

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

September 17, 2009

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

Verbatim Minutes Taken By:

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Minutes Transcribed By:

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

P.O. LINDSAY:

Good morning, everyone, and welcome to our September session of the Suffolk County Legislature. Could we all -- Ms. Clerk, could you read the roll, please?

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

LEG. SCHNEIDERMAN:

Renee, please mark me here.

MS. ORTIZ:

Seventeen -- sorry, 16 (Not Present at Roll Call: Legislators Montano & Alden).

P.O. LINDSAY:

Okay. Could we all rise for our salute to the flag led by Legislator Stern.

(*Salutation*)

If you could remain standing, and I'm going to ask Legislator Stern to come forward and introduce our visiting clergy.

LEG. STERN:

Thank you, Mr. Presiding Officer, and good morning, everybody. It is really my great privilege to introduce the Reverend John F. Underwood. Reverend Underwood is Pastor of Community Presbyterian Church in Deer Park where he has served for 18 years. He is descended from a missionary family that served for four generations in Korea, from 1884 to 2004, and is a fourth generation ordained minister. Reverend Underwood is a graduate of Emerson College in Boston, Massachusetts and Princeton Theological Seminary in Princeton, New Jersey.

Before coming to Deer Park, he served staff positions in Smithtown and Tenafly, New Jersey, and was Pastor of Port Kennedy Presbyterian Church in King of Prussia, Pennsylvania for nearly ten years. He was ordained in the Presbyterian Church USA in 1976 and has served the church in many capacities and local, regional and national committees. He presently serves on the national committee that creates, administers and grades ordination examinations for those preparing for ministry in the Presbyterian Church. Community Presbyterian Church is the oldest church in Deer Park, having been established in 1935. It has hosted a community soup kitchen for twelve years and has an active mission outreach to El Salvador. The church is also noted for its youth program and outstanding choir. Please join me in welcoming an outstanding representative of his community, the Reverend John Underwood.

Applause

REVEREND UNDERWOOD:

Let us come together in prayer. God of all times and all places, we beseech your presence at this time, in this place. God of all peoples and all nations, we beseech your presence with these people in this nation, in this County. We give you thanks for the bountiful goodness of this place you have given us to live. We thank you for the beauty of its ports and beaches, for the wonder of its barrens and dunes. We give you thanks for the skill of its people, for the marvel of its industry, for the potential of its communities.

Now, oh Lord, we ask your blessing on this assembly. We pray that you may be present with wisdom that we may be led beyond the power of our individual wisdom to the greater wisdom that comes from above. We pray that you will be present with leadership, that we may be led in ways that bring us into a better future and a more holy way of living, a way of righteousness, justice and peace. We ask your blessing, Lord, not only on this assembly, but on this County, this nation, the world we live in, its leaders, we ask this in your most holy and divine name. Amen.

(*Amen Said In Unison*)

P.O. LINDSAY:

Thank you very much, Reverend. If I could ask everybody to remain standing for a moment of silence for Senator Brian Foley's father, John Foley, who died at the age of 90 last week. John was a pioneer in this body. John served on the Brookhaven Town Board from '59 to '67 and as a Suffolk Legislator for 18 years, from '76 to '93. Former Legislator Foley fought for labor and education and health causes and was really a mentor to many of us that have succeeded him.

Also, a moment of silence for Senator Ted Kennedy who died after a long battle with brain cancer; for Richard Holst who was a 30 year -- 31 year member of the Huntington Manor Fire Department and head of the New York State Fire Chaplains Association. He died from a heart attack after reporting and assessing the fire at Uber's Cafe in Huntington Station. And last week was the 8th Anniversary of the disaster at the World Trade Center; let us remember all the men and women that lost their lives that day and all the men and women that are suffering from occupational diseases as a result of that tragedy. And let us also remember all the men and women who have put themselves in harm's way every day to protect our country.

(*Moment of Silence Observed*)

We have a number of proclamations this morning. I'm going to call the first one out of order. With us today is Deputy County Executive of Financial Affairs, Fred Pollert, who has -- is a 35-year employee of the County and he's separating from the County. He was the Budget Review Director here for many, many years and we are going to sorely miss his services in County government. Myself and Deputy Presiding Officer, Legislator Viloría-Fisher, are going to present a proclamation to Mr. Pollert.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. As you know, Mr. Pollert is my constituent and so I'm very proud and privileged to know him, not only in the context of having been the Budget Director here for the Legislature for so many years and was so instrumental in walking me through what working on a budget was when I was a new Legislator and was a great mentor to me in that way, but also he's a great member of our community. He is someone who is -- just always there ready to serve and ready to help. And I wish him the very, very best with LIPA, they need you there, and we will miss you here in Suffolk County.

Thank you for your good work, Fred.

CHIEF DEPUTY COUNTY EXECUTIVE POLLERT:

Thank you,

Applause

P.O. LINDSAY:

I want to make this very short and sweet and simple; we just wish you the very best of luck. And if you hold on to your County medical coverage, this time next year you'll be able to get therapy because it will be the first time that you haven't done a budget in 35 years and I don't know whether you can handle withdrawal or not.

CHIEF DEPUTY COUNTY EXECUTIVE POLLERT:

I'm looking forward to it. Thank you.

Applause & Standing Ovation

P.O. LINDSAY:

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

LEG. COOPER:

Good morning. Each week, more than 40,000 individuals visit LGBT Community Centers nationwide, participating in countless programs and services including support groups, social services, mental health counseling, cultural and recreational activities, computer training programs and much more. The Long Island LGBT Community Center serves as the social and cultural epicenter for our local LGBT community, and more than 2,000 people visit the center monthly. From youth development to cultural-inclusive services for LGBT Latinos to programs that value the rich experience of our seniors, the center is helping to create a strong and vibrant LGBT community across Long Island.

It's my honor to present this proclamation to the Long Island LGBT Community Center on behalf of the Suffolk County Legislature in recognition of declaring this past Tuesday, September 15th, as LGBT Center Awareness Day in Suffolk County. I'd also like to thank David Kilmnick, the Chief Executive Officer of the Center, and the center's hundreds of volunteers for their efforts to promote awareness of this very important County resource. Please join me in applauding David, the center, its volunteers and all those County residents who persist in their tireless efforts to make Suffolk County a better place to live for everyone.

Applause

David, would you like to say a few words?

MR. KILMNICK:

Sure. I'd like to thank Legislator Cooper and the rest of the -- and Presiding Officer Lindsay and the rest of the Legislature for this proclamation and recognition of the important work that our Long Island LGBT Community Center and Long Island gay and lesbian youth does every single day on behalf of the residents of Suffolk County.

As Legislator Cooper said, there's more than 2,000 people a month that visit our center. They come from every single Legislative District sitting around this horseshoe as the only safe -- some of them feel that it's the only safe place for them in the County. So thank you very much for your support. Thank you very much for recognizing LGBT Center Community Awareness Day and we look forward to doing a lot more with you in the future.

Applause

P.O. LINDSAY:

Okay. Next we have Legislator Stern for the purpose of a proclamation.

LEG. STERN:

Thank you, Mr. Presiding Officer, and good morning to you and to the rest of my colleagues. I'm joined this morning by Elaine Fastenberg and the Best Babes.

The Best Babes are here with us this morning and are certainly deserving of our admiration and our praise for their remarkable efforts and dedication in continuing to coordinate the Babe Zaharias Golf Tournament and many other events that this year alone raised over \$120,000 for the continued good works of the American Cancer Society and many other programs that, please God, we hope that some day soon will eradicate the scourge of cancer, certainly for those that we love and in our entire community. So they are here this morning so that we can recognize their outstanding efforts, their hard work and their continued commitment to our community. And as Elaine and I were saying just a moment ago, that for the Best Babes it will certainly only get better.

It is really my pleasure to have them here with us this morning. On behalf of the Suffolk County Legislature, Elaine, and to all of you, thank you for being with us. We say congratulations and, most importantly, on behalf of your community, thank you.

Applause

MS. FASTENBERG:

I just want to thank Legislator Stern and the rest of you for your support, for your acknowledgement of our efforts. And we hope that as Legislators, you continue to support programs that will help us in the future to continue research, education and finance programs that will eradicate breast and prostate cancer and all other cancers as well. So especially in these times of health, we hope that you keep us in mind and remember to support these programs. Thank you so much.

Applause

P.O. LINDSAY:

Next is Legislator Eddington for the purpose of a proclamation.

LEG. EDDINGTON:

Good morning, and I'd like to invite Deputy Presiding Officer Vivian Vilorio-Fisher to come forward, too, with me. Because I have the honor today of giving proclamations to two heroes, two Park Police Officers that went way above and beyond the call of duty, Officer Kevin Spence and Officer Greg Sandbichler; if you guys could come up here, please, and if your family is here. Oh, they're here. They're quick, always quick.

I just want to let you know what happened, and this happened at Smith Point Park. On Saturday, July 11th, at 6:45 in the evening, these officers were on patrol and they were notified that two swimmers were in distress. Upon arrival, both officers observed a male swimmer caught in a rip tide and appeared to be drowning, while another victim was out there trying to help the first victim but was now at the point of exhaustion. Without hesitation, and I mean without stopping for anything, they jumped in the water, grabbed two life rings from their vehicle and saved both victims. These are people of our County employment and these are people that go beyond the call of duty and we need to recognize our heroes and thank you, gentlemen. When you see the baby there you say this gentleman thought nothing for himself but only for a citizen of our County. These are the kind of people we must continue to employ and we have to thank them. Thank you, gentlemen.

Applause & Standing Ovation

P.O. LINDSAY:

And the last proclamation of the day is my pleasure to present and it's to Melodie Guerrero; Mel, if you would join me.

Melodie Guerrero is a long and dear friend of mine, but has been an activist most of her career for worker's health. Melodie is currently the Executive Director of the World Trade Center Screening Program that monitors the rescue workers and makes sure that illness doesn't develop in them and, if it does, that they're treated properly and they get the proper treatment for their unselfish response to the disaster on September of 11th of 2001.

Additionally, Melodie was the head of the Worker's Memorial Day Committee, for how many years, Mel?

MS. GUERRERA:

About seventeen.

P.O. LINDSAY:

For seventeen years. Worker's Memorial Day was -- is a ceremony that the AFL-CIO initiated, I believe in about 1988, to remember the men and women who lost their lives and their health at the workplace. And every year, Melodie has organized a very moving ceremony remembering these people and raised funds to build a beautiful monument in front of the State Office Building across the street. And Mel, we just wanted to recognize you for all your efforts for the community, for workers, for health issues in the workplace, for all your years of service to this community. Thank you very,

very much.

Applause

MS. GUERRERA:

Thank you. I really appreciate it.

P.O. LINDSAY:

I know a lot of your committee members are here today, right?

MS. GUERRERA:

Numerous.

P.O. LINDSAY:

Okay. And Dr. Parkinson is here who is my old friend who is the former Director of the Occupational Health Clinic at Stony Brook and his lovely wife; good to see you, Doc, and welcome back.

MS. GUERRERA:

Very quickly. First of all, I would like to thank everyone here for taking the time for acknowledging the committee's efforts and my involvement with their efforts. It was a unique position to be in. I got many, many opportunities to be recognized and the reality is there was a committee that did a great deal of this work and stood by me step-by-step to ensure that this monument was erected so that in Suffolk County the memory of a worker who had given their lives was never lost. Unfortunately, for 17 years there was never an opportunity where we did not have to stop and honor a local person, a local worker who had died, either from an occupational illness or an occupational accident.

I am stepping down this year, the committee will continue. I sincerely hope that one day they get to stand before that monument and not have to honor someone in a current year, but recognize that their efforts have finally paid off, that work place safety is a major priority and that workers no longer die needlessly. Because unlike typical illness, typical disease, these illnesses are preventable. I know in Suffolk County you're going to work as hard as possible to achieve this and whatever I can do, I will stand with you and try to do with you. But thank you all very much and keep up the fight. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Today we're recognizing volunteer fire fighters and EMS personnel in Suffolk County. Resolution 329 of 2001 established a **Volunteer Recognition Program for Firefighters and EMS personnel** whereby each Legislator has the opportunity to formally nominate one person in his or her district for their outstanding service to the community as a firefighter or EMS worker. At today's General Meeting, I will read into the record the names and a brief description of each district's designated volunteer. Any presentation of proclamations will be done in each individual district.

In the **1st Legislative District**, Legislator Romaine gave us the name of **James Hintze**. Mr. Heinz -- am I saying that right? Okay, he's not here -- has volunteered for 31 years as an EMS provider, currently as the President of Manorville Community Ambulance where he has volunteered for the past 26 years. Recently, he spearheaded an initiative to obtain a new, larger building to improve service in one of the largest ambulance districts in the State. His volunteerism extends further serving as a Boy Scout leader for nearly ten years as well as involvement with Michael's Message, a drug awareness program for educating students, parents and faculty about the dangers of drug use and abuse. Mr. Hintze is currently a Police Sergeant serving for 27 years with the Suffolk County Police Department.

In the **2nd Legislative District**, Legislator Schneiderman has put forth the name of **Herbert**

Raynor. Herbert "Eggie" Raynor of the Southampton Fire Department has been a dedicated and active firefighter since he was 21. He was originally from Westhampton Beach and first joined the Westhampton Fire Department in 1948. Herbert served as Chief of the Southampton Fire Department from 1979 to 1982 and was recipient of a Medal of Valor for his heroic actions in a 1976 fire near the train station in Southampton in which he saved a three year-old girl from her bed inside the burning home and performed CPR to revive her. He embodies the spirit of community service every day of the year as he stands ready to protect the lives and homes of his neighbors. Herbert selfishly gives his time, knowledge and energy into making this community a safer place to live.

In the **3rd Legislative District**, Legislator Browning gave us the name of **John Turner**. John Turner joined the Yaphank Fire Department in February of 1990; he obtained the rank of Lieutenant in 2006 and Captain in 2007. He continues to serve the department as 2nd Assistant Chief, a position he has held since 2008. He has served three tours of duty with the 106th Rescue Wing of the New York Air National Guard as a Technical Sergeant. He does all this while maintaining his job as a Suffolk County Corrections Officer.

In the **4th Legislative District**, Legislator Beedenbender has put forth the name of **James Carlson**. Former Captain James Carlson, a volunteer of the Selden Fire Department's Seaman Engine 2, assisted in saving a shooting victim in April, 2009. The victim was shot during a dispute and his femoral artery was struck. Mr. Carlson helped control the bleeding until EMS units arrived and stabilized the man who was taken to Stony Brook University Hospital where he made a full recovery.

In the **5th Legislative District**, I have submitted the names of **Mike Ebbecke** and **Kevin Yoos**; these are the Chiefs of the Stony Brook and Setauket Fire Departments. Chief Mike Ebbecke of the Stony Brook Fire Department and Chief Kevin Yoos of the Setauket Fire Department are both celebrating their department's 100 Year Anniversaries. Both departments respond to Stony Brook University and University Hospital. Those two outstanding individuals truly deserve recognition as they risk their lives to help their fellow citizens and make the community a much better place to live.

In the **6th Legislative District**, Legislator Losquadro has named **Jeanine Sullivan**. Legislator Losquadro has chosen Jeanine Sullivan as his Volunteer EMS Person for the 6th Legislative District. Jeanine is a three-year EMS member of the Rocky Point Fire Department. She has the highest call response record for this year, which is no small accomplishment since she is the mother of seven young children and also works a full-time job as a nurse's aide at Mather Hospital. Her dedication to the department, along with the caring and compassionate ways she handles every ambulance call, is an inspiration for all.

In the **7th District**, Legislator Eddington has named **Brittany Moro** and **Steven Rostron**. Brittany Moro, 19, is a new EMT and member of the Holtsville Fire Department. On June 6th, Brittany and her partner -- Steven Rostron, 20 -- responded to a call of a 57 year-old man experiencing chest pains. While transporting the patient to Stony Brook Hospital, he went into cardiac arrest. Brittany had to apply an AED and shock the patient twice to revive him. Thanks to their training and quick action, the patient is alive today. It is with great pleasure that I recognize these two young people for dedication and service to their community.

P.O. LINDSAY:

I'll give Vivian some rest. In the **8th Legislative District**, my district, the nominee is **Joseph Schroeder**. Joseph Schroeder is the 1st Assistant Chief of the West Sayville Fire Department and he's also an EMT. He's been a member of the department for 21 years. Not only does Joe help residents in need, but he also helps us here in the Legislature when we experience an occasional medical emergency, as Joe works in our Budget Review Office; he's our energy expert. It's very comforting to know that we have Joe in the building when an emergency occurs. Joe is a West Sayville resident and he and his wife Marie have two beautiful children, Joey and Maggie.

Legislator Montano has nominated **John Kenavan**. Former Captain John Kenavan has over 30 years of outstanding service with the Brentwood Fire Department. His dedication and commitment to our fire fighters and to the residents of Brentwood and North Bay Shore is an inspiration to all. He is currently a CPR trainer and heads the department's CPR Committee which has trained over 80 of our firefighters in CPR since its inception two years ago. He also holds the following positions of Treasurer and member of the Brentwood Wanderers Marching Band, Treasurer of the Benevolent Association and qualified driver/chauffeur for the pumpers. Besides having a full-time job and a family, former Captain Kenavan finds the time to volunteer every other Wednesday night as part of an overnight stand-by crew to ensure timely response to alarms in Brentwood.

Legislator Barraga has nominated **William Froelich**. First Assistant Chief William Froelich joined the Bay Shore Rescue in 2003, currently he holds the position of 1st Assistant Chief with duties overseeing a membership of over 120 members. He is actively involved with the department's Youth Squad, oversees and participates on various committees and is involved in every aspect of departmental community service. He has stepped up and filled the position of 1st Assistant Chief while the department Chief was out and proved to be a rock during the difficult times of a member's death. He is truly a volunteer -- this is truly volunteer work for William as he works full-time as a New York State Police Officer.

Legislator Kennedy has nominated **Richard O'Brien**. Richard O'Brien is the Chairman of the Commack Volunteer Ambulance Corps' Board of Directors, he's an active riding EMT who is always available for calls to help a citizen in need.

Legislator Nowick has nominated **Jeff Johnston**. Legislator Nowick is honored to nominate firefighter Jeff Johnston. Jeff is a member of the St. James Fire Department who has dedicatedly served his community for over more than 23 years. As a firefighter/EMT, Jeff has continually sought to refine his skills, constantly training and participating with other members of the department in virtually every aspect of fire service. Jeff has become the backbone of the St. James Fire Department's First Responder Program helping to deliver immediate care for those in need. With the knowledge that Jeff is manning the First Responder vehicle each week, the people of St. James community can rest assured that not if but when they call for help, a well trained and dedicated member is just seconds away.

Legislator Gregory has nominated **Louis Iuzzini**. Mr. Iuzzini has been a member of the East Farmingdale Volunteer Fire Company for 50 years, as he joined back on May 4th, 1959. Lou has served in various positions such as Rescue Lieutenant of the Rescue Squad, Captain of the Rescue Squad and a member of the Board of Directors. Lou still remains an active member of the East Farmingdale Volunteer Fire Company today.

Legislator Stern has nominated **Nancy Delassalle**. EMT Nancy Delassalle has been a member of the Deer Park Fire Department since July 10th, 2000. She is a mother of three boys and a critical care nurse at Long Island Jewish Hospital. She has established herself as an outstanding EMS provider and has become one of the informal leaders and a mentor for EMS members. Nancy participates in several aspects of the organization. She is the lead adviser to the Junior Firefighter and EMS Program and devotes several hours per month teaching the youngsters EMS skills and, most importantly, the value of good citizenship and community service. She is a very active member of the Fire Safety Education Committee and devotes many hours assisting with a fire safety presentation to hundreds of school children every year. These extra curricular activities are above and beyond her normal responsibilities of riding her regular weekly duty crew on an ambulance as an EMT and assisting the Chief's Office as an EMS Coordinator. Nancy exemplifies what it means to be a volunteer in her community and she does it with humility while also meeting her responsibility as a mother of three young sons and working full-time.

Legislator D'Amaro has nominated **Robert J. Earley, Jr.** For nearly half a century, Robert J.

Earley of Melville has tirelessly dedicated himself to service the residents of Melville Fire Department and surrounding communities. He was trained as one of the company's original Emergency Medical Technicians, was instrumental in developing the Melville Fire Department Rescue Squad, served as a Senior Fire Inspector, oversaw the upgrade and development of fire safety systems and assisted in the review of building plans for the company's main station. A former Chief Fire Inspector of the Town of Huntington, he also served as President of the Fire Inspectors Association of Suffolk, New York State Fire Marshals and Inspectors Association and Fire Marshal Inspectors Association of North America. To this day, even at 91 -- 81 years-old, Mr. Earley can be found responding to many alarms as a Fire Police Captain directing traffic away from the scene of auto accidents and fires.

And last, Legislator Cooper has nominated Roger Winter. Roger Winter is currently serving as the President of the Board of Directors of the Huntington Community First-Aid Squad. He also served in the positions of Captain, 3rd Duty Chief, 1st Duty Chief and Chief twice. He has been on the Board of Directors and served as the President and Treasurer. Roger has been a member of the squad since 1978. In April he celebrated his 31st anniversary. His wife, son and daughter and son-in-law are also active members, making emergency services a true family affair. Roger can be seen at the squad building at all times of the day and night working on one project or another; it is his home away from home. His dedication to our community and compassion for the residents of Huntington and Huntington Station is unparalleled.

That concludes those awards, and we thank all of our volunteers throughout Suffolk County for what they do for our communities.

And with that, we'll go into the public portion, and the first card is -- looks like Daniel Blain Ford.

MR FORD:

My thanks to the board for this opportunity to talk about my favorite topic --

P.O. LINDSAY:

Mr. Ford, yeah, you have to hold the button. I'm sorry. Go ahead.

MR. FORD:

I'm sorry. As I explained before, I'm a 19th Century man, so 20th Century gadgets are somewhat beyond my ken. My name is Darrel Blaine Ford and it's been my pleasure to represent Walt Whitman in many venues for decades. My boyish looks, I lied when I tell you that I have been a Whitman devil T, if not Whitmaniac for seventy years.

My opportunity to become acquainted with Walt began when I was nine years old and I took a plane ride in a two-wing plane with an open cockpit. And as I looked down on Long Island, and we traversed the length of it, it occurred to me that I could ride my bicycle from the Great South Bay to the Long Island Sound. Being nine years old, I didn't do the math, it's a 40-mile round trip, so I was not too far into my trip when I was nearly exhausted and I stopped in a pleasant valley in the morainal hills of Huntington and sat down under a big spreading tree to rest, and I spotted an old farm house and then a little plaque that said, "This is Birthplace of Walt Whitman." So I knocked on the door and talked to Mrs. Watson, the owner at the time, and like so many children now, I was conducted through the house, to the room where he was born. Then she took me to the kitchen and gave me a peanut butter and jelly sandwich and a glass of milk and a battered old copy of Leaves of Grass without a cover. And so I've been devoted to Walt and the study of Walt and his poetry ever since.

I'm here in favor, to speak in favor of the motel tax, so-called, because it is extremely important that the facilities that Suffolk County makes available, and they are indeed rich. For 25 years I was the Director of a youth project, youth organization, and we took trips endlessly, to the parks, to the historical sites and to the Vanderbilt Museum and all of the wonderful opportunities that draw not only people from Suffolk County, but from Long Island and throughout the nation. In my travels in Europe, I discovered that Walt Whitman was sometimes better known there than he is in his own

country, and they all knew where he lived; he lived on Long Island and he lived in Suffolk County. Part of the bill would support and provide support for the Walt Whitman Birthplace Association and the home and the museum and all of the activities, educational activities that are available, and that is vitally important because other sources of support have at least temporarily vanished.

So I urge you to give every consideration to the support of this bill and to the support of all those institutions that make Suffolk County the wonderful place to live. Thank you very much.

Applause

P.O. LINDSAY:

Thank you very much, Mr. Ford. Cynthia Shor?

MS. SHOR:

Good morning, Suffolk County Legislators. I am Cynthia Shor, Executive Director of the Walt Whitman Birthplace Association which operates the Birthplace in Huntington, Long Island, where the world-acclaimed poet, Walt Whitman, was born in 1819. I teach an English Education Program at NYU and I am a poet and writer and have been associated with the Birthplace since 1985 as a poetry teacher, a board member, before becoming Director three years ago. I appear before you today to urge you to support the Hotel/Motel Tax bill that will bring an estimated \$7 million in revenue for Suffolk County's parks, museums and cultural organizations.

As an educator, I see first-hand how museums and cultural institutions provide learning opportunities for youngsters and grown-ups alike. Indeed, museums, historic sites have become secondary learning centers for our local classrooms and teachers who have extraordinary demands on their classroom time. We have well over 7,000 students come to our educational programs each year and over 4,000 entries in our student poetry contest. Our educational tour incorporates the New York State Region Standards for the 4th Grade Social Studies Curriculum. And as Director, I have welcomed this past year global visitors from India, Japan, Australia, Italy, Switzerland, Germany and France, and even two from DeMoines, Iowa.

Currently, at NYU the tuition is over \$50,000 per year -- I'm sorry to say that to you future parents here of college students -- and yet the Birthplace charges only \$5 for an educational tour and programs. Our visitors and the visitors to Suffolk County cultural institutions are not maintaining the operating cost of those organizations. Therefore, we all must rely on support from Governor -- from the government foundation, benefactors and fund-raising.

The Home Rule Message that put forth the hotel tax bill has already been approved by most of you here. I applaud your wisdom in demonstrating your understanding many months ago of the benefits to Suffolk County with this bill. You seized on the opportunity to finally tax non-residents to supplement the funding of Suffolk County parks and museums. You seized on the opportunity to not raise our real estate taxes, yet you are supporting the cultural learning opportunities for Suffolk's children. You seized on the opportunity to not raise sales taxes to ensure that Suffolk County's tourist destinations remain a global attraction and a vital part of the County's economy. I only wish that there were more bills that you could vote for that would bring the advantages, opportunities and economic fluidity to the residents of and visitors to Suffolk County.

I thank all of you who supported the Home Rule Message. I thank William Lindsay for sponsoring the bill, Assemblyman Steven Englebright and Jim Conti for seeing it through the Albany voting, and I thank all of the signers of the discharge petition which brought the bill for a vote today. Tomorrow the Birthplace will still be charging \$5 for our tour, but please don't turn down this opportunity for us to give national and global tourists a \$50,000 experience to talk about when they return home. Thank you very much.

P.O. LINDSAY:

William Walter?

MR. WALTER:

I'm Vice-President and a former President of the Walt Whitman Birthplace Association, I've been a board member for some 25 years. The bill that we are discussing to reauthorize the Hotel/Motel Tax is really one to promote tourism.

The first part of the bill is to promote marketing, and that's essential in keeping tourism going. If you look at the surrounding territories or states to our Suffolk County and their hotel occupancy taxes, New York City is 5.875, Connecticut is 6%, Massachusetts is 5.7% and Cape Cod/Nantucket/Martha's Vineyard is 9.7%. The 3% tax that this reauthorization would set is less than a half of most of the areas around us.

Part two of the bill is the destinations. One comes to Suffolk County not just for the hotel, but for the attractions there, for the destinations. And so the bill supports our parks and beaches and our cultural and historical sites which draw the visitors from near and far.

Let me focus in on the Walt Whitman site. Walt Whitman is the most famous personality that was born in Suffolk County. He is widely regarded as America's foremost poet, having set a new direction in poetry, broadening from beyond rhyming standards. His poetry celebrated the natural beauty of Long Island. Walt was a foremost reporter through most of the 19th Century -- born in 1819, dying in 1892 -- and covered most of the events during that century. And when people talk of the Civil War or any of the other events in the 19th Century, Walt Whitman's work is reporting what they go back to. Walt set the example of care for our soldiers by spending Civil War years in Washington, nursing and writing letters for the wounded.

The association of Walt's Birthplace was founded in 1949 to purchase the Birthplace which was deteriorating. In 1957, New York State agreed to acquire it and maintain the Birthplace as the first historic, State historic site on Long Island. The Birthplace has a state of 20 part-time, volunteer and paid volunteers -- paid and volunteer personnel. We've trained a knowledgeable team of docents and guides to give visitors from around the world a historically accurate picture of life on Long Island and in the early 19th Century. We employ a part-time Educational Director to market and arrange and conduct the school visits and we employ a part-time Curator.

Our budget is \$185,000. Two years ago, New York State supported us with \$80,000, last year 50 and this year zero. When the Suffolk County Legislatures sent the Home Rule bill to Albany, where it was passed by both houses and the Governor, we borrowed money to keep the -- \$15,000 to keep the Birthplace open this summer. We now request reauthorization by the Legislature so that we can continue to keep the Birthplace open this fall and winter, have a secure foundation to run the association and grow its programs. Thank you for your support.

P.O. LINDSAY:

Thank you, Mr. Walter. Jack Callahan (sic).

MR. COULIHAN:

Thank you. My name is Jack Coulihan, I'm a physician and a Professor of Medicine at Stony Brook, but most importantly, in this context, I'm a Trustee of the Walt Whitman Birthplace Association. And first of all, I wanted to thank you for this opportunity to speak; and secondly, for the unstinting support that this Legislature has given to the Walt Whitman Birthplace Association over the years.

I don't want to repeat all the facts and figures that my colleagues have already presented to you, but I do want to make two points about the bill to reauthorize the Hotel and Motel Tax.

The first point is that, as you know, it was in the Economic Development Committee, and I think you need to think of this as an opportunity to further stimulate economic development in Suffolk County. By means of tourism, Suffolk County has a remarkable array of historical, natural and cultural sites, and we all know that. We also know that those sites need support, they need to be maintained and

enhanced so that they will not only support continued tourism, but enhance the tourism.

And finally, you also know that by utilizing a method such as the Hotel/Motel Tax, we are able to do all those things and to benefit the residents of Suffolk County while at the same time, in general, not increasing taxes on residents in Suffolk County. So that's my first point.

My second point has to do specifically with Walt Whitman Birthplace Association. As you have heard, the Walt Whitman Birthplace is a unique, historical site, it's a national Treasure. Walt Whitman is by far the most well-known American Poet, and probably one of the greatest poets of the 19th and 20th Century; certainly the most influential in terms of the direction of modern poetry.

The Walt Whitman Birthplace Association has attempted, and I think very successfully, to continue the spirit of Walt Whitman, not only in terms of poetry and literature but in terms of education, engagement of the children, engagement of the community. And I might point out that Walt is widely known as the poet of democracy. Walt's poems celebrate the American spirit, the American ideals and American democracy. We have probably the most articulate spokesman for American democracy as one of the children of Suffolk County.

P.O. LINDSAY:

Dr. Coulihan, could you wrap up, please? You're out of time.

MR. COULIHAN:

That's it. Please.

*(*Laughter From Audience*)*

P.O. LINDSAY:

Tom Wysmuller?

MR. WYSMULLER:

Hi. I'm Tom Wysmuller, I'm on the board of the Walt Whitman Birthplace Association. I live in Ogunquit, Maine. You're probably saying to yourself, what's a fellow from Maine doing down here? Well, the fact is, as Jack just told you and I think as you know, the Walt Whitman Birthplace is really a national treasure. Its scope is not only nationwide but worldwide; we attract people from all over the world.

Our town has fourteen hundred people; I'm talking about Ogunquit, Maine. In summer, we have 35,000 people. How does a town of fourteen hundred support the infrastructure that can handle 30,000? And the answer is through a tourist levy which is the motel tax in Maine. You know, there are lots of jurisdictions in the nation that impose motel levies in order to subsidize local attractions. At 3%, we are basically at parity with our surrounding area; however, we're far below most tourist-oriented attractions in the nation. I've put together a list of city pairs, just pulled at random from one of the hotel websites. It's amazing how much recognition other jurisdictions have given to this source of revenue. Why? Because this is a way that visitors, in a minimal way, can support the very attractions that draw them to the area. They ordinarily don't. People come from Australia, they pay their \$5, it doesn't cover the expenses, and there's no incentive for them to become members because it's a one-time visit. And that's true for visitors all over the country. We attract them, I think they need to help support the things that do attract them here.

We also will ameliorate the subsidy that local taxpayers now grant to the out-of-area visitors. They're basically side-stepping it, the motel tax, as a way to eliminate that side step. The 3% levy will basically allow programs that benefit local schools, community organizations, to continue functioning, they add value to the area. They make this place an attractive place to live. Our literacy programs, they all are a real plus for the area.

One thing I'd like to leave you with. What we're supporting literally enriches all local taxpayers and

all of your constituents. The few that oppose this bill are really looking to enrich themselves. And I think -- I hope you continue to choose wisely, as you have in the past, and support the constituents and the Walt Whitman Birthplace, the other area attractions that make this a wonderful place to live, and for me as an out-of-stater to come visit and join the board of the Walt Whitman. Thank you.

