

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SECOND DAY

February 2, 2010

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

Minutes Taken By:

Lucia Braaten & Alison Mahoney - Court Reporters

[THE MEETING WAS CALLED TO ORDER AT 9:30 A.M.]

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

P.O. LINDSAY:

Okay. Mr. Clerk, would you call the roll, please?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present)

LEG. MURATORE:

(Present)

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

(Present).

LEG. BROWNING:

Tim, I'm here.

(*Legislator Romaine entered the Auditorium*)

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Would we all rise for a salute to the flag, led by Legislator Thomas Barraga.

(*Salutation*)

If everyone could remain standing, and I'd like Legislator Barraga to come up and introduce our visiting Clergy.

LEG. BARRAGA:

Thank you very much. We're honored this morning to have Pastor Jesse Pettengill from the West Islip Christ Church joining us. Pastor Pettengill has a Bachelor's Degree in the Arts from Harding University, and in May of this year will matriculate for a Master's Degree in Divinity with the New Brunswick Theological Seminary. And he's very active in the community. He has a wife and three children. He sits on a number of subcommittees. He's active in West Islip Football, the youth program, and also is part of a subcommittee with the West Islip Summit on the Quality of Life in the Hamlet. Pastor.

PASTOR PETTENGILL:

Let us this morning invite the source of all goodness into our presence and seek the Lord's guidance in all things. Would you please pray with me?

God of love, mercy and righteousness, majestically enthroned, worthy of all glory and honor, transcendent, yet imminent, full of forgiveness, yet passionate for justice, creator, sustainer, redeemer, parent and friend, we invite your presence with reverent fear and undying hope. With fear, because we are an imperfect people in need of your mercy and forgiveness, in our attempts to govern ourselves, we have sometimes missed the call to justice. We've sometimes turned a blind eye to the most vulnerable. At other times in our haste to do good, we have neglected to promote responsible living, and we have sometimes squandered our opportunities to be stewards of the monies and resources put in our trust. And we have misunderstood the needs of those that we desire to serve. We have sometimes allowed pride and partisanship to erode trust and cooperation. We have sometimes forgotten that we are relational beings in need of each other, and we govern best with a collective wisdom of all people and parties.

Lord, surround us with your grace and mercy. Give us the gifts of your governance of the cosmos, compassion, a hunger for justice, a righteous life, a heart of service, kindness for others in the spirit of love. Yet, fear is not the only feeling we experience as we invoke your presence, for we are also a people of hope. We believe in your goodness, in your desire for the amelioration of society. We believe in the gift you gave us in creation that we are made in your image, and that in our best moments we can reflect well on you, our maker in the establishing of justice, the maintenance of

peace, the protection of the vulnerable, the promotion of industry, and advancement to the benefit of all, the encouragement of responsible life choices, sound fiscal stewardship, and the welcoming of diversity in the spirit of cooperation. With your help we can be creative as you can be creative. We can create and pronounce things good as you created and pronounced things good.

Lord, I pray for those gathered here as public servants. When they are discouraged, lift them up. When they are tired, give them renewed vigor. Help them to listen to the criticisms they need and deflect the criticisms meant to hurt and not help. Help them to practice self care as leaders. In their business, may they remember the importance of the spiritual life to provide them the strength to succeed as public servants. What incredible talent is present here? Yet may they rely more on you than they do themselves, for with you all things are possible. May you protect them. I am hopeful for them, I am thankful for them.

And, Lord, as you enter our presence, the beginning of this assembly, we ask your special care and protection for all our military deployed in places around the world, for their families, spouses and children. Give them safety, give them strength, give them success in establishing peace. May they return home soon. And we pray for those who serve and protect us locally, our rescue and police services.

Lord, may the world learn to be still and know that you are God. May we forgive as we've been forgiven. May we love as we have been loved. In your precious name we pray. Amen.

P.O. LINDSAY:

Thank you very much, Pastor. If everyone would remain standing for a moment of silence for former Legislator Sid Askoff who served on this Legislature from 1970 to '74. He passed away on January 17th. For Edward T. Romaine, father of Legislator Edward Romaine, who passed away recently. And let us pray for all the victims of the earthquake in Haiti, that help from all nations will bring them comfort and new beginning. And let us also remember all the men and women in the military who put themselves in harm's way every day to protect our country.

(*Moment of Silence*)

Thank you. Before we start with proclamations, just a couple of announcements. First of all, I want to thank all the Legislative Offices, their constituents and our friends for donating so many supplies to Haitian relief. I was over at the IBEW Hall where we're storing this stuff. It's being organized by our Clerk's Office. Our Deputy Clerk, Renee Ortiz, is doing a wonderful job and getting volunteers. There was enough food, water, medical supplies, clothes I think to fill a large tractor trailer there the other day, if not more. So I thank everybody for their efforts in trying to help with this humanitarian cause.

The other announcement I have is we're going to break at 12 noon today, and we have to take our annual photo, which is always good for some --

D.P.O. VILORIA-FISHER:

A laugh.

P.O. LINDSAY:

Yeah. And as soon as the photo is done, we're going into Executive Session. There is some legal matters that the County Attorney wants to talk to us about. Okay? So that's at 12 noon.

And with that, we go into proclamations. First up is Legislator Cilmi, will present a proclamation to Deborah Boktor of Bay Shore, an Intel Semifinalist.

LEG. CILMI:

Thank you, Mr. Presiding Officer, and colleagues. I am honored today to recognize Deborah Boktor, who is another one of the Intel Science Award Semifinalists. Deborah is from Bay Shore High

School, and we're excited to have her mom, Nancy, with us today, yes, okay, as well as Diane Hartill, who is the Coordinator of School Community -- excuse me, School and Community Services for Bay Shore Schools, Robert Pashkin, who is the Bay Shore High School Principal, and Donna Bettenelli, who is the Science Director at Bay Shore.

Deborah, we make a big deal of this today because it is a big deal. According to studies on global competitiveness and education, many people are shocked to hear this, but the United States ranks 21st in the world in science education, and 25th in the world in math education. These are not good statistics. But, obviously, we are far ahead of the curve in terms of what we're doing here educationally on Long Island.

In the next quarter century, there will be significant technologic and scientific breakthroughs, and these breakthroughs will affect our economy, they'll affect our national security, and in a very real sense they'll affect our future here in the United States. Whether or not those breakthroughs happen here depends on our educators, and our teachers, and our students.

So the good news is that more than 20% of this year's 300 semifinalists came from Long Island, 25% of this year's finalists came from the Down-State region, many of which came from Long Island. So I am very proud, Deborah, that one of this year's semifinalists hales from Bay Shore Schools in my district. You are a bright, inspirational young lady with a tremendous future, and I am thrilled to present you with this proclamation on behalf of all of the residents of the Tenth Legislative District in recognition of your effort and accomplishment. Congratulations. We can't wait to see what you have to do next. Thanks.

(*Applause*)

Would you come up? Come on up.

P.O. LINDSAY:

You folks can come around and take a photo from over here instead of from the side.

(*Photograph was Taken*)

Okay. Next up is Legislator Nowick, who will present proclamations to a number of Intel Finalists.

LEG. NOWICK:

Good morning, everybody. Would my --

P.O. LINDSAY:

You've got to hold your hand on the button.

LEG. NOWICK:

Good morning, everybody. Would my Intel Semifinalists please come up from Smithtown? And the District Superintendents, Ed Ehmann and Dr. Agruso, are you here? Come on up.

I am really proud of this group with so many students from Long Island, sixty-one students. I have five of them from the Town of Smithtown, which I'm very, very proud, and from my district, as well as you guys being proud of what you've done. I have to give kudos to the District Superintendent, Ed Ehmann, who I've known forever, and Dr. Susan Agruso from Kings Park. Doctor -- but there you are. She looks like one of them. Come on over here. You know, you don't do this alone, and I know your teachers are part of it, but I have to tell you, I have to give credit to your parents. Since I'm a parent, I like to take all the credit. So congratulations to your parents. Are they here? Raise their hand, please, if your parents are here. Congratulations, guys.

