRO:**

We should.

**LEG. NOWICK:**

I would agree.

**P.O. LINDSAY:**

I'm sorry. Is there anybody else that -- Legislator Montano, you're okay?

**MR. MONTANO:**

Yeah.

**P.O. LINDSAY:**

All right. Anybody else want to weigh in on this dynamic issue?

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

Earth-shattering issue.

**LEG. ALDEN:**

This could be the subject of a press release and more, maybe.

**P.O. LINDSAY:**

Where are we, Mr. Clerk? Do we have a motion and a second on this?

**MR. LAUBE:**

Yes, you do.

**P.O. LINDSAY:**

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

**LEG. KENNEDY:**

Opposed.

**LEG. ALDEN:**

Opposed.

**P.O. LINDSAY:**

Abstentions?

**LEG. MONTANO:**

Abstention.

**MR. NOLAN:**

There's an abstention?

**P.O. LINDSAY:**

We have two in opposition, one abstention.

**LEG. ALDEN:**

Put it on both, abstain and no.

**MR. LAUBE:**

So I have two nos, and one abstention?

**P.O. LINDSAY:**

Correct.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

*1569 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Meng Ung and Yim Tam (SCTM No. 0100-135.00-02.00-045.002).* Forgive the pronunciation.

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

What a way to end. What a way to end.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Second.

**P.O. LINDSAY:**

Second by Legislator Barraga. All in favor?

**LEG. BARRAGA:**

Sounds like a good Irishman.

**P.O. LINDSAY:**

Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

There's nothing with the name, what's wrong is my pronunciation of the name.

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

Sounded good to me, Bill.

**P.O. LINDSAY:**

Okay. Let's go back to Page 10 and 1706. Lance, you got the answers that Legislator D'Amaro wanted?

**MR. REINHEIMER:**

Yes, I do. A total appropriation of 6.2 million in that project. The free balance is \$770,000. If the bond is approved, then they'd have a balance, a free balance of 1.7 million dollars, 1.77.

**P.O. LINDSAY:**

I'm not sure I understand that. Free balance? The total project's worth 2.2 million dollars.

**MR. REINHEIMER:**

This project is an ongoing project, so prior appropriations, there was a total of 6.2 million dollars appropriated for this project. They spent all but 1.77 million dollars. However, one million of that is the bond that you're talking about, so they don't have -- they don't have the funds to spend one million of that --

**P.O. LINDSAY:**

I see. I see, okay. Okay.

**LEG. ALDEN:**

We don't have the funds.

**P.O. LINDSAY:**

Legislator D'Amaro, does that answer your question?

**LEG. D'AMARO:**

Yes, it does. And I thank Budget Review for the answer. So we've spent roughly 5.3 million so far in this project, roughly, and we're looking for the next million. And, yeah, that answers my question. Thank you.

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

Do we have a motion?

**P.O. LINDSAY:**

Yes, we have a motion and a second; am I correct, Mr. Clerk?

**MR. LAUBE:**

Yes, you are.

**P.O. LINDSAY:**

Okay. Does anybody want to make another motion? Okay. All in favor? It's a bond. We've got to do a roll call.

**MR. LAUBE:**

Ready?

**P.O. LINDSAY:**

Roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yeah.

**LEG. BARRAGA:**

No.

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. BEEDENBENDER:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**MR. LAUBE:**

Fifteen.

**LEG. ALDEN:**

We're spending like drunken Marines.

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

So now we just have the CNs, right?

**P.O. LINDSAY:**

No. Before the CNs, we've got a number of motions. In the packet, the first one is authorizing planning steps for the acquisition of land -- oh, it's a veto message. The veto message of --

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

Forge River.

**P.O. LINDSAY:**

Right, right. Of --

**LEG. ROMAINE:**

Motion to override the veto.

**P.O. LINDSAY:**

*Resolution 539 (Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Shaw property, Forge River watershed – Town Brookhaven).* We have a motion to override. Is there a second?

**LEG. BROWNING:**

Second.

**P.O. LINDSAY:**

Second by Legislator Browning. Any discussion? Any talk? Roll call.

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

**LEG. ROMAINE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

No.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. BEEDENBENDER:**

(Not Present)

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

We'll skip him. He's outside of the room.

**MR. LAUBE:**

Schneiderman. No?

**LEG. SCHNEIDERMAN.**

Yes. Yes to override.

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

Yes.

**P.O. LINDSAY:**

No.

**LEG. BEEDENBENDER:**

Yes to override.

**MR. LAUBE:**

Twelve.

**P.O. LINDSAY:**

Okay. Next in the packet is ***Procedural Motion Number 18 - Authorizing Public Safety Committee of the Suffolk County Legislature to issue subpoenas concerning investigation of the practices of Suffolk County Police Department.***

**LEG. EDDINGTON:**

Motion to approve.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

Who made the motion? Legislator Eddington made a motion to approve; seconded by Legislator Losquadro. On the motion?

**LEG. BEEDENBENDER:**

Mr. Chair.

**P.O. LINDSAY:**

Yes, Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Thank you, Mr. Chairman. If I might, through the Chair, ask the sponsor a question or two.

**P.O. LINDSAY:**

Sure.

**LEG. BEEDENBENDER:**

And before I do that, I just want to say, as a member of this body, I think it's important that if another member of this body feels it's important to get somebody before their committee, especially a Chairman of a committee, to answer questions, that I want to be supportive of that. So, to Legislator Eddington I would say that. But I do have just a few questions.

The language in the resolution is pretty broad, so I just want to have a brief discussion on the record. My first concern was that since the subpoenas are brought, I don't want us as a Legislature to be subpoenaing anybody below the top of this Police Department. And my concern of that is because we have a chain of command, and I think it would put employees in a terrible position to do that. So, I guess, Legislator Eddington, I believe we had a conversation before, your intention would be to use this for the Commissioner or the Chief of the Department if, and only if, they refuse to come; is that correct?

**LEG. EDDINGTON:**

That's correct.

**LEG. BEEDENBENDER:**

Okay.

**LEG. EDDINGTON:**

But not limited to them. But, I mean, limited in the Police Department, but I have other people in mind.

**LEG. BEEDENBENDER:**

Right. And there are people who you've discussed with me outside of the Police Department that you feel would be productive and to have a conversation with that and I'm supportive of that.

My second question, I guess this would go for if the Public Safety Committee wished to speak to any union official that didn't want to come, you would use this and that power as well?

**LEG. EDDINGTON:**

That is correct.

**LEG. BEEDENBENDER:**

Okay. And the last question, as I looked over it, I got a list of all the things that we -- of all the times that we've issued subpoena powers in the past and a lot of them have to do with scandals. So, I guess -- in one case, I have a list of a bunch of elected officials that came. And I just don't want to seek to sensationalize this any more than we need to. So, is it your intention to subpoena

any elected officials about this?