P.O. LINDSAY:

Thank you, Mr. Wismuller. Dr. Luis Valenzuela?

DR. VALENZUELA:

Good morning, distinguished ladies --

MS. LOMORIELLO:

You have to hold it down.

DR. VALENZUELA:

New things here. Good morning, distinguished ladies and gentlemen. We're here today to present to you a Climate of Fear, a report that was issued by the Southern Poverty Law Center last week.

The report clearly demonstrates the danger of silence in the face of an epidemic of hate, an epidemic of hate crimes. The Long Island Immigrant Alliance has organized a reading of substantial portions of the report today so that our elected officials, our representatives will know what has happened here in Suffolk County. And we ask you to pledge to stop the hate and to adopt policies that integrate all residents here in Suffolk County rather than to cause division among the residents of Suffolk County. Thank you.

Applause

P.O. LINDSAY:

Melissa Sostrin.

MS. SOSTRIN:

Thank you. I'm a resident of Holbrook and I attend synagogue every week in Patchogue.

"Less than one year ago, on November 8th, 2008, Marcelo Lucero, an Ecuadorian immigrant, was murdered in the Town of Patchogue, New York. The killing, Police say, was carried out by a gang of teen-agers who call themselves *The Caucasian Crew* and targeted Latino residents as part of a sport they termed "beaner-hopping". It highlighted a growing national problem, violent hatred directed at all suspected, undocumented immigrants, Latinos in particular."

"Officials in Suffolk County, New York, where Patchogue is located, minimized the tragedy, with the County Executive even suggesting that it would have been a mere, quote, "one-day story", if not for earlier publicity about his and other residents anti-immigrant activism over the prior decade. But the reality was that nativist, intolerance and hate violence had been festering for years in Suffolk County. Fostered by some of the very same officials who are now wishing the story away, the situation in Suffolk County, in fact, is a microcosm of a problem facing the entire United States where FBI statistics suggest a 40% rise in anti-Latino hate crimes between 2003 and 2007, the latest numbers available. The number of hate groups in America has been rising, too, climbing more than 50% since 2000, mainly by exploiting the issue of undocumented, non-white immigration."

"In the aftermath of the Lucero murder, the Southern Poverty Law Center sent a Spanish-speaking researcher to Suffolk County to interview Latino residents, both documented and undocumented, over a period of months. What SPLC found was frightening. The Lucero murder, while the worst of the violence so far, was hardly an isolated incident. Latino immigrants in Suffolk County are regularly harassed, taunted and pelted with objects hurled from moving cars. They're frequently run off the road while riding bicycles and many report being beaten with baseball bats and other objects. Others have been shot with BB guns or pepper sprayed, most will not walk alone after dark. Parents

often refuse to let their children play outside. A few have been the targets of arson attacks and worse."

"Adding to immigrants fears is the furious rhetoric of groups like the now-defunct Sachem Quality of Life whose long-time spokesman regularly referred to immigrants as terrorists. The leader of another nativist group, this one based in California, was one of many adding their vitriol describing a frightening visit to an area where Latinos are concentrated in Suffolk, "They urinate, they defecate, make sexual overtures to women", unquote."

Fueling the fire are many of the very people who are charged with protecting the residents of Suffolk County, local politicians and law enforcement officials. At one point, one County Legislator said that if he saw an influx of Latino day laborers in his town, quote, "We'll be out with baseball bats," unquote. Another said that if Latino workers were together in a local neighborhood, quote, "I would load my gun and start shooting, period," unquote. A third publicly warned undocumented residents that they better beware."

"County Executive Steve Levy, the highest ranking official in Suffolk, is no friend of immigrants either. When criticized by a group of immigrant advocates, for example, Levy called the organization a den of communists and anarchists. At the same time, immigrants told the SPLC that Police were, at best, indifferent to the reports of harassment and, at worst, contributors to it. Many said Police did not take the reports of attacks seriously, often blaming the victim instead. They said they're regularly subjected to racial profiling while driving and often to illegal searches and seizures. They said there's little point in going to the Police who are often not interested in their plight and instead demand to know their immigration status."

"Although Suffolk County is not unique, many communities across the United States are undergoing similar racial conflicts and rapid demographic changes. There are several concrete measures County officials could take to remedy what has been a worsening problem there for a decade. First, local politicians should halt their angry demagoguery on the issue of immigration. There is abundant evidence that Suffolk County officials have contributed substantially to an atmosphere conducive to racial violence."

"Second, the County and State Legislature should mandate that crime victims and witnesses not be asked their immigration status during criminal investigations. As long as they are, immigrants will be unwilling to come out of the shadows to report crimes against themselves and others."

"Third, law enforcement officials should train officers to ensure that they take seriously cases of hate-motivated crime. Until they do, Latino residents will continue to distrust law enforcement officials and avoid cooperation."

"Fourth, the County should maintain accurate hate crime statistics that are readily available to the public. Doing so will help guide County leaders and residents in confronting the problem of hate-motivated violence."

"Fifth, the County should promote educational programs in the public schools to encourage respect for diversity and opposition to hatred. In the end, educating the next generation is the only permanent anecdote to hate. If these measures are taken to combat an increasingly volatile situation, it's likely that angry passions in Suffolk can be cooled and a rational debate on immigration and its consequences begun. The alternative is that the County continues to foster a dangerous growth of violent racial intolerance and nativism, a climate of fear."

"The night of November 8th, 2008, seven teen-age males gathered in a park in Medford, New York, to drink beer and plot another round of a brutal past time they called beaner-hopping. It consisted of randomly targeted Latino immigrants for harassment and physical attacks. Five days earlier, three of them had gone on a hunt and beaten a Latino man unconscious. They later told Police, "I don't go out and do this very often, maybe once a week," one of them said. Two youths in the park

had started their day just after dawn by firing a BB gun at Latino immigrant Marlon Garcia who was standing in his driveway; Garcia was hit several times."

P.O. LINDSAY:

Ms. Ostrin, you're out of time. If you could wrap up.

MS. OSTRIN:

Thank you. That's it.

P.O. LINDSAY:

Thank you. Patrick Young.

MR. YOUNG:

It's appropriate that Walt is here with us today since he encountered many immigrants on his trips on the Brooklyn Ferry over to Manhattan many years ago and spoke about their importance to our democracy. I read from the Southern Poverty Law Center Report:

"After leaving the park, the pack of seven drove around Medford. Unable to locate a victim, they set off for Patchogue, a nearby seaside village. Both communities are in Suffolk County which occupies the eastern, less urban half of Long Island. In Patchogue, they caught sight of Hector Sierra walking downtown. They ran up to Sierra and began to punch him, but Sierra was able to flee. Then just before midnight, according to prosecutors, they spotted Ecuadorian immigrant Marcelo Lucero walking with a friend, Angel Loja. Lucero, 37, had come to the United States in 1992. He worked at a dry cleaning store and regularly wired money home to his ailing mother. The seven teenagers jumped out of their vehicle and began taunting the two men with racial slurs. Loja fled, but the attackers surrounded Lucero and began punching him in the face. Trying to defend himself, Lucero removed his belt and swung it, striking one of the teens in the head. Enraged by the blow, 17 year-old Jeffrey Conroy, a star high school football and lacrosse player, allegedly pulled a knife, charged forward and stabbed Lucero in the chest killing him."

"All seven attackers were arrested a short time later. Conroy was charged with 2nd Degree Murder and Manslaughter as a hate crime.

The other six were charged with multiple counts of gang assault and hate crimes. The local and national media gave the murder of Lucero extensive coverage; this was in part because it occurred less than four months after the highly publicized slaying of Mexican immigrant in Shenandoah, Pennsylvania, Luis Ramirez, 25, who was beaten to death by drunken high school football players in a case that sparked a national discussion and heightened awareness of the rising tide of anti-immigrant violence. In few places is that trend more viciously evident than in Suffolk County where anti-immigrant sentiment has long run deep, and where a fast growing Latino population has been victimized by a continuing epidemic of anti-immigrant hate crimes since the late 1990's."

"In recent months, Southern Poverty Law Center researchers interviewed more than 70 Latino immigrants living in Suffolk County, along with more than 30 local religious leaders, human rights activists -- I'm sorry, community organizers and small business owners. Their accounts are remarkably consistent and demonstrate that although Lucero's murder represented the apex of anti-immigrant violence in Suffolk County to date, it was hardly an isolated incident."

"Latino immigrants in Suffolk County live in fear. Low-level harassment is common; they're regularly taunted, spat upon, pelted with apples, full soda cans, beer bottles and other projectiles. Their houses and apartments are egged, spray-painted with racial epithets and riddled with bullets driven in drive-by shootings."

P.O. LINDSAY:

Mr. Young, if you could wrap up. You're out of time.

MR. YOUNG:

"Violence is a constant threat. Numerous immigrants reported being shot with BB or pellet guns or hit in the eyes with pepper spray, others say they have been run off the road by cars while riding bicycles or chased into the woods by drivers while traveling on foot. The SPLC recorded abundant first-hand accounts of immigrants being punched and kicked by random attackers" --

P.O. LINDSAY:

Mr. Young, did you hear me? You're out of time.

MR. YOUNG:

You asked me to wrap up.

P.O. LINDSAY:

Well, wrap up.

MR. YOUNG:

"Beaten with baseball bats or robbed at knife point." Thank you.

P.O. LINDSAY:

Thank you. Andrea Callan?

MS. CALLAN:

I'm Andrea Callan, Director of the New York Civil Liberties Union in Suffolk. "Political leaders in the County have done little to discourage the hatred, and some have actively fanned the flames. County Executive Steve Levy, Suffolk's top elected official, has made hostile policies targeting undocumented immigrants a central theme of his administration since he was first elected in 2003. Others have done worse, with public statements that all but endorsed violence."

"In a public hearing on immigration in August, 2001, County Legislature -- Legislator, Michael D'Andre of Smithtown, said that of his own town -- if his own town should ever experience an influx of Latino day laborers like that of nearby communities, quote, "We'll be up-in-arms, we'll be out with baseball bats," end quote. "In March, 2007, County Legislator Eli Mystal of Amityville said of Latino immigrants waiting for work on street corners, quote, "If I'm living in a neighborhood and people are gathering like that, I would load my gun and start shooting, period. Nobody will say it, but I'm going to say it."

"Most immigrants said they do not dare travel alone at night, few let their children play outside unattended. Quote, "We live with the fear that if we leave our houses, something will happen," end quote, said Luis, a Mexican who migrated to Suffolk County three years ago. "It's like we're physically traumatized from what is happening here," end quote. Like all but two immigrants contacted by the SPLC, Luis spoke for this report on the condition that to avoid retaliation, he would be identified only by his first name and country of origin. At best, the immigrants said, the Police seem indifferent to their plight; at worst, the Police contribute to it in the form of racial profiling, selective enforcement and outright bullying."

"A detailed account provided by Agosto, a Guatemalan immigrant, was typical. Agosto said that in early 2008, he was waiting for work, a La Placita", Little Plaza, a day labor pick-up point in Brentwood, when a Police car pulled up. The two officers inside told him he wasn't allowed to stand there and demanded to see his identification. When he replied that he didn't have his ID with him, the officers told him to get in the back of the squad car. Quote, "I thought they were giving me a ride home," he said. "But when they arrived at his residence, the Police Officers got out of the car and told Augusto to find his ID. When he unlocked the front door, he said the officers barged in without asking permission to enter. The Police ransacked his living quarters, rifling through drawers and knocking items off shelves. "I was very nervous," Agosto said. "They kept pushing me away and telling me to hurry up. I got even more nervous so it took me a while to find my ID. When you're an undocumented, you get scared." When Augusto finally located his cedula de identidad, a Guatemalan-government issued ID card, the Police looked it over, then left. "I felt bad. They were treating" -- "Like they were treating me like I was less than they were," he said. "It felt racist."

Thank you.

P.O. LINDSAY:
Dan Wilkens.

MR. WILKENS:

"No immigrants reported serious physical abuse at the hands of Suffolk County law enforcement authorities, but time after time they gave similar accounts of being pulled over for minor traffic violations and then interrogated, or being questioned harshly at night-time checkpoints points after watching Anglo drivers being waved through.

A few said they had been arrested for driving under the influence or for refusing to take a breathalyzer test, even though, in fact, they had submitted to the test and registered well below the legal limit."

"Evidence suggesting unequal enforcement of the Motor Vehicle Code in Suffolk County is easily observed in local courts that handle minor offenses. Latinos account for roughly 14% of Suffolk County's population, but on a typical day in a Suffolk County Justice Court, they make up nearly half of the defendants appearing for motor vehicle violations. A review of the Police blotters printed in Suffolk County daily newspapers yield similarly-suggestive demographic evidence. Almost every day, around 50% of the drivers listed as being fined for a motor vehicle violation have Latino surnames. The most common violation that Latino immigrants are tagged with is Violation 509 for unlicensed driving. It carries a \$185 fine on top of a \$150 vehicle impound charge and \$25 a day for vehicle storage. Failure to appear in court or to pay a fine leads to arrest warrants."

"Law enforcement officers in Suffolk County tend not to exhibit the same enthusiasm for investigating hate crimes against Latinos as they do writing them tickets, according to immigrants and other County residents interviewed for this report. Immigrants in Suffolk County don't trust the Police. They say there's no point in reporting bias-motivated harassment, threats or assaults, even severe beatings, because from what they can tell, the Police take their report and then do nothing. They say that when the Police arrive on the scene of a hate crime, they often accept the version of events given by the assailant or assailants, even to the point of arresting the true victim in response to false claims that the immigrant started the fight.

And they say that officers discourage hate crimes from making formal complaints by questioning them about their immigration status."

"In the days following the murder of Marcelo Lucero, the Congressional Church of Patchogue invited immigrants to the church to speak about hate crimes. In all, more than 30 Latino immigrants in Suffolk County came forward with detailed accounts of their own victimization. In response, the Suffolk County Legislature formed a task force to investigate the sources of racial tension in the County. To date, the task force has held one of at least four planned hearings. Prosecutors, meanwhile, have announced new indictments that accuse the defendants in the Lucero murder of assaulting or menacing a total of eight other Latino immigrants. On June 24th, 2008, according to prosecutors, the teen-agers set upon Robert Zumba, kicking him and pinning his arms while Conroy, the alleged knife-wielder in the Lucero slaying, sliced Zumba with a blade. Members of the group repeatedly victimized another man, Jose Hernandez, in December, 2007, prosecutors said. During one attack, Conroy allegedly held a pipe in one hand.

P.O. LINDSAY:
Could you wrap up, Mr. Wilkens? You're out of time.

MR. WILKENS:

Thank you. "And smacked it against his opposite palm threatening, "We're going to kill you."

P.O. LINDSAY:
Vincent Diaz.

MR. DIAZ:

"Immigrants who have been victims of hate crime violence in Suffolk County report that in most cases the attackers are white males in their teens or 20's. Few reported being attacked by African-American males or being lured by a white female to a nearby party where assailants lay in wait. Almost always the reported attackers were young. All seven youths accused of participating in the attack on Lucero" -- all right, I got it. Okay. "All seven youths accused of participating in the attacks on Lucero resided in Patchogue or Medford, predominantly middle class towns where strip malls and pizzerias appear in sharp contrast to the lavish wealth on display elsewhere in the County."

"Suffolk County has one of the steepest wealth gradients in the County; six of its zip codes are among the hundred wealthiest in the United States. The Village of Saponok, one of a group of seaside communities collectively known as the Hamptons, is the most expensive zip code in the nation with a median home sale in 2005 of 2.8 million; it's home to investment bankers and real estate tycoons. The parents of alleged Lucero attackers include a teacher, a butcher, a store clerk, a deli owner and a former K-Mart Operation Manager. Latino immigrants may find work in Suffolk County's rich, seaside communities, but they live in the more affordable inland towns alongside middle and working class American families who are more likely to view the brown-skinned newcomers as competitors for jobs than hired help."

"Immigrants advocate -- advocates say that the violence committed by high school students and their slightly older peers is fueled by the immigrant-bashing rhetoric they absorb in the hallways and classrooms at school, in the news media or in conversations at home. Demographic change in Suffolk County has been rapid over the previous two decades. Some towns have gone from being practically all white to having a 15% Latino population made up mostly of immigrants from Central America and Mexico, according to the latest Consensus statistics. In Patchogue and Medford, the Latino population is 24%.

"Along this influx has slowed -- although this influx has slowed since the US economy faltered last year, the native backlash continues. It began in earnest in the late 1990's when fifteen hundred Mexican workers showed up over the course of a few years in the small majority white, middle class hamlet of Farmingville. The hamlet's central location made it difficult for contractors looking to hire day laborers for jobs throughout the County. That, in turn, made it attractive to immigrants drawn to the area by the abundant employment opportunities in the landscaping, restaurant -- landscaping, restaurant and construction industries. In 1998, a militant nativist group called Sachem Quality of Life formed in Farmingville and began disseminating propaganda that accused undocumented Latino immigrants of being inherently prone to rape, armed robbery and other violent crimes."

P.O. LINDSAY:

Could you wrap up, Mr. Diaz?

MR. DIAZ:

Thank you.

P.O. LINDSAY:

Charlotte Koons. Renee, would you help Ms. Koons, please?
Adjust the mike.

MS. KOONS:

"Although the Sachem Quality of Life is now defunct, the group, along with the Federation For American Immigrant Reform and a smaller nativist group called American Patrol, heavily influenced the tone for public discourse on immigration in the area. Nativist ideology now permeates many levels of society and government in Suffolk County. County Executive Levy, in June, 2006, mocked activists demonstrating against hate crime violence and the mass eviction of Latino immigrants based on the selective enforcement of zoning laws. Quote, "I will not back down to this 1% lunatic-fringe," he said. "They evidently do not like me much because I am one of the few officials

who are not intimidated by their politically correct histrionics," unquote.

"That same year, a school board member in the Hamptons distributed an on-line petition to parents, teachers and a school principal calling for undocumented immigrants to be prevented from receiving any free services in the United States. Look, quote, "We need you to continue sending this around. Get as many viable names on here so that someone hears our voices," unquote. The e-mail read, quote, "It seems the only voices they hear are the illegal immigrants who say "fowl play" or the agencies backing them. We need to stop this and stop it in the bud," unquote."

"Also in 2006, the same official distributed an e-mail containing a, quote, "Hilarious mock description of a doll called *Brentwood Barbie*. This Spanish-speaking -- quote, "This Spanish-speaking only Barbie comes with a 1984 Toyota with expired temporary plates and four baby Barbies in the back seat with no car seats." It read, quote, "The optional Ken doll comes with a paint-bucket lunch pail and missing three fingers on his left hand. Green cards are not available for Brentwood Barbie or Ken," unquote.

"In February, 2007, public hearings on proposed legislation, County Legislator Jack Eddington of Brookhaven singled out two immigration advocates who were speaking from the podium in Spanish and demanded to know if they were in the country legally. Eddington also warned undocumented immigrants, quote, "You better beware," unquote; and, quote, "Suffolk County residents will not be victimized anymore," unquote. Later, in 2007, Levy was reelected with 96% of the vote. Over the years, immigrant advocates have built an energetic movement in Suffolk County. Earlier this year, on the six month anniversary of Lucero's murder, the Long Island Immigrant Alliance and the Workplace Project organized a vigil at the site of the killing. The event featured speakers from an array of groups, including the Fundacion Lucero de America (Lucero Foundation America), along with Marcelo Lucero's brother, Joselo."

"A few months before the vigil, some residents of eastern Long Island formed Neighbors in Support of Immigrants."

P.O. LINDSAY:

Ms. Koons, if you could wrap up.

MS. KOONS:

Thank you.

P.O. LINDSAY:

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

MS. KOONS:

"In part, to counter what they perceive as a takeout -- takeover of local Town Councils and community meetings by anti-immigrant zealots."

P.O. LINDSAY:

David Sperling.

MR. SPERLING:

My name is David Sperling --

MS. LOMORIELLO:

Hold the button down or

MS. ORTIZ:

The whole time.

MR. SPERLING:

Okay. My name is David Sperling, I'm an immigration attorney with offices in Huntington and Central Islip and I can attest that many Hispanic immigrants are living in a climate of fear and hate. And I would urge the Legislator -- Legislators to accept the recommendations in this report.

"In Patchogue, residents formed The Unity Coalition with the help of the New York Division of Human Rights to work to ease tensions in that community. A more established grassroots organization, Farmingdale Citizens for Viable Solutions runs La Case Comunal, a community center that serves Latino day laborers. The group also documents hate crimes. Immigrant advocates cheered the news earlier this year that the Department of Justice had begun a criminal investigation into hate crimes against Latinos in Suffolk County. The Federal agency also launched a probe into the way the Suffolk County Police Department, the main law enforcement agency in the County, has handled such crimes. Nevertheless, the Latino immigrants interviewed for this report expressed little optimism that attitudes will change. If anything, they said, the situation is growing more perilous by the day. The weak economy means that more residents are out of work and looking for someone to blame. And many of the jobs for immigrants have dried up, forcing day laborers to spend more time traveling to and from their residence or waiting for work on street corners, making them all the more vulnerable."

"Although most of the Latino immigrants who are victimized in Suffolk County are undocumented, their attackers have no way of knowing their immigration status. "They don't know if I'm legal or not, so it must be because we're Latino," said Orlando, a Guatemalan immigrant who came to Suffolk County in 2005. "The racist people aren't going to change just because we get papers."

"Immigrant bashing in Suffolk County, New York, dates back to at least a decade to the founding of the Sachem Quality of Life, a trend-setting, anti-immigrant group whose militant tactics inspired later nativist extremist groups like the Minutemen and Save Our State. SQL took its name from a Long Island School District. Most of its members lived in Farmingville, a small hamlet of 15,000 residents that, like most of Suffolk County, experienced" --

P.O. LINDSAY:

Mr. Sperling, could you wrap up, please?

MR. SPERLING:

"Experienced an influx of Latino immigrant beginning in the mid to late 1990's." Thank you.

P.O. LINDSAY:

Peter Gollon.

MR. GOLLON:

My name is -- can you hear me?

MS. ORTIZ:

You have to hold the button down the whole time.

MR. GOLLON:

My name is Peter Gollon, I'm a Huntington resident for the past 30 years. I've been embarrassed when speaking with friends out of state when they asked do I live in Suffolk County? Isn't that where they harass and murder immigrant, Latino immigrants? I recall being taught in maybe 6th grade that the function of government at all levels was to protect the people under its jurisdiction, and I call upon you to do that instead of leaving the field open to those who would espouse hate. Continuing with the report:

"After forming in 1968, Sachem began a generalized campaign to rid Farmingville of Latino immigrants. The efforts included harassment and verbal abuse of laborers and contractors at day labor pick-up sites. Members called for the U.S. Military to occupy Farmingville so that soldiers could assist in rounding up immigrants for mass deportation. SQL spread defamatory and anti-immigrant

propaganda laden with bogus data purporting to show that Latino immigrants were responsible for a nonexistent rise in sexual assault, burglary, manslaughter and other serious crimes in the area. The group worked to thwart the establishment of a day laborer hiring center that was authorized by the Suffolk County Legislature, but ultimately vetoed by then County Executive Bob Gaffney. Its ranks swelled to 400 members after the powerful Federation for American Immigration Reform, a national anti-immigrant hate group based in Washington, D. C., dispatched a field organizer to assist SQL's recruiting, street actions and propaganda campaigns. SQL referred to Latino immigrants as, quote, "invaders" and branded any American who advocated for immigrant rights a trader to the country."

"As SQL's influence grew, racial tensions ratcheted up. Incidents of verbal harassment and violence multiplied. They included rocks and bottles being thrown at Latino immigrants, BB gun snipers firing at Latinos from rooftops and passing cars, vandalism and window breaking at houses and apartment complexes where immigrants lived and Latinos being accosted on the street by groups of white youths."

"In September, 2000, two local racist skinheads posed as home-building contractors to lure two Mexican day laborers to a warehouse where the white supremacists stabbed and nearly beat the immigrants to death. One of the assailants was tattooed with swastikas, the other had a tattoo on his stomach of a skinhead menacing a kneeling Jew. Shortly after, these skinheads were arrested for attempted murder as a hate crime. Paul Tonna, a moderate Republican and Presiding Officer of the Suffolk County Legislature, helped organize a rally for racial unity in Farmingville. In response, SQL held a rally outside Tonna's home. Picketers hurled racial slurs at his adopted children, four of whom are Mexican Americans and one a Native American. Two weeks after the attack, SQL held a Day of Truth Forum that featured guest speakers from several hate groups including Glenn Spencer, head of California" --

P.O. LINDSAY:

Mr. Gollon, if you could wrap up, please?

MR. GOLLON:

"Head of California-based American Patrol." I'm glad that reference to Legislator Tonna was in here because otherwise one might get the idea, mistaken idea that this group is not -- has no balance and is totally anti-immigrant, but I know that's not the case. I think those of you who have been silent on the matter should speak out forcefully. Thank you.

P.O. LINDSAY:

Charlene Obermer (sic)?

MS. OBERNAUER:

Hi. My name is Charlene Obernauer and I'm the Acting Director of Long Island Jobs With Justice. And we work with unions, community groups, people of faith and student organizations in support of working people and we believe that immigrants are some of the most vulnerable but productive people in the work force. And I'm reading this report to encourage Suffolk Legislators to take proactive measures to end the hatred and violence against immigrants in our communities. So I'll continue reading the report.

"At the forum, SQL President Margaret Bianculli-Dyber said that she was inspired to form the group one spring day when she witnessed hundreds of Latino men loitering on a corner outside her house. I called the Police. I said, "There are hundreds of men standing on the corner. Send a patrol car." They said, "You mean the Mexicans waiting for work? We're not sending a car, you're a racist."

"Also at the Day of Truth, SQL member Dave Drew said his group's ultimate goal was the deportation of all undocumented immigrants. Some say there are millions of illegal aliens; that's a big job to deport. Is it really? How many planes and cars are on the road as we speak? Not that big of a deal to deport a couple of million people. Farmingville is a one day job, that's Farmingville. If the INS, which is the US Immigration and Naturalization Service, wanted to do it, they would come in the morning with buses, with document people and remove them all, repatriate them. One

day job, Farmingville would be restored."

"A few days after the forum, a member of the SQL was arrested for threatening a local immigrant family. The targeting of Latinos in Suffolk County has continued since. On July 5th, 2003, when SQL was still active, five teen-agers used fire crackers to set fire to the Farmingville home of a family of five Mexican immigrants. The family narrowly escaped death as flames melted the house's aluminum siding and kept spreading scorching the trees outside. After speaking with the teenagers, the local District Attorney reported that they showed no remorse after burning down the house for the simple reason that Mexicans lived there. In 2004, SQL split into competing factors and gradually disintegrated; it's now defunct, but its hateful legacy remains."

Continuing. "Orlando, a 23 year-old immigrant from Guatemala arrived in Suffolk County in 2005. He earns \$11 an hour building tennis courts for rich people, he says. He lives in a tiny rented room in Riverhead that he shares with his pet guinea pig, Sarita Maria. It contains his bed, a small television and Sarita's cage. On top of the cage, Orlando's toothpaste, toothbrush and dental floss are lined up in a neat row on a folded towel. His room is immaculate. Orlando moved to this tiny neighborhood after a white neighbor assaulted him outside his previous residence on October 3rd, 2008."

P.O. LINDSAY:

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

MS. OBERNAUER:

Yes, sir. Orlando was celebrating his birthday with a group of friends around a barbecue. Around 10 PM, he recalls, the man who lived on the street came over to complain about the music and the smoke from the grill"; that story will continue in a minute. Thank you.

P.O. LINDSAY:

The next speaker is Maryann Slutsky, but before you start, Maryann, I need a motion to extend the portion portion.

LEG. BEEDENBENDER:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

By Legislator Beedenbender, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions? You want to call the vote, Barbara?

MS. LOMORIELLO:

Sixteen (Not Present: Legislator Aiden & Horsley).

P.O. LINDSAY:

Okay. Ms. Slutsky?

MS. SLUTSKY:

My name is Maryann Sinclair-Slutsky, I am the Campaign Director for Long Island Wins and a Suffolk County resident. Here is Orlando's account related to an investigator for the Southern Poverty Law Center in Spanish of what happened next:

The man was drunk. He came to cause trouble. One of my friends went to talk to him so there would not be any problems, but the neighbor started to offend us saying we were immigrants and we should not be in America because we were stealing work from Americans, a lot of things like that. One of my friends tried to hold him back and the neighbor hit him in the head with a flashlight. My friend's head opened up in a wound; I

want to try to help him and the neighbor then hit my head as well, then her an. The Police came and he did want to come out of his house. He said that we had started it; he lied. He said that we were looking for trouble and that we would not let people sleep. Even the neighbors in the house right next to us supported this man and said it was our fault.

"Orlando said the Police asked him if he wanted to file charges and he said no because he didn't want to cause any trouble."

There's a lot of discrimination in Suffolk County. They say, excuse the word, quote, "F--ing immigrant. You should return to your country, you're just here to rob us," unquote. But we're the ones getting beaten and robbed and the Police do nothing. There are many Latinos here that work more than Americans, but there are a lot of Americans here that treat Latinos like garbage, like we are worth nothing. Because these Americans know that Hispanic people stay quiet, they make fun of us, they attack us, they steal from us and they get away with it."

"The great majority of Latino victims of hate crimes interviewed for this report said they were too fearful of retribution -- from their assailants, local authorities or both -- to speak without assurances that they would be identified only by first name and country of origin."

"Carlos Morales, a Latino immigrant community organizer in Suffolk County, was one of only two victims who agreed to give their full names. Morales, 30, came from Mexico City in 1998. When he first arrived, he was homeless. He slept outside in cardboard boxes, often behind a church in Farmingville. In 1999, when the immigrant-bashing organization Sachem Quality of Life was at the height of their power, Morales was run over by a car and beaten in one of the area's first anti-immigrant attacks. Here is how he tells his story:"

The laundry mat where I worked closed at 10:30 and around eleven at night I was riding home on my bike. I was crossing the street and there was a car coming. First they stopped for me to cross the street, and then when I am crossing, they ran me over. When I fell on the ground, they got out of their car and kicked me. They took baseball bats out of the back of their car; they hit me on the knees, in the face, on my back. One of them put his foot on my mouth and said, "You should go back to where you came from, you dirty Mexican."

P.O. LINDSAY:

Ms. Slutsky, if could you wrap up, please.

MS. SLUTSKY:

Thank you.

P.O. LINDSAY:

Sheila Croke.

MS. CROKE:

My name is Sheila Croke, I'm a member of PAX Christi, Long Island, the Catholic Peace and Justice Group. And I continue;

And he continued to hit me. There is a bar nearby and the people at the bar heard the noise and came running out. The attackers got in their car and drove away. They left me in a bad state; on the ground, really beaten. The people that came out of the bar called the Police and the ambulance came and got me. I remember when I was in the ambulance, the paramedic who was putting the sheet on me, he said to me, "This happened to you because you are here. If you were not here, this wouldn't have

happened." He said it in a sarcastic way because he did not like that I was a Mexican. I remember his face because he was laughing at me; it's something I will never forget because I could not say anything. I was hurt and he was the one with the ambulance. When I was learning English, I could understand a lot of things, but I couldn't speak well, I couldn't say what I really wanted to say.

The ambulance brought me to the hospital. I was there with a dislocated shoulder and fractured knees, both knees fractured. I still have knee problems. When it's really cold, I have a lot of pain in my knees. Also, I lost my two front teeth when they hit me in the mouth with a baseball bat. That was my first experience of racial hate. I had heard of other attacks. I knew people who had been attacked, but I didn't think it would happen to me, especially not in this way. I had experienced other incidents, like customers in the laundry mat giving me looks where you know you're not welcome, but I never thought it would reach this level, that people could have so much hate to beat you so much, so hard.

"No one was ever arrested."

In the beginning it affected me in a negative way because I felt a lot of anger. I started to feel like all Americans are bad people, you cannot trust them. It changed the way I was. I was always ready to fight, I turned into a very defensive person with other people. I was like that for about two years, I think, really angry with people, always thinking to do the same to other people that they had done to me. But after two years, I started working in the community and I began to get better. Now, whenever I am walking or riding my bike, I always try to stay alert and see if there are witnesses around or not.

I try to convince people who are attacked to come forward with their own stories, but it's hard to bring them out. The majority of people don't tell their stories outside of the immigrant community. You hear the news stories that are happening almost every day, constantly, in one form or another. For someone that does not know what it's like for us, they would think that all of the stores --

P.O. LINDSAY:

Ms. Croke, you're out of time. If you could wrap up.