(*Applause*)

I was going to go into what the Intel projects are, but most of them I don't believe you would even -- I just have to tell them. Wait, wait, hold on, hold on. I just have to give you a quick -- and see if you understand any of this. From Commack High School, Alex. Alex, where are you? Alex is not here. Okay, wait. Okay. From Kings Park High School, Jason. "Inaccuracies in the Single Nucleus Approximation Due to the Presence of Light Nuclei."

LEG. GREGORY:

That's it.

LEG. NOWICK:

Do you know what that means? John, "Search and Identification of Cosmic Rays in Radar Echo." Alexander, "Gold Nanoparticle Catalysis of CO-in PEM Fuel Cell." Got that? And Reena, "Utilizing Cell-Surface Interactions for Adipose-derived Stem Cell Biomineralization." Does anybody have a clue as to what these young people have been doing?

Congratulations to all of you. We have proclamations. The County of Suffolk is proud of you, and, certainly, I am as your Legislator. And also to your Superintendents.

MR. EHMANN:

And we have the two Principals, the Director of Science and teachers.

LEG. NOWICK:

Come on up, Principals. Director of Science, come on up.

MR. EHMANN:

The Science --

LEG. NOWICK:

John Dolan, Smithtown West, Marie Trinkle.

MR. EHMANN:

And Ed Thompson.

LEG. NOWICK:

Ed Thompson.

MR. EHMANN:

And Eileen Rowe is --

LEG. NOWICK:

And Eileen Rowe. Congratulations to all of you.

MR. EHMANN:

And Kings Park.

LEG. NOWICK:

You are putting us on the map. You are doing your job. You are doing exactly what we need for our young people. Congratulations.

DR. AGRUSO:

From Kings Park, we have Dr. Cooper.

LEG. NOWICK:

Oh, from Kings Park, Dr. Cooper, our Principal.

DR. AGRUSO:

And Mary Ellen, who is a --

LEG. NOWICK:

Mary Ellen Fay is the teacher.

DR. AGRUSO:

The Advisor.

LEG. NOWICK:

Congratulations, all of you. Thank you all -- thank you so much for taking the time and being here with us. We're very proud of all of you. Thank you.

(*Applause*)

P.O. LINDSAY:

Okay. The final proc. of the day is our own Kara Hahn, who's our Communications Director at the Legislature, and Kara was recently recognized as one of "40 Under 40" in Nassau and Suffolk County by the Long Island Business News. So Kara is behind me? Oh, right behind me, okay. So we have a proclamation for our own Kara. Congratulations on this award.

(*Applause*)

Okay. With that, we're moving right along. That finishes our proclamations. And does anybody else have a proclamation that I might overlook? Not seeing any, we'll go into public portion. First up is Paul Cataldo. Paul? You have three minutes, Paul; followed by Jane Fasullo.

MR. CATALDO:

Good morning.

P.O. LINDSAY:

Good morning.

MR. CATALDO:

I represent the United States Green Building Council, the Long Island Chapter. I'm here to speak in support --

D.P.O. VILORIA-FISHER:

Are you on the mic? You have to press the button there at the base.

MR. CATALDO:

Hold the entire time I'm talking?

D.P.O. VILORIA-FISHER:

And hold it, yes.

MR. CATALDO:

Okay.

LEG. LOSQUADRO:

The light will light up.

MR. CATALDO:

I rise in support of Resolution 1043, the solar carport. It is certainly a long overdue and well established idea. It's a win-win situation, something that we in the United States Green Building Council look for. As far as we know, when we're doing something right, that the synergies begin to

appear. It's zero greenhouse gas emission. It cools parking lots and provides coverage. It -- we're instantly going to be putting -- automatically going to be putting lighting underneath it. It's certainly an option that we should be certainly moving forward to. And the United States Green Building Council is in full support of this resolution.

The one concept that we'd like to begin to include here is solar electric car chargers for electric cars and plug-in hybrids. It's something that, while we have teams of electricians in our parking lots wiring it with solar panels, it's something that we certainly would need to make allowances for. As an architectural designer, whenever I'm charged with a new building, I'm always asked to include an empty conduit that flows from the building underground to the parking lot for future electric cars to be charged.

The important point here is that the Purchase Power Agreement between enXco and LIPA does not preclude inclusion of electric car chargers. There is certainly a mechanism that could be put in place to include this. And as a person who would buy an electric car, it would save me the cost if I worked for the County or visited a County office or a train station where these are going to be, from having an electrician install the capability for me to charge my car, if I had a detached garage or garage with no outlets, so it would certainly be positive all around.

I think it's really, really important that we include these, and so that in 10 or 15 years, when a large percentage of us, there may be 10 to 20% of us that are driving either an all electric car or plug-in hybrid vehicle -- Ford is coming out with an all electric Focus in 2010 -- that these allowances have been made so that we can move forward. I think it's been said that when Henry Ford came out with the Model T, the country was not covered in gas stations. So we can't wait to come out with an electric car for us to have charging stations, and we can't wait for us to have charging stations while -- before there's electric cars out, they have to happen simultaneously.

So, again, the United States Green Building Council rises in full support of this resolution. Thank you.

P.O. LINDSAY:

Thank you very much, Paul, for your very informative testimony. Jane Fasullo, and following Jane is Peter Quinn.

MS. FASULLO:

Good morning. I'm also here to speak in favor of I.R. 1043. I'm from the Sierra Club, the Long Island Group. We're all volunteers. We work on those issues we feel need to be addressed, and, of course, our major concern is our environment. And for quite some time we have been in favor of conservation and the construction of renewable energy, particularly in the case where the land on which the construction is to be done is already in use, and I think in that regard this satisfies that condition. But more importantly, I have to raise the question, what's not to like? You're leasing the land. This will bring money to the County. There is no upfront cost, not to the County, not to the people who live here. Those people who will be using this particular parking setup will have shade in the summer, so their cars will not be so overheated, meaning they will not have to turn their air conditioning up, meaning they'll get better miles per gallon.

When those people who are parked under these covers want to get into work, they'll walk in an area that's not only shaded, but free of rain.

Economically, for the individual, there will be no particular gain because of LILCO having to purchase or lease this land from you. In fact, in 20 years there'll probably be a savings for every kilowatt of electricity that's generated.

And, also, there is the question of the heat island effect. We all know that if you walk on black tar in the summer, especially if you're in Las Vegas, you're liable to sink into it, it gets that hot. This is going to be a gone issue. That heat that's in that island around those buildings will be dissipated

and put into electricity. So I ask again, what's not to like? And, personally, there is one thing not to like. I'd like very much to lease my land to the County for use of solar, but I don't think you're going to consider it, it's not big enough. Thank you.

P.O. LINDSAY:

Peter Quinn, followed by Maureen Dolan Murphy.

MR. QUINN:

Good morning, Members of the Legislature. My name is Peter Quinn, a longtime solar activist. I certainly appreciate the concept, but I'll be around this afternoon to explain why I think the Resolution 1043 should be tabled for a number of reasons. At any rate, I was at the Energy Committee meeting last week and I recommended some ways --

P.O. LINDSAY:

Peter, I don't mean to stop you, but there won't be a public portion on this bill. We'll take it up. So if you have something to say about it, say it now.

MR. QUINN:

There is not going to be a Public Hearing this afternoon?

P.O. LINDSAY:

No, no. We're going to -- the resolution is before us, it was discharged from committee. It will be voted on when we get to the agenda.

MR. QUINN:

All right. In that case, let me comment. Here you've got a resolution that calls for LIPA to be involved with an energy company, a French energy company that has a subsidiary with license plates in California, instead of having a solar company here on Long Island make the solar panels for --

LEG. LOSQUADRO:

You have to hold that button down.

MR. QUINN:

Pardon me?

LEG. LOSQUADRO:

Hold the button down.

MR. QUINN:

My thumb came off it. I apologize. Which would make the solar panels right here in a depressed area of Suffolk County, and you wouldn't need to require the solar panels to be shipped from California to New York from for the sites that you proclaim. Further, if you're signing a contract eventually for 20 years, you got to understand that technology in solar has changed radically from the days when there were thick panels to intermediate sized solar panels, and now the technology has advanced in the third stage in the last four years to where solar can be encrypted on aluminum foil and purchased for a dollar a watt. Does this company plan to provide you with that technology for a dollar a watt? If not, then you ought to be thinking about what's going to happen between now and the 19th and 20th year. Are you going to have no provision in your 1043 "resolved" that enables you to renegotiate to bring the new technology at each of those sites?