**LEG. EDDINGTON:**

No.

**LEG. BEEDENBENDER:**

Okay. All right. Thank you very much, Legislator Eddington. And the last thing I would say is just I want to get answers for this body to have -- to have some questions -- answers to our questions, because I think we need to know what's going on with our Police Department, and I think we need to find some sort of final resolution, because this has gotten to a high level of volume that isn't productive for anybody. So I wish that the Procedural Motion was more specific in its regard. I appreciate the conversation I just had with Legislator Eddington. I just don't want to send a message to our -- the public. I think it's dangerous to say we don't support the police.

So, while I would be inclined to vote yes to get the people that you have said to come forward, I'm inclined to vote no, because it's not specific. So I think what I'm going to do in this case, since you have given me some answers, is simply abstain. I support the Legislators -- the Legislature as a body, their right to get people before them to answer questions that they think may help us make more informed decisions, but I just wish it was a bit more specific, which is why I will abstain.

**P.O. LINDSAY:**

If I just might weigh in on this. I think the resolution is specific, that the committee would have to approve who gets subpoenaed. It isn't strictly up to the Chairman to subpoena whoever he wants.

**LEG. BEEDENBENDER:**

That's correct.

**P.O. LINDSAY:**

It has to be approved by the committee.

**LEG. BEEDENBENDER:**

Yes.

**P.O. LINDSAY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

I certainly will not be supporting this particular resolution. I think it sends the wrong message to the general public. Whenever a committee goes down the road to request subpoena power, it gives the inference to the general public there's some sort of corruption going on, and you don't want to do that, because that is not the case here. This bottom line is a disagreement between the PBA and the Executive Branch. And this morning, the President of the PBA indicated to us that the Executive Branch, through the Director of Labor Relations, has reached out to have a meeting to sit down to finalize this. My suggestion is to table this and let them do what they have to do, and then let's see afterwards whether or not this kind of action is really necessary.

I've been on one or two committees that went down the road of subpoena power, and you have to be very, very careful, because often members feel they want to move in a certain direction and an individual member might come in with a completely different angle and start asking questions that the committee never realized it wanted even to contemplate and they feel embarrassed that those questions are being asked. I mean, if you have people, for example, who will tell you, "Well, I'll testify, but I just can't go down there. You're going to have to subpoena me to come in here and sit here and then I'll answer the questions, but only because there's subpoena power."

Well, let's say they were former police officials and they're sitting right there, and people expect the tone of language to go down a certain way, and someone turns around, because he's having

difficulty in his particular district, because people are having a tough time on health insurance, and he says to this guy, "You're an ex-inspector. What do you pay for health insurance, because my people are having a real tough time. A lot of my people don't have health insurance, they have to get COBRA. What are you paying?" Oh, you're paying nothing. Oh. Well, there's a lot of people who -- in my district, they used to have pensions, they don't have pensions anymore, their companies went out of business, they get a small pension. "What's your pension, Inspector? You're the one with the -- what's your -- oh, seventy, eighty thousand dollars?" How does that compare to my constituents, if they're lucky to have a pension? Or, you know, "Inspector, when you left, did you get a golden parachute? Did you get 100,000? Two? Oh, you got 250,000. What do you think my constituents have gotten?" The point is, you see how this can go in a direction which you have never contemplated.

You don't want to use this unless you absolutely have to. And I have seen and heard nothing to indicate that anybody really is refusing to come down here in an open forum and to speak. You never get the complete truth, you get about 65, 70% and you make a decision. There was no need for this legislation right now. Give the parties the opportunity to come to an agreement outside this chamber, and then we take a look at this later on and see if it's absolutely necessary. I don't believe it is.

**P.O. LINDSAY:**  
Legislator Kennedy.

**LEG. KENNEDY:**  
Thank you, Mr. Chair. I am going to be voting to support this resolution. And, as a matter of fact, I applaud the Chairman for seeking this authority. And I view this as not necessarily an issue that is only at the collective bargaining discussion level, but I think it goes to the very essence and heart of what we do as electeds regarding advocacy for the protection of our constituents.

I don't think there's a single one of us that is pleased or feels comfortable with the almost daily change and rotation of information about what's up, what's down, who's on, who's off. It's almost embarrassing for something as critical as public safety. And I'm also going to ask specifically, unlike what Legislator Beedenbender requested, I very much ask that the committee go beyond the Commissioner, because I think by use of the subpoena power, it's going to put some of our line personnel here before us to have the frank conversations they need to have with us that they can't have right now because of this purported chain of command concept that penalizes them for frank conversation. And, frankly, I think they're going to be able to tell us that they don't have the resources to do half of what they need to do in any of these precincts.

So I think this is a long time in coming, and I urge all of my colleagues to support it. Thank you.

**P.O. LINDSAY:**  
Legislator Alden.

**LEG. ALDEN:**  
I'm just going to direct a question towards Budget Review. In the past, I've made numerous requests for information, especially comparisons for cost savings that have been touted when the police were removed from the Sunrise Highway and the L.I.E., and other instances such as that. How cooperative has the Police Department been in supplying requested information that Budget Review needs to be able to counsel us on the future of law enforcement in Suffolk County?

**MS. VIZZINI:**  
The Police Department has been intermittent in terms of cooperation, depending on what we are asking them. We have come to the point where I personally have sent a letter to the Commissioner listing several questions that we had tried to get responses to. He very promptly responded and delegated it to Bobby Moore and others, and I did receive a telephone call. They are working on

some of the information now. So I'm guardedly optimistic that more information will come forward so we can get a good comparison for you in some of the things that you have asked for.

**LEG. ALDEN:**

Well, it was actually years ago, and I'm going to go back like three or four years, and people that are no longer on this body, like Legislator Carpenter and Legislator O'Leary, had formed a committee and were doing an investigation of very basic things, where information should have been just at somebody's fingertip and it should have been provided in a cooperative fashion. But I remember what happened with that, it was deadened. We couldn't even get the basic answers to the question, "How many cops are on the street patrolling? In what units are these police officers out there patrolling? What kind of strengths?" Just basic type of information that should have been a computer printout.

So I really -- I support and I have to salute the Committee Chairman for going forward with this type of action. And it's sad it had to come to this, but I'll repeat something I said earlier. When the Commissioner came to my office, and I'm sure he made the same promise to all of you when he asked me for my vote to confirm him as Commissioner of Police, he made a promise that before any changes were made, he would become -- he would come before this Legislative body and completely brief and inform this Legislative body, including this Legislator, as to any of those changes, those proposed changes before they were made, including the reasons why and any ramifications that would actually be coming from those changes. And he's repeatedly made changes and proposed changes without coming before this body. And, actually, I'm going to say, not sabotaged, but just didn't bother providing information that was asked for. And I remember him standing right there pointing the finger at me, yelling, and I was sitting over there at the time in the same 10th Legislative District, it was just on a different side, because we had a different Presiding Officer, and he screamed at me, "If you want any information, you put your request in writing." Well, I could say unequivocally right now that I have at least two pieces of requests that are over a year old that has not been responded to by that Commissioner after putting them in writing, and then repeatedly putting them in writing.