MS. CROKE:

-- were invented, but these are the things that happen to people every day. Thank you.

P.O. LINDSAY:

Minister Thomas Humphrey.

MINISTER HUMPHREY:

My name is Thomas Humphrey, I'm the Vice-President of the Long Island Men's Center. We stand in unison of this organization, the Hispanic community, because we know the pain of hurt. I will say to you that a crime is against the individual that a crime is committed against, but hate crime is against the whole race of people; there's a big difference. Continuing reading;

"Here are the accounts of four other Latino victims.

Lorenzo, Guatemala; I travel to and from work every day on my bike. I have learned to keep my eyes all around me. Many times people have thrown things at me or they drive by, apples, cans, bottles, sometimes they throw and miss and turn around and get about -- and get about shot. This happens to a lot of us. My friend was hit by a car three times trying to avoid flying things from cars. He finally decided to go home to Guatemala because he was too scared -- he was too scared to bike and walk the streets.

"A passing car pulled into the parking lot. He remembers hearing the door slam, then something struck him in the head so hard it knocked him nearly unconscious. He says he fell to the ground and couldn't defend himself. He was hit at least ten times, he says, by something harder than a fist, most likely a chunk of wood or a metal pipe, he thinks. The attackers stole his wallet and continued beating him. Bleeding heavily from his head wound, he was taken to a hospital where he remained for five days waiting to see if the bleeding -- he needed surgery. He took eight staples to close the wound and his badly bruised arm still hurts a lot in cold weather. Monroy said he remembered giving the report to a Police officer, but says nothing ever came of it. When he went to the hospital to have the staples removed, the hospital staff demanded that he pay \$300 up front; he didn't have the money" --

P.O. LINDSAY:

Reverend Humphrey, your time is up. If you could wrap up, please.

MINISTER HUMPHREY:

-- "so his cousin extracted them at home after soaking the staples in hot water and soap."

P.O. LINDSAY:

Debra Little.

MS. LITTLE:

Good morning and thank you. My name is Debra Little, I'm a resident of the South Setauket/Centereach area. I'm a former attorney, Professor of Sociology, a mother of an adopted, non-white child -- non-Hispanic, but non-white nonetheless -- a mother of a teen-ager in one of our schools and an active member of a Unitarian/Universalist fellowship.

I know that today and in the past two weeks there have been a lot of people feeling very defensive about the claims that are in this report, and I think all of us in this County feel the pain of hearing the words in this report. I urge you all, as leaders and as parents, to move forward in a unified fashion to provide leadership to stop this hate and violence in the County so that we can begin to constructively discuss what our immigration policies and responses should be. Continuing in the report;

David from Peru; There's one house I walked by and someone was standing at the front door. He was saying, "Hey," and started throwing rocks at me. He pointed up to the top floor where a man was leaning out the window with a rifle pointed at me.

"David and his brother also reported being menaced by black youths armed with chains and samurai swords who made anti-immigrant comments and worked at a factory where the manger regularly shoves immigrant employees and uses racial epithets."

Diego from Mexico; It was dusk a few weeks ago, mid May, 2009, and I was riding my bike through town. A car pulled over and a few kids got out and started shooting me with rubber pellet guns from about ten feet away. They shot me repeatedly. I held up my backpack to protect my face and they stole my bike. I didn't report it or anything; it's not worth missing a day of work to go and report a crime when the Police won't do anything about it. During the day, we all feel better, safer, but at night I walk with two or three friends to be protected.

Santos from Mexico; I was driving through Brentwood, April 11th, 2009, and a car pulled out into the road and hit my car. Two white passengers got out and started yelling, "Stupid Mexican!" When I got out of my car to talk with them, they pushed and kicked me until the cops arrived. The Police let them go even though I complained about them assaulting me. Two weeks later, I received a Police report saying

the accident was my fault; the report says nothing about them hitting me.

Francisco from Ecuador; *One evening, in the summer, 2006, I was leaving a deli when I was confronted by four kids, all about 16 years old. They said, "F ing immigrant," and told me to go back to Mexico. They grabbed me and threw me against the building. I feel down and they started kicking me and they left me there. It was around 5 PM, still light outside.*

P.O. LINDSAY:

Ms. Little, you're out of time. If you could wrap up.

MS. LITTLE:

I'm going to finish a paragraph, three sentences. Thank you.

The Police came and took a report, but I never heard from them again. My shoulder was injured and cost me \$1,200 in hospital bills; I paid the bills myself. Now I never go outside alone.

Thank you.

P.O. LINDSAY:

Irina Richardson.

MS. RICHARDSON:

Hello. My name is Irina Richardson, I am a resident of Westhampton Beach. I'm a retired Deputy Sheriff from here in Suffolk County. I'm also an active member of Neighbors in Support of Immigrants, and I am a guest blogger for Long Island Wins:

"An SPLC investigator also recorded the description by Anibal, a 22 year-old immigrant from Mexico, of an attack by his former employer. This happened on November 23rd, 2008, his medical records show. Anibal says that when he showed up 30 minutes late for a flooring job, his boss started punching him as soon as he stepped out of his car at the job site, breaking his nose with the first blow. Here's what he says happened next.

My boss continued the attack. Then he said that if I went to the Police, he would go to Immigration and get me deported, and also we would not pay me the \$2,500 I was due, so I better shut up. I went to sister Margaret Smith, a local nun and immigrant advocate and she encouraged me to report what happened to the Police and go to the hospital, so I did even though I was afraid of being deported. One week later, I went to the Police station to get a copy of the report for my records. They said they couldn't just give it to me -- they couldn't just give me one, that I had to fill out an application, send it in and I would have a report in about three months. I filled it out but I have received nothing from the Police. My hospital bills totaled about \$4,800. I don't spend much time in the streets anymore, I'm afraid.

Ana from Mexico; *I have been living in Holtsville in a top floor apartment. A year ago the tenants below me became abusive. They yell racist things at us, they tell my husband that if he doesn't leave them alone they will call Immigration. One day they took my garbage cans from outside and emptied them in front of my door. I had to move the trash in order to enter my house. At night sometimes they hit their ceiling with things. We are so afraid of their threats that we don't even tell the landlord.*

Thank you.

P.O. LINDSAY:

Isabel SePulveda?

MS. SePULVEDA:

My name is Isabel SePulveda, I'm a resident of Southampton and I'm the cofounder and President of OLA, Organization Latino Americana. I hope you have no problem understanding my accent, it's a little bit heavy. Continuing with the report;

"Last November, just after the murder of Marcelo Lucero, Monroy was invited to attend a gathering at a church in Patchogue with Father Dwight Wolter. He was invited into a room to speak with someone who introduced himself as a Detective. Two other people were present and all of them wore suits. Monroy thought maybe they were Police or city employees, but he wasn't sure; they did not identify themselves.

He asked for names and business cards and they said they had run out. They asked to hear his story, so he told them what happened when he was attacked. They asked a few questions and said they would call him back. Monroy has not heard from them since then, or from the Police, but he is hounded by collection agencies demanding payment for his hospital bills which exceeds \$30,000."

"When he lived in Mexico, Monroy recalls, he liked to watch Police-glorifying reality shows from the United States, and he remembers being impressed by the Police, especially by their eloquent squad cars soliloquies about how they joined the forces and helped regular people. He is disillusioned with the reality in Suffolk County."

"Orlando, the Guatemalan immigrant, shares Monroy's disappointment with the apparent priorities or at least some of Suffolk law enforcement officers. For example, he says, one night in April, 2008, he went to pick up his girlfriend, who's from the United States, to take her out for dinner. He parked his car just past her house, in front of another house, locked it and walked up to his girlfriend's residence. When they returned together a short time later, four Police cars had surrounded his car and officers were walking around. Orlando pressed the unlock button from his remote-control as he approached the car" --

P.O. LINDSAY:

Isabel, you're out of time. If you could wrap up, please?

MS. SePULVEDA:

Okay. "And the Police Officers, perhaps startled by the beep-beep sound of the alarm deactivating, reached for their guns but did not pull them out of their holsters.

P.O. LINDSAY:

Fred Drewes.

MR. DREWES:

Good morning, Ladies and Gentlemen, Members of the County Legislature. My name is Fred Drewes, I live in Mt. Sinai. I'm a volunteer for the Heritage Trust, a non-profit organization, and I have the pride of being a Professor of Meritus of Suffolk Community College.

I'm here to give some positive feedback in reference to the purchase of the Heritage Park by Suffolk County using Greenway Funds, and it was probably one of the best expenditures of those taxpayer dollars for the recreational use by hundreds upon hundreds upon hundreds of people, from dawn to dusk, throughout the week and throughout the year. So that's the positive feedback.

And I congratulate your predecessors for making that decision. And I thank you, as County officials and also the citizens of Suffolk County, for recently -- through County Executive Levy's office, I obtained a donation of a flag of the County. If you look at the sheet of paper that I handed out, I am working with other volunteers to form an Avenue of America in the Heritage Park. I invite you next July 4th at ten o'clock -- at dawn to attend a display ceremony on the display of 82 flags that will be flown along the park path called *The Avenue of America*. Those flags will start off with our national flag of today, then Suffolk County and Nassau -- Suffolk County and Brookhaven Town's

flag will be flown representing the precolonial days of our history. Then the 1777 flag would be flown, that was adopted on June 14th which we now celebrate as Flag Day. And then after that 13-star flag, the next 13 flags will be the state flags, then the next flag after that will be the eight -- 15-star flag with 15 stripes, and then two states will be displayed and so on until the last flag that will be flown as a state flag is the state flag of?

LEG. BEEDENBENDER:

Hawaii.

MR. DREWES:

Hawaii, thank you. And that will continue the -- that will be the display. And our plan is to fly those flags and landscape the area as a group of volunteers so that on national holidays we will be able to display our patriotism, celebrate our unity and freedom, and also demonstrate the importance of community service.

So I thank you, Ladies and Gentlemen, for your past support of the Heritage Trust and your partnership with Brookhaven Town, and I look forward to hopefully seeing some of you at dawn next July 4th, 2010. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Drewes. William Wilkinson.

MR. WILKINSON:

Good morning. My name is Bill Wilkinson, I am a resident of Montauk. And I am the Republican, Independence and Conservative nominee for East Hampton Town Supervisor, a town whose full-time population of \$21,000 -- 21,000 residents, excuse me; I wish it was \$21,000 -- has grown to over \$100,000 during -- why am I stuck on finance, Jay?

*(*Laughter From Audience*)*

It must be on our minds in East Hampton during our summer seasons. I've been a full and part-time resident of Montauk for over 60 years. The attraction, the retention and return of our tourist clientele are critical to the success of Montauk and the success of the Town of East Hampton. I come to you today to protest a four-fold increase in the Hotel/Motel Tax, an increase of .75% to 3%. In the Town of East Hampton and throughout Suffolk County, we cannot continue to increase property taxes, sales taxes and other fees simply to raise revenues. Expense reductions are paramount to curtail the incredible burden borne by our residents and their businesses.

We have suffered through a 2008 season that had extremely high fuel prices, a 2009 season that had fish quotas plummeting. In addition, this particular tax targets tourism at a time when the tourism industry is a lag leader for business sectors in a recessionary environment. Revenues are already down 20 to 30%, this tax inevitably will make it more expensive to stay in our area. Many of those staying, by the way, are Suffolk County residents.

The tax is also structurally flawed. Of the five million estimated additional revenue, I have come to understand only a small portion will go to the promotion of tourism. In addition, none of the revenues earmarked are geared toward the east end where the majority of this revenue comes from, earmarked activities I believe are all in western Suffolk.

In a time of such critical, local, regional and national economic concerns, we must do all that we can possibly do to encourage and not discourage our local businesses. I thank you for your consideration and I ask each of you to oppose this tax increase. Thank you.

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

MR. GUADALUPE:

Good morning, honorable Ladies and Gentlemen of the Legislature. My name is Mel Guadalupe. I'm presently the Director of Suffolk County Office of Minority Affairs, and I must reiterate, for the past two years.

The Office of Minority Affairs is responsible for overseeing and facilitating seven Advisory Boards, as well as implementing programs, addressing education, health, economic empowerment within our diverse and minority communities. I oversee the following Boards: The Hispanic Advisory Board, the African-American Advisory Board, the Muslim Advisory Board, Interfaith Anti-Bias, Minority Business Development Council, Women's Business Enterprise Coalition, and soon to be the Native American Advisory Board. In my role as a Director, I work closely with numerous diverse community-based organizations, local education institutions and houses of worship. I oversee programs associated, such as Unity Day, Black History, Hispanic Heritage, just to name a few.

I testify before you today to emphatically deny and reject statements that have been made recently by Mr. Francisco Hernandez, a member of the Suffolk County Hispanic Advisory Board. Mr. Hernandez has acted and spoken in a reckless and irresponsible manner. And I am here, along with my Hispanic Advisory Board Chairman, Mr. Alex Gutierrez, to ask you to take our statement into consideration. The lies I reference revolve around a September 3rd meeting of the Hispanic Advisory Board and September 10th meeting of the Hispanic -- of the Suffolk Hate Crimes Task Force. At the Hispanic Advisory Meeting, I gave a few closing remarks by informing the Board that the Hate Crimes Task Force had no representative at the first public hearing of the Hate Crimes Task Force in Wyandanch. I stressed the importance of having a Hispanic Advisory Board representative at the second Hate Crimes Task Force meeting, and that person's role would be to sit at the listening table. Mr. Francisco Hernandez volunteered to be that representative. I had made it clear that the role of this Task Force -- at the Task Force would be only to listen.

I also spoke with Mr. Hernandez after the Hispanic Advisory Board meeting informing him that he was included in a report that had been issued by the Southern Poverty Law Center. He said he was unaware of the fact and that he had never been contacted by the Southern Poverty Law Center. A few days later I received a phone call from Robert Calarco, representative from Legislator Eddington's Office. Robert inquired about the recent Hispanic Board Meeting and its focus. I informed him that the Board meeting had included a conference call with the County Executive, during which time Steve Levy commended the Board for its works, discussed the recently released Southern Poverty Law Center report, and encouraged members of the Board to continue their excellent work, despite the report's numerous falsehoods and oversights.

I want to -- I want to emphasize here that the County Executive never made mention of Legislator Eddington, and you could verify the fact with all members of the Hispanic Advisory Board meeting who were present that day. I also told Mr. Calarco that the Hispanic Board meeting had been addressed by our Suffolk County Police Commanding Officer of the Hate Crimes Unit, Dr. -- Detective Sergeant Robert Reecks, who spoke about matters, including an incident that had recently occurred at an Hispanic church in Patchogue just days earlier.

Approximately ten minutes later, I received a call from my -- Legislator Eddington, stating that he had spoken with his Aide, Robert Calarco, and also with a Legislative representative on the Hispanic Advisory Board, Mr. Hernandez, who had informed him about the recent HAB meeting, otherwise known as the Hispanic Advisory Board meeting. Mr. Eddington stated he was disturbed to hear Mr. Hernandez claim that the County Executive had disparaged him throughout the Hispanic Advisory Board conference call. Mr. Eddington asked me if that indeed was the case. I told the Legislator that I didn't recall any such remarks by the County Executive. Legislator Eddington, the Chairperson of the Legislative Public Safety Committee, responded by stating that my not recalling -- my not recalling was a safe comment.

P.O. LINDSAY:

Mr. Guadalupe, you're out of time.

MR. GUADALUPE:

I'll be -- prior to the September 10th meeting of the Hate Crimes Task Force, I spoke with the Hispanic Advisory Board Chairman Alex Gutierrez, who confirmed that Mr. Hernandez would be attending the Task Force meeting and sitting at the dais to listen.

In conclusion, at the Hate Crimes Task Force Public Hearing, Mr. Gutierrez and I spoke with Mr. Hernandez in the reception area to tell him he was going to -- that Mr. Gutierrez was going to be sitting at the dais. Alex informed Francisco during a conversation that if Francisco decided to speak at the public forum he could not do so as a Hispanic representative. His views and opinions were not to be the representative -- representative or indicative of the Board views. Never during this brief discussion with, involving only Mr. Gutierrez, Mr. Hernandez and myself, did I ever tell Mr. Hernandez that he could not speak at a public forum.

I thank you for the opportunity to set the record straight.

P.O. LINDSAY:

Thank you, Mr. Guadalupe. Alex Gutierrez.

MR. GUTIERREZ:

My name is Alex Gutierrez. I'm the Chairman of the Hispanic Advisory Board of Suffolk County. I'm also a member of the Hate Crimes Task Force. And according to a Newsday article, dated September the 16th, Mr. Francisco Hernandez made statements to the press that are false; I'm here to clarify that. His statement was made during the Hate Crimes Task Force forum at Briarcliff College in Patchogue. Mr. Francisco Hernandez stated that the County officials threatened that he would be removed from the Hispanic Advisory Board if he spoke about being a hate crimes victim at the hearing. At this time, I wish to refute Mr. Hernandez' statement made to Newsday accusing officials of misconduct.

On Thursday, September the 3rd, during the Hispanic Advisory Board meeting, Suffolk County Executive Steve Levy informed -- was informing the members of the Board of how he -- how pleased he was for the initiatives regarding the community projects, including monthly meetings of the Suffolk County Police Precincts, the public service announcements that were being made lobbying for Latino Police Precinct Inspectors. These are just a few things here. At no time during this telephone conversation or conference, all right, to our members did Mr. Levy mention any Legislators or public officials.

On or about Monday, September the 15th, Mr. Mel Guadalupe informed me that Legislator Jack Eddington of the Seventh District was concerned about alleged disparaging remarks made about him from the County Executive. In fact, the County Executive Steve Levy did not mention any person, either by reference or name, during his telephone conversation with the Advisory Board.

What occurred on September the 10th during the meeting between Mr. Mel Guadalupe, the Director of Minority Affairs, Mr. Francisco Hernandez and I was that I was the one that was discussing with him, okay, that he had the right to speak about whatever he wanted to, okay, at any forum or whatever, but, however, it was to -- it would be inappropriate for Mr. Hernandez to speak on the behalf of the Suffolk County Hispanic Advisory Board and its members without the general consensus from the Board, and that the Board Chairperson should be the spokesperson.

In conclusion, Ladies and Gentlemen, I want to emphasize that no person in the Hispanic Advisory Board possesses the authority to remove anyone appointed by the Legislators. Thank you.

P.O. LINDSAY:

Thank you, Mr. Gutierrez. Detective Sergeant Robert Reecks. How are you, Sergeant?

DET. SGT. REECKS:

Thank you. Good morning. My name is Detective Sergeant Reecks and I am a 28-year veteran of the Suffolk County Police Department, and for the 11 -- last 11 years, I have been the Commanding Officer of the Hate Crimes Unit. Just for the record, we are one of the few counties that even has a Hate Crimes Unit.

The Hate Crimes Unit is responsible for the investigation of all violations of law that may be based upon race, color, national origin, ancestry, gender, religion, religious practice, age, disability and sexual orientation. The only time that changes is that we're not primary when it's a homicide, and we are the secondary investigative unit. However, we have a very large role in that. My role, I'm accountable for every aspect of the Hate Crimes command, from the administrative duties to overseeing every investigation. I have frequent communications with my command, and act as a liaison to local governments. I work closely with numerous other commands within the Suffolk County Police Department under the direction of Police Commissioner Richard Dormer. Through my close associations with local governments and civic groups, part of my job is to develop a relationship between the Hate Crimes Unit and the public. I take my responsibility extremely seriously, and my credibility and my reputation is everything to me.

I come here today to state in the strongest terms possible that Francisco Hernandez has completely fabricated and lied about a conversation he allegedly took place with me pertaining to his assertion that he was wrongly questioned as an alleged hate crime victim. To begin with, I have never spoken to this man. And make this statement without hesitation or doubt.

As a second point that is separate, related and of huge significance, but which continues to be largely ignored by the activists who frequently address this -- address the media, member of the Suffolk County Police Department do not ask crime victims or witnesses about their legal status. This is simply a -- this is not just simply a suggestion or a guideline, this is a Department policy.

The only times I've ever been in the same room with Mr. Hernandez, as far as I am aware, was on the September 3rd meeting of the Suffolk County Hispanic Advisory Board, as mentioned earlier, and at the September 10th Public Hearing of the Suffolk County Hate Crimes Task Force Public Hearing. As an invited guest at the Advisory Board meeting, I had brought photos of an incident that had occurred two days previously at the Hispanic church in Patchogue. As a professional courtesy, I gave the Board an overview of our investigation into the incident and listened to their thoughts. I shared the facts of their investigation against some erroneous information that had been contained in the Southern Poverty Law Center's report and stated at the press conference I had the day before. Interesting, they had stated that they were there spray-painted, "Mexicans, Go Back to Your Country." That is absolutely not true, there was no spray paint whatsoever.

I have had no direct dialogue with Mr. Hernandez at this meeting, and I do not recall exchanging a single word with him. Imagine my shock the following week at the Hate Crime Task Force meeting when Mr. Hernandez stated, quote, "I asked Mr. Reecks the other day about a procedure of taking my license away as a victim. And he tells me, 'You know what, it's at the Precinct,' and my license was taken away because they said they have to verify who I was and if I was legal." Again, let me state for the record that Mr. Hernandez is lying, and that I have not spoken to him and that the Suffolk County Police Department cannot and do not question suspects, crime victims about their legal status.

And I only have one more sentence. I stake my name, my reputation, and that of the Suffolk County Hate Crimes Unit on my statement before you today. Thank you.

P.O. LINDSAY:

Thank you, Sergeant Reecks. Laura Ahearn.

MS. AHEARN:

Hi. My name is Laura Ahearn. I'm the Executive Director of Megan's Law and Crime Victims Center. We're a not-for-profit organization based both in Stony Brook and in Patchogue. Our Crime Victims Center provides support and services to all victims of violent crime, and assists with application for crime victim reimbursement for expenses related to that crime.

I would like to, on the record, extend an invitation to every one in this room. If you are aware of an individual that has been a victim of a violent crime, they are entitled to and have a right to support services and our Organization's assistance with advocacy through the criminal justice process, and also through the process of being reimbursed for any medical expenses incurred as it's related to the crime. The number for our organization is 689-2672. And, again, the invitation is extended to -- contact the agency or speak with me directly. We have bilingual advocates, and you do not have to have documentation to be reimbursed for expenses related to the crime. You do not have to be documented to receive any services. All victims of violent crime, including hate crimes, robbery, assault, menacing, homicide, hit-and-runs, sexual assault, harassment, aggravated harassment, human trafficking, and the list goes on and on, if you're a victim of a violent crime, you're entitled to and have a right to support services, and we're standing ready and willing to assist anybody at any point in time.

I'm also here to respectfully request that you table I.R. 1590 for further discussions to amend and clarify language that would strengthen that resolution.

Prior to sentencing a sex offender locally, the Department of Probation does a presentence investigation and makes recommendations to the sentencing court. The final determination of what those conditions will be will be -- will be the sentencing judge. Currently, Suffolk County Probation already has discretion to recommend this computer monitoring software. The software is a valuable tool for Suffolk County Probation Officers who are supervising offenders, but right now I.R. 1590, up until last week, it originally required that recommendation to be made by Probation to the sentencing court. Now, it was amended last week and it is discretionary. So, quite frankly, the resolution doesn't really accomplish much, it's just kind of solidifying in a resolution what Probation can already do.

D.P.O. VILORIA-FISHER:

Laura, your time's up.

MS. AHEARN:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Carol Hart.

MS. HART:

Good morning. I am the Executive Director of the Suffolk County Vanderbilt Museum. Our 2010 Operating Budget that was submitted in June assumes funds from the hotel/motel tax. Without that additional funding, we face closure once again. I'm not here to argue the intrinsic value of the Vanderbilt Museum, historic mansion, Natural History Museum and Planetarium, you know. You've already committed the funds we needed to get through this difficult year, and I thank you. I want to emphasize the economic impact of the Vanderbilt Museum.

The Suffolk County Vanderbilt Museum is an employer. We spend a lot of money, mostly in Suffolk County. We serve over 110,000 visitors a year, many from out of the area. We serve over 50,000 school-age children. As stated in the American Association of Museums recent study, museums are economic engines. Museums rank among the top three family vacation destinations. Trips,

including cultural and heritage activities, comprise one of the most popular and significant segments of the travel industry, accounting for over 23% of all domestic trips. Visitors to historic sites and cultural attractions, including museums, stay 53% longer and spend 36% more money than other kinds of visitors. Quality of life issues contribute significantly to decisions businesses make in choosing to relocate, including access to cultural resources that includes a dynamic museum community. Thank you.

P.O. LINDSAY:

Thank you, Carol. Paul Monte.

MR. MONTE:

Good morning, Ladies and Gentlemen of the Legislature, and thank you for the opportunity to speak today. I'm here -- my name is Paul Monte, and I'm here not only in my position as a hotelier as the General Manager of Gurney's Inn in Montauk, but also as the President of the Montauk Chamber of Commerce, Board Member of the New York State Hospitality and Tourism Association, and a Board Member of the Long Island Convention and Visitors Bureau. On behalf of myself and all of those organizations, I'm here today to oppose the increase in the hotel tax.

Now, the bill that's -- that will be voted on today, the bill requesting the increase, reads in part, "This Legislature finds that in the midst of a deep national recession, the County of Suffolk must continue to stimulate economic activity and job creation by supporting and promoting the County's large and vital tourism industry." Now, I strongly agree with that statement. However, I strongly disagree with the methodology that's being used to do so.

As you all know, tourism is a very powerful engine that drives the economy of Suffolk County. As a matter of fact, Long Island is second only to New York City in tourism spending in the entire state. Suffolk County is responsible for over three-and-a-half billion dollars of that spending, generating over 100 million dollars in local tax revenue to the County. Tourism employment is directly responsible for over 38,000 jobs in Suffolk County, making it the second largest employer in the County. Study after study has shown that increasing the hotel tax has a direct effect of decreasing total tourism spending. That was realized back in 1994 when New York State repealed their 5% hotel tax, which was crippling the industry. That was further -- at the same time, actually, New York City reduced their hotel tax by 1% because they realized the same. In 19 -- in 2004, this same County Legislature realized the same thing and repealed or pulled back a bill that was looking to do exactly the same thing that's being looked to do now, increase to 3%.

The -- where is number 3? Here it is. An increase in this tax affects much more than the hotels, Ladies and Gentlemen. It's been shown that out of every tourism dollar spent, 36 dollars (sic) goes to the lodging expense and the other 64 cents goes to the surrounding businesses. Losing travelers means losing all types of businesses, thereby reducing overall tax collections. As a matter of fact, according to a 2008 American Hotel and Lodging Association report that surveyed the economic impact of room taxes on the industry, they quoted, "Hotel guests pay these high taxes by reducing other purchases, staying fewer days, coming less often, and making other adjustments in their budget." In other words, by gouging guests, state and local authorities are missing out on other revenue streams that could produce a higher return and further benefit the local communities.

According to another report from hotels.com, New York State already has the highest room rates in the nation. That's a current report for the first six months of this year. Our currently low hotel tax allows us to somewhat offset our already high room rates, caused by the high expense of doing business in our area, and to stay somewhat competitive. A four-fold increase in this tax will eliminate that edge and drive business elsewhere. And do we really want people going to the Jersey Shore, or to Connecticut, or to Massachusetts and spending their dollars? I don't think so.

P.O. LINDSAY:

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

MR. MONTE:

In a nutshell, tourism is truly the "goose that lays the golden egg" in Suffolk County. I ask you folks by your vote today not to kill that goose and to allow Suffolk County tourism industry to continue and thrive and benefit the entire County. Thank you.

P.O. LINDSAY:

Laraine Creegan.

MS. CREEGAN:

Just check if it's still morning or afternoon.

MS. ORTIZ:

You have to hold the button the whole time.

MS. CREEGAN:

Good morning. My name is Laraine Creegan and I'm here to express my outrage of the proposed tax on the hotel occupancy from one-quarter of a percent to 3%.

I represent 300 businesses in Montauk as the Executive Director of the Montauk Chamber of Commerce, and I can assure you that if this tax increase is passed, the businesses of my Chamber members and the entire East End economy will suffer tremendously.

As Paul mentioned, we experienced firsthand the effect that excess taxing of hotels on the tourism industry when New York State had passed its 5% occupancy tax in 1990. Study after study proved that excess taxing of hotels causes decreased occupancy and lower pre-tax room rates. Beyond the hotel industry, the surrounding economy is also adversely affected through the decrease in spending in the community due to a lower number of travelers. It was proven in the study by the Independent Budget Office of New York City that for every \$100 spent by a traveler, \$36 was spent in the hotel and 64 was spent in the surrounding community. Therefore, every dollar lost due to this tax impacts the hotel industry by 36% and the surrounding businesses by 64%.

In 1994, the State finally realized its mistake it had made and repealed the hotel occupancy tax. In the same year, New York City saw the light and reduced it by 1%. In 2004, and I was just coming into this business at that time, there was strong opposition to this Legislature in the increase that was proposed to 3%, and I'm hoping that this will happen again.

You cannot possibly be aware of all the small to medium sized businesses that are going out of business due to the recession, otherwise you'd not consider this tax at all. What happened to helping the small businesses? All the rhetoric about how important the small business is to the country must have not reached this Legislature. The country was built on the backs of small businesses. Why does Suffolk County want to jump on the bandwagon and raise taxes? And what about the Suffolk County residents who'll be paying this tax? I think that the Legislators have mistakenly felt that it will be people outside of Long Island. That's not true, nothing could have been farther from the truth. Over 50% of the people that visit Montauk live in Suffolk County, and I know that because I send them the vacation guide and I have their zip codes and their home addresses. These taxes will be paid by Suffolk County residents, your constituents, and I'm sure once they hear how you voted, they'll be contacting you very soon.

All of these facts and figures should make it perfectly clear that a vote for this tax increase is actually a vote for a weaker Suffolk County economy. I know that you don't want that.

I'd like to close simply by asking that you reconsider not hurting the small businesses in your area. I am not talking just about the motels, as tax increase has far-reaching effects for restaurants, retailers, and the already plummeting commercial fishing industry. Please vote to keep Suffolk

County fiscally strong. Vote no on this tax increase. Thank you.

P.O. LINDSAY:
Amy Girimonti.

MS. GIRIMONTI:

Hi. Hello. Thank you for letting me speak today. I'm Amy Girimonti, and on behalf of Kelly Paci and I, we're here on behalf of concerned members of the Huntington community to follow up on a petition which compiles 275 signatures that were sent regarding the safety concerns surrounding the Jack Abrams Intermediate --

MS. ORTIZ:
Your mike isn't on.

MS. GIRIMONTI:
Is it? Okay? Do you want me to start over?

MS. ORTIZ:
No.

MS. GIRIMONTI:

Okay. Okay. Regarding the Jack Abrams Intermediate School in Huntington. The most recent incident, a drive-by shooting a week before school opened at 3:30, is one of many criminal acts that have plagued the surrounding neighborhood for many years. A similar incident occurred in 2003 during school hours which caused a lockdown at the school and obviously much concern to parents and members of the surrounding community. At that time, a Task Force was established to address the overall violence in the area and security measures were taken to quell the criminal activity. While we applaud the efforts of our Legislators and Police Department have taken, we stand here now six years later with the same issues at hand. Clearly, the safety measures taken thus far are not enough to keep the school and the surrounding area safe. Steps need to be taken to provide our children with a safe environment for education and, at the same time, action to revitalize the neighborhood. Thank you.

P.O. LINDSAY:
Thank you, ladies. Vincent Grande.