I would urge you to think about -- about tabling this "resolved". I know they want to get it done quickly, start in April, but then you're stuck with it. And the fact the County is getting 437,000 a year, each year for a 20-year period seems to me like you're -- like the Economic Development Group ought to be fired for getting such a small amount of money for this project. I'll stop at that point.

P.O. LINDSAY:

Maureen Dolan, followed by Barbara Bender.

MS. MURPHY:

Good morning. Maureen Dolan Murphy with Citizens Campaign for the Environment. CCE strongly supports Resolution 1043, which allows the County to lease property for the establishment of solar carports. This is a smart forward-thinking resolution that recommits the County's commitment to advancing renewable energy.

On Friday morning, President Obama pledged to reduce the Federal Government's greenhouse gas emissions by 28%. To quote our President, "We have a responsibility to American citizens to reduce our energy use and become more emergency efficient. Our goal is to lower costs, reduce pollution, and shift Federal energy expenses away from oil and towards clean local energy."

Suffolk County has already taken on many initiatives to reduce energy, including LEAD development, a commitment to renewable energy, and investing in fuel efficient cars. Today Suffolk County has the chance to continue its advancement of clean -- of a clean energy revolution. This is one more step in the battle against climate change. It's one more step in the fight for energy independence. It's one more step in the transition to a clean, renewable, fossil-free energy future.

We'd like to thank the County for thinking outside the barrel and encourage the Legislature to move forward in developing the first solar carport here on Long Island. Thank you for this opportunity to comment.

P.O. LINDSAY:

Barbara Bender, followed by Anthony LaFerrera.

MS. BENDER:

Good morning, Ladies and Gentlemen of the Legislature. Thank you for letting me speak this morning. My name is Barbara Bender. I am the Chief of Operations for a 911 PSAP in the Town of Babylon, as well as a volunteer firefighter in the Deer Park Fire Department.

For the past few years, you have heard about the need to impose a 911 wireless surcharge, but I would like to explain true situations of how our 911 system in Suffolk County has helped the PSAP get emergency help to the scenes of victims in need. Imagine yourself with your family returning home from a day at the beach. You are on the Ocean Parkway in Babylon Town and your vehicle is cut off, forcing you off the road and over the dunes. There are no other vehicles to witness this. You pick up your cell phone and call 911, but you can only tell them that you are on the Ocean Parkway, which covers miles of beaches. Our 911 system today, using the latitude and longitude coordinates from your cell phone, would pop up on our screen and allow the PSAP to plot where your location is within a few feet, allowing us to get to you immediately.

Another true scenario: A female, she calls 911 for help. She can't tell us where she is and she is disoriented. We are able to plot the house she is at, but when the emergency crew arrives, the homeowner tells them, "I did not call." We still have the woman on the phone. The 911 system has what's called a {retry alley}, which allows the PSAP to update and refresh her location information. Each time we did this, the location changed from house to house. She was found behind the houses wandering from one house to the next, but the 911 system allowed us to find her and transport her to a hospital.

These are just a few scenarios that happened, not only in the Town of Babylon, but in every PSAP in Suffolk County. Whether I am in an emergency vehicle responding to an alarm or sitting at the dispatch console, nothing is more frustrating than being unable to locate someone in their time of need feeling totally useless.

Our current 911 system map needs to be updated. It currently has a 67% hit rate of being able to plot your location. I would hate to be in that 33% where they couldn't locate me in my time of need. This is one example of how this money could be used.

In closing, I mind paying an MTA surcharge from a system that I do not use, but I would not mind paying a few cents more for something that is not only going to save mine and my family's life, but you, your family and the residents and visitors of Suffolk County. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Barbara. Anthony, followed by Kathleen Cunningham.

MR. LAFERRERA:

Good morning. I wasn't here the last General Meeting, but congratulations to all the newly elected and re-elected, and Happy New Year.

October 2009, review of the 2010 recommended budget, E-911 surcharge revenue in 2010 is expected to be flat, which may be optimistic. This revenue has been decreasing due to the number of landline phones and the increase -- the decrease in land line phones and increase of cell phones being used. There is a growing trend to use cell phones as the primary service rather than landline service in both residential and business locations.

Just a note: Over one million calls we've received directly from 911 last year in Suffolk County, 600,000 were from wireless phones. Budget Review has already put in the 102 Fund for 2010 the anticipated revenues from I.R. 1638 or 1708. Pending the adoption of one of these resolutions, would generate 4.2 million dollars in revenue, which is included in the 2010 recommended budget. The line item for PSAP funding has been reduced by \$104,000 from \$480,000 in 2009. Recommended for 2010 is \$376,000. The budget does not line-item detail the amount designated for the individual PSAPs. However, \$376,000 is 8.9% of the total anticipated revenue of the 4.2 million dollars.

I.R. 1638 was passed in November. PSAPs would receive 20% of the revenue. I.R. 1708 was stricken at the end of the year, the PSAPs would receive 8%. In December, the County Legislature was -- in a letter was informed by the County Executive of his veto of I.R. 1638. He writes of a \$420,000 shortfall in the 2010 budget, if the PSAPs receive 20% of the revenue and not the 8% his bill recommended. This is not a shortfall, this is just a difference between 8% and 20%, plus we haven't even received this revenue, it's all anticipated.

The bottom line is, and the issue is, the 1.5 million people of Suffolk County we all represent. The integrity and future of Suffolk County, the 911 system, and the safety of all our constituents is our responsibility. Thank you.

P.O. LINDSAY:

Thank you, Anthony. Kathleen Cunningham, followed by Chief Ron Barz.

MS. CUNNINGHAM:

Good morning. My name is Kathleen Cunningham. I'm the Program Director for Renewable Energy Long Island. We're a not-for-profit organization that advocates for energy efficiency and renewable energy technologies on Long Island. I'm here to speak in favor of I.R. 1043, the solar carport project.

I'd just like to say that this is a very happy day for those of us that have been toiling in the renewable energy field for decades to see that the County is prepared to adopt this wonderful program. We'd like to support the County carport project. It has the potential to demonstrate utility

scale solar on Long Island, and that's a really big leap forward, and will begin to take the industry and Long Island and New York onto the next level for renewable energy technologies. It's a critical market transformation tool, as well as an important milestone on the road to utility scale deployment on Long Island and in New York State. We'll finally have a major solar project which demonstrates the value of one major centralized project and one major decentralized project, both of which are essential for the Long Island and New York State solar industry to move up to the next level.

I'd like to emphasize the value of this investment as an insurance policy against an eventual and almost certain rise of fossil fuel prices. This is the perfect time to install solar power plants as prices are relatively low, making this an opportunity to invest in large scale renewable energy generation as a true hedge against future hikes in oil and natural gas prices, as well as rising costs of environmental compliance in a carbon constrained regulatory regime. The carbon emissions reductions are greater than we've ever seen before from photovoltaic technology on Long Island, as the scale of this project will displace significant amounts of -- a significant amount of electricity that would otherwise be generated by fossil fuels. Long Islanders will also reap the benefits of the new green economy, as these projects will not only create clean energy jobs right here in our community, but will help demonstrate the potential for other projects of a similar nature at appropriate locations.

We've been calling these solar carports solar billboards. We're always looking for opportunities to educate and show people the value of solar technologies and this is a perfect, perfect opportunity here. So we'd like to congratulate you for this choice and support this project going forward. Thank you.

P.O. LINDSAY:

Thank you. Chief Ron Barz, followed by Joseph Sicinski.

CHIEF BARZ:

Good morning. Thank you for letting me speak this morning. My name is Chief Ron Barz, past Chief and Commissioner of Hauppauge Fire Department, past President of Suffolk County and Smithtown Fire Chiefs Council, and now presently serving the New York State Chiefs on Governmental Affairs. I've been asked to represent the following Chiefs Associations: Smithtown Chiefs Council by President, Chief Thomas Kriklava, and the Islip Town Chiefs Council by Chief Thomas D'Arcangelo. I will be brief. We, the Chiefs Association for both Townships Association, are asking the County Legislature to override the veto of Suffolk County Supervisor Levy on Bill 1638.