So I'm glad that -- Jack, I'm glad you're taking it. It's a big step. It really doesn't necessarily have to say that there's a scandal or there's anything other than a lack of free-forming or free-flowing information between a co-equal branch of government. So I hope that the public doesn't take this as some kind of a scandal, and, in my mind, it really is -- it doesn't really have anything to do with the incident that happened over in Brentwood --

**MR. ZWIRN:**

Well, it says it does.

**LEG. ALDEN:**

-- the other day, but there are some decisions that led to staffing that really have to be looked at. Thank you.

**P.O. LINDSAY:**

Legislator Eddington.

**LEG. EDDINGTON:**

Yeah. I want to give a brief explanation, and then I'll -- I certainly will answer questions. But what really bothers me is that, as Chair of Public Safety, I continue to focus on the safety of the citizens of Suffolk County, just like when I was in a school district and I told people, when you argue about different things and you take your eye off the kids, you lose it. Well, during this whole time, you know, you're either on one side or the other, the PBA or the County Executive. Well, I want to make it clear, I'm on the side of public safety for the citizens. Just because I'm closer to one side now, I was so far away from them two years ago. So I'm going on the straight line and the target is public safety, that's it, and some people can like it or don't like it based on what's happening.

This has come to the position now, because I have members of my committee that have been asking for months for some type of plan on what's happening with the Police Department, the cuts, and the visualization I have is a dartboard with all the jobs of the Police Department, and every three or four days a dart is thrown and that job is liquidated. We have to know what's coming up, because the citizens knock on my door and I read the newspaper and hear what's happening in the Police Department. I don't think that shows that we're doing our job as a Public Safety Committee when we don't know about it.

There's another Legislator on the committee who's constantly being told crime is down in Suffolk, but he keeps telling us about the crimes, the murders, this and that that's going on. And, of course, then we find out violent crime is up 10.8. Well, we knew that because our citizens are telling us that, but that's not what we're getting from the Police Department. And then, when I ask about the stand-by issue -- and, quite frankly, I wasn't going to the Brentwood situation. I believe that if you take away something, as the Chairman, as my committee members have said, we need to know, well what is stand-by; how long has it been there; when has it started; why did you take it away and what are you going to do? That's all I wanted. And I got to tell you, I got misinformation. I don't want to say lied to, but I just can't believe that the people that I asked in the Police Department didn't know. In fact, they told me wrong information.

Now, we got holistic -- holistic policing. Come on.

*(\*Laughter\*)*

You take five people from my precinct and five people from Legislator Gregory's and we swap those five people, and they're the ones that we know answer the 911 calls. I'm not a Police Officer, but I can figure out that doesn't make sense. And if you're going to tell me that we should support it, you've got to explain it fully and show me how that protects the citizens. We haven't gotten that.

I also asked, since there is a problem with the PBA and the County Executive's Office right now, I decided, like Legislator Lindsay, what could we do to help alleviate this? And I thought that if I could invite ex-police chiefs and commissioners to tell me, "Can you think of anything?" You know, if you get the same two people saying the same two -- same things, you get no change. So I figured let's get people that's been there, that's in a new job now or out and just say, "Can you help us? Can you see anything that could cut and save money, but not endanger the public safety?" And they have no buy-in, they're out. Well, they told me, basically, I couldn't do that. "Now, if you subpoenaed me," and that's where the idea came from. "If you subpoena me, I'll come and tell you what I think."

And at a meeting in Headquarters, I spoke to the Commissioner and I said to him -- I was talking to him and he said, "Well, I won't be coming to any more of your meetings, I'll be sending Chief Moore," and I went, "What?" And he said, "Well, I've always gone to your meetings when you called me." I said, "Yes, but did you understand what you just said? You're going to decide if you come to the meetings." Well, I have to tell you, we spent eight months with Chief Moore and he would say, "Well, that was a policy decision by the Commissioner." You know, I'm not that bright. I figured, well, if the Commissioner is making the decisions, I need him here.

So, if you want to know where subpoena power -- the request for this is, it's because of what the Commissioner said and what the other retired officials said. I want answers to help this problem. I don't want to be on anybody's side other than the citizens, but we're not getting straight talk and we're not getting answers, and that's all I'm looking for, straight answers. All I want is nothing -- all the truth and nothing but the truth and we're not getting it.

**P.O. LINDSAY:**  
Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Chair. This has been a contentious issue. I'll be here in this body a year exactly tomorrow, and I've been on both sides of the issues. I know I've been called a PBA panderer, but I've supported moving the highway officers and then switching over to the sheriffs, which some people tend to forget, because I saw it as more officers that are going to be in my communities and other communities that need more officers on the streets. When they looked to the issue with the PAL officers, I supported that, take them out, let's get more officers on the streets. The COPE movement, I didn't agree with that. But I've been on both sides, and my standpoint is I want more officers on the streets. We need more officers on the streets. I supported a police class. All you guys know all that stuff. But it's frustrating when you see members, and I know Dan has talked about it since I've been here, requesting information, you know, and it's routinely delayed, out of hand. You know, we cannot do our functions as Legislators if we don't have the information that we need.

I'm not looking into gaining some power to subpoena people. I would wish we'd just use the power of subpoena to get the information that we've requested, because I put in requests myself, you know, just probably about a month ago now, and they responded to me. I wanted to see the statistics from 2008 to now about violent crimes in my District. You're telling me it's going down, I want to see those -- what numbers are you looking at? I got a call about three weeks ago or two weeks ago and I haven't heard anything since. Do I have to wait eight months to make another request? I don't know.

So I think the County Executive's side, I think they've done a disservice to themselves. If you guys responded to some of the requests that we've had, you wouldn't see the frustration that is apparent today and we wouldn't have to go through this process.

And I certainly don't appreciate getting a call, intimidated, telling me how I'm going to vote and what's going to happen as a result of my vote. That will certainly go the opposite way, because I could be a stubborn SOB, particularly when it comes to safety in my District. So I think that this --

***(\*Audience Member Applauded\*)***

You know, this is an important issue, not trying to -- you know, we're not trying to -- you know, I am concerned, as Legislator Barraga said, that, you know, and others, you know, about the perception about the public. It's not a scandal, but we certainly have some concerns and we don't want -- as an oversight body, we need that information that we need. I've spoken to BRO, they've made numerous requests. They're not getting that. How can they advise us on budget issues and policy issues if they don't have the information that they need? So, on this side of the equation, we're not getting any information, but yet, you know, they don't want us -- they refuse to allow us the ability, or they are upset about the ability giving us the power to seek that information. So I look at it as, you know, "You made your bed, so now you have to lie in it."