MR. GRANDE:

Good afternoon. My name is Vince Grande and I'm an attorney. I maintain my office in Lindenhurst, and although today I'm here officially representing nobody, in a way I'm representing everybody. I recently had occasion to call the 911 service back in the second or third week of August and I was reporting a wrong-way driver down the L.I.E. out by Exit 70. This was a week or two after six or seven people got killed on the Taconic Parkway. I want everybody to be aware of some conversations I've had with both Sheriff DeMarco, and as well as Police Commissioner Dormer's Office. When I dialed 911 after being run off the road by a wrong-way driver going about 70 miles head on into me, I was put on hold by 911 and told, quote, "Suffolk County Police do not have authority, please hold while we transfer your call to the Sheriff's Department." Okay? Unacceptable, absolutely unacceptable. I come from private industry. If somebody was to -- I don't care, I have no allegiance to the Police or the Sheriff. I'm a defense attorney, they're the enemies every day of my life. Okay? But they don't --

(*Laughter*)

Collectively. But, at the end of the day, I don't care whether we have Martians, Sheriffs or Police patrolling Sunrise Highway or the LIE. If a citizen calls, the operator should be able to summon the Martian, the sheriff or the police officer. I'm going to call for hearings. I think it's -- it's intolerable that we have allowed a transfer of power like this without the necessary systems in place to allow

somebody to dial 911. Think of how different this would have been if he had head-on hit another car. It's unacceptable that we sit here -- you know, we're praising the firemen this morning. You know, they're all doing a great job, but, you know, what, we can't necessarily get to them from 911, according to what I've learned. Okay? DeMarco had no problem with it. He told me personally, "Well, you know, the systems aren't all in effect and it was a cost saving measure," blah, blah, blah, blah, blah, blah. Some idiot Sheriff -- oh, no, some idiot Sergeant in Dormer's Office told me, "Well, what do you want me to do? They don't work for me." Okay? They work for us collectively. And while I might not reside in Suffolk County, I pay an awful lot of taxes on my business here. And when I dial 911, I don't want to wait 47 seconds, which is what the replay showed it took, which seems like about six minutes to get to the right person who can dispatch the right person who we think is the right person this week to a crime scene.

You know, and as a side note, we're not going to save any money anyway, because eventually they're going to go to arbitration, they're going to get parity and it's going to cost you more to give parity to all the Sheriff than you're saving having ten or fifteen people patrolling the LIE. So I look forward to somebody looking into this, because how many people have to die next time? Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Grande, for your patience in waiting around all day to talk with us --

MR. GRANDE:

It needed to be said. Thank you for hearing me.

P.O. LINDSAY:

Thank you. Greg Fischer.

MR. FISCHER:

Hi. I'm Greg Fischer, resident of Calverton. I'm here on two issues this morning and one for this afternoon's Public Safety hearing on the proposed Domestic Violence Registry, which I am opposed to.

First issue is Memorializing Resolutions; we need to bring them back. With Albany in chaos, with the Federal Government not certain of what we need for this County and with us not getting our share of stimulus monies, we need to be able to send messages to the State and Federal Government. So, with one of those issues that need clarification at the State level, I'm passing around the 'shoe Penal Law on custodial interference. It's 135.50. Now, all enforcement agencies in this County right now are declining to enforce those laws. They do not enforce those laws.

I testified recently at the Hate Crimes hearing in Patchogue to name a Lieutenant Pecker of the Albany -- sorry, of the Riverhead Police Department for not forwarding justice and for not executing an arrest that's since left his desk and gone to Chief Hegermiller, so it's sitting there. However, I have personally a repeating child abduction going on. My children were abducted from me the first time the day I was running for Riverhead Town Board in 2007. This is still not resolved, and they were re-abducted last month. Still I can get no enforcement of this law. In fact, New York State's Anti-Abduction Law is completely broken. Other states are encouraging abduction. Wyoming and other safe haven states in the west make it so that if you buy an airline ticket and go to Wyoming with your child, you get instant custody, and that gets full faith and credit around the nation and you never have to go to Family Court in New York again, you're done, you're finished, you don't have to do it. Mr. Eddington, your family could have saved a lot of money in Family Court, they just had to go to Wyoming with an airline ticket.

So, what we need to do is send a Memorializing Resolution that we actually need an anti-abduction statute in New York State. Also, we need to locally enforce the law, we need to enforce the Penal

Law. As well, we could pass a Local Law to say as soon as the child is concealed, which is New Jersey's standard, which is California's standard, and many other states around the nation, that that's an abduction. We are very clear that abduction by a stranger is done by a mentally ill individual. For some reason, we are letting parents off the hook. If you conceal a child and abduct them, changes are you're nuts, so you need to be dealt with by the police. It needs to be treated as a serious crime. If the children are at risk, yes, we have many fine police agencies and other agencies here to deal with it, but they should not be taken out of state, they should not be concealed. We need a Local Law to prevent abduction and we need to enforce the laws we have. Thank you.

P.O. LINDSAY:

Thank you, Mr. Fischer. Michael Sacca.

MR. SACCA:

Good afternoon. Thank you for permitting me to speak. My name is Mike Sacca. I have been a resident of Suffolk County for over 60 years. I'm here in regard to the Long Island Maritime Museum. I am the Chairman of the Board. At the museum, we address the issue of the hotel/motel tax. I would like to present our findings to this Board here and that is that we support the increase.

Let me give you a little background on some dialogue that took place associated with it and the rationale that we came up with why we would support the increase in taxes for the hotel/motel. One, the Long Island Maritime Museum is responsible to protect the artifacts of the history of this County. We have over a thousand artifacts that we are responsible for. In addition to that, we consider ourselves a destination point whereby when people come to Long Island, if they look at the Long Island Maritime Museum as their destination, they usually call us and want to find out more about the Maritime Museum. They would also like to find out where they can stay and other activities on Long Island. And based on that, we look at the support that this tax would give us in continuing our fiduciary responsibility at the Maritime Museum.

I would like to thank you for giving me this opportunity, and I would encourage the support of this bill. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mike. Bill Van Jurow. Bill Ian Jurow? I'm sorry.

MR. JUROW:

Good day. My name is Bill Ian Jurow. I'm an attorney. I'm here to talk against the domestic violence offender legislation. I thought it was on this morning. Obviously, it's on this afternoon, but I'm here, let me join you.

Just as the Federal Government should not duplicate and tread where New York law already exists, neither should Suffolk County legislation duplicate or tread where New York State has already spoken. The law properly notes that all the intended information within the legislation is already public knowledge. Anyone who needs that information to know about a person's criminal history can get that information. As a Legislature is not Dear Abby or the New York Post who needs to know this posted information at the cost of the county of the personal interactions between family members as they occur, they can go somewhere else. There's no need for any of this. This is, unfortunately, feel-good legislation. The people that have been through this have probably been punished enough just by dealing with each other. And, otherwise, Suffolk County is acting as the Appellate Division, increasing the penalties to people who have already been judged and punished. Legally requiring the law to apply to anyone who has been convicted in the last five years is not acceptable and would be rejected as unconstitutional. I believe that's the law.

People who pled guilty to violations of simple things such as disorderly conduct, such as calling their

spouse "bastard", "bitch", or some other nasty word, would not have pled guilty of disorderly conduct if they thought that this crime, or of actually a violation which could get them at most 15 days in jail or \$250, would now be exposed to a year in jail; that would just not happen. What you've done is you've raised the bar, which will cost Suffolk County residents millions of dollars when they require every single person in a domestic dispute to put the Suffolk County prosecutor to the test and to do it before a jury of peers. What was once a ten-minute trial will now be one of days to complete. Is there a salacious need to hear about familial interactions in a public forum really worth that cost to a Suffolk County taxpayer? Is requesting this additional punishment of anybody who has not complied to the notice provisions for moving being a year in jail really necessary? I think not. If you believe otherwise, start making my bed, because I don't remember the time that I told motor vehicles or anybody else that I moved in a timely fashion. I don't think I want to do a year in jail, but if I do, that's going to cost you \$40,000 for the year and I've got medical needs. It's probably going to cost you over \$100,000 a year because I've got the spine of a 90-year-old. If there are ten people like me, it's going to cost you a million. Is this feel-good legislation necessary? I'm not the only one who's going to cost you millions.

Now, how are you defining crimes was something I asked the last time and I hope you'll discuss it this afternoon, because the convicted person, are you including Family Court? Please look into that, because it's a lower standard, they still use the Penal Law. So, please, define that. If someone doesn't appear in Family Court and they convict you on default, there's not actually a finding of fact, but there is in effect a conviction, because an order of protection is entered on the same facts; be aware of that.

P.O. LINDSAY:

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

MR. JUROW:

Thank you so much. I just wanted -- one second. Then just let me look quickly. All right. I'll wrap up. But let me just add one thing to the gentlemen who spoke a few minutes ago, Greg Fischer. I personally have subpoenaed the Suffolk County Police for their internal memo of 1997, which precludes them from interfering in the delivery of a child from one parent to the other, even though there is a court order in front of them. They are absolutely forbidden from doing it, yet they don't always respect it. I have been a victim of that for over two years, and when it was my turn to ask my daughter back, they ignored it. The document does exist. They will not turn it over to me even under court order. Thank you for your time.

P.O. LINDSAY:

Natasha Alexenko.

MS. ALEXENKO:

I'd like to start off by saying I just feel so grateful to live in an area that is so rich in our cultural legacy. I'm actually here representing the Long Island Maritime Museum as its Executive Director, but I'm really here to represent all the cultural institutions that Long Island is so fortunate to have at its disposal. We are very lucky to live in a community that supports such organizations. That being said, the Long Island Maritime Museum doesn't belong to a particular person. It doesn't belong to a corporate entity, it belongs to the people of Long Island, the people of Suffolk County. And that's really important to maintain this maritime legacy for them, so that they can impart their knowledge and wisdom and history to their children and generations following.

We really need to help our cultural organizations grow. This hotel room tax will help ensure that we continue to grow, we continue to thrive and we continue to educate. So I ask the Legislators to really please pass this bill and understand that we're such an important -- and we're really the heart of Long Island and the heart of Suffolk County.

I would also like to say that in appreciation for the wonderful business owners and hotel owners in the area, I know that helping to foster these cultural organizations will ensure that Long Island

becomes a destination. So, if we grow and expand, we can drive tourism. And I'm really excited to help foster that relationship with the hotels in this area, and I'm certain my colleagues would agree and support that. We'd like to create a symbiotic relationship with the hotels in our area, and, obviously, work off of one another, and that's really important.

As a side note, the museum recently had a seafood festival which saw almost 15,000 guests over the weekend. These guests, according to our data, came as far as New Jersey, Connecticut, surrounding areas, and I'm certain they all were fortunate enough to stay in one of our lovely local hotels, so certainly want to continue to drive business forward, feel like this symbiotic relationship can work. I thank the Suffolk County Legislators for thinking of our cultural organizations, and thank you very much.

P.O. LINDSAY:

Thank you, Natasha.

*(*Applause*)*

Ken Walles? Ken Walles.

MR. WALLEES:

Good afternoon. It's good to be back three times in a month. I feel I'm getting to know you guys, at least putting names to a face, and you're not such a bad group, regardless of what people say. But I think previously I had stated, you know, I had been in the hotel industry for 35 years, I've been out in Suffolk County now for ten. Prior to Suffolk -- out in Montauk, I ran a property in Manhattan, had twelve hundred employees back in the, let's see, early '80's, late '80's where the New York City tax was quite high. It took three years to recover from that tax, because many of the tour operators and overseas travelers, you know, they book two, three years in advance. And my property in Montauk, I'm building an international clientele. I'm up to about a 10% contribution to, you know, my total occupancy and they're already -- I'm already in contract for 2010. So when they start seeing their rates go up, we've already negotiated, now you're changing the playing field, you know, they either cancel or go somewhere else.

I'm sure by now you've heard the proposed hotel tax increase will result in a downturn of the economy and how it will negatively effect supportive services such as retail, restaurants, arts, recreation and eventually labor. If you've ever been involved personally in a business, especially the hospitality business, you would realize that the competition is especially fierce in a weak economy. With this tax proposal, you would be taking away our competitive edge currently needed to secure the future of the many citizens of Suffolk County that rely on the success of this industry. In addition to jeopardizing the livelihoods of the thousands of taxpaying citizens, you will be placing an additional tax burden on these residents that frequent East End destinations such as Montauk, whereby an estimated 45 to 50% of the business experienced originates from the various towns throughout Suffolk County. These are citizens that you represent.

With regards to these funds being used for bailout purposes for the various facilities, such as the Vanderbilt Museum, the Walt Whitman House, I believe it would be a misuse of taxpayer funds to continue the money-pit process with no accountability or a clear end in sight. Maybe a better suggestion would be to close down such a facility that is poorly operated or in disrepair for a period of time until better economic times are on the horizon. In the past, these cultural venues were supported by a higher society through fund-raising events, but we want our taxpayers to continue to foot this bill. Many airlines have gone bankrupt by continuing to operate with substandard equipment and diminished passengers. Haven't we learned anything from this?

I feel that organizations that rely on government funds to survive have actually lost their spirit to be creative and have become comfortably complacent. Following what has been going on with the current healthcare debate, there was a Congressman that cited something that was quite profound

and stuck with me. "You don't strengthen the weak by weakening the strong, and you don't continuously do for others what they could do or should do for themselves." That was Abraham Lincoln.

Our own Chamber of Commerce, who is present today, does a phenomenal job in fund-raising through our local community. The spirit of giving for a good cause, not a tax, this takes hard work and many hours of dedicated volunteers in good times and bad. The community and the public come out to support the various venues that are presented. If something doesn't work, we rework it.

P.O. LINDSAY:

Mr. Wells, if you could finish up.

MR. WALLEES:

I'm finishing up now.

P.O. LINDSAY:

Thank you.

MR. WALLEES:

For if you always do what you always did, you always get what you always got. You find a better way, but you don't force it on the backs of others.

In closing, I find it highly suspect that our elected Legislators move so quickly in an attempt to pass a bill that has not been given adequate exposure to the public for a review of our evaluation and comment. It is my understanding this bill was brought up -- was to be brought up October 12th. Why the quick shift from committee? Is it your concern that people are becoming more aware of the long-term effects. We ask that you work in the spirit of bipartisanship for solutions needed. Don't shove this bill down our throat. Take the time required to dot the I's cross the T's and let us be part of the solution. Regardless, now is not the time to increase taxes, certainly not 3% increase. Vote no today and table this, please, for a later date. Thank you.

P.O. LINDSAY:

David Ceva.

*(*Applause*)*

MR. CEVA:

Hello. My name is David Ceva. I live in Montauk and operate two hotel businesses there. I'm here today to urge you all to vote against raising the hotel tax, or, at the very least, to please postpone the raise until we see better economic times. Business is down, the economy is down. Now is the wrong time to raise taxes. Thank you.

P.O. LINDSAY:

And our last speaker, Ben Zwrn.

LEG. ALDEN:

Why is he in the public portion? He's part of that regime.

MR. ZWIRN:

I heard that, Legislator Alden.

LEG. ALDEN:

I think you did, that's right.

MR. ZWIRN:

While there may be a number of issues, I would like to discuss with the Legislature today the County

Executive has asked me if I would respond to some of the comments that were made by members of the Southern Poverty Law Center with respect to the report that they issued.

While the County Executive welcomes anybody to the table that can help improve relations in Suffolk County, he believes this report is flawed, and it's flawed in the sense that they never contacted the District Attorney's Office, they never contacted the County Executive's Office to get any of their input, because, if they had, some of the recommendations that they have made in their report, which some of the recommendations are very good, are already being implemented in Suffolk County. With respect to the -- getting into the schools, there is a program that has already gone out into the school districts, a teaching manual for providing insight, identifying discrimination and hate crime issues. We have entered into public service announcements, and the Police Department is making a concerted effort in the communities. And, also, there is the first Student Congress for Justice, which encourages students to develop and deploy their own programs to combat intolerance.

The County Executive has appointed two officers of Hispanic descent as the Commanding Officers of Precincts, Inspector Ty Mojica at the Fifth, and Inspector John Rios at the Third Precinct. He's named an Ecuadorian immigrant Police Officer, Lola Quesada as Special Advisor to the Police Commissioner for Hispanic Affairs. He's established Hispanic clergy liaisons for each of our seven precincts, meeting regularly with Precinct Commanders, and distributed fliers throughout the community in English and Spanish, assuring crime victims about policy not to inquire about citizenship. Despite assertions to the contrary, it is not and has never been the policy of the Suffolk County Police Department to ask about documented status of a crime victim. Because the Suffolk County Police Department believes it is essential to forging a relationship based upon trust, Police Officers are explicitly prohibited from asking about the documented status of a victim or complainant. Furthermore, any officer who makes such an inquiry would expose him or herself to departmental charges.

I might add that in these hate crime cases, the police have acted professionally and quickly to arrest alleged perpetrators of these heinous crimes. No advocacy group has ever been able to point a single specific incident where a victim of a crime was subsequently reported to Federal authorities regarding their documented status. Media reports in February of this year gave the incorrect impression that a question about a victim's status is contained on an incident report. The form was developed more than ten years ago using standards set forth by the New York State Department of Criminal Justice, and includes a place for information about residency, which is in no way the same as citizenship. The purpose of detailing residency is twofold. First, it allows the Department to track trends of crimes that may be occurring against particular populations such as commuters or the homeless; and secondly, it allows the Department to maintain contact with the victim as the investigation and prosecution of the case continues.

The fact is is that Suffolk County will not tolerate these kinds of hate crimes. They are happening across the country and we're doing everything in our power to curtail it here in Suffolk County. Thank you.

P.O. LINDSAY:

Thank you, Mr. Zwirn. With that, it concludes our public portion. I need a motion to close the public portion by Legislator Losquadro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We got four minutes. We could do a little bit of business. I need a motion on the Consent Calendar.

D.P.O. VILORIA-FISHER:

So moved.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Vioria-Fisher, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

RESOLUTIONS TABLED TO SEPTEMBER 17, 2009

P.O. LINDSAY:
Okay. Resolutions tabled to September 17th, 2009. ***1107 - To enhance efficiency in the selection and leasing process at County buildings (Romaine).***

LEG. ROMAINE:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Romaine, I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
The next one (***1273***), I'm being told we have to skip for a Public Hearing this afternoon.

1296 - Enhancing Administrative Budget Deficit Control for Fiscal Years 2009 and '10 to proportionately include Police District Fund 115 in budget mitigation plans (Browning).
I'll make a motion to table subject to call.

LEG. LOSQUADRO:
Second.

LEG. GREGORY:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Eighteen.

P.O. LINDSAY:
1586 - Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5-A to form a sewer district at Spring Meadow and Towne House Village in the Town of Islip (County Executive).

LEG. KENNEDY:

Motion to table.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1716 - To waive fee for the use of the County showmobile (for a benefit concert) (Kennedy). We've resolved this.

LEG. KENNEDY:

I'm sorry, Mr. Chair, I didn't realize that it was on. Not only should we not vote on it, it should be withdrawn.

P.O. LINDSAY:

Withdrawn, okay.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes, sir.

LEG. ALDEN:

1273, if that has a hearing and the hearing was caused by a change to the bill, don't we have to table that?

1273 - Adopting Local Law No. 2009, a Charter Law to clarify powers and duties of Board of Trustees of Parks, Recreation and Conservation (Browning).

P.O. LINDSAY:

Yes, you're absolutely right. So why don't you make a motion to table?

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

And, Legislator Browning, you'll second that?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

INTRODUCTORY RESOLUTIONS FOR SEPTEMBER 17, 2009

P.O. LINDSAY:

I think we've got two minutes. Page 7, ***1750 - Tax Anticipation Note Resolution No. -2009,***

Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$113,000,000 Tax Anticipation Notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied for County purposes or returned to the County for collection for the fiscal years commencing January 1, 2006, 2007, 2008 and 2009, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes (County Executive).

LEG. COOPER:

I'm sorry, could you repeat that, please?

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

Three times?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper to approve, and I'll second that.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Yes. Gail, this is the -- I recall receiving a memo from you on one of these bills. Is this the bill that you wrote the memo on explaining the borrowing?

MS. VIZZINI:

Yes. This is our annual short-term borrowing for cash flow purposes.

MR. MONTANO:

Okay.

MS. VIZZINI:

The memo was a heads-up that we are approaching our short-term borrowing limit with 113 million dollar authorization. The County will borrow up to that amount. Hopefully, we will be able to actually borrow less, but not until we actually go for the borrowing, which will be probably November, where we know exactly how much we would be borrowing.

LEG. MONTANO:

But the -- when I read the moment, it seemed to me it didn't have a conclusion. Am I correct in that, or what was -- it was just an explanation of what we were to --

MS. VIZZINI:

It was a heads-up that this is a short-term borrowing of a maximum of 113, which is -- which is on the high end of our cash flow needs.

LEG. MONTANO:

All right. But you weren't making a recommendation one way or the other, were you?

MS. VIZZINI:

Well, we need to borrow the money, if that's your question, yeah.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. With that, it's the bewitching hour. We'll stand recessed until 2:30.

[THE MEETING WAS RECESSED FROM 12:33 P.M. TO 2:36 P.M.]

P.O. LINDSAY:

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not Present)

D.P.O. VILORIA-FISHER:

Present.

P.O. LINDSAY:

Here.

MS. ORTIZ:

Fourteen. (Not Present at Roll Call: Legs. Montano, Alden, Kennedy and Cooper)

P.O. LINDSAY:

Paul, would you go see if there's any cards?

MR. PEARSALL:

We've got cards.

P.O. LINDSAY:

Oh, here they are now. There they are now. Okay. The first one is a Public Hearing for the ***Southwest Sewer District Assessment Roll***. I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Not seeing anybody, I'll accept a motion to close.

LEG. D'AMARO:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Motion by Legislator D'Amaro, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fourteen. (Not Present: Legs. Montano, Alden, Kennedy and Cooper)

P.O. LINDSAY:

It stands closed. Next is I.R. 1290 - A Local Law to enact a grading policy for food establishments.

MR. NOLAN:

You skipped on, 1273.

P.O. LINDSAY:

Oh, I'm sorry, I skipped **1273. A Charter Law to clarify the powers and duties of the Board of Trustees of Parks, Recreation and Conservation (Browning)**. Legislator Browning?

MR. NOLAN:

You have no cards?

P.O. LINDSAY:

I don't have any -- I don't have any cards on 1273. I should ask, does anybody in the audience want to speak on 1273? Seeing none --

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Fourteen. (Not Present: Legs. Montano, Alden, Kennedy and Cooper)

P.O. LINDSAY:

1290 - A Local Law to enact a grading policy for food establishments (Losquadro). I don't have any cards on this subject. Legislator Losquadro?

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

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

MS. ORTIZ:

Fourteen. (Not Present: Legs. Montano, Alden, Kennedy and Cooper)

P.O. LINDSAY:

Okay. **I.R. 1314 - A Local Law to authorize a County registry for domestic violence offenders (Gregory)**. And I have a couple of cards on this subject. Bill Ian Jurow. Bill, are you still with us?

AUDIENCE MEMBER:

He testified this morning.

P.O. LINDSAY:

Huh? He testified this morning? Okay. I know he did. Greg Fischer.

LEG. ROMAINE:

He testified.

P.O. LINDSAY:

Okay. Oh, Greg's -- Greg can come back and testify again.

MR. FISCHER:

My name is Greg Fischer, I'm from Riverhead. Thanks for allowing me the opportunity speak. I'm

strongly opposed for this as a Board Member of Americans for Legal Reform.

This registry is more fruit of the poison tree. The system for creating DV complaints is poisoned. Attorneys commonly suggest to their clients in a domestic relations matter, in a matrimonial matter, to go file, often falsely. They encourage their clients to suborn -- they suborn their clients into perjury to go file domestic violence complaints, because it gets that spouse evicted from their house and gives the spouse making the complaint usually instant child custody. There's never, never, I repeat never, prosecution for the perjury. There's no downside to making the false complaint. That's a problem I've testified on before several times, that we don't have any prosecution for perjury whatsoever. It pollutes our system and costs our taxpayers a lot of money. We have to start to prosecute for perjury. There's no penalty for that perjury whatsoever.

Usually what happens in a -- when a DV complaint is filed, and if there's a cross -- some kind of argument, the larger physical person gets the order against them, that's usually the male. They don't allow cross-orders. There's almost never a cross-order, so it's not -- it's left to the police to prosecute -- start the prosecution in absence of facts. One person makes a complaint, VIBS or the other organizations will help that person complaining get the forms filled out, and we have a cascading problem from there. We start to waste court time, court officers, plant equipment. It costs us lots of money for each one of these false complaints. We also do have a demonstrated gender bias in that police will, on a statistical basis, take domestic violence complaints from men at about half the rate for females. They discourage the males from making complaints, they encourage the females to make complaints.

From there, once the complaint is placed -- is in place -- I'm so shocked that Legislator Gregory is proposing this, because poor people plead out guilty and take probation, and that's a large percentage of his constituency; they plead out for probation. They would get put on this registry, and before they're criminalized and further abused, I think, and their civil rights would be further taken away from them, they plead guilty. And we know that's the reality of the courts, people with money pay for attorneys, get off, people that are poor plead guilty and it starts damaging them. This list is, in effect, exile of sorts, exile. It's further criminalization and disenfranchisement of poor people.

So, we strongly oppose this registry. If there were to be such a registry, why not make it a registry for every, every criminal prosecution? Why is this is a class that needs special registry? Why is this put in the class of pedophilia or worse? This is stricter than the laws we have against pedophiles, and we know it's the fruit of the poison tree. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Fischer. I do not have any other cards on 1314. Legislator Gregory, what would you like to do it with this legislation?

LEG. GREGORY:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Fifteen. (Not Present: Legs. Montano, Eddington and Cooper)

P.O. LINDSAY:

1415 - A Local Law banning the sale of drop-side cribs in Suffolk County. And I have one card, Susan Cirigliano. Susan, if you could come forward, I'd appreciate it.

MS. CIRIGLIANO:

We would like to thank Legislator Horsley for having us here today. We're Robert and Susan Cirigliano, also known as Mommy and Daddy, but we have only heard three of our four children call us that because our son, Bobby, never had the chance. On September 15th, 2004, Bobby was six months and three days old when his head and neck were caught in the detached drop side rail of his crib. After the drop side rail detached, Bobby's head got caught between the side rail and the mattress. With his face pressed against the mattress, he suffocated. Bobby was taken from his crib, put into the ambulance, arrived at the hospital and never came home.

We miss Bobby every day, but what's most important is what Bobby misses. Bobby has an older sister who never had the chance to teach him how to get in and out of trouble. Bobby has a younger brother and sister he has never met, two grandfathers that he never played catch with, two grandmothers whose cookies he was never able to taste. Bobby never had a chance to wear his first Halloween costume. He didn't get to sit on Santa's lap and never blew out a birthday candle. As a family, our smiles have dulled and we will never be complete again. Other than Mommy and Daddy's arms, Bobby was in one of the safest places, his crib. The reality is Bobby's crib was not safe and our lives will never be the same.

We refuse to allow any other family to suffer the pain we have and will for the rest of our lives. We are here today to support Legislator Horsley and his effort to ban the sale of drop-side cribs. Bobby was taken from us -- I'm sorry. This is something our family has felt strongly about since Bobby was taken from us. Thank you, Legislator Horsley, for your determination and your effort. Many lives will be saved.

P.O. LINDSAY:

Thank you very much. I know it was very difficult testimony for you. Michele White, is it, or Witte?

MS. WITTE:

Witte. This is my son, Tyler Jonathan. He also died in a drop-side --

LEG. LOSQUADRO:

You have to hold it down.

MS. WITTE:

My goodness. Hi. This is my son, Tyler Jonathan. He also died in what I call the drop-side deathtrap. And I want to thank you for giving me the opportunity. Thank you.

MS. LOMORIELLO:

Are you okay?

MS. WITTE:

Yeah. To speak to you this afternoon. When I learned of this hearing, I felt compelled to be here right now, because this proposed ban on drop-side cribs is the most progress I have seen since 1997 when I lost my son, Tyler.

When I woke up on the morning of December 12th, 1997, I found my son, Tyler, with his neck caught between the side rail and headboard of his very expensive solid oak drop-side death trap. A single screw became loose, creating a gap wide enough to entrap his 10-month-old little neck. I try very hard not to think about that day, but long after I close my eyes at night, I wake up and there it is, the last image I have of my son trapped and killed by a crib that I believed was his only safe haven. After I picked out his tiny coffin with the money I saved up for his first birthday party, a feeling of urgency consumed me. I had to call the store at which I purchased the crib and tell the

manager to throw away all of their drop-sides and try to find the people who bought them and warn them that their babies might die. Then I had to call the crib manufacturer and tell them that their crib was broken; that I would notify the media and there would be breaking news that would warn the public that drop-side cribs kill babies, and the moms can go out before the store closed to purchase new cribs. I was naive, and I didn't realize that that just wasn't good enough.

The newspaper did write a story about my son, about an accident that happened, and I added a newly learned word to my then limited vocabulary, fluke. I didn't learn until two years later, 1999, that 47 other flukes happened in drop-side death traps. Now, finally, people are beginning to realize that the drop-side crib is a flawed design. A ban on the sale of drop-side cribs even days before I purchased that solid oak death trap would have saved my son's life.

I am defeated now, and so I turn to you, the trusted representatives of the Suffolk County taxpaying citizens, that babies in this County should be protected from untimely deaths. Susan and I are Long Islanders and we love where we live. The CPSC and the crib industry have failed us miserably, and so we turn to you. Drop-side cribs are robbing families of our very fundamental rights of life, liberty and the pursuit of happiness on this beautiful Island. Banning drop-side cribs will save our children's lives. Then we can take the next step and replace the "Cash for Clunkers" Program with "Dough for Drop-Sides". Thank you for your time.

P.O. LINDSAY:

Thank you very much, Ms. Witte. I don't have any other cards on this subject. Is there anyone else that would like to speak on 1415? Seeing none, Legislator Horsley?

LEG. HORSLEY:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Fourteen. (Not Present: Legs. Montano, Alden, Kennedy and Cooper)

P.O. LINDSAY:

1763 - a Local Law to amend Resolution 673-09, a Local Law requiring fairness in Cooperative Homeownership. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Yes, please come forward, sir, and identify yourself for the record.

MR. WEIDEN:

Philip, Weiden, Long Island Board of Realtors. This started out as 1545 originally. The amendments are very good to it. It adds enforcement mechanisms that the bill also didn't have; adds protections in fair housing. I just want to thank the Legislature and everyone who put this up and urge you all to support it. Thank you.

P.O. LINDSAY:

Thank you very much for taking the time to address us. Is there anyone else out in the audience that would like to talk about 1763? Seeing none, I'll make a motion to close.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Fourteen. (Not Present: Legs. Montano, Alden, Kennedy and Cooper)

P.O. LINDSAY:

J.R. 1776 - A Charter Law updating the Suffolk County Charter Law as recommended by the Charter Review Commission. And we have a few cards. First, Fred Gorman.

MR. GORMAN:

Good afternoon, Legislators.

P.O. LINDSAY:

Mr. Gorman, have to hold your finger on the button, on the lower mike.

MS. LOMORIELLO:

On the base of the microphone.

MR. GORMAN:

Sorry.

P.O. LINDSAY:

That's all right.

MR. GORMAN:

Okay. Legislators, 1776 repeals referendum that cannot be altered or repealed without referendum. This is a blatant theft of power concocted by your lawyer. Counsel Nolan E-mailed the following to Legislator Romaine: "As you know, I have stated that the law may be subject to repeal or modification by the Legislature without referendum in the event the law was" -- "even if the law was originally made subject to referendum. In fact, the Legislature has passed three laws this year which amend sections of the Charter that were enacted by referendum. It is my opinion that Section C16-1(D) of the Charter, the so-called "LIPA oversight" provision, can also be repealed or modified without referendum. There is no provision of State Law which is controlling on this issue of referendums, which would require a referendum."

If the LIPA oversight law can be repealed without referendum, so can term limits. No State Law controlling, does not give you the right to void the people's vote by repealing referendum through lawyering rather than referendum. You have made the Legislature liars by doing so, and your Counselor has become a shyster. You are picking and choosing when to alter and what to alter and ignoring referendum. You are making a mockery out of democracy. You are defacing every voter in Suffolk County, or I should say disenfranchising. I'm sorry.

Example: Due to the pressure of the Pine Barrens Society stand on referendum, you Legislatively repealed 1892, and then you refiled it as 1651, the same bill without referendum. This shows how arbitrary and capricious you have become. Rather than allowing the people to decide or giving the Pine Barrens Society the opportunity to once again win the people, you now decide.

You are the people's servants. You and your lawyer should be doing your utmost to preserve and protect the people's referendum, not stealing it. Legislators, you need to find a way to reinstate every referendum you repealed. Bundle them and ask the people's permission to repeal them. If the people say no, let the referendum stand on the books forever. Our Charter was designed to serve and protect the County. As smart and as knowing as your collective body is, you are the servants of the people, not their rulers. Remember that when you take shortcuts or decide to

remove them from the table. Thank you.

P.O. LINDSAY:

Mr. Gorman, I just want to point out to you that the recommendations in the next three pieces of legislation came about by the Charter Revision Commission, which was twelve people that was appointed half by this Legislature, half by the County Executive. When --

MR. GORMAN:

Not voted on, appointed.

P.O. LINDSAY:

What? Hold on. Let me -- you know, I never interrupted you, so don't interrupt me. We -- these citizens volunteered their time for 18 months, and the only commitment I gave them when they walked into that duty and that role is whatever they came up with I would put before this body, and that's the nature of these resolutions before you. And I know what you're saying about the referendum and we've heard that addressed at this microphone before, but, unfortunately, our Counsel can't back that up by State Law. Mr. Barraga, you wanted to say something?