These PSAPs that this bill will take the money away are needed to handle emergency 911 or other areas of the County. These PSAPs lighten the call volume and would -- that would overburden and slow down our 911 system in Yaphank. In case of any emergency and communications are lost at Yaphank, they would be used to back up systems of 911 in dispatching alarms.

Case in point: Four years ago in this area, we had a severe lightening storm. The Police and Yaphank were knocked out. Our PSAP was used to dispatch us and dispatch Police Departments in this area for over three hours.

Without the extra funding for PSAPs and Yaphank, there would be no money to upgrade and maintain and training of qualified personnel to operate our 911 system. We are asking the Legislative body to be proactive in the discussion on the County Supervisors veto of Bill 1638, and, hopefully, not to be reactive in the future. Thank you.

P.O. LINDSAY:

Joe, and followed by Kevin MacLeod. How are you, Joe?

MR. SICINSKI:

Good morning. Please bear with me a little bit. I just had cataract surgery yesterday, so my eyesight's a little blurry right now.

P.O. LINDSAY:

Take your time.

MR. SICINSKI:

First of all, I'm here with regard to RFEI 09PK011, and Resolution 1057. I want to thank the Parks and Recreation Committee for the wonderful job that they've done with all of our Parks and Recreation facilities and museums here on Long Island. They have 23 sites which they have a responsibility for. It's a hell of a responsibility that they've undertaken here.

I'm representing the Timber Point Shinnecock Boat Owners Association that we formed as a result of this RFEI 09PK011. We have been working with the Parks and Recreation Committee group since the -- that particular item was issued and transmitted out to the private communities to come in and privatize these facilities, wonderful marine facilities that we have here on Long Island. We feel that it's not the right way to go. And, certainly, since these marinas are sustained financially by fees charged by both resident and transient voters, they're not subsidized by taxpayers as the County Executive has implied. With that in mind, I wish to compliment the County Legislature for having recognized the importance of Suffolk County maintaining ownership of these valuable County properties and drafted Resolution 1057 to regulate privatization of County-owned facilities. This resolution was supported by all of the legislation, and I find that very compelling.

In the County Executive's letter, dated December 31st, 2009, which I have before me here, he supported his veto as follows: Quote, "If we ought to provide this service, however, it makes no sense for one taxpayer to subsidize another taxpayer who may wish to dock his 47-foot sailboat at a County marina at a price of maybe one-third of what he would pay privately," end of quote. Notice that he singled out one boat, but singled -- but neglected to mention that the majority of the 160 boats range from 20 feet to an average of 30 feet, a misrepresentation of the type of boats used -- being used in these facilities. He also neglected to mention that the private marinas provide services to accommodate such as -- accommodations such as marine stores, swimming pools, picnic areas, fuel and maintenance services, as well as food services, a country club type environment, thus a fee that represents service provided.

I refer to another quote that Executive -- County Executive letter wherein he stated, and I quote, "When it comes to park access, I have been quite proud of the fact that I have never proposed an increase in fees so our residents can continue to enjoy our beautiful parks at a reasonable rate." He went on to say, "This is different, however, than a fee to relate to a very specific part of the Parks Department, specifically those who are privileged enough to own a boat," privileged. I ask, why single out boaters? All County residents pay the same tax base in support of the County Parks and Recreational facilities. What about campers who are privileged to own expensive motor homes and entitled to use County facilities. Why did he not single them out, why just the boaters?

The County Executive clearly stated that boaters are being subsidized by other taxpayers, but neglected to mention that boaters may not be golfers, campers, or those who visit the Vanderbilt Museum and still pay the same tax rate. With all due respect to the County Executive, and in my personal opinion, this veto is void of substantive reason and fact to earn a veto of Resolution 1057. I'm also of the opinion that the letter of December 31st is an egregious insult to the intelligence of our Legislative members who approved the resolution, and to the Parks and Recreation Committee and also the boating community of Suffolk County. Thank you for hearing me.

P.O. LINDSAY:

Thank you, Joe. Kevin MacLeod, followed by William Grauer.

MR. MACLEOD:

Kevin MacLeod, Senior Legislative Policy Director LISEA and NYSEA, solar contractors groups. I'm here to let you know that the -- obviously, the solar contract organizations support I.R. 1043. This is a wonderful project, and I've got to tell you, especially the train stations that pass through here of hundreds of thousands of commuters a day. I mean, this project is definitely going to increase public awareness and to the solar energy industry. And I've got to tell you, this is lots and lots of jobs. And I think it's important, and maybe we have overlooked this, is that, yes, there's jobs, but we need to make sure that these jobs stay here on Long Island. This is the important thing here.

The other thing I want to talk about a little bit here is the educational component of this project. These are operational classrooms, as we might say it. There are school districts that border these train stations, Deer Park, Central Islip, Brentwood. And I've got to tell you, from a -- I understand that there is money in this project that's going to the school districts for various educational opportunities here. Being a former member of IBEW and part of the electrical industry and solar industry, you know, I recognize the fact here that we -- the industry still lacks the minority component here that is really sorely needed. And since we have minority districts that border these train stations, we need to really, really put an emphasis on the educational component of this for the school districts, and that was my main thing I wanted to talk to you about today.

So, again, we support this, and we want you guys to seriously consider the jobs and the monetary jobs that this project can create, and the educational component behind it. Thank you.

P.O. LINDSAY:

Thank you, Kevin. William Grauer, followed by Noel Feustel.

MR. GRAUER:

Thank you, Members of the Legislature. My name is William Grauer. I've come to speak today in support of Resolution 1057, a Local Law to regulate privatization of County-owned marinas.

There is much that has been said, and is being said, and will be said, to support this ongoing effort to preserve our Suffolk County parks and to defeat the assault on our marinas. However, I will refrain from these statements, partly in the interest of time, and partly because I would be preaching to the choir. It is clear from your overwhelming affirmative votes that you also support our goals. Instead, I come with a simple message. That message is a message of thanks. Thanks to Mr. Alden and Mr. Schneiderman for introducing this important legislation, and thank you, all Legislators, for your voting in favor of this bill. All of you have demonstrated that you support the concept that any desire or need to make fundamental changes to the Suffolk County parks ownership status must be brought to this Legislature body and not simply be directed behind closed doors. And I thank all of those who have come to these General Meetings to show support and to speak in favor of this effort.

Now, in closing, I encourage you to cast your vote, hopefully very soon, to override the veto of this bill. All those who use any County parks will thank you, all our future generations who will be able to use Suffolk County parks will thank you, and again, I thank you.

P.O. LINDSAY:

Thank you, William. Noel Feustel, followed by Victoria Petersen. Hello, Noel, welcome.

MR. FEUSTEL:

Good morning, Bill. Nice to see you again. I'm here with my tag-team, who will follow me, concerning an issue that's come up in the past two days. If you folks have opened up Newsday, yesterday there was a headline, "After 50 Years The Fire Island Village to Pay for Police", followed today by, "Police Service Would Cost Saltaire Residents Above One Million Dollars."

I'm a 55-year resident of the Village of Saltaire. If you read both these stories, which I strongly recommend you do, you will not approve the County Executive's emergency resolution to start

charging the Village for police services. Talk about the land of bizarre, Saltaire is truly the land of the bizarre. How for 50 years they could slide without having to pay for police is beyond me, but it's just a very unique place. It's also a place that attempted to receive 2.5 million dollars as an economically distressed community to buy the village market, so that's what we're dealing with here.

The situation my wife and I have run into has just been small town hostility. We crossed the powers that be in the village probably six years ago on the issue of voting fraud and thievery amongst the people who work for individuals in the village. Small towns can be nasty places. They will come back and get you, which they did. They took us in Supreme Court, sued us, gave me eight criminal citations for working on the house my father built 55 years ago with his bare hands. He was a New York City Detective. And it has cost us thousands of dollars in litigation. We've gotten nowhere. The voting fraud, we've been across the street to the D.A.'s Office five years running to point that out, and it's all documented, but that's a side issue. The main thing is we need real police in Saltaire. The problem we have in Saltaire is we haven't had police services.