You know, I spoke to the Presiding Officer and I'm very inclined -- I spoke to the Chair of the Public Safety Committee -- maybe we need to make a term for the Police Commissioner, give him some independence, because right now, you know, he's being used as a political pawn in a game between the County Executive's Office and the PBA and he should be neutral, and the public is potentially losing in that argument. That's all I have to say.

**LEG. ALDEN:**  
Happy anniversary.

**P.O. LINDSAY:**  
Legislator D'Amaro.

**LEG. D'AMARO:**  
Thank you. I wanted to ask, if I may, through the Chair, also of Legislator Eddington, just a couple

of quick questions. But before I do that, I just want to respond somewhat to what Legislator Gregory, the points he was making, that -- and some of the other Legislators as well. I don't think issuing a subpoena is going to change anything that you've heard from the Commissioner or anyone from the Police Department. I just think you're asking someone to come in, and because we've either sworn them in or issued a subpoena, they're going to swear, "Yeah, everything I told you before, well, I was lying." That's just not going to happen.

What I wanted to ask Legislator Eddington, if I may, is whether or not the committee has formally invited anyone who has refused to appear?

**LEG. EDDINGTON:**

First, on your comment, I have more faith that -- my belief right now is people come in and are afraid to tell the truth because they'll be punished and I want to change that dynamic. I want them to feel like they will be in trouble if they don't tell the truth.

The second thing is, yes, I sent out five letters to past chiefs and deputy chiefs and none of them showed up. I got one person that spoke and it seemed -- I tried not to ask too many questions, but it appeared that the chiefs had been in conversation, and that's when I was told, "It would be suicide, or it would look like sour grapes if I came. But if I'm subpoenaed, I will come and I will answer any questions you ask." And when I did say, "Well, let me give you an example, I mean, can you see some ways that possible savings for, you know, the Police Department," and I was getting all kinds. I wasn't prepared to take notes. But there -- I think we're going to hear some suggestions.

**LEG. D'AMARO:**

Okay. And I can appreciate that, and I appreciate that you did formally reach out to various individuals looking for testimony, and I think that's appropriate and, certainly, jurisdictionally, it's what you should be doing. But there's an inconsistency here this evening in that you stated to Legislator Beedenbender that it's not your intention to subpoena -- was it --

**LEG. EDDINGTON:**

Elected officials.

**LEG. D'AMARO:**

I'm sorry?

**LEG. EDDINGTON:**

Elected officials.

**LEG. D'AMARO:**

Oh, was it elected officials, is that was what the representation was? Elected officials.

**LEG. EDDINGTON:**

I think that's what --

**LEG. D'AMARO:**

Okay.

**LEG. EDDINGTON:**

With Legislator Beedenbender.

**LEG. D'AMARO:**

Okay. So it is your intention, then, to -- because you feel you're not getting at the truth with the Police Commissioner on down, it is your intention, then, to subpoena at least documents from the Police Department, or possibly even the appearance of the Commissioner himself?

**LEG. EDDINGTON:**

That's correct.

**LEG. D'AMARO:**

Has the Commissioner refused to appear at any time?

**LEG. EDDINGTON:**

I'm sorry, I thought I had mentioned that to you. No, he hasn't, but he did state to me that from now on Chief Moore will be going, and that's when I said, "Well, I want to make a decision on when you come."

**LEG. D'AMARO:**

All right. I don't want to belabor that. I find it hard to believe, frankly, that if you asked Commissioner Dormer to come to your committee that he wouldn't, because only based on past history that he's never said no.

**LEG. EDDINGTON:**

And I -- so then he would never get a subpoena, would he, if I called and said, "Look, I'm going to ask you to come," and he says, "Yes," then there would be no need for a subpoena, right?

**LEG. D'AMARO:**

Yeah. No, that's a valid point. So my point is that you had mentioned what the driving force of the subpoena power was for the former, I believe, commissioners, you had stated, who really would prefer to have to appear based on subpoenaed -- being subpoenaed, as opposed to voluntarily, for whatever reasons they may have. So can we limit the resolution to be individuals that are seeking to be subpoenaed?

**LEG. EDDINGTON:**

The way the legislation is written, I'm going to get together with my committee and we will make a joint decision on who we feel and what we feel needs to be subpoenaed so that we can get the answers that we're looking for. So it won't be my decision, we will have to meet again and make that decision.

**LEG. D'AMARO:**

All right, fair enough. So there's already areas where you feel that you need to issue subpoenas with respect to the Police Department, as well as some of the testimony that you've received in the committee?

**LEG. EDDINGTON:**

Yeah, I believe that's correct.

**LEG. D'AMARO:**

Okay. Thank you. Jack, I appreciate it.

**P.O. LINDSAY:**

Legislator Viloría-Fisher.

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

Thank you, Mr. Chair. If I may, through the Chair, I'd like to ask the sponsor some questions.

**P.O. LINDSAY:**

Go right ahead.

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

I won't belabor the -- I think, the motivation that led us all to this, which is the frustration that we

have felt in feeling that we have had half-truths and perhaps evasive responses. But I'm concerned about something that I heard this morning from Jeff Frayler. He mentioned that there was someone who spoke at the PERB hearings, and they're under oath, and when the testimony was heard, that person was the victim of retribution. If you are going to be asking precinct commanders for numbers, and I'm not certain if you're going to be going there, but you had said that you wanted to follow up with other members of the Department regarding staffing numbers or information that we have not received, what kind of provisions are we making that would protect them from retribution, or can we? I guess kind of a whistle blower protection. I guess if we're putting them on the spot where they must answer the questions, how do we provide protection to their positions? Some of the elements that could occur would not be that clear-cut, for example, somebody losing rank, but perhaps being moved from one place to another under the guise of restructuring. So I'm just wondering if you've thought this through as far as protection.

**LEG. EDDINGTON:**

Yes. No, I think that's an excellent question. My intention, of course, again, I haven't met with the whole committee to discuss this, my intention is the Commissioner and Chief Moore. I'm -- you know, I'm looking at this as they will not lie. You know, I believe they will tell the truth, and they will come with the questions -- with the information that we're requesting and we'll get it straight, not processed. We'll get the raw data and then we can say, "Give me your interp" -- "what does that mean", and it won't be spun. That's my goal.

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

But, Jack, you said you would only issue them a subpoena if they refused to come. But now it seems like you're saying that you would subpoena them to get them to tell the truth, so I'm a little bit confused on how we're going use it with the Commissioner.

**LEG. EDDINGTON:**

Well, for example, everybody that testifies will be sworn in, but certain people will be subpoenaed that have certain -- I know five people who didn't come when I asked them to come. Those five people and anybody else that we come up with will be either asked -- I believe in asking first. If you get an, "Oh, I don't know," then I think that's when a subpoena comes. And I wouldn't put anybody in danger below those two ranks, because we know how things happen.