MR. GORMAN:

Do I get to answer that?

P.O. LINDSAY:

Go ahead.

MR. GORMAN:

First of all, those people weren't elected by the people, and you're talking about the vote of the people, the word of the people. The Legislature is not sovereign to the people. You shouldn't be doing that. That's what I meant by shortcuts.

P.O. LINDSAY:

Okay. But that is not in State legislation. Our Counsel, okay, is telling us that's --

MR. GORMAN:

No, but it's in the referendums you wrote.

P.O. LINDSAY:

But it's not in State legislation.

MR. GORMAN:

Then doesn't that make you a liar and a deceiver?

P.O. LINDSAY:

Doesn't make me a liar.

MR. GORMAN:

It makes the Legislature a liar and deceiver.

P.O. LINDSAY:

Doesn't make me a liar.

MR. GORMAN:

When you tell around and tell people that a referendum cannot be repealed without --

P.O. LINDSAY:

I didn't tell them that.

MR. GORMAN:

Well, who did?

P.O. LINDSAY:

I don't know. I didn't tell them that.

MR. GORMAN:

Suffolk County Legislature.

P.O. LINDSAY:

Well. Legislator Barraga.

LEG. BARRAGA:

Mr. Gorman, I certainly appreciate your comments with reference to the particular legislation, but we don't appreciate -- I don't appreciate your comment with reference to our Legislative Counsel and the term you've used to describe him. That's off base, it's inappropriate, and you owe him an apology, sir.

MR. GORMAN:

Actually, I think you owe the people an apology for changing their referendum without a referendum.

LEG. BARRAGA:

Again, I think you owe our Counselor an apology. That comment is totally inappropriate and should never have been said by you or anyone else.

MR. GORMAN:

That's your opinion.

LEG. BARRAGA:

Thank you. That's my opinion, it certainly is, and I think the opinion of this Legislature and the people in this room.

MR. GORMAN:

We'll see what happens when they vote.

P.O. LINDSAY:

Anybody else? Anybody else? No?

D.P.O. VILORIA-FISHER:

Well, could I just -- I'm sorry.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I'm sorry, Mr. Chair, but I just wanted to make clear that one's votes on this issue are not to be taken necessarily as any kind of slur on our Counsel. Okay? And I agree with Mr. Barraga with regards to using any name-calling of people who work in this Legislature.

P.O. LINDSAY:

Rosalie Hanson.

MS. HANSON:

My name is Rosalie Hanson and I'm a real estate broker who has watched the real estate market collapse under the weight of high taxes, the corrupt practices of Fannie Mae, Freddie Mac, Congress, the Federal Reserve and excessive LIPA tax rates. I realize that you are not responsible for all of the

problems that have led to our economic collapse, but I also know that I voted for the 1998 referendum that led to the enactment of a voter-approved law to require local oversight of LIPA in the hope that something could be done to contain utility bills.

I recall the County taking action under that referendum in 2001 or 2002 to challenge LIPA rates. I was shocked to learn last week that the Legislature was going to repeal that law without another referendum.

I know that you have now amended 1776 law to remove this repeal, but I also learned that you are attempting in the same bill to repeal other referendums such as campaign finance law and land acquisition programs, that I also voted on, without putting them back up for a public vote.

I went and pulled the statute and found the following section: After approval by the voters, this law, as well as any other law, converted into a mandatory referendum pursuant to Section 34, Number 4, of the New York Municipal Home Rule Law by a vote of the County Legislature may only be amended, modified, repealed or altered by enactment of an appropriate Charter Law subject to mandatory referendum in accordance with prevailing law. How could any elected official possibly think that it is okay to break faith with voters and breach the public trust when the actual language of the law states that the votes are approved by the voters is so clear that in order to repeal them the voters need to vote. What other referendums do you intend to get rid of without public votes? Term limits? Budget caps? Tax caps? We want to know.

I do not know the merits of each of the other laws that were or may be affected, but I do know that I do not want my vote -- my right to vote taken away from me by local, state, or Federal Government. As American citizen, our laws are to vote, not to have a Legislature vote for us. I do not feel -- if you do not feel a legal obligation to do the right thing, then at least fulfill your moral obligation to reinstate the right to vote that the voters have granted to themselves by defeating 1776 and by reversing any prior violations of this public vote requirements that may have occurred this past year. In a year when voters feel frustrated with their government, you could restore some faith by doing the right thing. Thank you.

P.O. LINDSAY:

Ms. Hanson, I just think you should know a couple of things. First of all, as far as the oversight of LIPA, this Legislature will continue to do that. As I speak, we are in the midst of litigation with LIPA on an overbilling issue that's been going on for some time, and we've put a lot of money into that -- into that lawsuit and we will continue to fund that lawsuit. We also have a full-time person on staff in the Budget Review Office whose only purpose is to keep track of utility rates, pricing and their infrastructure, and that will continue as well.

The Land Preservation Program that you talked about expired; it expired. That was -- it had a five-year term and it went way past the five-year term.

The Campaign Finance Board actually dissolved a couple of years ago because of lack of financing. Part of the provision was that the voters were going to finance this through an envelope in their tax bill and not enough money came in to keep it going. So what you're eluding to here is an attempt by the Charter Commission to clean up a document that's cluttered with language that no longer is applicable to what we do every day.

MS. HANSON:

Okay. Thank you.

P.O. LINDSAY:

Miles Borden.

MR. BORDEN:

Mr. Chairman, maybe I owe you an apology.

MS. LOMORIELLO:

Just press this one.

MR. BORDEN:

Oh, this button? Okay. I just have to follow the arrow. An hour-and-fifteen minutes ago I was out at a County Parks Commission Meeting. And, by the way, I'm a County Park Trustee, as some of you know. And they asked me to appear before you folks and I guess it's really to talk about 1273. When I signed in, I thought it was 1776. So if I -- if I'm out of order, I certainly will relinquish, but I would hope that I could speak on it just briefly. It would be 773 (sic). That's the clarifying the powers and duties of the Parks Trustees.

LEG. LOSQUADRO:

Motion to reconsider 1273.

P.O. LINDSAY:

Yeah. We have a motion by Legislator Losquadro to reconsider 1273, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Leg. Beedenbender)

P.O. LINDSAY:

Okay. The bill is back before us, but we'll allow you to speak, Mr. Borden.

MR. BORDEN:

Yeah. Thank you very much, and I appreciate that. And my thoughts may seem pretty random, because, as I say, I've driven from Flanders and on the way tried to collect my thoughts.

The regulations regarding the Park Trustee, I believe, go back to something like 1960. And the Board recognizes, and, of course, you're proposing -- it's being proposed that the duties be clarified or changed; that's the Park Trustees' duties. And many of us on the Trustees recognize that you're elected and we're appointed. We recognize that concept, but perhaps in our discussions we may find a balance. And I believe earlier on some of the Trustees Committee did talk to the -- to your committee. And what we're recommending is that where you feel that we've made a decision as trustees that you disagree with, and we can understand that, that perhaps a two-thirds majority of you to override our decision.

And one of the things some of you are aware, we would work fairly closely with the people of the County. In fact, there must have been ten or twelve people out at our meeting today speaking on different issues. And I think we have a reasonably good feel, and you do too, of what the folks in Suffolk County want in terms of the operation of their parks. So that's one of the issues that we would like to have you look at is decide that you have a two-thirds majority override, because you again are the elected officials.

At about 1:15 this afternoon, and this is as you can see very recent, the following resolution was adopted by -- unanimously by the Board of Trustees, and again, it applies to the proposals that are currently on the table, and I'll read it:

"Whereas, Members of the Park Committee of the Legislature have requested that the Board of Trustees of the Department of Parks, Recreation and Conservation," and so on, "indicate their position on the revised 1273."

"And whereas, the Board of Trustees of the Department of Parks Recreation and Conservation have reviewed and discussed the revised I.R. 1273 at their September 17th," that means today, "September 17th meeting and agreed" -- "agreed that Article C28-3 of the Suffolk County Charter, as written, has clearly defined powers and duties of the Board of Trustees since its inception."

"And whereas, the members of the Board of Trustees have further agreed and have diligently and consciously exercised their duties in regulating the use of park and recreation facilities and can find no compelling reason to revise and diminish the duties and powers of the Board."

"Be it resolved that the Board of Trustees of the Department of Parks does not support the provision of IR 1273 and respectfully recommend that they not be adopted by the Suffolk County Legislature."

And again, I present that with due respect, Mr. Chairman. Thank you.

P.O. LINDSAY:

Mr. Bordon, just there was, as you -- from the original resolution, or the original -- is this a Charter?

MR. NOLAN:

Charter.

P.O. LINDSAY:

Yeah, this was a Charter recommendation. We had a subsequent meeting and Park Trustees and a couple of Legislators, Legislator Browning in particular, and we had a discussion and the resolution was modified we thought as per the request of the Trustees. But my recollection, it wasn't two-thirds, it was a clear majority, right? So if there is some misunderstanding, we thought we modified it to accommodate the Trustees. Go ahead.

MR. BORDEN:

The two members of our -- of the Trustees who worked with you folks, their remembrance -- remember it was two-thirds.

D.P.O. VILORIA-FISHER:

Did you want to speak, Kate?

P.O. LINDSAY:

Okay. Kate, did you want to --

LEG. BROWNING:

No. You know, George, I know you sat in the room with us, right, and --

MR. NOLAN:

(Shook head no).

LEG. BROWNING:

You didn't? I'm sorry, but my mistake. However, you know, I know the Presiding Officer, myself, the Parks Commissioner and representative from the Board of Trustees, the Parks Trustees, we -- this was their recommendation. They didn't talk about, you know, what kind of majority they wanted to pass this, they basically agreed to let it come back to us to override.

MR. BORDEN:

All I know is this morning they -- the two representatives indicated that they thought that two-thirds was agreed to and --

LEG. BROWNING:

No, there was no number discussed.

P.O. LINDSAY:

Go right ahead, Legislator Vilorina-Fisher.

D.P.O. VILORIA-FISHER:

I believe that the confusion comes out of the fact that an override, as understood by most people, is like the override of an Executive veto and that that requires more than a simple majority. And so I believe that that's what caused the confusion in the discussion, because that was a -- the assumption by Greg Dawson, that it was a -- just not a simple majority, but the two-thirds majority that's required for an override of a veto.

P.O. LINDSAY:

I don't know how the confusion started, but there is some confusion. All right?

D.P.O. VILORIA-FISHER:

Well, that's what -- that's what he thought.

P.O. LINDSAY:

Thank you very much for coming down.

MR. BORDEN:

Thank you.

P.O. LINDSAY:

Okay. So 1273 is back before us. Legislator Browning, is it still your wish to close?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen -- sixteen.

D.P.O. VILORIA-FISHER:

Opposed.

MS. ORTIZ:

I'm sorry, fifteen. (Not Present: Legs. Alden and Horsley - Opposed: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. We're still on 1776, and we do not have anymore cards. Is there anyone in the audience that would like to address us on 1776? Seeing none -- now, did we modify this one?

MR. NOLAN:

Right. This bill was modified, I believe, two days ago to remove the LIPA oversight section.

P.O. LINDSAY:

There seemed to be some concerns about the LIPA oversight as compared to the other two portions of cleanup language that dealt with programs that were no longer active and haven't been active for a while. So I asked George to revise and separate out the LIPA piece in case somebody felt uncomfortable about that. So I am going to recess this hearing, because we're going to get some new resolutions back on it; all right? So I make a motion to recess. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen. (Not Present: Legs. Alden and Horsley).

P.O. LINDSAY:

Seventeen -- I'm sorry, did you -- you got it?

MS. ORTIZ:

We called it.

P.O. LINDSAY:

Okay. *1777 - A Charter Law increasing the Ambulance Chiefs' representation on the County Fire, Rescue and Emergency Services Commission.* And again, this is a recommendation of the Charter Commission, and I have two cards. Thomas Cronogue. Thomas, I'm sorry if I messed up your name.

MR. CRONOGUE:

It's one of those names, sir.

P.O. LINDSAY:

Okay.

MR. CRONOGUE:

Good afternoon. My name is Thomas Cronogue. I'm an ex-Chief from the Wyandanch/Wheatley Heights Volunteer Ambulance Corps; currently serve as the EMS Director for the Deer Park Fire District, a member of the Suffolk County Ambulance Chiefs, member of the Executive Committee of REMSCO, and the President of the Suffolk County EMS Instructors Association. But I'm here representing none of those groups today, I'm speaking to you simply as an EMS provider.

First of all, I want to thank you for recognizing the fact that EMS has in Suffolk County become the tail that wags the dog. EMS is 80% -- 80 to 90% of the call volume received by the Fire and EMS agencies in Suffolk County. I know that recently there was an issue raised by one of the local Town Chiefs Councils. They wish to have one of these seats. What I want to point out to you is that increasing the number of seats for EMS on the FRES Commission is an excellent idea. Giving all three seats to the same organization is just giving three voices from the same point of view. What I'd like to request that you consider in the legislation is spreading the representation out amongst various other groups, various other {line} organizations such as District 7 of the State Ambulance Association, which you may or may not know exists.

For all intents and purposes, the Ambulance Chiefs Association is a Superior Officers' organization and represents the point of view of the bosses. I think the FRES Commission might also need to hear from the infantry themselves, from the people in the trenches, and as such look to more of the {line} organizations. Look to REMSCO itself, which represents the -- all the stakeholders involved in the provision of EMS in Suffolk County. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Tom, this recommendation is for two more spots on FRES, but from the EMS community, no?

MR. NOLAN:

The ambulance, yeah. This presentation is Ambulance Chiefs Association.

P.O. LINDSAY:

Oh, but it's the Chiefs Association. That's your point is one of the representatives should come from

the rank and file organization.

MR. CRONOGUE:

That's correct, sir.

P.O. LINDSAY:

Okay.

MR. CRONOGUE:

It should be spread out amongst the various perspectives, not just one from a boss' point of view.

P.O. LINDSAY:

Okay. Legislator Romaine?

LEG. ROMAINE:

Yes. I just want to stay on your -- this is your resolution, Mr. Presiding Officer, of which I am a cosponsor, and --

P.O. LINDSAY:

It is my resolution.

LEG. ROMAINE:

Right.

P.O. LINDSAY:

But it's another recommendation from the Charter Commission.

LEG. ROMAINE:

Right. And I think the Charter Commission recommended that because there is no one organization that represents all the rank and file in Suffolk County, one; and two, the Chiefs Association, each -- represents all the Chiefs in Suffolk County, and each Chief has to be elected by the rank and file. And, obviously, if the Chief casts a vote on -- you know, that angers the membership, he isn't going to be Chief again, so it's a form of representative democracy. If there was a rank and file organization -- we had this conversation before everyone convened for the afternoon, because I was talking about this issue. If there was a rank and file organization that covered all the rank and file members, then that might be appropriate, but I don't think -- you mentioned one organization and, fortunately, all my ambulance companies are members of that, but I don't know if it covers all the ambulance companies in Suffolk. That was District 7, did you say?

MR. CRONOGUE:

District 7 is the local District of the New York State --

LEG. ROMAINE:

Right.

MR. CRONOGUE:

-- Ambulance and Rescue Association, which is a statewide rank and file organization.

LEG. ROMAINE:

Right.

MR. CRONOGUE:

Membership in District 7 is open to the individual squads, be they EMS agencies only or --

LEG. ROMAINE:

Fire Departments, right, okay.

MR. CRONOGUE:

-- fire service also is -- fire service also. And also is open to individual membership to any provider of EMS in the County, no matter what their affiliation, be it Police, Fire or EMS. So there is -- does exist a rank and file organization which could give you a perspective from the trenches, from the back of the ambulance, so to speak.

P.O. LINDSAY:

But if we were to do what you said, is it possible that we could wind up with another Fire side of the equation on FRES? I mean, rank and file firemen could wind up in one of these spots; am I right?

MR. CRONOGUE:

If so elected by the District, yeah, it would be a firefighter, EMS provider, absolutely.

P.O. LINDSAY:

Okay.

MR. CRONOGUE:

The majority of the membership of District 7 does come from the volunteer ambulance corps. There are -- two, three -- about half a dozen fire companies that do participate, their Rescue and EMS companies participate in the District.

P.O. LINDSAY:

Okay. Legislator Kennedy had some questions.

LEG. KENNEDY:

Thank you, Mr. Chair. Can you tell me, just so -- some of my Fire Departments have spoken about this and there's been some discussion, and Smithtown Chiefs Council had some general discussion about this as well. REMSCO right now is what, eight, ten, twelve people? How many make up the REMSCO Governing Board now?

MR. CRONOGUE:

There are thirty seats on the REMSCO Council sir.

LEG. KENNEDY:

Thirty seats on the REMSCO Council and not a single one of those thirty is filled by member from the ambulance community?

MR. CRONOGUE:

No, that's incorrect.

LEG. KENNEDY:

Okay. How many are there then, sir?

MR. CRONOGUE:

I'm an EMS provider, I represent the EMS Instructors Association. District 7 holds a seat. The Suffolk County Ambulance Chiefs holds a seat. There are no individual agencies that I'm aware of that hold a seat. I'm not sure of their exact name, but the East End Ambulance Service Providers Association, basically the South Fork holds a seat.

LEG. KENNEDY:

Okay.

MR. CRONOGUE:

And just about every person who is on the REMSCO is currently or was at one time an EMS provider in Suffolk County.

LEG. KENNEDY:

Okay. So, all right. But it sounds like you have four seats at this point that you can clearly say are filled by ambulance folks, and we're looking at this to provide a little bit greater voice to the ambulance community? I'm just wondering how our change to this board changes what's going on with the provision of services. Is it that things have changed from fire calls to ambulance calls? I guess I'm asking, Mr. Chair, why it came forward -- came before us.

P.O. LINDSAY:

Well, again, when the Charter Commission was in place, they held a number of County -- public hearings around --

LEG. KENNEDY:

Yes, absolutely.

P.O. LINDSAY:

And, evidently, the Ambulance Chiefs came in and made a case that --

LEG. KENNEDY:

Oh, I see.

P.O. LINDSAY:

-- there's like four times as many ambulance calls as fire calls now; does that sound kind of close?

MR. CRONOGUE:

It's between 80 and 90% EMS as opposed to Fire.

P.O. LINDSAY:

All right.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

The case was made that there's so many more ambulance calls that --

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

-- that there should be more ambulance representation on the FRES Commission.

LEG. KENNEDY:

Okay. I appreciate that clarification, Mr. Chair. Thank you. And the other thing I was going to ask, sir, is I think we have about, all tolled in Suffolk County, somewhere between 108 and 110 emergency service provider organizations, 20 of which are ambulance companies; is that correct?

MR. CRONOGUE:

Pretty close.

LEG. KENNEDY:

About that.

MR. CRONOGUE:

It's 32 ambulance companies and 78 fire companies, I believe.

LEG. KENNEDY:

Fire companies, okay. All right. That's fine. Thank you very much, Mr. Chair, I appreciate it. Thank you.

P.O. LINDSAY:

Thank you, Tom, I appreciate you coming down.

MR. CRONOGUE:

Okay.

P.O. LINDSAY:

Dennis Kelly.

MR. CRONOGUE:

I appreciate you listening to me.

P.O. LINDSAY:

Hi, Dennis.

MR. KELLY:

Hey, how are you doing, Bill? I'd like to thank you for the opportunity to speak about Bill 1777. I'm definitely in favor of more EMS representation on the Fire, Rescue and Emergency Service Commission. I'd like to just introduce myself. My name is Dennis Kelly. I've been involved in EMS for 36 years. I've been an EMT since 1973, and currently hold the certification of EMTCC. I've held various EMS leadership positions through the years. Presently, I'm the Chief of the Department for Community Ambulance Company in Sayville, and I'm a Suffolk County Deputy Fire Coordinator. My basic responsibilities are EMS coordination within the Town of Islip. But today I'm really here to represent the Islip Town Ambulance Association. And I'd like to provide you with a background of the Islip Ambulance Chiefs Association. This Association is comprised of motivated Chiefs of Bay Shore-Brightwaters Rescue, Brentwood Legion, Community Ambulance of Sayville, Central Islip/Hauppauge Ambulance and Exchange Ambulance of the Islips. The above five departments represent all the volunteer ambulance companies in the Town of Islip. These EMS agencies protect over 200,000 people within the Town of Islip.

In 2008, the five departments responded to 20,915 emergency calls, which is the highest amount of calls represented to -- from any township within Suffolk County. This jurisdiction of these agencies spans over a hundred square miles. Our Association is working cooperatively, has pioneered creative and created several innovative programs, some of which have never been practiced in Suffolk County or, for that matter, in New York State until now.

We, at the Islip Ambulance Chiefs Association, have bonded together in the last 36 months and created new ways of effectively serving our communities. I will outline programs which have provided -- which have proved to be successful in such a short period of time. They include a bulk purchasing program which we bid for our supplies, a tactical ambulance program, a tactical medical program, and lastly, a standard of care response agreement which has been put into place. Our medical supply bulk and bid purchasing program has saved taxpayers thousands of dollars by combining all five agencies' medical supply orders to the lowest bidder. By consolidating orders, we have helped to fund the below innovative and lifesaving programs.

Our tactical ambulance program has dramatically improved the response times of ambulances in our communities. In addition, it has helped with the surge of multiple 911 calls at the same time. This program now provides our five ambulance companies with a fully staffed ambulance, which is ready to immediately respond to any one of our departments that receives a sudden increase in call

volume. Once it is determined that the original department does not have the resources to respond, usually within four minutes, the tactical ambulance is dispatched, therefore, eliminating the post practice, which was very time consuming, of finding another department that is available to answer the alarm, which is a practice that's done in a good part of this County. This program has enabled our communities to be served with a more efficient response time.

The next program recently created was the Tactical Medic Program, which now provides advanced life support to severe emergency calls in our community we serve. This program provides an advanced life support provider in a response car ready to respond at a moments notice upon being dispatched by MEDCOM.

Lastly, the Islip Town Ambulance Chiefs Association established a standard of care response agreement between all five ambulance companies in our association. This agreement requires all five companies, covering 100 square miles, to be staffed with advanced life support providers during the daytime tours in their respective EMS districts. This, coupled with the Tactical Medic Program, has now brought our area we cover to the forefront in EMS by providing six ALS life support operators prepared and ready to deliver the most sophisticated level of care available to the residents of our communities. This is unique that the tactical medic has five advanced life support program -- providers and a tactical ambulance that can cross jurisdictional borders for the best interest of the patient who requires immediate medical care. These are just a few of the programs the Town of Islip Ambulance Chiefs have started, because we recognize issues that have been recurring over the years. Emergency Medical Services has strived to ensure that the fastest response of an ambulance is at the most sophisticated level of care possible to the taxpayers we serve. These issues do not only exist in the Town of Islip, but in the entire Suffolk County. Our five agencies respond to a bulk of EMS calls that are handled by MEDCOM. We are --

P.O. LINDSAY:

Dennis, you're way out of time, but I've got a bunch of questions for you. I know you guys do wonderful work. And for the rest of my colleagues, Dennis provides a good deal of the ambulance service in my District and his people just do a wonderful, wonderful job. Just some practical questions. The prior speaker, it was my understanding there's 18 on the FRES Commission now.

MR. KELLY:

Yes, sir.

P.O. LINDSAY:

And there is one from Ambulance and one alternate.

MR. KELLY:

That's correct.

P.O. LINDSAY:

Okay.

MR. KELLY:

There's one --

P.O. LINDSAY:

And this proposal by the Charter Commission is to change that to three members, add two more and two alternates, which add one alternate. So is -- that's your understanding. Is the Islip Chiefs in favor of that? Are you in favor of that proposal?

MR. KELLY:

We are definitely in favor of more representation on the FRES Commission. What we're asking is to be considered for one of the seats, because we're an organization that has a proven track record and we feel that we can offer the residents of Suffolk County --

P.O. LINDSAY:
But what organization?

MR. KELLY:
Excuse me?

P.O. LINDSAY:
What organization?

MR. KELLY:
We feel that we could -- with a seat on FRES, that we can --

P.O. LINDSAY:
What organization, though, the Chiefs, the Islip Chiefs?

MR. KELLY:
Islip.

P.O. LINDSAY:
Islip Chiefs.

MR. KELLY:
Islip Town --

P.O. LINDSAY:
Okay.

MR. KELLY:
-- Ambulance Chiefs Association.

P.O. LINDSAY:
But that's another issue for another day on who the particular people will be to fill the spots. But the prior speaker talked about this District 7. How do you feel about that?

MR. KELLY:
District 7 is a -- it's a State organization that represents us in legislation, and it does represent -- any EMS provider can belong to that organization. But I'm not sure exactly how many, if everybody, is involved in that. I don't know what the membership is. It is a State organization, but as far as how many Suffolk County ambulances are --

P.O. LINDSAY:
So it's optional --

MR. KELLY:
Right.

P.O. LINDSAY:
-- if an ambulance company belonged to that.

MR. KELLY:
Right.

P.O. LINDSAY:
Does all the ambulance companies throughout the County belong to the Chiefs Commission? Yeah, the Ambulance Chiefs Association?

MR. KELLY:

I believe if they're not, they have the opportunity to join it. It's open to all volunteer ambulance.

P.O. LINDSAY:

Okay. Well, would you say that the vast majority of them belong to it?

MR. KELLY:

I would say yeah.

P.O. LINDSAY:

Okay. All right. Anybody have any questions of Dennis? I thank you for coming down, Dennis, and answering my questions, because I get a little bit confused with the Emergency Services. I'm sorry. I just know that when we need you, you guys are there.

MR. KELLY:

Okay. Thanks for the opportunity.

P.O. LINDSAY:

You're welcome. You're welcome. Okay. I don't have any other cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

I.R. 1778 - A Local Law implementing the Charter Revision Commission's recommendations regarding the terms of Presiding Officer and Deputy Presiding Officer. 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, what's your pleasure? What do you want to do with this?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. ALDEN:

Then we could kill it like what happened two or three years ago.

P.O. LINDSAY:

All right. Just as long as you don't kill the person, you know.

LEG. ALDEN:

No, no, no, we love the person.

P.O. LINDSAY:

Okay. That concludes our Public Hearings. And following Public Hearings, set the date for October 13th, 2009, 2:30 P.M., in the Rose Caracappa Auditorium, Hauppauge, New York. I.R. 1793, a

Charter Law to strengthen the independence of the Ethics Commission. I.R. 1797, a Local Law to enforce the New York State Returnable Deposit Container Law. I.R. 1800, a Local Law to regulate privatization of County-owned marinas. And 1801, a Local Law to prohibit false advertising by unlicensed electricians and plumbers. Do I have a motion to set that date?

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

I have a motion by Legislator Viloría-Fisher, a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

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

P.O. LINDSAY:

Okay, I have a request to take one out of order -- I don't want to start an avalanche -- because we don't have that many on the agenda, but this is in the Parks Committee. It's **1742-09 - Authorizing the use of Cedar Beach and Peconic Dunes County Park by Suffolk County Historical Society for its Half-Century Bicycle Ride Fund-Raiser (County Executive)**, and the event is this Sunday so they'd like us to act on this early in the day so they can complete the Parks work.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Okay. So I have a motion by Legislator Viloría-Fisher to take 1742 out of order.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Eighteen, the resolution is before us. Same motion, same second on approval; is that all right? Any discussion? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

It stands approved.

Okay, let's see what we can do now. Let's go back to page seven if you're in the paper mode.

IR 1754-09 - Amending the 2009 Operating Budget and appropriating funds in connection with bonding a settlement for a General Liability case (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator --

D.P.O. VILORIA-FISHER:

Gregory.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

-- Gregory. Seconded by Legislator Beedenbender. All in favor?

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. MONTANO:

What's the amount that we're bonding here, Gail?

MR. NOLAN:

Eight fifty.

LEG. MONTANO:

Eight hundred and fifty?

MS. BIZZARRO:

I can answer that.

LEG. MONTANO:

Excuse me?

MS. BIZZARRO:

I can answer that question, if you'd like me to.

LEG. MONTANO:

Someone did, I think 850,000. Do you know how much we bonded this year on these general liability settlements? Hello?

P.O. LINDSAY:

Can anybody answer that?

LEG. MONTANO:

Can anyone answer that? I'm just curious.

MS. BIZZARRO:

I'm sorry.

LEG. MONTANO:

Do you know how much we bonded this year on these general liability or these liability cases?

MS. BIZZARRO:

I don't know that collectively, I don't.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Gail, do you know it?

MS. VIZZINI:

Not off hand, I'd have to -- it would take some time to get that information.

P.O. LINDSAY:

Legislator Romaine?

LEG. MONTANO:

All right. I'll pass on that then.

LEG. ROMAINE:

A quick question. Just -- and this, I guess, is for the representative of the County Attorney's Office. Does the County Attorney bond out all settlements of this nature? Do we go to bond or do we put it in -- is it budgeted? Do you have a line in the operating budget for this? Is there a line in the operating budget for settlements such as this?

MS. BIZZARRO:

We don't have one and it's not our determination as to whether or not anything is bonded; that determination is made by Insurance and the Budget Office. So, you know, I'm just told which direction to go, whether it's going to be cash or budgeted.

LEG. ROMAINE:

Well, I'm going to raise this issue right now, because I see we're going to bond out \$850,000 and over five years that's going to cost us another \$104,644.23 extra to do that. And I'm wondering, as we do a budget, we know we're going to get sued, we know we ain't going to win all of them, we know we're going to have to do settlements, and I want to raise the question why in the general operating budget there is not a line that would say X amount of dollars. And then if we expend that, fine, then we may have to bond, or if we don't expend that, then it's a turnover savings; we all know what that's about. So why is there not a line in the budget, the operating budget for this? Why must we on every legal settlement in which we don't prevail or we negotiate a settlement, must we bond it out? I think that's a legitimate question.

MS. BIZZARRO:

Yeah, I don't -- if I can answer. We don't bond everything, absolutely not. And there are lines in the Insurance Division that handle, you know, that are there to pay for this and there are cash lines as well.

LEG. ROMAINE:

Well, I'll ask the --

MS. BIZZARRO:

I just said it's not -- it does not come out of the Department of Law's lines; that's what you had asked.

LEG. ROMAINE:

I understand that. I'll ask the Budget Review Office, how much in the budget, in the operating budget is budgeted for us to make either settlements, or when we lose a court case and we have to pay, how much is budgeted in all the lines in the operating budget? And have those -- have those lines been expended at this point?

MS. VIZZINI:

There are line items in the adopted operating budget. As a matter of fact, for a number of years the Budget Review Office has somewhat stated exactly the theme that you're about. We do budget for this, we budget for various liability, you know, auto, physical, bus, employer's liability. Mr. Kovesdy is mouthing to me that the aggregate is roughly a million four; is that correct?

LEG. MONTANO:

This year?

MS. VIZZINI:

In terms of the line item that we budget. It has been our experience that it is insufficient to support the extent of the cases that we do have to pay for or settle.

LEG. ROMAINE:

Well, then I'll direct my question to either yourself or Mr. Kovesdy who is at the microphone. How much is left in these lines that are available to us as of this date?

MR. KOVESDY:

The only information I have with me is that in 2008 we spent \$1,475,000 out of Fund 38 for this purpose. I don't have the numbers for 2009, I don't have the 2009 estimate. We could have that information for you. I have last year's total, I don't have this year's total.

LEG. ROMAINE:

The reason I ask this question is if there's money left in these lines, I'd rather see whatever is left paid for this settlement and if it's not enough then we bond whatever remains. I'd want to spend down that operating budget to zero before we start bonding out settlements; I just think that's a better way to go.

MR. KOVESDY:

Mr. Romaine, whatever isn't spent in that line goes to the fund balance which goes to reduce cost and taxes in the next year, so there's only a direct cost when we have the bill. Anything that's left over in that line that we don't use just goes into the pot and reduces the taxes the next year.

LEG. ROMAINE:

But then we get into the philosophical debate, because when you bond it's like ripping out the credit card as opposed to putting your hand into your pocket and taking cash. Paying cash is always cheaper than doing credit. We have that philosophical debate, if we have money left in the lines is what I'm asking, why aren't we expending that first before we go to bond and incur a hundred four, \$105,000 in bonding expense over five years? Just the expense for bonding.

MR. KOVESDY:

I just -- this is a conversation which I know I'll never win, but the basic premise.

*(*Laughter From Panel*)*

The basic premise is that we don't tax people in advance for lawsuits that we don't know what the total amount is going to be. When that comes about, it's better for the County to bond it. But we --

LEG. HORSLEY:

That was well put.