My wife and family have been harassed, aggravated assault, and whatever, by this beach-side KKK because of the situation that we've been caught in, and we've had no recourse to go to the Suffolk County Police. My wife will follow up with a couple of little stories about what we've had to deal with. But I really just want you people to look at this issue closer. What they're attempting to tell you is that for -- the projection -- I went to the last village meeting and I videotape every village meeting, it came out that they figure they're going to spend \$5,000 for this service that Suffolk County is providing, yet, if you look at the numbers, it should be costing them a million dollars plus. So somebody is making \$999,995 -- 95,000 dollars. Not a bad deal if you're on the receiving end of that. And now my dear wife.

P.O. LINDSAY:

Thank you, Noel. Victoria Petersen, followed by Jeanmarie Sidorowicz.

MS. PETERSEN:

Hello.

P.O. LINDSAY:

Hello, Victoria. How are you?

MS. PETERSEN:

I'm well, thank you. How are you? My name is Victoria Petersen and I'm here to speak about the emergency resolution to start charging for village police in Saltaire, and I'm against this. I believe that Saltaire should truly have full-time police protection and not cherry pick when they would like Suffolk County to come in. Right now, they don't really want to be under Suffolk County's eyes 24 hours. They want to again hand pick when Suffolk County comes in.

I have had some very unfortunate situations in Saltaire. My husband and I are whistle-blowers. There's not any protection for whistle-blowers when you blow the whistle against a village, and there are severe consequences, as I found out in the years that followed. We basically blew the whistle on election fraud, and we blew the whistle on a village employee stealing gasoline and putting it in his personal boat. After that happened, we had the wrath of God thrown down upon us. Right now, we have -- we have had different occurrences. Once, or more than once, our homes were vandalized, they were egged. There were matches lit and dropped all around the house. On another occasion, my daughter, who was 9 years old at the time, was -- we received an E-mail that threatened her life and wished that she would drown.

LEG. NOWICK:

Oh, gees.

MS. PETERSEN:

We have had human feces left on our doorsteps on numerous occasions. We went to the Suffolk County Police and they said, "Well, unless there's a felony, we really can't do anything." And so we've had all these little not-so-little occurrences that have made the quality of our lives there untenable. We -- I am afraid for myself and my family to go to Saltaire and spend any length of time there, and I would feel much more secure if I knew that Suffolk County would come if I called, not -- I don't want to have to call when somebody's dead. And so I feel that Suffolk County should come in, and I feel that they should be there 24 hours. And I feel that Saltaire should have them and not have a security force, and they should pay for the services. And if this is something that is not going to happen, I feel that at least they pay -- they should be getting -- Suffolk County should be getting on-call pay, and that's not eight-six dollars and change an hour, it's significantly more than that to have to have a police presence available at the drop of a hat, it's a lot more than \$5,000 a year. And I just would like to see more service, and I expect that Saltaire should pay for it. And thank you.

P.O. LINDSAY:

Thank you, Victoria. Jeanmarie, followed by Robert Creighton.

MS. SIDOROWICZ:

Okay. I've come before you to oppose I.R. 129. I'd like to start off by saying that my father is an attorney. It doesn't make me a lawyer, nor does it make my legal opinion count. I ask what your background is in criminal justice?

The unemployment rate is climbing, foreclosures are out of hand, and people can no longer afford to live on Long Island anymore, they're leaving. What are you doing for the taxpayers? The crime rate in Suffolk County has dropped 7.8%, and there are more officers on the street protecting me than prior. Long Island is one of the safest places to live, not in New York State, in the United States of America. That says something for our Police Commissioner. No other country in the United States has the Police Commissioner answering to the Legislature. You are not judge, jury and executioner, nor should you have that power. Not one Police Officer has been let go or has had a pay cut. I haven't had a raise in two years, and I can't afford to live here. I stay because it's safe. And frankly, 18 unqualified people running the Police Department scares me. You were hired by the taxpayers and it is your job to work for them. Consider this an official reprimand for bringing petty squabbles to work, and please get back to the job at hand, getting Suffolk County taxes in hand, addressing unemployment issues, and doing what we need to do to make Suffolk County more affordable and the great place that it has always been to live. You're playing with my safety, with my son's safety, and I don't appreciate it. Thank you.

P.O. LINDSAY:

Thank you, Jeanmarie. Robert Creighton.

MR. CREIGHTON:

Good morning. Can you hear me all right?

LEG. HORSLEY:

No.

P.O. LINDSAY:

I don't think you got it, Bob. You'll see the light come on.

MR. CREIGHTON:

Good morning, Ladies and Gentlemen of the Legislature. My name is Robert J. Creighton, I live in Kings Park, New York. I have come to speak to you, as I spoke the other day to the Public Safety Committee, on the issue of Mr. Cooper's legislation to provide a five-year term for the Police Commissioner. I think I'm uniquely qualified to speak on this matter since I spent a short time as Police Commissioner of this County.

I would like to just briefly cite my background. I was a Police Officer, retired as a Detective Sergeant from Suffolk County in 1981. I then went to the New York State Organized Crime Task Force, where I served as a Principal Investigator. I went from there to the American Express Company, where I served as the Chief Special Agent in charge of fraud investigations. I returned to Suffolk County and spent two years as a Vice President in charge of security for the Parr Organization in Ronkonkoma. And in 1990, I was appointed Chief Investigator by the Republican District Attorney, James M. Catterson. In April of 1992, I was appointed Police Commissioner of this County, and I served in that position for seven months, and I resigned in October of 1992 over a matter which I considered extremely important, which was undue influence in personnel matters in the Suffolk County Police Department. I returned to the District Attorney's Office, where I remained until 1994 when I retired and went into my own private business. In 2001, I was called back by the Democratic District Attorney to again serve as the Chief Investigator in the District Attorney's Office. I stayed there until 2006. In 2007, I was elected a Town Councilman in the Town of Smithtown. And I wish to state that what I state here is my personal opinion, it has no bearing on the Town of Smithtown.

The reason I'm supporting this bill is because, in my opinion, it gives the Police Commissioner a reasonable amount of independence, and I state "reasonable amount of independence". It doesn't make the Police Commissioner entirely independent and free to operate any way he wants to, he's still subject to the County Executive and to oversight by the Legislature. It merely provides him with a reasonable degree of independence and that's why I'm supporting the bill. It was the case for 23 years in Suffolk County, it was changed in 1983, and in my opinion it is much better to serve for a fixed term in office. Any Police Commissioner, when he or she is appointed, knows they are answerable to the County Executive and to the Legislature and has to be responsive, but they have to have a reasonable degree of independence. Thank you for your time.

P.O. LINDSAY:

Thank you very much, Bob. Pamela Johnston, followed by Jeffrey Friedman.

MS. JOHNSTON:

Good morning, and thank you for the opportunity to speak. Jeff is right here with me and we are representing the four domestic violence programs in Suffolk County. I'm Pamela Johnston from VIBS, Family Violence and Rape Crisis Center. Jeff is from the Retreat. JoAnne Sanders is here from the Suffolk County Coalition Against Domestic Violence, and Aileen Fitz from Brighter Tomorrows is also here.

We appreciate all of your support, your genuine concern for victims of domestic violence, and your desire to prevent domestic violence, but we are here asking you to sustain the County Executive's veto of the domestic violence -- the resolution creating a registry for domestic violence perpetrators.

I spoke to this group in May and I have contacted each and every one of you. Among the four of us, we've had conversations and E-mails, so I think that you know our concerns. We're concerned about a registry which is unlike a sex offenders registry in that it does compromise the confidentiality of victims, and there are a lot of other implications. And I don't have that much time to talk to you. We have laid that out, but we did want to let you know that we are here, and we hope that you will sustain the veto. And we, at the same time, do really appreciate Legislator Gregory's concerns, and we've had numerous conversations, and he is very, very sincere, as you all are, about your desire to prevent domestic violence. Thank you.

P.O. LINDSAY:

Jeff.