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

Okay. So, Jack, what you're saying is that you will have a committee meeting where everyone who speaks at that committee meeting will be sworn in?

**LEG. EDDINGTON:**

Yeah, they'll testify under oath.

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

Okay. So they'll be testifying --

**LEG. EDDINGTON:**

We'll have a Special Meeting. We are going to have a Special Meeting.

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

Oh.

**LEG. EDDINGTON:**

It won't be the regular meeting.

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

I see. Okay. I just wanted to clarify that. Okay. Thank you, Jack.

**P.O. LINDSAY:**

Legislator Nowick.

**LEG. NOWICK:**

I don't know. I think we're beginning to beat a dead horse here. But I can't help but thinking when I'm listening to the testimony here, I had -- I made notes, but the one thing that's standing out in my mind is that the Commissioner turned to you and said, turned to Legislator Eddington, "I will not be coming to your committee anymore." But it's degrading for us. We are Legislators, we are sworn to be the voice of our districts, we're sworn to protect the public. If we can't get -- and I have, with due respect to the Commissioner, and you know I'm not a bullier, but if we, as elected officials, co-equal branches of government with the Executive, if we cannot get answers from -- I don't mean to degrade the position -- from an appointed official, then what are we? I mean, it's degrading for us. We need to get answers. For him to turn to you and say, "I'm not coming to your committee," what do we have a Public Safety Committee for? Why bother?

**LEG. EDDINGTON:**

Legislator, if I could just respond.

**LEG. NOWICK:**

Yes.

**LEG. EDDINGTON:**

To be honest and to be fair to the Commissioner, I think he misspoke. I think if he could take it back, he wouldn't have said that, because right after that, he did say, "Well, have I never not?" So I realize, in my mind, the thought process was he said something and then he realized, "I probably shouldn't have said that."

**LEG. NOWICK:**

Well, maybe he did misspeak, and if that's a fact, and I hope it is, but I was at -- even though I'm not on the committee, I did go sit in that Public Safety Committee and backs were up and answers were down, and I don't know, it seemed to be going towards what you just said. I think, speaking out of anger, sometimes maybe -- hopefully, he didn't mean that, but there is a point there where somebody could mean it.

**LEG. EDDINGTON:**

Correct.

**LEG. NOWICK:**

And, again, somehow, some way, we need the answers. We need to have the authority, as elected Suffolk County Legislators, to get answers for our constituency. And so it's not a path I like to go down. I don't particularly like to say, "We're going to have subpoena, we're going to be the bullies." That's not where I'm going with this, but, for God sakes, let's put an end to it and do this. So I'm going to have to support it.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Just a few comments. I have a great deal of respect and admiration for the Chairman of Public Safety, Jack Eddington. I like him personally and I think he does a very good job, and really is trying to do his best to get to what he feels is the truth. But last Thursday was not a good day; it was not a good day at all. I think we have to remember, as Legislators, when we have the committee system and we invite someone to attend, it's an invitation. And when that person comes in and sits there, he should be treated with respect. I don't believe that was the case last week. It's like inviting somebody to my home, he shows up in the living room and I treat him with disrespect and rudeness. If I was sitting in his seat on Thursday, within 15 minutes after that committee meeting started, I would have been out the door and said, "To hell with you's all," the way he was treated. It was inappropriate.

I don't really know Dormer that well, but I do know he's the Commissioner of Police of Suffolk County, and with the title he deserves the respect like I deserve the respect as a Suffolk County Legislator. Whether you like Tom Barraga or not is irrelevant. A person like that should not be said -- be told to be silent when he wants to make a five-minute opening statement. That's all it turned out to be when he finally got to make it. It was no big deal.

Now, I was advised before the committee started that the Chairman had a list of 20 questions that he wanted to ask. What normally is done is that if I have a list of 20 questions and you're going to testify before my committee, I make sure you get the questions a couple of days in advance. This way you have enough time to prepare and give me the appropriate answers based on your own research. When that doesn't happen and the first question comes out on standby, and somebody says, "How long has this been around," well, you don't know and you're going to look like a damn fool. That's not appropriate, that's not professional. So I believe, if you call him back, he'll be back, but I think he's frustrated like some of us were that particular day. It was not a good day. It lasted four-and-a-half hours.

But, getting back to the bottom line, I still don't think you need subpoena power. We're getting as much information as possible, and I'm sure that if you -- at least in my own particular case, when I have asked for information from the Police Department, I've gotten it, or when I need something done, it's immediately done. This, again, goes back to a situation between the PBA and the Executive Branch. I'm asking you to just table this for the next several weeks until there's disposition in that area, and I think a lot of these other issues will be settled.

**P.O. LINDSAY:**  
Legislator Losquadro.

**LEG. LOSQUADRO:**  
Thank you. I know everyone here realizes that this was not -- this resolution was not brought forth lightly and is the result of not just months but years of frustration on the part of not getting answers to questions, some of which have been made in public forums, many of which have been put in writing and not responded to in violation of sections of our County Charter. And no one has really made an issue of that. No one has taken those next steps, and we have these Truths in Reporting section and Truths in Government section of our County Charter for a reason, yet they're continually ignored. We're continually stonewalled in requests for information and, yet, we haven't taken that next step. And for people to be surprised in some way that this step has been taken at this point I think is foolish. I think, unfortunately, this is the logical progression that we have reached this conclusion. I think it's unfortunate.

I said in committee that this entire situation was embarrassing, not only to have a situation where this -- members of this body were publicly told that the functions of a division within the department were going to be taken over by another agency of our government, only to have us told by that other agency that, no, we're not going to do that. I thought that was intensely embarrassing. It was embarrassing for us, because as it's been referenced, many times we only get this information as we're sitting here before, like I said, trying to pull teeth, or because we read it in some publication, and I don't think that's appropriate, I don't think it's acceptable, and it needs to change. And if this is the mechanism by which we are going to accomplish that, then so be it. I'm fully in support of this and I look forward to getting answers.

**P.O. LINDSAY:**  
Legislator Horsley.

**LEG. HORSLEY:**  
Yeah. I think I'd like to direct a quick couple of questions to Counsel, the whole concept of subpoena. If somebody is subpoenaed by the Public Safety Committee and they decide, for whatever reason, that it's not in their best interest to appear, what penalties or what backup do we

have that that person would be forced to come before the committee? Would there be a contempt of the Legislature, or what -- you know what is it, you know, how does that work?

**MR. NOLAN:**

Well, pursuant to our Charter, it could potentially be a misdemeanor, subject to a fine of \$500 or imprisonment of not more than three months if they ignore the subpoena or won't take the oath.

**MR. MONTANO:**

It's a classified misdemeanor.