MR. KOVESDY:

It's been the history of Suffolk County that we don't ask to tax people for lawsuits where we don't know the total amount.

LEG. ROMAINE:

Don't ask, don't tell? I'm just asking how much is left in the lines that we did budget?

MR. KOVESDY:

We can get you that, I don't have it with me today.

LEG. ROMAINE:

Okay, but there may be -- we may need to revise this resolution so we can pay it out of those lines and whatever is left we'll bond out.

MR. KOVESDY:

Good.

MR. ZWIRN:

I just would like to add, just because there's a budget line doesn't mean there's cash in that line. I mean, we put a number in for sales tax this year of what we expected, that revenue number didn't come in, that affects everything else in the budget. It's one of the reasons why we've taken a lot of mitigation actions this year is because the cash flow has been so poor. So in the event you are flushed with cash, yes, the answer is you try to pay all these bills without having to bond anything, but in this particular case, especially with litigation matters, it's not unusual.

LEG. ROMAINE:

Not to go back at you, and through the Chair. Obviously with revenues, you can put a number in but you don't know if that's going to be the number. But with expenses, if you budget those expenses, you tax people for those expenses. So if you have lines where you put in expenses, that's something you've taxed people for; that money should be there.

MR. ZWIRN:

If the money is in a line where we don't expend it, as Mr. Kovesdy said, that money will go back to the taxpayers at the end of the year in the fund balance. It's not as if the money goes somewhere else, it goes back to the taxpayers.

LEG. ROMAINE:

Thank you.

MS. BIZZARRO:

If I could also just mention --

P.O. LINDSAY:

I'm trying to shorten this, but go ahead.

MS. BIZZARRO:

We're not at the end of the year yet either, so if there happens to be some cash in those lines, we may have other cases that are going to be coming up on the trial calendar this year that might either settle or go to trial, we may have verdicts rendered for smaller amounts of money and we can do those in cash. So this isn't an all-or-nothing, as you can see it's a very significant sum of money.

P.O. LINDSAY:

Okay. Before I call on Legislator Kennedy who is on the list, Legislator Romaine, I just had a couple of suggestions. First of all, you have graciously agreed to be on the Operating Budget Working Group this year.

LEG. ROMAINE:

I'm reconsidering that decision as we speak.

P.O. LINDSAY:

So, I mean, that could be a first suggestion, if you want to put more money in for settlements, or -- I mean, do you want to pass this, you want to pass over this?

LEG. ROMAINE:

No, no, I wanted to raise the point because I think it's a point worth making.

P.O. LINDSAY:

Okay, and a valid point. It's a valid point.

LEG. ROMAINE:

If we have money budgeted, why would we not expend that money first in those lines as opposed to bonding? I could understand if our money was all expended and our only option was to bond, but that's why I raised that question, it's a question of what you do. I'm just, you know, concerned about debt, because all we're doing is kicking the can down the road.

P.O. LINDSAY:

I agree. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I just have a question for Lynn, Ms. Bizzarro.

Notwithstanding the bonding aspect, we don't usually have these settlements in front of us, this is generally something that's done in Ways & Means, you do it in Executive Session. There's some vetting with Chair and the members and then there's a decision that goes forward.

MS. BIZZARRO:

Correct.

LEG. KENNEDY:

Nevertheless, it is before us. It may only be before us because of bonding, but I guess I'm going to ask you the questions I usually always asked; did we settle, did this go to trial, was there a verdict? Where does this sit, what type of a matter is this?

MS. BIZZARRO:

This was on the eve of trial that we settled it and we consider it to be a very good number.

LEG. KENNEDY:

In comparison to what our total exposure could have been?

MS. BIZZARRO:

Correct.

LEG. KENNEDY:

Which would then -- multiple millions?

MS. BIZZARRO:

Could have been, yes. I'm a little hesitant to talk in any great detail here because my concern is if the bill does not pass, we may be facing a trial again.

LEG. KENNEDY:

Well, and that's part of what I'm going to ask you. Is the settlement, the stipulation to settle predicated on approval of bonding?

MS. BIZZARRO:

Yes, it is.

LEG. KENNEDY:

Oh, is that a fact?

MS. BIZZARRO:

Well, yes. It is not done so in -- at the court level, but the understanding is between the plaintiff's Counsel and our Counsel that it's predicated on bonding.

LEG. KENNEDY:

So if we don't bond then we don't have settlement and we move to trial?

MS. BIZZARRO:

I don't know because I do not know if there's cash to pay this, so that's my concern. And if there is no cash to pay this, I'm back to square one and we start again.

LEG. KENNEDY:

But then that makes Legislator Romaine's dialogue with BRO even more pertinent. Now, I listened halfway before, now I'm interested.

Is there the ability to pay this cash now or not.

MS. VIZZINI:

Well, the --

*(*Laughter From Panel*)*

The speaker brings up an interesting point. Earlier today you authorized a short-term borrowing of \$113 million. This lawsuit will be considered when we determine whether we're going to borrow 95, 100 or 113. So it's a rather sophisticated analysis that goes into effect just before we go to borrow in terms of how much we really need. And we're going to borrow from other accounts in the County that have cash, and don't forget, you're going to do a short-term borrowing.

P.O. LINDSAY:

The money is in the budget but we don't have cash.

LEG. KENNEDY:

Well, that's what I'm trying to get to, Mr. Chair. So because if you're talking to me about a TAN, then that means we can't write the check for 850 grand right now. There's got to be a letting for the DTAN.

P.O. LINDSAY:

Right.

LEG. KENNEDY:

And then we have the ability either to go ahead and pay it or we'll agree to bond this separately. Right now, today, we can't write that check; can we?

P.O. LINDSAY:

(Shook head no.)

MS. VIZZINI:

You would have to get a final determination from the Treasurer, but I remind you that we just authorized the DTAN because of our cash situation. So we will get, you know, the proceeds remitted from the DTAN shortly.

LEG. KENNEDY:

Okay. I'll yield.

P.O. LINDSAY:

Anybody else? Legislator Beedenbender.

LEG. BEEDENBENDER:

Mr. Chair, just for the clarification of my colleagues. When the Ways & Means Committee met in Executive Session to discuss this case, without discussing details, what I can say is that the settlement, at least in my estimation, was a great benefit to the County of Suffolk considering the circumstances of the case and the possibilities that could have existed without the settlement. In fact -- and that's why I supported it at that time. I don't want to go any further because I don't know what I'm supposed to say and what I'm not, but what I can say, at least the discussion of those in the Ways & Means Committee, is that we believe this was a prudent position for the County to take.

P.O. LINDSAY:

Okay. Does that conclude everything? Okay. We have a motion and a second to approve, right?

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Abstain.

MS. ORTIZ:

Seventeen (Abstention: Legislator Romaine).

P.O. LINDSAY:

Can we do same motion, same second on the accompanying Bond?

Roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. GREGORY:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Abstain.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

1683-09 - Adopting Local Law No. -2009, A Local Law amending the Suffolk County Empire Zone Boundaries to include Merchant Services, Inc. (SCTM No. 0400-268.00-01.00-019.000) (County Executive).

I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina-Fisher.

LEG. ALDEN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just a quick question. Does this actually approve tax breaks or tax credits?

MS. FAHEY:

The tax incentives that come along with the program are predicated on actual job creation and investment, they're not given out-and-out straight.

LEG. ALDEN:

No, but what type of tax credit would they get; income tax credit or property tax credit?

MS. FAHEY:

All the tax credits are on -- they're corporate income tax, New York State corporate income tax, wage tax credit, investment tax credit, sales tax credits, property tax credit, on their corporate income tax.

LEG. ALDEN:

Okay, so property tax would be one of those. Thank you.

P.O. LINDSAY:

Ms. Fahey, all levels of government actually kick in for these things. The town takes a hit, the County takes a hit, the State takes a hit, right?

MS. FAHEY:

No, not on this program. This program is -- well, I mean, you can view it that it's our money as taxpayers, but it's funded through the State directly. The local taxing jurisdictions are made whole, they receive their taxes in full.

P.O. LINDSAY:

Oh, including the sales tax?

MS. FAHEY:

Correct.

P.O. LINDSAY:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Ed Romaine.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a quick question. Is there a claw-back provision in this agreement?

MS. FAHEY:

Nothing is given up for them to claw back. They have to create the jobs and make the investment before they can claim the credit.

LEG. ROMAINE:

To get -- I see. Thank you.

P.O. LINDSAY:

Just an information point. There is -- when we do an IDA loan, that we share in the actual cost of it; am I correct on that?

MS. FAHEY:

Correct.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

MS. ORTIZ:

Seventeen (Opposed: Legislator Alden).

P.O. LINDSAY:

1764-09 - Allocating and appropriating funds in connection with Downtown Beautification and Renewal (CP 6418) (County Executive).

LEG. BEEDENBENDER:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Romaine.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

LEG. LOSQUADRO:

Madam Clerk, myself as well.

(*Legislators Eddington & Montano indicated "cosponsor" as well*)

P.O. LINDSAY:

On the accompanying Bond Resolution, 1764A, same motion, same second; roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. BEEDENBENDER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen (Opposed: Legislators Alden & Barraga),

LEG. MONTANO:

List me as a cosponsor on these two bills.

MS. ORTIZ:

Yes.

LEG. BROWNING:

Renee?

P.O. LINDSAY:

***IR 1765-09 - Allocating and appropriating funds (Phase IX) in connection with Downtown Revitalization Program (CP 6412)
(County Executive).***

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Beedenbender.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

LEG. BROWNING:

Renee?

LEG. LOSQUADRO:

Renee, cosponsor.

LEG. EDDINGTON:

Cosponsor.

P.O. LINDSAY:

On the accompanying Bonding Resolution, same motion, same second; roll call.

(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. ROMAINE:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen (Opposed: Legislators Alden & Barraga).

P.O. LINDSAY:

1766-09 - Authorizing a lease agreement with Northside Hangars for use of property at Francis S. Gabreski Airport (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1773-09 - To extend the deadline for Task Force to Study the Feasibility of Suffolk County Community College Assuming the Operation of the Vanderbilt Museum (Horsley).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator Vilorio-Fisher.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1614-09 - Adopting Local Law No. -2009, A Local Law to reauthorize the Hotel and Motel Tax (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to table by Legislator Schneiderman, second by Legislator Romaine. I'll make a motion to approve.

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. The tabling goes first. Anybody want to talk?

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

Go ahead, Legislator Kennedy.

LEG. KENNEDY:

Thank you. I have looked at this bill in the last week at length and I know that it's something that we spoke about earlier in the year to address some of the budgetary issues that we have; the Vanderbilt's in it. But I just need to clarify some of the things that have been put out there, Mr. Chair, as I make my final decision here.

To BRO; we have been told that we must take action on this bill today in order to receive proceeds from an increased tax for the anticipated holiday season, December or January. How is the tax collected and paid out?

MS. VIZZINI:

The tax is remitted by the vendors the 20th of the month, they must remit on a quarterly basis directly to the Treasurer. So there are four quarters where the revenue is reconciled.

The idea -- you should know that the new revenue is estimated to be about \$5 million, \$5.1 million on new revenue. You're probably familiar, on September 2nd the Budget Review Office prepared a memo, it was sent to all of you, it basically compared the current allocation to the proposed allocation and identified the new revenue.

As far as this proposed legislation, the date of implementation is December 1st. The Treasurer's Office advises us that they can notify all the vendors who they have in the database within a very short period of time, I believe she said within a week. I would defer to George to determine if there was any other additional notification required or to the County Attorney.

The -- if it goes into effect December 1st, which I think is your question, that would mean that the January/February collections would have that additional 2.25% rate in it, which once we make the March payment based on '08, March payment constitutes about 10% of the total revenue. So looking only at the new revenue, the 5.1, 10%, you're talking about \$500,000 by implementing it as early as December 1st. That you -- if you delayed, might not be there.

LEG. KENNEDY:

Okay. But clearly, we're not going to see any additional tax revenue in the balance of this calendar year, whether we act today or if we act at our next General Meeting; is that correct?

LEG. NOWICK:

This budget is done.

LEG. KENNEDY:

This three-quarters percent will continue to go through, even if we act today, we go to the higher 3% rate. The earliest that any of the destinations or collecting entities, be it the Vanderbilt or Walt Whitman or Suffolk County Parks Department or LICVB or anybody else, will be March of '09; is that correct?

D.P.O. VILORIA-FISHER:

Ten.

LEG. KENNEDY:

March of '10.

MS. VIZZINI:

Well, those are the beneficiaries.

LEG. KENNEDY:

Yes.

MS. VIZZINI:

Yeah. I would -- I don't know if the County Attorney's Office or George needs to address the notification period to the vendors. The vendors have to adjust, you know, their billing. The hotel that you're going to stay at has to adjust that, you know, it's going to go from .75 to 3%; there is a little bit of a lead time for that. But no, we are not going to get any revenue until after the December 1st implementation date.

I will tell you that this revenue is included in the recommended 2010 budget.

LEG. KENNEDY:

Oh, it is?

MS. VIZZINI:

Yes.

LEG. NOWICK:

For the County Executive's side.

LEG. KENNEDY:

Which then leads me to my next question, particularly as to the funding that is dedicated to our own County departments, Parks in particular. Is this revenue that sits on top of what was an otherwise prepared Parks budget, or does it supplant what was a budget that we had for this year? Is this truly new revenue or is it just replacing what we're doing with other sources of revenue?

MS. VIZZINI:

I have not seen the line items of the budget, therefore I could only guess at the answer. I would have to defer to the Budget Office.

LEG. KENNEDY:

But see if it was after tomorrow then we'd know.

MS. VIZZINI:

We would still need a file.

LEG. KENNEDY:

I don't -- I'm curious as to where this goes, Mr. Chair. But clearly I guess the only ones who could speak to that --

P.O. LINDSAY:

First of all, whatever comes to us in the budget, we have an opportunity to rearrange it. You've got to be aware of that.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

So wherever it's put in the budget is the first blush at the whole thing.

LEG. KENNEDY:

That's true. That's true.

P.O. LINDSAY:

And the second thing is if you didn't do it now, you wouldn't be able to make the December 1st implementation date, you'd push it back to January and you're definitely going to lose some revenue. When you get the revenue is still the same time, it still will be after the first quarter of the first year, but the revenue is going to be diminished because you're losing a whole month, the holiday month.

LEG. KENNEDY:

But apparently, from what I've been told from the LICVB is that when you look at the periods, I guess, when people go to stay in hotels, that time period in the beginning of the winter, we may not have a very heavy travel time period.

P.O. LINDSAY:

But I thought the implementation date was December 1st for the tax?

MS. VIZZINI:

Correct.

LEG. KENNEDY:

Oh, so it would -- then it would capture that holiday time period.

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. KENNEDY:

We just wouldn't see the proceeds paid out until some time in March.

P.O. LINDSAY:

Right.

MS. VIZZINI:

Yeah, unless they remitted, you know, December 20th.

But you're talking about --

LEG. KENNEDY:

Right.

MS. VIZZINI:

-- having the 3% in place for that holiday stays, those holiday stays.

LEG. NOWICK:

You're making money.

LEG. KENNEDY:

All right, I'll yield for now, Mr. Chair.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yeah. Someone once said that the power to tax is the power to destroy, and I understand that because taxes can have an extremely negative effect.

When we as a body look at taxes, we try to be fair, we try to be equitable in how we impose those taxes. Now we're looking to quadruple (sic) a tax on only one industry, an industry that -- and you've heard all the testimony in the past from people who have come down to committee meetings, people who have come down to prior Legislative meetings, that this industry has taken a very large hit. Because if there's anything that people can give up in a recession, it's doing tourist type of activities or benefitting the hospitality industry. You don't have to stay over night, you don't have to book a hotel room, you don't have to do that, and their industry has taken a disproportionate hit in this recession. Every hotel, motel, bed and breakfast will have to further cut their rates or lose business, because some of these rates have already been guaranteed, some of these rates are booked months in advance and they give a rate out and now they're going to have to go back and say that's not the rate.

What's interesting is that this tax does not benefit the tourist or hospitality industry with any great benefit. Only 10% of it is going to promote tourism. The \$5 million projected increase, only 10% of that is going for tourism, the rest is being shopped out all over the place for the Park's Department, for cultural institutions which, by the way, are geographically based only in the west end.

While some other counties may have a higher hotel/motel tax, it's interesting to note that most of these Counties allocate all of this money for the promotion of tourism; we're not going to be doing that. And then you look when this tax passes, there are very specific cultural institutions that are written into this legislation. These cultural institutions don't have to compete against other cultural institutions, but I've got to tell you, people are asking me in my district, "Ed, if they raise this tax which we're all opposed to," and they are all opposed to out east, then they say, "Is any of this

money going to go to the North Fork Promotion Council to help us grow our businesses?" No. Any going to the Hallock Museum? No. Any of the East End Arts Council? No. Any to Maritime Museum in Greenport? No, and I can go on and on. Any to the east end lighthouses? No. Any to the things -- he said, "Well, Ed, many of the people that visit the west end don't stay overnight, it's only people that visit the east end that have a propensity to stay over night in terms of tourism."

And for a small -- large, it's almost 50% of the County in terms of geographic size, but it's only about 10% of the population, we produce a disproportionate amount of revenue. We're the golden -- you know, we're the goose that laid the golden egg out there with all of our hotels, motels and tourist industry. I mean, we can refer to other districts and they don't have a lot of tourism, but we do on the east end. This is going to hurt us in a way that it shouldn't.

I'm opposed to this, this is singling out an industry that's already hurting. This is not being used to benefit that industry in any way, because only a small portion is going to promote tourism and the rest of it is going to west end cultural institutions that don't have to compete. It's like you get it, don't worry about it, and all the other cultural institutions, too bad.

I just think that there's so many things that are unequitable, unfair about this legislation, I would urge you to table it. I would urge to you bring in some of the leaders in the tourist and hospitality industry and see if there can be some accommodation that this could be made more fair, more equitable, because right now it isn't, and it is a bone of contention. And people who vote for this tax, and make no mistake, you are quadripling (sic) a tax; that in a recession is not a good thing to do. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. First, before I make my comments, I just wanted to get clarification on a question that was asked to BRO. The implementation date of this is December 1st. If this were tabled for one cycle and then went into effect, is it impossible to implement it by December 1st, is that what you're saying?

MR. NOLAN:

Both myself and Gail spoke with the Treasurer's Office yesterday about that question. With a December 1st date, the Treasurer's Office would want to send out a notification. I don't think there's any set period of time that the notification has to be, obviously the sooner the better with the notification, but if it was passed later, it sounded to me like they could still implement a December 1st date, it would be feasible.

LEG. SCHNEIDERMAN:

Well, I think that's important to bear in mind as --

P.O. LINDSAY:

Does this go to the Secretary?

MR. NOLAN:

Yeah, this would -- I just wanted to mention this because the Presiding Officer is asking me. Of course it's a Local Law, it has to go to the County Executive, it has to be signed, there has to be a public hearing, it has to go up to the Secretary of State.

LEG. SCHNEIDERMAN:

I understand that. But as I ask for more time, I want you to bear that in mind when you have an industry that is asking for a little bit more time, an important industry.

Before I make my comment, I want to say one more time on the record, as all of you know, I own a

portion of a hotel out in Montauk. Actually, I've spent 15 years directly managing hotels. It's an issue that I have a lot of expertise on and, no doubt, in my region, was one of the things, one of the qualifications, I guess, when people originally put me into this office, that I knew this industry well; much like a farmer from an agricultural area who gets elected to Congress and is expected to vote on things like farm bills because it's fundamental to the region. And of course, I went to the Ethics Board to make sure that I could participate and I was cleared to participate. So again, I'm notifying the Presiding Officer and the Clerk of the Legislature so that you all are aware of my interest in the that hotel.

No one can argue that tourism is not a major component of our County's economy. Tourism related industries are one of our largest employers and generators of sales tax revenues for the County. We often hear about the importance of agriculture. We as a body have provided countless subsidies to preserve farmland and keep farmers farming.

We would never consider new taxes on farmers, even if the money was being used to promote agriculture. Taxing agriculture would hurt farmers by making the products more expensive. But hotels are easy targets. The industry is assumed to be flush with cash; perhaps our childhood experience playing Monopoly has created this misconception.

Many of our hotels are mom and pop operations, small, seasonal motels that after the high cost of operating in our area, are lucky to even break even. This season was dismal. You will be seeing the numbers as they come in to the County later this month. Many representatives of the hotel industry are representing that their revenues were down 20 to 30% over last year. If this is true, then the industry is being hit twice as hard as the general economy.

Now, while the hotel industry is badly hurting, this body is poised to make the industry less competitive with areas like the Jersey Shore where the total sales and hotel tax is less than our current sales tax alone. You may have convinced yourself that this tax won't deter business; you're wrong. Anything that makes it more expensive to stay in an area will, over time, drive visitors to other tourist destinations that are more affordable. This proposal to quadruple the hotel tax is an anti stimulus bill. This will make it more difficult for our economy as a whole to recover from the devastating recession. The harder we make it to do business in this County, the more we will lose out on sales tax revenues. We saw this year a \$150 million plunge in sales tax collection. This giant tax increase will be counterproductive, adding hotel tax revenues while losing sales tax revenues. It will hurt restaurants, shops and many businesses that depend on a healthy tourist industry.

My district is not only distinguished by currently housing all the County's homeless sex offenders, my district also contains more than half of the total number of hotels in Suffolk County. These hotels help the County meet its needs. I recall Budget Officer -- Budget Review Director Gail Vizzini telling me how the strength of the east end economy saved the day for sales tax last year; that is not going to be the case this year. This hotel tax was put together without consulting the industry. The tax is estimated to collect an additional \$5 million in tax revenues, around two million will go to help the County's budget. Of the remaining three million, 700,000 will go to operate the Vanderbilt Museum -- and by the way, we've already raised park fees to cover that -- another hundred thousand to the Walt Whitman Birthplace.

It is interesting that a bill which purports to help tourism contains two earmarks in the Huntington area where only 4% of the County's hotels are located, and none for anywhere else including the south fork where more than 50% of the County's hotels are located. For instance, why is Suffolk's most famous tourist destination, the Montauk Lighthouse, not included for a dedicated funding stream? The not-for-profit Montauk Historical Society struggles each year to operate this important national monument, commissioned by George Washington over 200 years ago as our nation's first Public Works project. Of the new monies, one-tenth, or about half of a million dollars, will go toward tourism promotion. This money will likely go to the LICVB which spends more on administrative costs than it does promoting tourism. When it does promote tourism, it is primarily business travel, even though most of the hotels in the county are leisure travel destinations.

There are many smaller hotel associations that hold regional festivals and events that could greatly benefit from additional tourism promotion funds. The hotels that collect these taxes are often members of these local associations and would have some say in how the money is spent to promote the area where the taxes are being generated.

The hotel industry is willing to come to the table and discuss this issue. By railroading this through, you are in effect saying that you are not interested in working with our businesses and addressing their concerns. You will be acting without seeing the numbers from the tourism season which will be available later this month. This industry deserves the respect of this body. I am asking for you to table this resolution for one cycle. As you know, this was tabled in committee. It was discharged in the final hour yesterday through a discharge petition; that left insufficient notice for the industry to prepare to make its case. By tabling this, we can send a message to our hard working businesses that this Legislative body cares and wants to work together to improve our economy. I ask you to please table this resolution. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Gail, Legislator Schneiderman is correct, this was discharged by petition yesterday. And consequently, I didn't really have time to pull my file, so I have some questions with respect to funding, you know, they're kind of last minute.

I'm reading the bill. Now, the bill earmarks allocations for two organizations, the Vanderbilt Museum and the Walt Whitman Birthplace State Historic Site. Essentially, those two programs are earmarked in this bill. That's an amendment from the prior tax; in other words, they weren't included in -- they may be funded through the operating fund, but in the regular tax bill, George, that we're increasing, these two items are new; am I correct?

MR. NOLAN:

Right, this was in the State-enabling legislation. They didn't identify the Vanderbilt and the Walt Whitman Birthplace specifically, but they described it in such a way that these are the only two institutions that are eligible for this money.

LEG. MONTANO:

Gail, do -- if I recall -- or maybe I should direct this to Legislator Cooper or Legislator Vivian Vilorio-Fisher who sponsored the resolution that we passed. I believe that we gave -- we passed a special resolution to allocate \$800,000 to the Vanderbilt this year through the operating fund; am I correct in that? Could you refresh my recollection on that particular bill.

MS. VIZZINI:

Sure. There is no question that part of the impetus for the increase in the Hotel/Motel Tax started with the decline in the stock market and the decline in the endowment of the Vanderbilt Museum. The Vanderbilt and the Legislature have gone through extensive efforts, because the Legislature has the fiduciary responsibility for the Vanderbilt Museum, to provide a source of revenue. Legislator Vilorio-Fisher sponsored legislation, we increased our park fees, which sunsets March of 2010. Mr. Kovesdy advised me that the park fees have been sunset and are not included, the increase in the park fees are not included in the 2010 budget.

LEG. MONTANO:

How much do we fund the Vanderbilt out of the operating?

MS. VIZZINI:

A mechanism was set up whereby the Vanderbilt did a business plan and reports to us, does a cash flow analysis and reports to four entities. Once that cash flow analysis and her needs are reviewed by ourselves, the Budget Office, the Treasurer is then advised that it's okay to remit, you know, the 70 or \$80,000 that it is she needs on a monthly basis.

LEG. MONTANO:

Well --

MS. VIZZINI:

It's going to come to about \$750,000 for 2009.

LEG. MONTANO:

In this resolution or what we're giving them in the other resolution?

D.P.O. VILORIA-FISHER:

Two thousand nine.

MS. VIZZINI:

Well --

LEG. MONTANO:

The 2009 resolution.

MS. VIZZINI:

Yeah.

LEG. MONTANO:

Now, correct me -- I'm just trying to recall the debate that we had. It was my understanding that when we approved that money, this was going to be a one-shot grant or appropriation to the Vanderbilt. That they would, in essence, have -- they came forward with a business plan, they were going to do fundraising and that they would not come back to the table seeking additional funding; is that a fair representation of what was presented during that prior debate?

MS. VIZZINI:

My recollection was that the park fees would be raised to provide the revenue to give the Vanderbilt a bridge into something else. I believe that --

LEG. MONTANO:

That was the \$800,000, approximately; am I correct?

MS. VIZZINI:

Yes.

LEG. MONTANO:

Okay. And you said that's already sunsetted?

MS. VIZZINI:

That will sun -- the park fee increase sunsets a year after its adoption which is going to be on or about March, 2010.

LEG. MONTANO:

Other than that money, what I'm trying to get -- I don't have the budget in front of me and that's the problem, and I really didn't get to go back to the file. Did we fund the Vanderbilt from the operating budget in another -- did we fund them in the operating budget aside from that \$800,000, last year, 2009?

MS. VIZZINI:

The park fee -- well, the General Fund has not subsidized the Vanderbilt in the past --

LEG. MONTANO:

Okay.

MS. VIZZINI:

-- because the endowment was sufficient.

LEG. MONTANO:

Right. But now it's not sufficient, so we gave them \$800,000 by increasing the park fees.

MS. VIZZINI:

Correct.

LEG. MONTANO:

So now what we're going to do is we're going to give them money by increasing this tax; is that essentially what we're doing?

MS. VIZZINI:

The vendor -- my understanding in the 2010 Operating Budget is the Vanderbilt will be funded through the proceeds of the Hotel/Motel Tax.

LEG. MONTANO:

But that's a new item. In other words, the Vanderbilt had not been funded prior to 2009 through the Operating Budget; am I correct in that?

D.P.O. VILORIA-FISHER:

Yes.

MS. VIZZINI:

Well, the --

LEG. MONTANO:

All right, I just want to be clear.

MS. VIZZINI:

They were not funded by General Fund property taxes. They are in our operating budget, the source of funding was the Endowment Fund, the interest from the Endowment Fund, that was the source of funding.

LEG. MONTANO:

Right, but that really wasn't our County tax money, was it?

MS. VIZZINI:

It's not based on property taxes, no.

LEG. MONTANO:

Okay. Now, this other -- but again, the point I'm making, and I don't want to belabor this, was that my understanding was that the \$800,000 that was coming from the park fees was a one-shot, that they would be able to provide for their needs on their own with the business plan and the promises or commitments that they made to raise funds; is that not accurate? Vivian, do you know?

MS. VIZZINI:

I think it's a quantum leap to assume that the Vanderbilt would be self-sufficient.

D.P.O. VILORIA-FISHER:

Yeah; since you're asking me the question directly. Thank you, Gail.

LEG. MONTANO:

Yeah, and I'm just trying to get the facts, because I don't recall.

D.P.O. VILORIA-FISHER:

We're trying -- they're working on becoming more self-sufficient. As you know, they have the plans with the cell tower, other parts of their business plan. But we need to continue to help them to get to the point where they can become more self-sufficient, and during these very difficult economic times, they're still not there. And so we're -- we're going to provide help, but not through the parks fees.

LEG. MONTANO:

All right. But this tax will provide for funding for the Vanderbilt --

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

-- indefinitely; am I correct in that, or does this sunset?

MS. VIZZINI:

This rate increase I believe sunsets after five years.

LEG. MONTANO:

All right. So we're committing to fund them for five years at a percentage, irrespective of how much they receive through fund-raising next year. In other words, if they raised, you know, \$10 million or if someone gave them an anonymous grant of \$10 million for next year, they would still be entitled to the proceeds from this tax, even if their financial needs didn't call for it; is that accurate, George?

MR. NOLAN:

Could I just -- yeah, let me just clarify. What the State law said is the Vanderbilt would get 10% of the revenues generated. However, beginning next year, the Legislature would have the option of reducing that amount by 1% each year, to nine, to eight, to seven, to six, to five, to a low of 5% in five years. So they would be entitled to receive 5% of the revenues for the length of this extension which is 2015.

LEG. MONTANO:

By reducing it 1% a year, in other words.

MR. NOLAN:

We have the authority --

LEG. MONTANO:

So we go from ten to nine to eight. We don't go from ten to five.

MR. NOLAN:

No, it's 1% each year over the next five years.

LEG. MONTANO:

Okay.

MR. NOLAN:

We don't have to do that, we have the authority to do that.

LEG. MONTANO:

Right. But in no event can we eliminate any appropriation to them because they're entitled to at

least 10% first year, 9% second, etcetera, etcetera, etcetera; am I correct?

MR. NOLAN:

Right, the lowest we can take them is 5%.

LEG. MONTANO:

Okay. Thank you.

The other organization, the Walt Whitman Birthplace State Historic Site; is that a program that we fund presently in the Operating Budget?

MS. VIZZINI:

No, we don't fund that currently.

LEG. MONTANO:

So by this tax, what are we doing; are we authorizing money to an organization that we have not previously funded?

MS. VIZZINI:

It's a State entity. There's a threshold level of funding and also the legislation provides for this organization to ween itself to begin to develop its own endowment.

LEG. MONTANO:

Okay. I'm not familiar with the association or the organization and I don't recall seeing it in our Operating Budget, so this bill now earmarks money to essentially a new funded organization that we are now mandated to fund for the next five years, because it sunsets in five years; is that how I read this? I mean, that's how I read it; is that accurate?

MR. NOLAN:

Well, there is not a sunset provision for Walt Whitman. But again, it's a requirement of the State law. The State authorizing legislation said that a certain amount of money had to go to this organization, so our Local Law -- our Local Law mirrors what the State has enabled us to do.

LEG. MONTANO:

When you say -- was that a Home Rule Message that we passed?

D.P.O. VILORIA-FISHER:

Yes.

MR. NOLAN:

We passed a Home Rule Message asking them to -- yes, we did do a Home Rule Message for this particular bill, yes.

LEG. MONTANO:

So that Home Rule Message -- so we aren't mandated, if we increase the tax now, to give this association 8% of the revenues collected for as long as we're collecting this increased money?

MR. NOLAN:

One-and-a-half percent; I think the first year is \$80,000, but for that particular group, it's an amount equal to one and one-half percent of all revenues collected for the support of the Walt Whitman Birthplace State Historic Site Interpretive Center.

LEG. MONTANO:

All right, so the 8% applies to all County museums, and an amount equal to one-and-a-half percent

is going to go to this particular organization and this is new funding.

MR. NOLAN:

It's new funding, it's consistent with what's in the State law.

LEG. MONTANO:

All right. And Gail, just finally, this revenue increase is already included in the County Executive's proposed budget; is that what you said earlier?

MS. VIZZINI:

That's correct.

LEG. MONTANO:

So if we don't pass this, then we have a deficit, a structural deficit in terms of anticipated revenues for next year's budget.