MR. FRIEDMAN:

Thank you very much for this opportunity. Just to reiterate a couple of things that Pam said. My name is Jeffrey Friedman from the Retreat, the only domestic violence organization out on the East

End. This legislation will compromise the confidentiality of victims of domestic violence. It will jeopardize millions of dollars from the State and Federal Government that comes to our region, because confidentiality of the victims will be breached. It will not decrease the number of domestic violence incidents in Suffolk County. And, also, we believe that it will prevent women from coming forward and reporting abuse. I urge the Legislature to sustain the County Executive's veto on this bill, and I appreciate the time to address this. Thank you.

P.O. LINDSAY:

Thank you very much. That concludes all the cards I have. Is there anyone else in the audience that would like to address us? Seeing none, I'll accept a motion to close the public portion.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Motion, Mr. Chairman.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Barraga. All in favor? Opposed? Abstentions? I have a request --

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Thank you.

MR. LAUBE:

Sixteen. (Amended to 18)

P.O. LINDSAY:

I have a request from Social Services Commissioner Blass. Is -- yes, okay, to take --

LEG. MONTANO:

We have a short agenda?

P.O. LINDSAY:

Yes, yes.

D.P.O. VILORIA-FISHER:

1047.

P.O. LINDSAY:

What page.

D.P.O. VILORIA-FISHER:

It's Page 10.

P.O. LINDSAY:

To take 1047, which is on page -- on Page 9, it's on Page 9, if you have the paper copy, to take 1047 out of order. I'll make the motion, to respect to our Commissioner, to take it out of order, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. 1047 is before us. ***I.R. 1047 - Increasing the petty cash fund in the Department of Social Services.*** Do I have a motion? Do I have a motion on 1047? Motion by Legislator Schneiderman, seconded by Legislator Romaine.

COMMISSIONER BLASS:

Mr. Chairman, I have some materials that I would like to give out to catch up with some of the requests for information.

P.O. LINDSAY:

Okay. The Clerk will help you, Commissioner.

COMMISSIONER BLASS:

Thank you very much. And secondly, if the Legislators -- if the Legislators desire --

LEG. KENNEDY:

I'll make a motion to table.

P.O. LINDSAY:

Okay. Just one minute. All right. I have a motion to table by Legislator Kennedy. Do I have a second to the tabling motion?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. So we have a motion to approve and a motion to table. Okay, Commissioner, please.

COMMISSIONER BLASS:

I just wanted to say a couple of things. If the Legislators desire to further digest the materials that I am distributing now, I'll certainly accede to your -- perhaps taking some time and voting on this later, I'll leave that to your prerogative.

The second thing I'd like to say is that a couple of things came up in committee and in my discussions with Legislators, which I'll be very brief about. First, the decision to increase petty cash was well before any decision to find that the trailers are no longer a workable option for homeless sex offenders. I think that that's important to note, that the work increasing petty cash from eighty-five hundred to \$25,000 arises from a need to have more access to emergency funds. Just one example that's come up recently, to give you in addition to hard-to-place homeless persons needing vouchers, is Medicaid's need to pay fees for out-of-state birth certificates. We are now well over 5,000 applications for Medicaid per month. Many of them are from -- relate to documentation that other states have custody of and we have -- they don't accept vouchers, we have to have immediate cash available for those applications to be processed.

With respect to the trailers, I would advise the Legislators to take into account the fact that there are substantial legal challenges that need to be discussed in Executive Session, if discussed at all, today; that the cost of the trailers has gone from, in 2008, approximately 300,000 for transportation, and a couple of hundred thousand on top of that for the services and the per diem rates and security themselves, all the way up to 1.4 million in 2009. If 2010 continues at the rate it's going with the increased numbers we have, I would invite to your attention the fact that the cost of the trailers for transportation alone, taxiing homeless sex offenders out east and back, because 90% of them come from western Suffolk, is going to exceed one million dollars for transportation alone, and I think that that excess will be significant, over the one million.

And, finally, I would invite to your attention the fact that the trailers are now -- I tried to have this discussion with someone yesterday and they said it wasn't relevant to the point of the trailers, but it is for this reason. The trailers are so occupied now that the one in the jail parking lot is always full, and the one in Westhampton was a spill over, now is always full. So the population, as it's rising, is making the trailers at capacity and is causing us to provide vouchers for homeless sex offenders to find accommodations other than the trailers, because the trailers are at capacity.

And I'll close by pointing out to you a factor that has arisen in many of my discussions with you and that is this, that there's no way of monitoring them as well as there is with the trailers. In fact, just as Nassau County and many of the other counties do, and I distributed to you what some of the other Counties are doing with a similar voucher system, is that the day after a voucher is given, that is when they come back with a receipt to get the next night's accommodations costs, and that's how we monitor where they've been staying, and that's how we will assure that they will not be staying at places that are not -- that are beyond --

P.O. LINDSAY:

Come on, guys.

COMMISSIONER BLASS:

That's how we will assure that they are beyond the points of the prohibited distances. So there has been no incidents of recidivism or incidents of regret with the voucher system in Nassau County.

I represent to you that I know this is a difficult vote. It's shrouded in the seemingly innocent mantle of petty cash, but it does, in fact -- is, in fact, for housing of homeless sex offenders when we are already over and above our capacity of the trailers. The trailers are too expensive, their outlook is grim. I will keep in touch with this Legislature as to how we're doing with the voucher system. I represent to you that I believe that this department is in partnership with this Legislature, for whom I have the highest regard as an institution and individually, and I ask that you consider the fact that we don't have alternatives, and that we've given this a lot of time, a lot of effort, and we think it will work. We ask you to bear with us. We will report to you on its progress, and if it appears that it is -- that the foreboding that some have seen in this proposal comes to pass, we will be the first to report to you. Thank you, Mr. Chairman.

P.O. LINDSAY:

Commissioner Blass, if you would stay at the mike, because I know Legislator Romaine has a question for you. But something that you said -- and first of all, I just want to thank you for your efforts as Commissioner for trying to work out a very, very difficult problem. It's almost like a problem without a solution, and I appreciate your efforts along this vein. But you said that the voucher system, because they have to check back in with their receipts, so we have a record of where they were the night before and can keep tabs on them. But if they're in the trailers, we know where they are. We know where they are every night, right?

COMMISSIONER BLASS:

Not the ones who can't stay at the trailers because the trailers are full.

P.O. LINDSAY:

Okay. But --

COMMISSIONER BLASS:

And also, the cost of this is hitting our housing budget badly.

P.O. LINDSAY:

I heard you about the cost. But if they're in the trailers, we know where they are; that's the point that I wanted to make, you know. Legislator Romaine.

LEG. ROMAINE:

I'm glad the Presiding Officer raised the question of the trailers. I certainly have a lot of questions. First of all, what is the average cost, since 90% of the people in these trailers come from the West End, in my understanding. And let's go through the trailers. They only sleep there. They are taken back to their communities during the daytime; is that not correct?

COMMISSIONER BLASS:

Yes, that's correct, they have to be.

LEG. ROMAINE:

And when you take them back -- well, how much on the average, per anum average, does a trailer occupant incur in expense in terms of taxicabs that are chargeable to the Suffolk County Department of Social Services?

COMMISSIONER BLASS:

I would have to allocate the figure. It's hard to give it an average per anum, because they are transported from all different points and distances.

LEG. ROMAINE:

I would refer you to your hometown paper that did a story on this that pointed out the average is \$15,000 a year for people that are in those trailers in terms of taxicab costs.

COMMISSIONER BLASS:

That's about right. But, again, it --

LEG. ROMAINE:

Now, let's talk about the trailers for two seconds. I quoted the News Review. It's the Riverhead News Review that ran that story. Let's talk about the trailers. Are there cooking facilities in these trailers?

COMMISSIONER BLASS:

No, there are none.

LEG. ROMAINE:

So, when you send these people back to the West End, they have to -- they get a food voucher, I assume, and they frequent wherever they go on the West End or at night in the East End by using these food vouchers. Do you know how much a food voucher per person per day might incur as far as a cost is concerned?

COMMISSIONER BLASS:

It's between 30 and 45 dollars.

LEG. ROMAINE:

Because there are no cooking facilities in these trailers.

COMMISSIONER BLASS:

That's correct.

LEG. ROMAINE:

Let me ask you this: Where do these people shower, since there are no showers in these trailers?