**MR. NOLAN:**

It just says misdemeanor. That's in the Charter, so I presume it would be. Yeah, I believe it would be, yes.

**P.O. LINDSAY:**

Anything else, Legislator Horsley?

**LEG. HORSLEY:**

Yeah. I just had one more quick question to the sponsor. You're saying that you want to get answers, and I certainly understand now you're going to put them under oath. Those other peoples, and I assume the former chiefs, that you're saying are in the know, do you feel that you're going to be able to pull information out of them that is going to answer some of these questions that we may have because you were there formerly? I mean, do you -- are you confident that they're going to have up-to-date information, that they're going to be able to enlighten the Legislature about the practices that are going on in the Department today?

**LEG. EDDINGTON:**

Yeah. You know, obviously, Legislator Barraga isn't as confident in my facilitation style, but I'm very confident, and I thought I handled the meeting tremendously. I had 200 angry people and they were pretty silent. In fact, when I asked them to leave the aisles, they did. And when they started to attack the Commissioner personally, I told them that will stop. So I think I handled it quite well for a three-and-a-half hour meeting where it could have been out of control. And that will be my plan. It's asking the right questions. And the committee will meet, we'll come up with some questions, and the questions will be targeted, not about insurance, or life or health plans, it will be focused on, "Can you help us in the situation we are in without affecting public safety negatively." That's the goal.

**LEG. HORSLEY:**

Do you feel that -- and I appreciate that. Do you feel that these answers that are being provided by the former chiefs, or whatever, is going to help solve the situation about the labor dispute between the County Executive and the PBA; is that going to be part of it? I mean, what is our end goal? Is it just going to be, well, how many people are on the street, those specifics about the Police Department and how it's being run, or are we going to move towards settling this issue between the disparate parties?

**LEG. EDDINGTON:**

Well, I think a consequence of this could be some type of a settlement, but the goal is to ensure the public safety of the citizens. And right now, with the changes that are being made and coming so quickly, that's in question, at least in my mind. It doesn't appear to be in everybody's mind, but it seems to be in our committee's mind and that's the task we have. And so I think if I can get people that have 30, 40 years of experience and they could say, "Well, you know, I always thought that we could do this or this and save money this way, or reallocate staffing to here and here, that might have been a good way to go," it might -- there may be a gem in the rough there. Somebody may say an idea that the Commissioner might say, "That's a great idea, I never thought of it." That's what I'm hoping. At the very least, we will get the facts, and then we can make a decision on what to support and what not to support. Right now, I feel like a mushroom.

**LEG. HORSLEY:**

Thank you.

**P.O. LINDSAY:**

Legislator Stern.

**LEG. STERN:**

You know, it's disappointing that we're here, but here we are. You know, many of the questions that I've had, you know, regarding our law enforcement and the current state of our Police Department and deployment issues, you know, many of the questions that we have as Legislators, you know, I do what I find most helpful to me and I make sure that I'm speaking with the police. I ask, you know, the rank and file police officers, the hard working men and women of Suffolk County these questions, and have found that many of them, if not all of them, have been very forthcoming in sharing information, as they understand it, as they're experiencing it. And it's unfortunate that all too often, and not just this issue, but so many others, we rely on a public forum when a simple conversation out of the limelight might go that much further in answering many of the questions that we all have.

Much of the information that I've been able to get is disappointing. You know, many decisions have been made department-wide that I strongly disagree with, and I think a conversation is certainly necessary going forward.

Legislator Eddington, you know, you talk about faith, and I do have faith. I have faith that, if granted the authority to begin this process, that you will act reasonably, that you will act wisely and responsibly in getting the information that you seek, at least that is my hope, but I do have faith. But I do have some concerns. I share many of Legislator Barraga's concerns and Legislator Beedenbender as well. And for me, personally, I think it comes down to three concerns. One is, you know, we spent two hours at the start of the day talking about negotiations and where we're at, and all of us hoping that there would be a resolution much sooner rather than later. I can't see how this process is going to help that. My fear is that it is going to do much more harm than good.

Second, I would have liked to see in this resolution not such broad authority, but a limitation as to who may be subpoenaed, at least at this time, particularly because as I understand it, there has not been a situation. There has been no example where's there's been a request made and a request denied.

I'm also concerned that with such broad authority going to the committee, that these decisions are going to be made at that committee level and I as a Legislator will not have the opportunity to cast a vote and participate in developing a list, either now initially or going forward, as to who may be subpoenaed. So I'm concerned that as a representative I will not have that formal role to play going forward and I'll cast my vote accordingly.

**P.O. LINDSAY:**

Legislator Eddington, you are up again. Did you want to talk or did you talk before?

**LEG. EDDINGTON:**

Well I just -- first of all, I did want to just respond that, you know, I don't know if this is going to help or hurt negotiations. I'm going to look at it as the glass is half filled and maybe some concrete suggestions will come out. And, in fact, I did try to -- since I'm not the only member of the committee, I did try to give some parameters on -- limits on who would be possible subpoenas and I did say it from the Police Department it would just be the Commissioner and the Chief of the Department. So that I think is a limitation. And then I just said former commissioners or other past Police Department personnel, at this time in my mind. So I think I'm putting some parameters on it for people who might be able to change, help change.

And, you know, I just got something from Newsday today, today's Newsday. It says here Suffolk

County Homicide Detectives who were off duty and unavailable all night while the stabbing victim lay dead in Brentwood Street last month have had their schedules changed to prevent this from happening. Well, here I'm getting a procedural change in Newsday again. I asked the Commissioner that very question, do you have any intention to change the policy, and he said no. Well, how embarrassing for me. Thank you very much.

**P.O. LINDSAY:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I was just going to address that same issue, Mr. Chairman, just add that the quote that Legislator Eddington just read is followed by Police Commissioner Richard Dormer said. So, once again, proving the point this is not the way for us to get information.

**LEG. D'AMARO:**

Bill.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. I had one more question for Counsel, but, you know, I just think we're reaching a new low when we're issuing subpoena power based embarrassment and what we're reading in the press. I'm not saying that it didn't happen, I'm not saying it's not true, but I'm saying there's always two sides to every story and I don't think that's a fair hearing on that issue.

But in any event, I wanted to ask Counsel, George, just very quickly, do committees in the Legislature have the authority to swear in without authorization from the full body?

**MR. NOLAN:**

No, that authority is vested in the full body. The Legislature as a whole has that power, but has to delegate it to a committee and we have to do that through a Procedural Motion.

**LEG. D'AMARO:**

So that applies to the subpoena power as well as the swearing in.

**MR. NOLAN:**

Correct.

**LEG. D'AMARO:**

Placing someone who's going to testify under oath.

**MR. NOLAN:**

Correct.

**LEG. D'AMARO:**

All right. And also the subpoena, the resolution we're considering, covers not only subpoena to compel testimony, but also a subpoena to compel document production.