LEG. ROMAINE:

No.

MS. VIZZINI:

Well, yes.

LEG. LOSQUADRO:

Yes.

MS. VIZZINI:

You would probably --

LEG. MONTANO:

Right, exactly.

MS. VIZZINI:

About \$5 million would be the new portion.

LEG. MONTANO:

Right. If the County Executive's budget were to pass but this did not pass, we would start the year with a deficit in revenues of \$5 million because he's already accounted for the expenditure of the money that he anticipates collecting from this tax; am I correct?

MS. VIZZINI:

If you made no other changes, yes.

LEG. MONTANO:

If we made no other changes. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

You know, I'm trying to figure out a lot of this. And I know we've been hearing a lot from the east end hotels; we've heard nothing from anybody on the west end. We have a lot of industrial places, the 110 corridor, there's hotels on the west end that we have visitors come in for business, stay at those hotels, and I'm trying to look at this tax as, you know, whether this is a good thing or a bad thing. And I look at, you know, who's going out there to the east end? You know, I have to say, I got tons of e-mails from people from New York City who own properties on the east end and they're

saying they're opposed to this, and I think to myself we just passed an MTA tax to help New York City and I think that this is a tax that none of the New York City people are going to have to pay to us here in Suffolk County.

You know, I look at the cultural institutions, I look at the historical sites in my district, I have the Hawkins House, I have the Yaphank Historical Homes, and many of them that need rehabilitation, that need help. There's a Ketchum Inn in the Moriches area and I wonder, you know, are we going to gain from this, are we going to benefit from this for the historical places in my district? You know, I'm kind of in the middle. You know, the east end, we talk about open space preservation; well, what does this open space preservation do for our districts? It increases the tourism, it encourages tourism to the east end because of our open space. You know, I would have supported -- you know, I would support your tabling motion because I need to know more, I'd like to know what kind of revenue are we going to generate from the west end hotels?

MS. VIZZINI:

In anticipation of questions of this nature, we took a look at the Treasurer's actual data for 2008. And the Hotel/Motel Tax, 64% of it comes from the five west end towns, 36% comes from the east end of which 22% happens to come from the Town of East Hampton. So the predominant source of the revenue is west end.

The Budget Review Office worked very closely with the State and even the County Executive's Office in determining the categories where the proceeds of the additional revenue would go and the -- it's a source of revenue for you. You know, my memo to you indicates the new revenue, but the revenue will be line-itemed in some respect, either in the budget by a combination of the County Executive and the Legislature, or appropriated from that fund by resolution. So you will have the opportunity, with the exception of the Vanderbilt and the Walt Whitman Society, to make a determination as to what entities receive the funding.

One of the entities that is likely to be funded from this rather than the General Fund is the Historical Society, at least that was our intent. But again, I don't have the detail from the budget, so I don't know what the County Executive recommended, but when we were putting this together, this is what we were thinking.

And if I may, the new revenue alone, the five point one million, would be equivalent to a 10% increase in the General Fund Property Tax.

LEG. BROWNING:

You know, another thing that I looked at, I mean, I heard the hotel owners from the east end and their concerns. The weather this year was horrendous, which certainly affected their business. You know, they talked about -- there was one gentleman that did come and I think, you know, they're talking about their businesses and losing people to their hotels, and I think I'm going to talk to George because what I do know is that we have a lot of homes out there and we have private homeowners that maybe it's their second home or their -- you know, they rent them out for the summer for an exorbitant amount of money and we don't collect taxes. They -- I don't know if they have rental permits. But I think that's something that we should seriously be looking at, because I think that's where the hotels and why the hotels are losing their money, is because, you know, you have 20 individuals, rather than staying in a hotel, will rent a home.

So I think I'm going to be talking to George to see what we can do on our end to help the east end hotels to make it fair for them, and I think that's something that we really seriously should be looking at, whether it be a rental permit type of thing or something. It will be revenue for us, but it will also try and help to be more fair to the hotel owners out there.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Well, I think this debate has taken on a whole new meaning for me because I think when we sat in the public hearings back in Riverhead, it seemed like the only question was the east end hotel -- is it hotel year, is that how you say it -- were concerned about losing business. Gail, if we table this today, let me just make sure I'm hearing it right, is it then too late to start -- if we go to the next meeting, will it then be too late to take advantage of the Christmas collection, so to speak?

MS. VIZZINI:

You need time for a notification period. Dennis Brown is researching whether there is any other requirements, but the Treasurer told us that within a week they could notify the hotel/motel operators. How much time these individuals need to adjust their systems, I don't know. But --

LEG. NOWICK:

But then it is a -- if we wait the month to the next meeting, then there is time for us to take advantage of the December -- was it the 1st? We have enough time. Although they don't adjust their -- maybe their books, they'll still owe it, it doesn't really make a difference; by law they'll owe it.

MS. VIZZINI:

Right, the effective date for this is December 1st.

LEG. NOWICK:

Right. The other thing that concerned me was that there's also two different schools of thought here, too. On one side we're talking about hotels losing money because of the extra 2.25%. On the other side we're talking about distribution, and I'm not sure if we fix the distribution, would then the collection of the tax be fair, and I'm not so sure.

But just to skip to the part where hotel people are going to lose money if we raise this 2.25%, I don't believe that's a fact. I think most people now a days get on the Internet, they look for a good rate, nowhere on that Internet site does it say "plus an extra" -- I can't hear.

P.O. LINDSAY:

Hold it down. I'm sorry.

LEG. NOWICK:

When you look on the Internet site, you see a hotel, it's \$200 a night, nowhere do you look and say, "Oh, wait, tax is 3% here, it's 2% here, I'm not booking here, I'm going to Atlantic City." They're not going to Atlantic City because they're not going to pay the tolls and they're not going to pay for gas, they're going to pay -- I don't think it's going to stop people from booking. I don't believe it's going to stop people from going to the west end hotels that are business people that get off the plain at McArthur Airport, rent a car and, by the way, pay that tax too; I don't think they're going to cancel their hotel reservations for an extra 2.2%, 2.25%.

So I think that we have to weed out what the problem is. Is it the extra money, or we are willing to do that if the money is disbursed in a certain manner, and I'm trying to determine where we're going with that.

LEG. SCHNEIDERMAN:

That's why we need more time.

LEG. ROMAINE:

More time.

P.O. LINDSAY:

Legislator Vioria-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I just have three points, and one of them is piggy-backing on what Legislator Nowick just said regarding the rates. Earlier, Legislator Romaine had said that hotel and motel owners are setting their rates and this doesn't impact that, their rates are whatever their rates are and the taxes come on top of that. So this doesn't impact how they're setting their rates now. The second is that I'm perplexed as to why we're looking at a tabling motion when we really can't change the provision of this law. This is State law and we're voting yea or nay, if I'm not mistaken.

LEG. SCHNEIDERMAN:

Can I ask Counsel to answer that?

D.P.O. VILORIA-FISHER:

Mr. Counsel?

MR. NOLAN:

As I had mentioned earlier, the language of this law essentially tracks exactly what the State law says. We have to -- in implementing the tax, we have to do it the way the State lays it out in terms of the categories, the 24% for a tourism promotion agency. We really don't have the latitude in terms of changing categories or changing percentages of categories; the State has laid it out, the Local Law tracks the State law.

D.P.O. VILORIA-FISHER:

Okay. And the third point I have --

LEG. SCHNEIDERMAN:

I'm sorry, could --

D.P.O. VILORIA-FISHER:

-- is when I listened very carefully to the people who came to speak when we were in Riverhead and most of the complaints I think really reflect what Legislator Browning alluded to; business owners losing their renters to homeowners who are renting under the radar. You know, we face this with people who are buying cigarettes and not paying tax on them because they're buying them, you know, sub rosa, and here we have people who are renting their homes, they're not paying any tax on it, they're not paying sales tax or income tax or anything else. And so it seems to me that it's a problem, as Legislator Browning said. In fact, I suggested this when we were speaking earlier with Legislator Schneiderman, that the towns should -- the towns, where there are heavy rentals and heavy private rentals of homes, they can certainly see the newspaper ads in the New York Times for \$80,000 for a summer; boy, that would be good to get a hold of that kind of sales tax on that. Craigs List, we certainly know the sources where they're being advertised. There are realtors who specialize in renting people's homes and they are renting to a number of people, they have squeezed 20 people into a house. So those are issues that can be taken care of outside of this and that's what I heard a lot of when the hotel and motel owners came to speak with us in Riverhead.

So at this point, I don't see what good a tabling motion would do since we can't change the parameters of the law. And I don't see that the myths that are out there that most of our revenue comes from the east end, I don't see the substance in them when you've already given us the number that 64 comes from the five western towns, 64%. So I'm going to vote to approve this today; we need revenue, we know what tough times we're in. And many of the parks on the east end, including Third House, are part of our historic edifices that will benefit from this.

I serve as Parks Chair, I serve on a number of other subcommittees and it's extremely expensive to take care of these historic structures. We need the revenue so that we can maintain our structures. We either pay now or we will pay later when they fall apart, when they fall into decay because they haven't been painted or windows haven't been caulked and all of that maintenance work that has to

be done. So we certainly need this revenue, and tabling it just isn't going to solve anything. Thank you, Mr. Chair.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

If we need the revenue because we're having a tough time, imagine what the citizens of Suffolk County and actually all of Long Island, what they're going through. And they have one thing -- well, we have one thing that they don't have, we have the power to tax.

Under the prior administration, there was a pretty comprehensive report on the hotel industry, which I think that that's something that if it's been upgraded, would actually provide us some information that we could make an intelligent decision on that, on this issue. And one of the things that it did touch on was how many people from Suffolk County would be affected by this new tax, and the testimony that we heard before, the east end has somewhere upwards of 50% of their business is based on people from Suffolk County going to the east end. So at least 50% of the people out there, it looks like from that testimony, would be Suffolk County residents that are going to be having to bear an additional tax.

A couple of other things that really hit me. If you use a business analysis, every business really there's a breaking point and when you price your product -- and I don't know how many people here have been in businesses where you sell something, but I have and I've been in a couple of businesses like that -- there is a point where you actually lose business. So you can raise your price to a certain extent, and that's tax included, so when you include the tax, if the price is above a certain point, you're actually going to lose business.

The question is still unanswered whether we had \$800,000 worth of additional income through the additional fees that we charged golfers and other park users this year. So once we do that analysis, I'm not so sure that we're going to look like we did the right thing there, we possibly could have hurt our own business by raising the fee on that.

Additionally, if all these things that we're going to give money to, which most of them -- not most of them, anything that I've seen or heard testimony on, sounds like a great thing, why not be honest? I'm really getting tired of looking at things like when the bill comes from New York State to reregister my truck, there's extra charges on there. I get a bill from my wireless operator, there's extra charges on there. There's just tax upon tax upon tax. When you go to the pump and you gas, you're paying tax, sales tax on top of a price that includes excise taxes, value added taxes and all kinds of stuff. It's just a little sickening. And if we look, and maybe it's the truth, maybe it's not, but there's some tea parties going on and I believe that's people that are fed up with paying tax, they feel that their lives would be a lot better off if government got their hands out of their pocket instead of going deeper and deeper into their pockets to take more tax.

So I would suggest -- and then there's other ways that we could have solved this problem, but we have the couple of sacred cows. And let's face it, the Presiding Officer put in a resolution, I've put in a resolution that would have looked at the possibility and mine definitely, and I believe the Presiding officer's also -- would have presented the proposition to the people in Suffolk County, "Do you want your property tax to go up to support all kinds of government operations, legitimate, good things, or do you want to maybe scale down the amount of money that goes to open space purchases? Do you want to rearrange, do you want to look at that?" Do we want to go back to the old formula where more money went to sewers to protect our water? Do you want to go back to a tighter formula where you identify properties that really would provide the vista and provide what we're trying to do and create an environment to lure people out here? Come back and look at our farms, look at our vineyards, things of that nature.

And I really -- I find it ironic that we have a \$350 million purchase program that's going to cost over

\$500 million after you buy the property and now you pay it back over the next 25 years, that takes an additional \$350 million of property off the property tax rolls, so there's an additional cost that we don't bother looking at even. And even in just one little -- one of the little pieces of that; \$18 million for Dick Cavett's backyard in an area where seventy something percent of the property was already publicly owned. And that property, even according to the testimony we heard, you're not going -- no one is going to have access to that property. They can look over it and maybe walk the on beach at one point of it. And we heard from East Hampton, they might have zoned it for one house to be built on that, and that one house would have been paying tax on a large parcel of property that you could stop on the edge of the road and look over it and see the ocean and see one more house next to Dick Cavett's.

So I'm a little perplexed that this Legislative body would want to actually approve another hidden tax rather than, if it's important, put it in the budget. That's what I said about the Vanderbilt Museum, if that's our priority, put a million bucks in the budget. And actually, we have money in the budget right now that goes to the Vanderbilt Museum and that's all their capital programs, and that's tens of millions of dollars that it costs us each year for principal and interest repayment. So they're already in the budget, this would just make them in the budget a little bit more, and whatever other worthy causes, Walt Whitman, the Sayville -- what is it, the -- because Bill and I support --

P.O. LINDSAY:

Maritime, Maritime.

LEG. ALDEN:

Bill and I support the Maritime Museum, the Islip Arts Council, other Arts Councils. Then we can actually distribute the money in a more fair manner, or more fair ratio. This is actually just another hidden tax. And I'm very, very disappointed that we're even considering it when we had other alternatives, but we decided that no, those are sacred cows, we don't touch them.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yes, thank you. I asked for -- because what I'm hearing is that this bill comes from the State law. I asked for a copy of the bill, the State law, and I was handed a Senate bill. And quite frankly, my eyes aren't what they used to be; I've read this, I've skimmed this twice already and I can't find mention of the Vanderbilt Museum, nor the Walt Whitman Birthplace State Historic Site and Interpretive Center; I don't see that in the bill. It makes reference to -- unless this is not the document that we're referring to.

MR. NOLAN:

As I mentioned earlier, Legislator Montano, the State bill did not name specifically the Vanderbilt Museum or the Walt Whitman House, but it includes descriptions which I can point out to you in the State bill that fit only those two entities in Suffolk County. If you hand me the State bill, I'll be glad to give those to you.

LEG. MONTANO:

I have a Senate bill, I don't know who sponsored it.

D.P.O. VILORIA-FISHER:

(Inaudible).

LEG. MONTANO:

Excuse me?

LEG. ALDEN:

(Inaudible).

P.O. LINDSAY:

No.

LEG. MONTANO:

From Huntington?

MR. NOLAN:

They're identical bills.

LEG. MONTANO:

Right. But the State bill --

LEG. ALDEN:

You have the Assembly bill.

LEG. MONTANO:

I have the Assembly bill.

LEG. ALDEN:

Not the Senate bill.

LEG. MONTANO:

Well, which is the one -- they should be the same if they passed the Legislature, it should be one in the same. Excuse me?

MR. NOLAN:

Let me see the bill.

*(*Legislator Montano handed Mr. Nolan the Assembly Bill*)*

LEG. MONTANO:

What you're saying, George, rather than belabor this, is that there's no mention of the Vanderbilt nor this other association, but what you're saying is that the way it was written, even though it excluded them by name, you're saying that it can only apply to these two organizations?

MR. NOLAN:

Correct. I'll give you an example. There's language in here that says, "Ten percent of all revenues collected shall be utilized by the County of Suffolk for the support of any museum accredited by the American Association of Museums which is located in such County's first dedicated park and is also listed on the National Register of Historic Places"; that's the Vanderbilt Museum.

LEG. SCHNEIDERMAN:

It could be the Montauk Lighthouse.

LEG. MONTANO:

Someone pulled a fast one, because if they intended to fund the Vanderbilt, why didn't they simply write it in the bill? I mean, that would be the appropriate way to do it, instead of defining something in such a way so that the average reader doesn't know what they're talking about, and then at the end of the day we've got an earmarked legislation for, you know, what was that in Alaska, a bridge to nowhere or funding for -- it seems to me that this is a back door attempt to fund these particular programs. So I'm going to support a tabling motion.

LEG. KENNEDY:

One more question, Bill, and I'll let it go. George, the State legislation also only outlines 40% as far as directed funding, doesn't it, and the balance is to General Fund?

MR. NOLAN:

I don't think it -- I do not believe it's that much to the General Fund.

LEG. KENNEDY:

I --

MR. NOLAN:

I would have to -- I'll defer to BRO on it, but there is an amount that goes to General Fund.

LEG. KENNEDY:

I just laid out 40% as you were talking and I think the balance catch-all is 60% of all collected is into the General Fund. You know, we --

MR. NOLAN:

I'm 99% sure it's not 60%, but --

MS. VIZZINI:

General Fund park purposes is 26%. The tourism promotion has always been directly from hotel/motel, that's 24.

P.O. LINDSAY:

Historic structures.

MS. VIZZINI:

Historic structures has also been directly from hotel/motel, that's gone up.

P.O. LINDSAY:

Museums, cultural.

LEG. KENNEDY:

You know, again, it's unfair to sit here and try to calculate math at this point.

MR. NOLAN:

It's more like 74, 75% has dedicated purposes, by my calculation.

LEG. KENNEDY:

Let me go to a different piece of math. I just got from the Hyatt that the increase will be from 86,000 now to 354,000 should we impose. I'm going to vote to table. I need to speak to the other large hotels in my district to see how that translates to their employment. Thank you.

LEG. MONTANO:

Thank you.

D.P.O. VILORIA-FISHER:

Can you say that again? I didn't hear what you said about --

P.O. LINDSAY:

Okay. Everybody else go?

LEG. KENNEDY:

Eighty six to 350.

P.O. LINDSAY:

All right. I'm --

LEG. KENNEDY:

Eighty-six thousand to 354,000.

P.O. LINDSAY:

Okay. Could I have a little order, please? I've heard everybody and I'm going to support the bill and here's why I'm going to support the bill. A lot of it goes back to what Legislator Browning said because I think it made a lot of sense.

In some jurisdictions -- you know, I rent a house in Florida for a couple of weeks in the wintertime. You have to get a permit from the County down there, the owner has to get a permit to rent the house, is what you're talking about, and they do that to protect the hotels in the area, that they don't -- you know, that there's some kind of equal footing. So I think you're right on with that.

The numbers that Gail revealed to you I thought were very interesting, that 64% comes from the west end. I would venture to say that a vast majority of the west end visitors are not Suffolk County residents, they're business people that come into the area.

And the other thing is that the testimony this morning, about 50% of the revenue from that motel comes from Suffolk County residents, from that motel. I can't believe half of the tourist stays on the east end come from Suffolk County, I really can't. I think probably a vast majority of them come from New York City. And I agree with Legislator Browning there again, we just were burdened with this MTA tax to support New York City transit; well, this is a way that Suffolk County can get some money out of New Yorkers that come and enjoy our beaches and our venues and our parks and do not contribute to our tax structure out here. So I think that's fair, I really do think that's fair.

The illusion of what's going on with the bill, there is no doubt about it, when the State Assembly authored the bill, they wanted a specific earmark for Walt Whitman; and the reason why, because they couldn't fund him anymore. They went from 70,000 to 50,000 to 20,000 and they're very concerned about that historic structure, that it be taken care of and they saw this as a method to make sure that that historic Birthplace is continued to be funded, and not that we wouldn't probably consider that anyway, because it's a very important site within Suffolk County.

And really, last but not least is on the funding levels, we, this body, has great discretion on what funding cultural arts, museums, historic structures we'll be able to use this money for. And I venture to say that when it comes budget time, every one of you have somebody -- something within your district that you need funding for, whether it be the Islip Arts Council or the Staller Center or Westhampton Performing Arts or the Bay Street Theatre or some of our historic structures that really need an influx of money. What we have to be very careful of in these very troubling, troubling times, that the venues that make Long Island a good place to visit don't fall in disrepair and fall off the table. And I think this is good business to keep them viable, to keep our communities a welcome place to come. And as I said, I'm going to be voting for it. So with --

LEG. SCHNEIDERMAN:

Bill?

P.O. LINDSAY:

I was hoping to get the last vote -- the last word. Go ahead.

LEG. SCHNEIDERMAN:

Again, we heard that one month, there will still be sufficient time to implement it. You have an industry that's very important to Suffolk County --

P.O. LINDSAY:

What are you going to do in one month?

LEG. SCHNEIDERMAN:

Hold on. You have an industry that wants to come to the table and talk to you, Mr. Presiding officer. You'll have the numbers to analyze this coming in toward the end of September to see what is happening within the tourism industry, and it seems like a reasonable request to wait a month.

Now, I understand going to the State if there were some changes to the bill, but yet there are things that this body can do short of going to the State that I know that I've had some conversations with Counsel about. There may be ways that this bill, if there is going to be a hotel tax, could work better for some of the people who are collecting this tax who have spoken before you today. So one month to talk to that industry I don't think is unreasonable.

P.O. LINDSAY:

And I think that, Legislator Schneiderman, you know this, when we started down this avenue in late spring, late winter/early spring, I had a meeting with a lot of representatives from the tourism bureau that were hotel owners. I know it isn't exactly the same group of people that you would want to accommodate and that's the east end motel owners, but I think it was a broader base of that industry. They didn't like the bill by any stretch of the imagination, but they -- we had the discussions, we had the discussions, so it isn't as a complete shock to anybody. So with that, we have a motion to table; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes to table.

LEG. BROWNING:

No.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes to table.

LEG. MONTANO:

Yes to table.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Eight.

P.O. LINDSAY:

Okay. Motion to approve; roll call.

*(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)*

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. ALDEN:

Nope.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Fifteen.

LEG. MONTANO:

Fifteen?

P.O. LINDSAY:

1731-09 - To appoint a member of the Suffolk County Planning Commission --

MS. ORTIZ:

I'm sorry, I said fifteen. Thirteen (Opposed: Legislators Romaine, Schneiderman, Eddington, Montano & Alden).

LEG. MONTANO:

Yeah, thirteen.

D.P.O. VILORIA-FISHER:

That's what I counted.

P.O. LINDSAY:

1731-09 - To appoint a member to the Suffolk County Planning Commission (Matthew Chartrand) (County Executive). I'll make a motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Did he come before the committee?

P.O. LINDSAY:

Yes, he did.

MS. ORTIZ:

Eighteen.

LEG. LOSQUADRO:

Renee, cosponsor. I may already be on it.

P.O. LINDSAY:

1751-09 - Amending the Adopted 2009 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2009 Capital Budget and Program, and appropriating funds in connection with maintenance of recharge basins on Nichols Road (CP 8240.322) (County Executive).

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Viloría-Fisher.
All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

Ed has his hand up.

P.O. LINDSAY:

Oh, yes, I'm sorry.

LEG. ROMAINE:

Just a quick question; I don't want to hold up the process. But I didn't know we were using 477 money to do routine maintenance on recharge basins?

LEG. KENNEDY:

Through the Chair?

P.O. LINDSAY:

I think -- if I'm not mistaken, Legislator Romaine, I think this might have come to us before and we requested that 477 money, but I could be wrong. Go ahead, Legislator Kennedy.

LEG. KENNEDY:

Yes, no, as a matter of fact, that was. Because as you may know, Legislator Romaine, the groundwater table in that particular area over my home community, Nesconset, is elevated significantly.

LEG. ROMAINE:

I remember.

LEG. KENNEDY:

This allows for a connection for a series of town-based storm drains to join with the County-based storm drain off of CR 16.

LEG. ROMAINE:

I remember.

LEG. KENNEDY:

And in fact, allows for a physical expansion of another 25%. I could probably go on for about another half an hour, but I'll yield.

LEG. NOWICK:

No, that's okay.

LEG. ALDEN:

Yeah, thanks, John.

P.O. LINDSAY:

Okay. Any other questions? We'll go back to it and take the vote again. All in favor? Opposed? Abstentions?

D.P.O. VILORIA-FISHER:

We took the vote, no?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

She didn't announce the vote, I didn't see Legislator Romaine's hand.

1755-09 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Gregor (a/k/a Cheadle) property - Town of Brookhaven (SCTM No. 0200-589.00-03.00-008.002 p/o) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Town of Brookhaven? Second by Legislator Browning. All in favor? Opposed? Abstentions?

LEG. HORSLEY:

Opposed.

MS. ORTIZ:

Seventeen (Opposed: Legislator Horsley).

P.O. LINDSAY:

1756-09 - Approving planning steps for the acquisition of Farmland Development Rights – July 2009 (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro and seconded by Legislator Beedenbender. And I assume this is master list stuff because it isn't specific to the --

MR. NOLAN:

Five parcels.

D.P.O. VILORIA-FISHER:

Calverton, Riverhead, East Hampton.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

1762 -- Good-bye, Walt.

*(*Laughter From Panel*)*

1762-09 - To amend Resolution No. 187-2009, "Establishing an Equestrian Task Force" (Eddington).

LEG. EDDINGTON:

Motion,

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Browning.

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

(The following was taken by Lucia Braaten, Court Reporter & Transcribed by Kim Castiglione, Legislative Secretary)

P.O. LINDSAY:

1774, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (the links at East Quogue property – Town of Southampton).

LEG. SCHNEIDERMAN:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

Abstentions?

*(Legislators Montano, Alden and Gregory
Stated their opposition in unison)*

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

1781, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Clarke property – Chandler Estate addition – Town of Brookhaven – (SCTM No. 0200-046.00-03.00-023.000).

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

(Legislators Gregory, Barraga, Alden and Montano stated their opposition in unison)

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

Health and Human Services. 1724, Adopting Local Law No. -2009, A Local Law to further enhance and strengthen the Colette Coyne Melanoma Awareness Act.

LEG. D'AMARO:

Motion to table.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1759, 1759A, Appropriating funds for the Brownfields Program, Gabreski Airport APDD site (CP 8223). I'll make a motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Explanation. George?

MR. NOLAN:

Well, it's 1.2 -- \$1,273,000 for construction site improvements to remediate County owned sites requested by the Department of Health Services. That's just from the resolution.

LEG. ALDEN:

Who's on the committee? Did we get any development of the facts?

P.O. LINDSAY:

Legislator Browning, could you remember that one?

LEG. BROWNING:

No, to be honest with you, I don't remember that one.

LEG. ALDEN:

It's for 1.2 million?

MR. NOLAN:

One million, two-hundred seventy-three thousand dollars. The SEQRA provision says that the project entails investigation and remediation of the site in accordance with DEC brownfield programs. Toxic and hazardous materials remediated will be disposed of in accordance with Federal stipulations.

LEG. ALDEN:

Mr. Presiding Officer, it's over a million dollars expenditure. Could we ask the administration -- skip over it and ask the administration maybe they --

P.O. LINDSAY:

I think Ms. Bermel is here.

LEG. ALDEN:

Oh, good.

P.O. LINDSAY:

You know, from the Health Department. Maybe she has adequate -- Mr. Chamberlain just walked in the auditorium and he knows all about this.

MS. BERMEL:

Good afternoon, Margarite Bermel, Suffolk County Department of Health Services. The funds were included in the adopted Capital Budget. These were sites that were identified in need of brownfield clean up and remediation, so it's the \$1.2 million that we're appropriating for this purpose.

LEG. ALDEN:

Are these parcels that we already took or are these parcels that after we remediate them we'll take them for lack of payment of taxes?

MS. VIZZINI:

This is Gabreski Airport.

MS. BERMEL:

This is the Gabreski Airport site, so --

LEG. ALDEN:

So it's stuff we already own.

MS. BERMEL:

Correct.

LEG. ALDEN:

And what's the purpose of cleaning it up now, because it probably sat there for 50-something years.

MS. BERMEL:

Well, they were identified as a superfund site. So certain sites that were identified that are priority for clean up, and this was one of two that will be by resolution today to appropriate the funds.

LEG. ALDEN:

So we're going to be reimbursed, because a superfund site is somewhere where we're going to draw down funds from New York State or the Feds, so we just have to pay this up front and then we get the money back?

MS. BERMEL:

Well, we also have Steve Forst from the Budget Office, so I think he was involved in the Federal funding part of the project.

LEG. ALDEN:

Okay. Maybe he could, you know, put my fears to rest here. And I'm questioning the timing, because we're not doing so well with revenues, and if we could put this off maybe 100 years or something like that, then we might be in better shape by then. I mean, unless I'm going to have to go and spend two or three years like walking around that site, but he's -- I see he's studying. Come on up. Through the Chair.

MR. FORST:

I mean, I would have to research that for you. I'm not aware of the Federal funding that we would receive.

LEG. ALDEN:

Are we being reimbursed? It's just we lay it out and then we get reimbursed? Then I'm all for it. But if this is money we are going to have to actually pay back, then I'd like to hear a little bit more about the project and why it can't wait a little while. Don't forget, we ran up our debt to the point where we had to sell off a whole bunch of revenue that we didn't have really replacement or an idea for a replacement, and that's going to hurt us going forward with all our budgets for the next, I'm going to say, oh, only about 15 years, 20 years.

MS. BERMEL:

These are County funded projects. I don't believe that they're reimbursed, but we'll check into that.

LEG. ALDEN:

And also, just why we have to do them today. And seriously, why, you know, they've been sitting there for 50 years. Why we couldn't wait like another two or three years when we're in a little better financial condition, because if we borrow the money, we're going to have to pay it back. Next year is not supposed to be too good, either. Although I won't be as worried about it as I am right now, but. And are you going to have information you think within a little while or you can research it?

MS. BERMEL:

I could check and see if I can get anybody right now at this hour, but it's possible. I can make a call and see.

LEG. ALDEN:

Okay. Thanks.

MS. BERMEL:

Thank you.

LEG. ALDEN:

Mr. Presiding Officer, can we skip it and then come back to it?

P.O. LINDSAY:

How long are you going to --

MS. VIZZINI:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes, Ms. Vizzini.

MS. VIZZINI:

If I may. We did write up this particular capital project in our Capital review and, you know, the short of it is the money is included in the Capital Program for this purpose. It's for the decontamination of certain polluted properties owned by the County. There are four or five properties that are under consideration. This one happens to be for the properties at the airport. We are developing the airport, so it would be prudent for us to take care of the contamination, and it's money that we have in our Capital Program.

LEG. ALDEN:

And, through the Chair, we've already borrowed this money?

MS. VIZZINI:

No, you would be authorizing the borrowing of --

LEG. ALDEN:

And that's my point. Before we authorized a lot of borrowing that maybe we should have done a little bit more prioritization on, and I'm asking is this something that we need to do today to get it cleaned up by, you know, next year or early next year when we're going to rent the property out or whatever we're going to do with it. If it's something that's a longer-term project, I'm just going to make the suggestion, I mean, there's 18 of us that are going to vote on it, but I'll make the suggestion that whatever we can put off, we really should put off. Because didn't we just -- we sold our tobacco stream of revenue with really no replacement for that stream of revenue because, oh, we borrowed money and now we have to pay that money back. That's the only point I'm making. If this is priority number one, good. But so far in my mind I haven't heard testimony that this should be priority number one.

D.P.O. VILORIA-FISHER:

You can table it. Are you making a motion to table?

LEG. ALDEN:

Yeah, I'm a glutton for punishment. Motion to table. Oh, it fails for a lack of a second. Okay. Now let's go on with something else.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

You got your second.

LEG. ALDEN:

Who? Who seconded?

LEG. KENNEDY:

You got a second.

LEG. ALDEN:

Who, you? You'll vote against it, too, though.

P.O. LINDSAY:

Let me ask, Ms. Bermel, are you getting any more information or it's not possible tonight?

MS. BERMEL:

I was listening to --

LEG. LOSQUADRO:

You have to come up, ma'am.

P.O. LINDSAY:

We can't hear you.

MS. VIZZINI:

She says that she was listening to what I had to say and she's going to call back to the office to see if she can augment the information.

P.O. LINDSAY:

What if we skip over it. Is it all right, Legislator, if we just skip over it and see if Legislator Bermel comes back -- Legislator Bermel. Ms. Bermel comes back with anything, all right?

1760, Appropriating funds for the Brownfields Program, former Canine Kennel site at Gabreski Airport (CP 8223). The same thing. You want to skip over it?

LEG. ALDEN:

Skip over it.

P.O. LINDSAY:

Yup. ***Labor, Workforce & Affordable Housing. 1758, Amending the hourly rate for temporary positions in the Suffolk County Classification and Salary Plan.***

LEG. GREGORY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1742 we already did. *1743, Authorizing use of Blydenburgh County Park by Almost Home Animal Rescue and Adoption for its Dog Walkathon and Costume Fundraiser.*

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. KENNEDY:

Dogs and costumes. You got to love it.

P.O. LINDSAY:

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

MS. ORTIZ:

Approved -- I mean eighteen.

LEG. BEEDENBENDER:

Cosponsor.