COMMISSIONER BLASS:

We have an arrangement for those who don't have shower facilities on weekends to go to some of our contract providers who will give them the facilities for showers for a couple of hours during the day on weekends. They only get them on weekends.

LEG. ROMAINE:

Right, because there are no -- there are no showers in these trailers; is that correct?

COMMISSIONER BLASS:

That's correct.

LEG. ROMAINE:

So that means that you now have the added responsibility, because, usually, when they get showers, they shower up west, because there are no showers in these trailers.

COMMISSIONER BLASS:

Right.

LEG. ROMAINE:

So now we're getting to the point where homeless sex offenders are growing, because people are being released from prisons, Level 1, Level 2, Level 3. There's no place for them to go. Are our trailers at maximum capacity?

COMMISSIONER BLASS:

They have been since November. There have been some like times where the population goes down. Just this past week it's been down, but overall, we project that they're not going to be enough.

LEG. ROMAINE:

And when there isn't enough, what do you have to do? What tools do you have at your disposal in terms of your legal obligation to house these people; what are you going to have to do?

COMMISSIONER BLASS:

We are -- what we're already doing, which is providing them vouchers and monitoring where they go with the next day's receipt for those who are -- when there's no room in the trailers.

LEG. ROMAINE:

And these vouchers are for motels or other temporary housing?

COMMISSIONER BLASS:

That's correct.

LEG. ROMAINE:

And how much of these vouchers costing you per day?

COMMISSIONER BLASS:

We provide 90 dollars until they come back with a receipt showing that they only spent what usually is less than that, and the average has been between 65 and 72 dollars, and that's really what the voucher will then be thereafter, until we have a debit card system that we're trying to put into effect that will be a more controlled kind of -- and regular kind of usage per individual.

LEG. ROMAINE:

What would happen if this resolution doesn't pass? If you don't have the petty cash available to assist those that need housing that you are obligated by law to provide housing for, what would happen?

COMMISSIONER BLASS:

We would have no means by which to provide -- no sufficient means by which to provide for the population of homeless sex offenders and other hard-to-place homeless. And by other hard-to-place homeless, I'm referring to those who are not suitable to stay in a congregate shelter. We have --

LEG. ROMAINE:

Maybe a family of a mother, with a family of four or five children.

COMMISSIONER BLASS:

Yeah, as well as that, yes.

LEG. ROMAINE:

Right.

COMMISSIONER BLASS:

If they can't stay at the shelters.

LEG. ROMAINE:

So there's a whole category besides homeless sex offenders. There's a whole category of homeless that would be difficult to place without the funding.

COMMISSIONER BLASS:

That's correct.

LEG. ROMAINE:

Now, what action will the State of New York take when we don't provide funding, as we are legally obligated to do?

COMMISSIONER BLASS:

The State has been a very uneasy partner in the whole trailer concept, and they've been an uneasy partner in our efforts to find some new ways to deal with the situation. As a result of that, they warned us that any failure on our part to provide for sufficient housing of homeless in any category will be met with fines that would be in the form of eliminating the reimbursements that we receive for various programs that we provide for. In other words, the State will bail out on us as a punitive measure, and as they have done in other counties.

LEG. ROMAINE:

And by "bail out", how much could we be at risk for that the taxpayers of Suffolk County will have to pick up through property taxes?

COMMISSIONER BLASS:

It could be quite high, in the millions.

LEG. ROMAINE:

In the millions. So, potentially, it has the potential of having a devastating impact on our property taxes, since our property tax, we only collect about 50 million dollars now.

COMMISSIONER BLASS:

If we fail to provide for the homeless, we'll be fined as a department, and the fine is usually -- the only way they do it is by withholding reimbursement, and by withholding reimbursement, we are at

our whits end to either find the sufficient County monies to make up for it or drop the programs that are normally mandated.

LEG. ROMAINE:

So, if they fine us even a punitive amount like five million, that would increase -- could potentially increase property taxes by 10% alone.

COMMISSIONER BLASS:

I haven't gauged that figure, Mr. Romaine. I don't know exactly what it would be in total amount, because I would be speculating what the State final decision would be, but I do know that we are trying to demonstrate to them that we're making efforts to prepare for alternatives, particularly in view of the -- several problems that we're having with the trailers that are no longer sufficient to meet the needs. As I said, the Westhampton trailer is no longer a spill-over, that's now being used at full capacity, as is Riverhead's.

LEG. ROMAINE:

And one -- two last questions. Does the Town of Riverhead currently have a suit against the County of Suffolk since the trailers are within a quarter of a mile of the George Schmelzer, who I think you knew, George Schmelzer Memorial Park?

COMMISSIONER BLASS:

I can tell you that the Town of Riverhead is one of the municipal plaintiffs, the Town of Southampton is the other, and a third plaintiff has already started on behalf of the occupants of the trailers themselves, because they're not-sufficient shelter standards.

LEG. ROMAINE:

And if we don't prevail in these lawsuits, what will occur? Well, without this resolution -- if this resolution does not pass and we don't prevail in the lawsuits, where are we then?

COMMISSIONER BLASS:

It's our considered opinion that these kinds of discussions should be held in Executive Session, but suffice it --

LEG. ROMAINE:

Okay, I understand.

COMMISSIONER BLASS:

Suffice it to say that the -- it's a matter of public record that the Motion for Summary Judgment sought by the County in the municipal plaintiff litigation was not granted, and we are troubled by the outcome of that process.

LEG. ROMAINE:

Look, I'll just end by saying I'm not a fan of the trailers, as everyone knows. I mean, this is an alternative. Quite frankly, I think the County has failed to address the issue in a comprehensive way, and now our backs are against the wall. I think the State has let us down in some regards, particularly with Level 3 sex offenders in terms of adequate screening and possibly civil confinement for some that might need that type of approach to protect society. I think there's a lot of failure on all points. I understand your support of this resolution, because it is really the only viable alternative at the moment. But is it the best alternative? Probably not. But here we are and we have a decision to make. Thank you, Commissioner.

COMMISSIONER BLASS:

Thank you, sir.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:

Good morning. I just want to say first that I admire you jumping on and trying to be proactive. I'm happy to hear that the County Executive is looking for solutions in the long term, although it seems that we always get it and have to make a decision like immediately. But I do admire the foresight, because this is probably a problem that's coming.

And, as you know, I've been talking to you for a number of months about requiring homeless sex offenders to wear GPS tracking. Now, if you look -- and I'm talking about the kind of GPS tracking that the County Executive had talked about in the past, that are -- it's not 24/7. We're spending a million dollars tracking 50 sex offenders now that are on probation. I'm talking about ones that when they check in with you the next day, we would know where they've been, and so forth. Even if we did it 24/7 for 35 people, it would only cost 450,000, so we'd already be saving a half a million dollars, because they would be living in the communities. And the only way I think I could support putting sex offenders back into our communities would be if I could tell people I know where they are and where they've been. So I'm proposing that we look at this legislation and maybe put them together out there as this is what's going to happen when we do this. Is that a possibility?

COMMISSIONER BLASS:

We really need the petty cash increase now. I will certainly have an open mind for your proposal, assuming that it passes any legal questions. It would be a welcome development for us to --

LEG. EDDINGTON:

How about if I said I really need -- the Legislature, hopefully, really needs the GPS's now?

COMMISSIONER BLASS:

I'm not following you, sir. Could you say that again?

LEG. EDDINGTON:

Yeah. Because what I always hear from the podium is, "We really need this now." So I guess what I'm saying is --

COMMISSIONER BLASS:

I see.

LEG. EDDINGTON:

-- if we say to you we really need the GPS technology before you let them out into our community, maybe we could work it out.

COMMISSIONER BLASS:

Well, while that's possible, let me focus on a certain point about letting them back into the community. With all due respect, it's a catchy phrase, but there are over 900 registered sex offenders living in Suffolk County who are not homeless. These who are are an increasing number because of the restrictions placed on where they can live, and the needs of the Department to deal with the excess in the trailers is now. I'm not saying it because I seek melodrama, I say it because it's very real. I don't diminish the cause you've espoused with GPS devices by any means. I suggest that it should be pursued and that the legalities of it be studied and the practicalities of it be studied, and that we do it as soon as possible as well.