**MR. NOLAN:**

Correct.

**LEG. D'AMARO:**

Now, is that also authority that must be delegated by the full body?

**MR. NOLAN:**

Yes, it is, because both under the County Law, New York County Law and our Charter, the full body

has the authority to do all those things, but the State Law says that if we're going to give it to a committee, it has to be delegated by the full body to a committee.

**LEG. D'AMARO:**

I appreciate that. Do you know if -- you know, it seems to me there might be a reason why that's not delegated. Does the Charter provide, expressly provide, for the delegation of authority down to the committee?

**MR. NOLAN:**

No, that's actually in the New York County Law. Our Charter doesn't state that expressly. But I will say that every time we have done it oftentimes, at least several times in the past, the full Legislature has delegated to a committee subpoena power and the power to administer oaths.

**LEG. D'AMARO:**

Do you know if, and you may not know this, but in those circumstances was it after there had been an overt refusal to appear or produce documents that were requested? Is that a formal or legal prerequisite to issuing a subpoena?

**MR. NOLAN:**

It's not a prerequisite for the Legislature, no.

**LEG. D'AMARO:**

Do you know in those other instances if that was the case?

**MR. NOLAN:**

I don't know. I know we did it with the PHH investigation back in the mid-90's, back in the '80's with I believe the Public Safety Committee was authorized to issue subpoenas to investigate some allegations about law enforcement in the County at that time. But I don't recall if that was after people said they would not respond, they would not come and testify. I don't know.

**LEG. D'AMARO:**

Okay. Thank you again.

**P.O. LINDSAY:**

Okay. Mr. Zwirn, you've been standing at the mike for a long time and you're jumping from one leg to another. You either have to go to the bathroom or you want to say something.

**MR. ZWIRN:**

Both, but I'm adult enough I think I can make my comments first and succinct. Thank you, Mr. Presiding Officer. The County Executive really takes umbrage with this Procedural Motion. One, it's being done before the full Legislature without being vetted in committee, so the public really has no opportunity to see what goes on. We're here at a late hour, we can see that except for my staff and the members of the PBA that are here, there's very little part of the public who's going to see what goes on.

One, we think it's gratuitous and completely unnecessary. A subpoena is to compel someone to attend, someone to show up. If this is directed at the Police Commissioner, he's been showing up going on six years now. No matter who was the Chairman of Public Safety, whether it was Pete O'Leary or Legislator Eddington, he's never failed to appear. It doesn't mean that the Legislature has not always liked what he's had to say. But the message that is sent out here is -- it just doesn't follow what's going on.

You know, we've had union officials come up here and state on separate occasions that the Police Department has manipulated statistics, crime statistics, over and over again. At least on two occasions Noel DiGerolamo said that. One, that was the reason why we didn't get stimulus aid, and two, several months ago he made the same statement. Is he going to be put under oath and testify

under oath here and say how does he know that's true and if he can't explain it what happens then? What happens if a witness comes in here and says if I'm going to be put under oath and I'm going to be subpoenaed I want Counsel representing me. Who pays for the Counsel if he's being subpoenaed? Is the County Attorney going to have to do it? Is Legislative Counsel George Nolan going to represent him? Is the County going to have to provide a fund to pay for Counsel for witnesses that come here?

I read the resolution, the Procedural Motion, carefully. The Police Commissioner came here. He gave statistics, he gave testimony. You may not have liked it, but he stayed here and he stayed here and he acted as a gentleman. He answered every question that was put to him by every member of the committee and members of the Legislature. There were 11 members of Legislature; I counted. He didn't get up and ask to leave, he was polite and he was direct. And he has done that every time you have asked him.

This is a message saying well, you know, we're going to compel him to come. We're going to threaten you. If you don't show up, we're going to have you arrested and brought before the Legislature. That's not necessary. It's never happened with the Police Commissioner any other department head. If you have asked, requested, that somebody attend these meetings, they're here. And there's no indication that that's not going to happen.

Legislator Eddington himself said well, the Commissioner also said "Well, I've always come before". Of course he's always come before and he will always come. It gives him an opportunity to talk about the reforms and the progress of the Police Department and he's proud to do it. Chief Moore, the same thing. They bring the different heads, the Inspectors come in. They're always here to answer questions. You're going to argue over statistics, that's fine, but subpoena power, is that going to change anything? The gentleman was here. You didn't have to subpoena him. His testimony would have been the same. The only questions he didn't answer were ones that the County Attorney directed him not to after she had spoken with the District Attorney's Office and didn't want to jeopardize a criminal prosecution and we tried to error on the side of protecting the victim's rights and the defendant's rights in that case.

This is a step well beyond. I would ask you on behalf of the County Executive to send this back to committee to be further vetted. There are questions here that I don't think anybody knows the answers to yet. And before we take this giant leap I think the public ought to have an opportunity to weigh in. I don't think that the facts, as they are before us -- we had a Public Safety Task Force that I sat on when Chairman O'Leary was there. The PBA sat on it, the Commissioner had staff on it, Angie Carpenter was a Legislator at that time, she sat on it. We gathered all sorts of statistics and it was done in a cooperative process. We didn't need subpoenas and I don't think you need subpoenas now.

I think this sends a terrible message on top of everything that the Commissioner has done and it certainly is a slight at the County Executive and he takes it very personally. Thank you, Mr. Chairman.

**P.O. LINDSAY:**

Legislator Barraga, did you want to make a motion?

**LEG. BARRAGA:**

Yeah. I'd like to make a motion to table this resolution.

**P.O. LINDSAY:**

There's a motion to table. Is there a second to the tabling motion?

**LEG. HORSLEY:**

I'll second the motion.

**P.O. LINDSAY:**

Seconded by Legislator Horsley. Is any other comments before we vote? The tabling will go first. I'm going --

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

On the motion.

**P.O. LINDSAY:**

On the motion, Legislator Viloría-Fisher.

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

I just wanted to ask Counsel, it was just a request to send it to committee. If we tabled it, it would just be tabled to the next General Meeting, right, it wouldn't go to committee?

**MR. NOLAN:**

Correct.

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

Okay. I just wanted to clarify.

**P.O. LINDSAY:**

Could I just point out that Procedural Motions don't usually go through committee and don't have to go through committee. A motion to commit it to committee would, you know, would be appropriate, but the motion is to table.

**LEG. LOSQUADRO:**

Mr. Chairman, on the motion before we vote.

**P.O. LINDSAY:**

Yes, Legislator Losquadro.

**LEG. LOSQUADRO:**

I just don't want the waters to get muddy right before we cast any votes on this. This is about our fiduciary responsibility and information is the key to us making the right budget decisions and thus far we have not been able to get the right information. So if we cut this back to the bone, this is about our fiduciary responsibility and this is about us getting the information that we needed. So I hope that everyone will vote in the affirmative on this so that this committee, under the leadership of Chairman Eddington, can get the answers that can be passed along to this entire body.