P.O. LINDSAY:

1744, Authorizing use of Meschutt Beach County Park by Special Olympics New York for its Hampton Bays Solar Plunge Fundraiser.

LEG. LOSQUADRO:

Polar.

P.O. LINDSAY:

Polar. It said solar.

D.P.O. VILORIA-FISHER:

It does say solar, but it's polar.

P.O. LINDSAY:

Polar.

LEG. SCHNEIDERMAN:

I'll make the motion.

MR. NOLAN:

It's an error.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1745, Authorizing use of Blydenburgh County Park by the Carol M. Baldwin Breast Cancer Research Fund for its Walk Fundraiser.

D.P.O. VILORIA-FISHER:

Motion.

LEG. NOWICK:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1753, Approving a license agreement for Paul Wilson to reside at Hertlin House, Holbrook Road, Ronkonkoma.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Public Safety. 1590, Preventing registered sex offenders from maintaining accounts on social networking websites.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second. On the motion. This was the one that Megan's Law was asking to be tabled?

LEG. MONTANO:

Yes, and I'll explain why. The bill, as originally submitted, in the whereas clause had, and I don't have it in front of me, but it basically authorized and encouraged and directed the Department of Probation to take action. I had a conversation with John Desmond and he said he would prefer that the word directed be removed from the bill. They are in the process of working with the software and he wanted discretion with respect to making these recommendations. And I concurred with him and I said, you know, as a Commissioner -- thank you. As a Commissioner you should have the discretion to either put in or not put in as you feel appropriate. We can always come back later and amend with a directive, but I didn't think a directive was necessary. Until this morning I really didn't know that Laura Ahearn had made the objection to the bill. But in any event, I mean, I have no, if the consensus is to table it, I have no problems tabling it, but as the sponsor of the bill and in consultation with John Desmond, I'm prepared to move forward with it if that's the way it goes. Any

questions?

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:

Yes. We've discussed this in my committee and we asked Laura Ahearn to reach out with Nassau County because they have this going right now. She had told me that the software is there, but that -- that Director Desmond, you know, wanted -- thought there could be better ways to use it or whatever. But right now they are using it and it is being effective. They had to reallocate some time, but I don't believe they have hired anybody new to do this.

Her concern with discretion is that, and I would say that John Desmond is an awesome worker, but he's a Director, not a Commissioner, so that he really does work at the discretion of the County Executive, and we really wanted to have this so that it was recommended and then let the District Attorney and the judge have the discretion. I wanted to take it out of, you know, you know what I'm saying. I wanted to have it -- I wanted to have the law enforcement people really decide, the judge and the District Attorney, and let it be a recommendation that can be changed by them, not by the Director of Probation. I just would feel more comfortable and she said that's what she would recommend.

LEG. MONTANO:

I'm sorry. If I may, how does that affect the language of the bill? What are you suggesting?

LEG. EDDINGTON:

This way it's up to the Director of Probation to decide. And I can't speak for him, but if I didn't have the personnel or I thought that it might cost me money to buy the software, I might not recommend it. I might --

LEG. MONTANO:

So are you asking for an amendment to the bill?

LEG. EDDINGTON:

Yeah. What we're asking, actually, is to have it the way you had it.

LEG. MONTANO:

You mean to go back to the original.

LEG. EDDINGTON:

Yeah, that's how Suffolk -- that's how Nassau was and it seems to be working better that way.

LEG. MONTANO:

You mean put the word directed back into the bill.

LEG. EDDINGTON:

No, I think the word discretion.

LEG. MONTANO:

We took out the word directed so it makes it discretionary.

LEG. EDDINGTON:

Yes, and we would rather have it that Probation recommends that all these people have social networking to be checked. Am I not being clear?

LEG. MONTANO:

You might be clear, but I'm not getting it. I'm sorry, Jack.

LEG. EDDINGTON:

We would like to have Probation recommend that they go on this checklist.

LEG. MONTANO:

And it says here the Office of - "Resolved, that the Probation Department in conjunction with the Office of the District Attorney is hereby authorized and empowered to recommend to sentencing judges". What I took out from the bill that apparently Ms. Ahearn objected to, was language that said authorize, empowered and directed. So we took out the mandatory component, which makes it now discretionary upon those parties. And, I mean, if you want to go back to stronger language, I don't have a problem with it. But I didn't think it was appropriate. I thought the recommendation part would be sufficient. I don't know what was passed in Nassau. I believe yesterday the Nassau Legislature passed its bill and the County Executive immediately signed it, but I don't have a copy of that bill. So if anybody -- if you would like me to table it for a cycle, just tell me and I'll be more than happy to do that.

LEG. EDDINGTON:

Let's do that and clarify the language.

LEG. MONTANO:

Then I will withdraw the motion to approve and I'll make a motion to table.

LEG. EDDINGTON:

I'll second that.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1727, Adopting Local Law No. -2009, A Local Law to amend the Suffolk County Emergency Telephone System Surcharge Program. Anybody want to -- this is just the renewal of the surcharge, is that it, expands it?

LEG. ALDEN:

More money.

MS. VIZZINI:

This clarifies that the surcharge would also apply to telephones that are provided by the cable companies, the voice over internet protocol.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Losquadro. I'll second it.

LEG. ALDEN:

Is this taxed? What's the surcharge?

MS. VIZZINI:

Thirty-five cents. If you have a land line you already have this, but if --

LEG. ALDEN:

This is one of the things I am really happy about. When I looked down that list of about 30 different charges that are added and all excise tax and this, that and the other thing, I love that. So now this is going to make this effective to -- we're going to add more tax on to what, wireless?

MS. VIZZINI:

No, it's not more tax. It's more of an equity issue. The cable providers, people like me who have their phone through the cable companies, will have to pay the same tax you have to pay.

LEG. ALDEN:

You don't pay tax when you have a cable company? There's no taxes on that bill?

MS. VIZZINI:

The law, when it was originally constructed, you know, there was no such thing, so the cable --

LEG. ALDEN:

Oh, no taxes on cable service? Or, no, this is telephone part of it.

MS. VIZZINI:

Taxes on the telephone service provided by the voice over internet.

LEG. ALDEN:

So when you're looking at all your tax lines, you're going to have another one. Does that pretty much sum it up?

D.P.O. VILORIA-FISHER:

No, you're not going to have another tax line.

LEG. ALDEN:

No, you are not going to have another tax line?

MS. VIZZINI:

On my bill, yes, on yours, no. We'll be paying the same.

LEG. ALDEN:

How do you know what I have?

MS. VIZZINI:

I assumed that you said that you liked this when you looked at the list.

LEG. ALDEN:

Never assume. I love taxes, yeah. I love paying them, I love it when they just stick it to me. Keep sticking it to me.

MS. VIZZINI:

My distinction was simply that it's, you know, now the cable provider telephone service would be included in this 35 cents.

P.O. LINDSAY:

Legislator D'Amaro, and then Legislator Barraga.

LEG. D'AMARO:

Thank you. Gail, just very quickly to follow-up on that. Is -- are we collecting revenue from the cable provider for voice over internet on a voluntary basis? I thought I had heard that the cable

companies were paying it voluntarily. If you know. Do you know?

MS. VIZZINI:

I know that the Operating Budget included \$1.2 million in anticipated revenue from such an arrangement. What I do not know is whether the arrangement was agreed to or effectuated. Perhaps Mr. Brown could shed some light.

MR. BROWN:

Yes, sure. We do have an agreement with Cablevision. I would also -- actually, we do have an agreement with Cablevision. It went into effect last year. There was confidentiality provisions in connection with the agreement, but since that the State law has passed. What this -- what this bill does is it amends the definition of a traditional, and it's consistent with the State Law, of a traditional telephone company to include companies, such as Cablevision and Vios, that provide telephone service over the internet. The technology is known as voice over protocol. So currently telephone companies are authorized to charge 35 cents per line, per subscriber. And there's been a diminishment in revenue received not only in Suffolk County, but all counties over in New York State, because of the transition from traditional land lines to voice over internet protocol telephone service. And so what this does is it captures the revenue that was lost under the existing State Law.

LEG. D'AMARO:

And, Gail, what's the anticipated revenue if we approve this legislation? Do you have a projection?

LEG. ROMAINE:

The financial impact statement says 100 to 200,000.

MS. VIZZINI:

Yeah. The financial impact statement prepared by the County Executive's Budget Office, it's modest, it's about 200,000.

LEG. ALDEN:

Paid by those people from New York City though, right? Oh, no, it will be paid by our constituents.

LEG. D'AMARO:

Okay. All right. Thank you. That's it. Thank you, Gail.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Gail, Gail. Over here. Just a quick question. Is the voice over internet monies, is that a dedicated fund to something or does that just go to the General Fund? Where does that go?

MS. VIZZINI:

Well, it's in the Fund 102, which is the 911 Fund.

LEG. HORSLEY:

It goes into the 911.

MS. VIZZINI:

Right.

LEG. HORSLEY:

That's where I was going. It goes into the general 911 Fund. Okay. Thanks.

P.O. LINDSAY:

Okay. We have a motion and a second. Do we have a motion and a second?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen.

LEG. MONTANO:

No.

LEG. ROMAINE:

Abstain.

P.O. LINDSAY:

You got the count? You got four opposed?

MS. ORTIZ:

Fourteen.

LEG. ALDEN:

Am I opposed?

MS. ORTIZ:

(Nodded)

LEG. ALDEN:

Good.

P.O. LINDSAY:

Well, one abstention, three negatives.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

Okay. *1740, Appoint member to Suffolk County Citizens Corps Council (Thomas Donnelly).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1722, To amend Resolution No. 31-2009, "Establishing a Task Force on Hate Crimes in Suffolk County". Legislator Gregory, what's your pleasure?

LEG. GREGORY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1775, 1775A, Amending the 2009 Capital Budget and Program and appropriating funds in connection with upgrading to New Police Dispatch Consoles (CP 3509).

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Losquadro.

LEG. ALDEN:

Is this the Highway Patrol?

P.O. LINDSAY:

No. This is for consoles.

LEG. ALDEN:

I was only kidding.

P.O. LINDSAY:

Oh, okay. Does this correct the problem that man had earlier?

LEG. LOSQUADRO:

Hopefully.

P.O. LINDSAY:

Will it?

LEG. LOSQUADRO:

Jack?

D.P.O. VILORIA-FISHER:

Jack?

LEG. EDDINGTON:

I'm sorry.

P.O. LINDSAY:

The gentleman that testified earlier about the problem with transferring the 911 call to the Sheriff and the 47 seconds with, you know, will this correct that?

LEG. EDDINGTON:

I haven't checked it out, but my understanding is that there will be two new consoles for the Sheriffs, so I'm assuming that's why they're doing it. But I shouldn't assume as I've been learning rapidly. I will be checking that out. It has to help at least the service.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

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

(Roll called by Renee Ortiz - Chief Deputy Clerk)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

1730, Authorizing the County Executive to enter into an agreement with the New York State Department of Environmental Conservation in connection with the Suffolk County Route 48 CAP Section 14 Emergency Shoreline Protection Project.

LEG. ROMAINE:

Mr. Presiding Officer, I'd like to make a motion to table this for one cycle. Let me just explain. This is for Hashamomuck Cove. This is a small project, but what they have proposed to do is to put sheathing between the road and the homes. In essence, wiping off the homes and letting them fall into the sea, and when that happens, even the sheathing will not save the road. So I would like to see if I could meet with the Executive and DEC and the Army Corp because there are other suggestions that could be pursued that could be used for this money that would stabilize the cove, protect the homes and also protect the road.

P.O. LINDSAY:

So are you making a motion to table?

LEG. ROMAINE:

Motion to table for one cycle.

P.O. LINDSAY:

I'll second that.

LEG. ALDEN:

I only have one question.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

Does anybody know, when this came up, is there a timeframe that the DEC has to have their permits by?

LEG. ROMAINE:

No.

LEG. ALDEN:

No. That's good. Thanks, Ed.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1747, Approving an amended construction contract between Suffolk County Sewer District No. 11 - Selden and a consortium known as District 11 Venture.

LEG. LOSQUADRO:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Beedenbender.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm not on Public Works. What's the connection fee and is it in conformity with our duly enacted legislation?

LEG. BEEDENBENDER:

I believe the answer is yes to both of those questions, Mr. Alden, but I'm just waiting for the bill to come up on my screen here.

LEG. ALDEN:

Okay. Somebody said, and I think it was --

D.P.O. VILORIA-FISHER:

7.06 per gallon.

LEG. ALDEN:

7.06 per gallon is about half of what the connection fee was as approved by this Legislative body, because it's \$15. There might be an exception, though, so.

MR. NOLAN:

I think the District 11 venture funded the expansion and they're recouping the cost.

LEG. ALDEN:

Good. Okay. Thanks, George.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Did you call it? I'm sorry, I didn't hear you. ***1748, Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 7 – Medford (CP 8129).***

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Browning. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1749, Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115).
Somebody in Huntington Sewer District No. 5?

LEG. COOPER:

Motion to approve.

LEG. STERN:

Second.

P.O. LINDSAY:

Motion -- who made the motion?

LEG. COOPER:

I did.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Stern. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1752, 1752A, Amending the 2009 Capital Budget and Program and appropriating funds in connection with energy conservation at various County facilities (CP 1664).

D.P.O. VILORIA-FISHER:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. I'll second it.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Why does this amend the Capital Budget? Wasn't some money put in the Capital Budget for energy conservation this year? And it was a large amount.

MR. REINHEIMER:

This just shifts planning money within the budget within that capital project to construction, and resulting in appropriating \$125,000 for planning and 2.4 million for construction. So it's shifting money within the project and appropriating.

LEG. ALDEN:

Now, does it reduce the overall cost?

MR. REINHEIMER:

No, it's just shifting the whole program, what's in there. There was 625,000 in planning. They are taking 500,000 and shifting that to construction. So they're going to appropriate the remaining 125,000 for planning and appropriate 2.4 million for construction.

LEG. ALDEN:

Lance, that's a big miss, half a million dollars?

MR. REINHEIMER:

Well, these are for programs, according to the Department of Public Works, that don't require a lot of engineering, and that they need the money in construction in order to carry out these projects. So it would result in savings -- energy savings and progressing the program.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

On 1752A, same motion, same second. Roll call.

(Roll Called by Renee Ortiz- Chief Deputy Clerk)

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *1761, Approving a construction agreement between Suffolk County Sewer District No. 13 – Windwatch and Motor Parkway Associates for the expansion of the sewage treatment plant by 155,000 GPD.*

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to approve this.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. MONTANO:

Cosponsor, Renee.

P.O. LINDSAY:

J.R. 1780, 1780A, Amending the 2009 Capital Budget and Program and appropriating funds in connection with a Cost Benefit Analysis of Sewer Capacity, Demand, and Alternative Solutions (CP 8189).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. I'll second it.

LEG. ALDEN:

Is this one for Islip projects?

P.O. LINDSAY:

This is the one to --

LEG. ALDEN:

You had the Babylon projects last week.

P.O. LINDSAY:

No.

LEG. BEEDENBENDER:

On the motion.

P.O. LINDSAY:

This is to expand the whole study.

LEG. ALDEN:

Big study.

P.O. LINDSAY:

Yeah, and do them all.

LEG. ALDEN:

Okay.

LEG. BEEDENBENDER:

On the motion, Mr. Chairman.

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

Just real quick for the clarification of my colleagues. This is what we talked about last time. There were 13 -- well, there were 12 areas identified by the Wastewater Task Force that Legislator Horsley was involved with. What we've been told is that we can fund design ready plans for all of those with \$2.4 million, rather than the 1.2 that's currently budgeted. And they cost -- there are some economies of scale here, having a consultant, because when they do one environmental impact statement the others are easier. If we were to fund them all separately they would cost about 300,000 apiece, so we'd probably end up spending \$3.6 million if we did them all separately. So doing it this way saves us about a million dollars, because if the Wastewater Task Force identified these as areas of need, then they're areas of need and we might as well get the design ready plans for when Federal funding comes down the road.

LEG. ALDEN:

But my area is still way behind.

LEG. HORSLEY:

That's correct, and there's also preliminary work done on most of those 12.

LEG. BEEDENBENDER:

What was your question, Legislator Alden? I'm sorry.

LEG. ALDEN:

My area is still way behind. His area is way ahead, right?

LEG. BEEDENBENDER:

I wouldn't look at it that way, Legislator Alden. I would say all the areas on this list are at the same spot that the resolution for Babylon was for last time. So they're all on the same plane because now this bill would fund them equally.

LEG. ALDEN:

These are on the same plane behind them.

LEG. BEEDENBENDER:

No, no, no.

LEG. ALDEN:

Why did we approve that?

LEG. BEEDENBENDER:

Well, that funding is because that was for one specific -- those four areas, Wyandanch, Deer Park --

LEG. HORSLEY:

North Babylon and West Islip.

LEG. BEEDENBENDER:

North Babylon and West Islip, because there is expansion for this Southwest Sewer District already planned. The rest of these 12 we don't have a currently funded expansion project, so this is to get the design in place. We didn't want to hold back and wait. We wanted to get that in place.

LEG. ALDEN:

And my point, I made it last meeting, was my part is part of the Southwest Sewer District, and it was always part of the expansion of the Southwest Sewer District. It includes Legislator Lindsay's district, too, which is all butting up against a major body of water. That was my point. Now those

projects are behind the ones for the Babylon/North Babylon area.

P.O. LINDSAY:

We have a motion and a second.

D.P.O. VILORIA-FISHER:

Legislator Romaine wants to speak.

P.O. LINDSAY:

I'm sorry. Legislator Romaine. Forgive me. How could I forget you.

LEG. ROMAINE:

Right. I'm definitely going to vote for this as I vote for all sewer resolutions because I understand the necessity of this. But I just will say in the packet there is a resolution that I discussed with Legislator Horsley about the feasibility study that he said Southold did not want, but they actually do very badly want a feasibility study for a small section of the commercial area in the Mattituck community, which is surrounded by water to the north and to the south and have a very shallow water table. They're having water problems there. So that is in there. It will be less than \$50,000. I put 50,000 in, but it probably will be done for about 30, 35,000 maximum.

I just want to say that it's a very small piece of the pie, but it is something I don't want people to forget about even though it's so far out east. And I will continue to support my colleagues on the west end as I have with every single vote on sewers. Thank you.

LEG. HORSLEY:

We love you, too, Ed.

P.O. LINDSAY:

Thank you.

LEG. MONTANO:

You do?

P.O. LINDSAY:

Okay. We have a motion and a second. We approved that, right, we approved 1780? You gave us -- no?

MS. ORTIZ:

No, we didn't call the vote.

P.O. LINDSAY:

We have a motion and a second on 1780. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. KENNEDY:

Cosponsor.

LEG. EDDINGTON:

Cosponsor.

D.P.O. VILORIA-FISHER:

Cosponsor, Renee.

LEG. HORSLEY:

Yeah, cosponsor also.

P.O. LINDSAY:

Okay. Same motion, same second. Roll call on the accompanying bond, 1780A.

(Roll called by Renee Ortiz - Chief Deputy Clerk)

LEG. BEEDENBENDER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Ways and Means. 1733, Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law (the Central Islip Union Free School District) (SCTM No. 0500-099.00-02.00-082.000). Do I have a motion?

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1739, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 James Prianti and Nancy Prianti (SCTM No. 0200-882.00-02.00-043.000). Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1768, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 George Doumanis (SCTM No. 0200-056.00-03.00-020.001). I'll make the motion. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1769, Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 David

Kachmar and Kathy Kachmar (SCTM No. 0500-048.00-02.00-037.000).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion -- who made the motion? Motion by Legislator D'Amaro.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Let's go back to the one with Miss Bermel, two of them. Okay. Miss Bermel, do you --

MS. BERMEL:

Yes, Mr. Chair. I.R. 1759 is not eligible for State or Federal funding. This is County funded. The County Attorney and Division of Environmental Quality entered into a voluntary clean up agreement with the DEC. There's a work plan and a timeline in place that we are required to adhere to. There could be penalties assessed if we do not adhere to the timeline. This is a negotiated agreement. If it's not followed the site can actually be designated as a superfund site, which would be more costly to the County than this negotiated agreement, voluntary clean up agreement. The lease had been authorized by the Legislature with Rechler for development, so there is a priority determination for this clean up to go forward.

LEG. ALDEN:

And when does the Rechler agreement kick in?

MS. BERMEL:

It had been authorized by the Legislature. I don't have the start date of that.

LEG. ALDEN:

How about this. When does this actually have to be cleaned up by?

MS. BERMEL:

I don't have the plan in front of me. I don't have access to that, but there is a plan, there is a timeline.

LEG. ALDEN:

Six months, 12 months? You know, just a guess or just give me a rough idea. Two years, five years?

MS. BERMEL:

No, I would say -- I would not say two to five years.

LEG. ALDEN:

Shorter than that.

MS. BERMEL:

Yeah, I would say shorter than that. I would say six months.

LEG. ALDEN:

Okay. Then there is a need to take action today. Thank you.

MS. BERMEL:

Yes. That's the indication I had from -- I spoke to both Carolyn Fahey and Matt Miner.

P.O. LINDSAY:

Thank you, Ms. Bermel.

MS. BERMEL:

You're welcome.

P.O. LINDSAY:

Stay right there. We'll do this one first, all right, because Mr. Alden's a reasonable man.

LEG. HORSLEY:

Do we have a motion to approve on that?

P.O. LINDSAY:

Yes. We have a motion and a second, right?

MS. ORTIZ:

We have a motion to approve and a motion to table.

LEG. ALDEN:

Who made the motion to table, me?

MS. ORTIZ:

Yes.

D.P.O. VILORIA-FISHER:

You did. It was seconded by Kennedy.

LEG. ALDEN:

WD.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. The accompanying bond resolution is 1759A. Same motion, same second. Roll call.

(Roll called by Renee Ortiz - Chief Deputy Clerk)

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, 1760. Ms. Bermel, same story?

MS. BERMEL:

Same story, Mr. Chair. Thank you.

P.O. LINDSAY:

Same story, just different canine -- kennel. Yes.

LEG. ALDEN:

Through the Chair. This is part of the property that we're going to, what is it, lease? We can't sell it, it's leased to, right, Rechler Associates? They're going to create that, what, high tech park?

LEG. HORSLEY:

The industrial park, right.

LEG. ALDEN:

So this is all part of that.

LEG. HORSLEY:

Yes, it sounds like it.

LEG. ALDEN:

You know what, Wayne, through the Chair, was that part of the presentation that we knew we were going to have to clean up "X" amount of property? Because I just vaguely remember something like that.

LEG. HORSLEY:

I know that they were going to run the utilities and things like that through it. I'm not sure I knew it was dirty, though.

LEG. ALDEN:

Because now we're up to \$2 million and I don't know what we got up or what we're going to get up front from them. If that wasn't presented with the original deal, that changes it big time. So I know there was money in there, a couple of million dollars for infrastructure.

LEG. HORSLEY:

So what we're saying is we're making it shovel ready for them to do the industrial part, so.

LEG. ALDEN:

Right. I'm just hoping -- I'll look back.

LEG. HORSLEY:

But if we had to sign a -- if we had to sign a voluntary agreement with DEC, we have to clean it up, it's our property. I mean, so -- you think it should have been part of the agreement with Rechler? He's not going to do that. He probably wouldn't have gotten a deal then.

LEG. ALDEN:

No, I'm not saying pass it on. It should have been presented to us that, you know, in addition to the infrastructure cost, and we are going to incur some infrastructure cost, we have clean up cost. I'll look. Maybe you did present it that way.

LEG. HORSLEY:

I may have.

LEG. ALDEN:

I hope you did. All right. Thanks.

P.O. LINDSAY:

Okay. We have a motion and a second on 1760 -- no.

MS. ORTIZ:

I don't have a motion.

P.O. LINDSAY:

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

LEG. HORSLEY:

I'll second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

On the accompanying bond resolution 1780A, same motion, same second. Roll call. 1760, I took my glasses off.

(Roll Called by Renee Ortiz - Chief Deputy Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. In the packet, let's go. Let's wrap this up, everybody pay attention.

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

We have *Procedural Motion No. 23, Amending Resolution No. 370-2009, designating depositories pursuant to Section 212 of the County Law*. I believe this came over from the Treasurer's Office at her request.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Second? I'll second it.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. ALDEN:

Can somebody tell me whether this was -- does this add banks or does it take away banks? And I'm just going to bring up something, too. That new bank that we added last time, what was the name of it?

LEG. BARRAGA:

Empire.

LEG. ALDEN:

Empire Bank. There was a statement by the owner of the bank, or, you know, whatever he is, the

head honcho, that they hope to, within the next year and a half two years, become profitable. So we kind of approved for deposits a bank that really hasn't demonstrated it's ability to be profitable. How about this bank? Has anybody looked into the condition?

LEG. ROMAINE:

Which bank is this?

D.P.O. VILORIA-FISHER:

Herald.

LEG. ROMAINE:

This is a new one.

LEG. SCHNEIDERMAN:

Herald.

LEG. ALDEN:

Did this go through? So we don't have any testimony. It's adding a bank. We don't have any testimony about that bank?

P.O. LINDSAY:

Let's make it easy. You want to --

LEG. ALDEN:

Send it to committee.

P.O. LINDSAY:

Send it to committee and we'll have the Treasurer come in and complain.

LEG. ALDEN:

Yeah, either way. That's fine.

P.O. LINDSAY:

All right. So, is commit to committee okay with everybody? I'll make that motion. Second by Legislator Alden. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Oh, to recommit? Eighteen.

P.O. LINDSAY:

Okay. ***Procedural Motion No. 24, Authorizing funding for Community Support Initiatives (Phase VIII).***

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Which should be the end of them, I think. Legislator Losquadro made the motion, seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. And we have a bond resolution, ***Amending Bond Resolution of the County of Suffolk,***

New York, adopted August 18, 2009 and amended on September 17, 2009, Authorizing the issuance of 400,000 in bonds to finance the cost of preparing a sewerage feasibility study for Deer Park, North Babylon, Wyandanch and West Islip areas. How does this differ?

MR. NOLAN:

What happened at the last meeting was we approved the underlying appropriation. The bond resolution we also approved, but it did not reflect the changes, the increased number of areas that would be included in the study. It mentioned two of the areas, not all four areas. This was pointed out to bond counsel; he prepared this resolution to correct that.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Okay. Motion by Legislator D'Amaro.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. Roll call.

(Roll Called by Renee Ortiz - Chief Deputy Clerk)

LEG. D'AMARO:

Yes.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay, red folder. CNs. ***1853, Accepting and appropriating \$811,937 in 100% Federal funding from the Town of Islip Community Development Agency for the Homelessness Prevention and Rapid Rehousing Program and authorizing the County Executive and the Commissioner of Social Services to execute a contract.***

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano, seconded by Legislator Eddington. On the question, Legislator Romaine.

LEG. ROMAINE:

Yes. It's not on this question, it's on this red packet. Earlier this year the County of Suffolk was made eligible for three bomb sniffing dogs for MacArthur Airport and three Police Officers were supposed to be transferred to that unit. In May these officers were notified to get ready for the six weeks of training at San Antonio Airport, but it never came forward. One of the officers approached me and indicated that it had been sitting, approval of this grant, before it came to the Legislature, was sitting on the Commissioner's desk. Accordingly, I called the Commissioner. "Oh, yes, Ed, I'm going to move that along. Don't worry about that, it's right on my desk and it's going to be taken care of." I said, "Well, Commissioner you have one more Legislative meeting before the end of the Federal year, September 17th, so it should come over on a CN."

I called Legislator Eddington, who's Commissioner -- Chairman of Public Safety, to make him aware of this. And apparently he called the Commissioner. Now, the Commissioner never got back to me, but the County decided, without asking this Legislature, not to go forward with that grant for MacArthur Airport. I asked Legislator Eddington and he surmised, and it was only a surmise on his behalf, that it was probably a desire not to staff, to take Police Officers and give them an assignment they did not have currently. Although earlier in the year these officers were contacted, three of

them, for potential training and told get ready and this was last May.

So I just want to raise that, that it is not in the packet, that it is troubling to me, because I thought it would be in the packet. And I just wanted to put that on the record, because whether we have bomb sniffing dogs for MacArthur Airport as part of the Homeland Security grant or not, I think the decision to accept that grant or to do this program should have been not only the decision of the Executive Branch, but also should have been made jointly with the Legislative Branch. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

I know this is -- all right. We have a motion and a second on 1853.

LEG. ROMAINE:

That's the only opportunity I have.

P.O. LINDSAY:

All right. Mr. Zwirn, I assume you're there, to --

MR. ZWIRN:

Enlighten.

P.O. LINDSAY:

-- rebut or inform or enlighten Legislator Romaine on the issue? Go ahead, what do you know about bomb sniffing dogs?

MR. ZWIRN:

I know that the grant didn't cover as much as we had previously anticipated. It was only about one-third the cost, so we were trying to find out if we can use forfeit --

LEG. LOSQUADRO:

Asset forfeiture.

MR. ZWIRN:

Thank you. That's exactly what I was saying. The day grows old. But we are trying to see if we can do that through whatever they said, and that's the reason it's been held up. It's not that we've discounted it completely, we're just trying to figure out a way to make sure that we can cover all the expenses, if possible, through other means other than, you know, County tax dollars.

LEG. ROMAINE:

Does this grant expire October 1st with the Federal fiscal year?

MR. ZWIRN:

I believe we still have time. My understanding, Mr. Romaine, is we still have time.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. I guess once again I'm the victim of miscommunication, because I got a letter from the Police Commissioner saying that they were not going to pursue this grant. So, I mean, unless I read it wrong, but I will go back and reread it, but that's what I -- I'm pretty sure. It was only like three lines so it was pretty clear.

MR. ZWIRN:

No, I think that's probably true until we can find out if we can get additional funding to cover it. So we're still --

LEG. EDDINGTON:

But do you understand the problem with communication? It just like dropped off. We're not pursuing this. Now you're saying more information, and all I've been asking all along is give me the information. I'll support whatever you want, but you can't give me pieces of information.

MR. ZWIRN:

Well, it was a situation that was fluid, so.

LEG. EDDINGTON:

Boy, am I learning new words, I'll tell you. Fluid, have no recollection.

MR. ZWIRN:

I didn't say no recollection.

LEG. ROMAINE:

Jack, just remember, McCarthyism.

MR. ZWIRN:

I don't know how to respond to that.

P.O. LINDSAY:

Okay. Thanks, Ben. Go back to the back room. Do we have a motion on 1853? All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1854, Accepting and appropriating \$509,925 in 100% Federal funding from the Town of Babylon Community Development Department for the Homelessness Prevention and Rapid Rehousing Program and authorizing the County Executive and the Commissioner of Social Services to execute a contract.

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1855, Authorizing, empowering, and directing the Suffolk County Department of Planning to file and accept a grant application with the New York State Department of Parks, Recreation and Historic Preservation for State funds to assist in the acquisition of real property for open space conservation purposes.

LEG. SCHNEIDERMAN:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Who was the second over there? Beedenbender. Okay. How much is this for? Did anybody check?

LEG. ALDEN:

Three-hundred thousand.

P.O. LINDSAY:

Wait a minute, wait a minute. How much is this? Six-hundred thousand.

LEG. ALDEN:

That's not bad.

P.O. LINDSAY:

Okay. We have a motion and a second on 1855. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

LEG. SCHNEIDERMAN:

Cosponsor, Renee.

P.O. LINDSAY:

1856, Accepting and appropriating additional 100% Federal Aid from the New York State Department of Health to the Department of Health Services, Division of Public Health for the Public Health Emergency Preparedness Program.

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

We got Introductory Resolution ***1857, Accepting and appropriating a grant in the amount of \$1,374,630 from the New York State Division of Criminal Justice Services for the Operation Impact VI Task Force with 96% support.***

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1863, Amending the 2009 Capital Budget and Program and accepting and appropriating 80 percent Federal Aid funds from the New York State Department of Transportation's Transportation Enhancement Program and 10 percent matching funds from Long Island Maritime Museum, Inc., for the Ockers Surface Water Transportation Center at Long Island Maritime Museum grounds at Charles Dominy County Park, West Sayville (CP 7165).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Yellow folder. I want to make a motion to waive the rules and lay on the table the following late-starters: 1852 to Labor, Workforce and Affordable Housing; 1859 to Health and Human Services; 1860 to Public Safety; 1862 to Ways and Means. And I missed 1861? Where is 1861? Ah, stuck together. And 1861 to Ways and Means. I have a -- I made a motion. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Unless there is any other business?

LEG. BEEDENBENDER:

Motion to adjourn.

P.O. LINDSAY:

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

[THE MEETING WAS ADJOURNED AT 6:01 PM]