**P.O. LINDSAY:**

You know, I haven't weighed in on the whole issue as yet, and I've listened to a lot of the debate back and forth. And in a way this is about the labor relations dispute that's going on with the PBA, but it isn't about it at the same time. I don't -- I think what this Legislature has asked over and over again is in the course of pushing the PBA towards settlement are we jeopardizing the safety of our citizens? And I think that's the core issue here. I think everybody, and I think we've pretty loudly told both the Executive Branch, as well as the PBA, settle this thing, we want a settlement. Everybody in this County has agreed to a lag payroll, including us, and we want you to do the same thing. We need the seven million dollars if we're going to exist. We can't negotiate the agreement for you. That's the duty of the Executive Branch. But settle it. And I believe the power is there to settle it.

But, in the meantime, some of the things that have happened in the last few months certainly raises the question about public safety in this County, and I think it's more than appropriate that this body, in its oversight role, asks the hard questions. I know the questions aren't comfortable to answer, but they have to be answered. They have to be answered. And I'm not saying that anybody in the department has lied to me, but by the same token I don't think they've been totally truthful and

forthcoming, either. When I have to get a list of proposed changes in overtime policy from Newsday, something's wrong. You know, we're not being treated as a co-equal branch of government. When I have the Commissioner on the phone the same day that that young man was laying on the sidewalk in Brentwood and he failed to tell me that, something's wrong.

And these are the kind of things that I don't know whether we can correct, but, certainly, we could put pressure on the process to be more forthright in what's going on in our County. It's our obligation to know what's going on. We owe that to the citizens of this County for the protection of their lives. And it isn't something that I think should be taken lightly. It's a very serious, serious issue and I for one would hope that it would go away and would hope that if this does pass tonight that we never have to use it. That the issues are resolved and some resolution could come forward and we could plan moving forward of just how many law enforcement officers we need to protect our safety and of course we always have to worry about balancing our budget. But I think public safety even comes before budgetary restrictions.

So with that, let's take a vote. First is the motion to table. I'm going to call the roll, please, Mr. Clerk.

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

**LEG. BARRAGA:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. COOPER:**

No.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

No.

**LEG. NOWICK:**

No.

**LEG. KENNEDY:**

No.

**LEG. ALDEN:**

No.

**LEG. MONTANO:**

No.

**LEG. EDDINGTON:**

No.

**LEG. LOSQUADRO:**

No to table.

**LEG. BEEDENBENDER:**

Yes.

**LEG. BROWNING:**

No.

**LEG. SCHNEIDERMAN:**

No to table.

**LEG. ROMAINE:**

No.

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

No.

**P.O. LINDSAY:**

No.

**MR. LAUBE:**

Five.

**P.O. LINDSAY:**

Okay. Motion to approve. Roll call.

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

**LEG. EDDINGTON:**

Yes.

**LEG. LOSQUADRO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

No.

**LEG. STERN:**

Abstain.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. ALDEN:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. BEEDENBENDER:**

Abstain.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Fourteen.

**LEG. BARRAGA:**

What was the final vote on that?

**MR. LAUBE:**

Fourteen.

**LEG. BARRAGA:**

Fourteen "yes" and how many "no"?

**MR. LAUBE:**

Two "no", and two "abstain".

**P.O. LINDSAY:**

***Procedural Motion Number 19 - Changing the date of the Legislature meeting.*** I'll make the motion.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. And this one I'll take on the chin. This was a mistake by our office, because the September 15th meeting falls on Primary Day. All right. So it's to move it to that Thursday. We have a motion and a second. Any discussion? All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

**Procedural Motion Number 20 - Authorizing funding for Community Support Initiatives, Round VI.** I'll make a motion.

**LEG. LOSQUADRO:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Okay. Go to the red folder. Let me see. **Resolution 1317 - To (improve and) strengthen the consultant procurement process in Suffolk County.** I'm going to make a motion and ask my colleagues to vote for it. This bill has been kicking around for about three months. It underwent several changes. The last one this morning was in consultation with the Comptroller and it was to strike one sentence in 708-8(b). The last sentence was taken out about the checklist, which created some difficulties for the Comptroller, and we agreed that it should be taken out.

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

I'll make a second on that.

**P.O. LINDSAY:**

Second by Legislator Viloría-Fisher. Any comments on it? Okay. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**LEG. ALDEN:**

Tim, cosponsor.

**P.O. LINDSAY:**

**Introductory Resolution 1609 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the acquisition --** we did this one, right?

**MS. LOMORIELLO:**

Yes.

**P.O. LINDSAY:**

Okay. **1721 - Accepting a grant award from the United States Federal Aviation Administration, in connection with the pavement management rehabilitation at Gabreski Airport (CP 5739).**

**LEG. HORSLEY:**

Motion to approve.

**P.O. LINDSAY:**

Motion to approve. Who made the motion? Oh, Legislator Horsley. Do I have a second? Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

***I.R. 1723 - Authorizing use of Theodore Roosevelt County Park Property by Long Island Communities of Practice, Incorporated, for a Family Fun Day.***

**LEG. SCHNEIDERMAN:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Late-starters is what we're up to, right? That's all we've got --

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

Yep.

**P.O. LINDSAY:**

-- left, right? Late-starters: I.R. 1710 is assigned to Public Works. 1711, to Health and Human Services. 1712, to Ways and Means. 17 -- is there a 13?

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

Yes.

**P.O. LINDSAY:**

I don't have --

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

Apportioning mortgage tax by County --

**P.O. LINDSAY:**

Oh, here it is. Yeah, okay. 1713, to Budget and Finance. 1714, to Health and Human Services, and to set the Public Hearing for August 18th, 2:30, in Riverhead at the Culinary Arts Center. 1715, to Public Safety. 1716, to Parks. 1717, to Health and Human Services. 1718, to Budget and Finance. 1719 is a CN. We did do that one already?

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

We did that.

**P.O. LINDSAY:**

We did do that one already. That's stricken. Okay. 1720, to Public Works. 17 -- is there 21? No 21. 1722, to EPA, to set the Public Hearing for August 18th, 2:30, in Riverhead. No 1723? 1724, Health and Human Services, and to set the Public Hearing for August 18th, at 2:30, in Riverhead. 1725, to Budget and Finance. 1726, to Parks. 1727, to Public Safety, and to set the Public Hearing for August 18th, at 2:30, in Riverhead. Home Rule Message Number 19, to Ways and Means. I think that's it, right? That's it. I need a motion to --

**LEG. LOSQUADRO:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

And if we don't have any other business, I'll entertain a motion to adjourn.

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**MR. LAUBE:**

Eighteen.

***[THE MEETING WAS ADJOURNED AT 10:53 PM]***

***{ } - Denotes Spelled Phonetically***