LEG. EDDINGTON:

And that's why I'm saying maybe you'll be motivated, because it's been five months we've been working on it. Maybe you'll be more motivated now, because you're asking us -- see, before I was asking your help, now you're asking ours, so that you see how it could work nice if we really worked

at the same time? So I'm hoping that you'll be able to work with our -- with our Counsel and be able to facilitate the GPS technology first now for the homeless sex offenders who we are helping, you know, above and beyond. I'm starting there. I don't know where we'll go in the future, but right now, that's what I'm looking at.

COMMISSIONER BLASS:

Your point is well taken, but I am troubled by the desire to not act on one until the other is acted upon.

LEG. EDDINGTON:

I understand.

COMMISSIONER BLASS:

You have my fullest cooperation since I've been elevated to this position, and which I'm very honored and privileged to hold. I have continuously worked with the Legislature. This is not sudden. I refer you to the minutes of the Committee of Health and Human Services back as far as when I was first confirmed where I made it very clear that a very serious problem was on the horizon regarding not only homeless sex offenders, but the homeless population in general. Our -- not only our trailers, but all 52 of our shelters, large and small, are at capacity. We are back at putting families in motels. Our homeless singles numbers are well over 200 now, and growing. And the needs for petty cash for all of that, including the excess who are not in the trailers who normally would be, prevent us from acting effectively, unless we have access to emergency funds for this and so many other purposes.

As Commissioner, I was surprised to find that we still have only eighty-five hundred dollars in our petty cash fund. As I said in my initial comments at this lectern this morning, I tried to get the petty cash amount increased long before we realized, not very long, but reasonably long before we realized that the trailers weren't working and were destined to an uncertain future. So that is why the petty cash resolution started in November. It's not been sudden, and nor has my warning about the effort to deal with it, nor is my desire to work in partnership with you on this and any initiative. I see enormous possibilities for this Department with a partnership with this Legislature, and I think now is one of them where I would like to have had it occur more smoothly, I would like to have had a chance to talk to you more often about it, but the issue is before us now as far as access to emergency funds for all kinds of purposes.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Greg, I'll be brief. I know you have a lot of questions before you. But I want to go back to some of the dialogue that occurred between you and Legislator Romaine regarding State sanctions. Have there been deadlines given to the County by the State regarding these vouchers and the trailers?

COMMISSIONER BLASS:

Deadlines, no, but --

D.P.O. VILORIA-FISHER:

Okay.

COMMISSIONER BLASS:

Oh, I'm sorry. No, there have not been.

D.P.O. VILORIA-FISHER:

Then what I was hearing was basically speculative, that you anticipate, or expect, or assume that they're going to happen. I just wanted to make sure that there were no clear --

COMMISSIONER BLASS:

No, no.

D.P.O. VILORIA-FISHER:

-- deadlines regarding sanctions.

COMMISSIONER BLASS:

No. If we fail to provide adequately for the homeless population, it's not a matter of speculation, there will be sanctions, and they --

D.P.O. VILORIA-FISHER:

Okay.

COMMISSIONER BLASS:

And they are always monitoring our progress and our success.

D.P.O. VILORIA-FISHER:

Okay. But, at this point, we haven't heard word from them that we are -- that the trailers have to be -- for example, in the jail, the State has come down and said, "Look, you're overcrowded and you have this deadline, we'll let you go up to this date and then there will be sanctions." We haven't had any clear indicator from the State that the trailers have to be vacated by a date certain?

COMMISSIONER BLASS:

The State has given us warnings about the inadequacy of the trailers. The State has given us encouragement about an effort to create a more permanent and higher level of services facility.

D.P.O. VILORIA-FISHER:

Okay. But there's no date certain attached to that?

COMMISSIONER BLASS:

No.

D.P.O. VILORIA-FISHER:

Okay.

COMMISSIONER BLASS:

But when the trailers close, that's -- by court order or by other causes, that's what we're concerned about. And the effort to create a more feasible and workable facility is also met with opposition. And our effort to try to defray or to limit the cost of transporting them by locating in an industrial park, for instance, has not been successful, so --

D.P.O. VILORIA-FISHER:

Okay. I just wanted to make sure that I didn't hear that there was a date certain and that we were under the gun. I just -- I wanted to clarify that. It's the sense that the practice is not an acceptable practice, but we don't have a date certain on which we would be sanctioned and losing that five million dollars and --

COMMISSIONER BLASS:

We don't have a date certain, but we do have a very real apprehension about the issue. We don't want us to be a department with these enormous responsibilities that are suddenly faced with that kind of dilemma. We'd rather have a dilemma that's more manageable now, which, with your cooperation, can be dealt with with the expansion of the petty cash fund. But the bottom line is that we seek to work with you in finding a solution, and everywhere we turn we find discouragement, we find disinterest, we find "Anywhere but my district." We actually are talking --

D.P.O. VILORIA-FISHER:

Oh, certainly not disinterest.

COMMISSIONER BLASS:

Well, we're

D.P.O. VILORIA-FISHER:

But can I ask you one more question --

COMMISSIONER BLASS:

Please.

D.P.O. VILORIA-FISHER:

-- which is about the fact that I heard -- I've heard you mention several times, and I can't remember his last name, Dave from your -- the Accounting Department; wasn't his name David? I can't remember his last name.

COMMISSIONER BLASS:

Oh, David Mohr, yes.

D.P.O. VILORIA-FISHER:

Yes, who you both indicated with -- and I'm -- and I have complete faith that it was in all honesty, that you've been working on this since November, but I really hadn't heard of it until I saw this resolution. Had this been -- and I had not served on the Health and Human Services Committee in 2009. Had you mentioned this petty cash, which seems like a real emergency if you only had \$500, I think Dave said was left in the account, and these are very serious needs. Had that been brought to the Health and Human Services Committee? And I wasn't on that committee, so I apologize for my ignorance.

COMMISSIONER BLASS:

We hadn't discussed it in committee, no, not the idea that we were going to need more petty cash. That was being developed and worked on. We wanted to get better projections and better figures. But to suggest that this was a sudden or surprise move is --

D.P.O. VILORIA-FISHER:

Well, for us it was sudden. For us it was sudden, because we hadn't heard -- I certainly hadn't heard about it. And when I read the resolution before I arrived at the committee last week, I did not know the ramifications, it just seemed like an increase in petty cash. I'm very well aware of the number of people who are homeless, the number of people who have needs because of the fiscal crisis that we're in, and I visited -- I visited a homeless shelter during Christmas. I went to a Love 'Em Shelter and I know how busy and crowded they are.

COMMISSIONER BLASS:

Yes, and I --

D.P.O. VILORIA-FISHER:

So I understand all that, but I wasn't prepared for the details of this particular resolution until I was in the committee, the meeting the other day. So that's what we're talking about sudden, Greg.

COMMISSIONER BLASS:

Well, let's be more specific than that. The problem that we were seeking to address was well-known and discussed. I made it clear that the trailers were getting full. I made it clear the homeless numbers were going up. I made it clear that we had problems on the horizon. This was a mechanism to deal with it. That particular way of dealing with it may have been more recent in its

discussion. But, certainly, the problem and the need for solutions I've been very candid about and very open with and discussing for quite a length of time.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

Okay. I apologize. Much has been talked about the transportation costs for the trailers. Let's talk about the trailers a little bit. Will they -- how did we acquire the trailers, first of all?

COMMISSIONER BLASS:

We acquired them from DPW.

LEG. GREGORY:

We had them, we didn't purchase them, they were --

COMMISSIONER BLASS:

As I understand, we already had them.

LEG. GREGORY:

We already had them, okay. All right. So you said there's -- and then we met yesterday, there's approximately over a million dollars in transportation costs associated with the trailers?

COMMISSIONER BLASS:

Transportation costs in 2008, when we had much lower numbers, probably a third of the numbers we have now, were in the range of 300,000. In 2009, it's in the range of over 800, and at the rate we're going, we'll be spending over a million in 2010.

LEG. GREGORY:

Okay. Now, is that --

COMMISSIONER BLASS:

For transportation alone.

LEG. GREGORY:

Right. Now, is that to suppose that with the voucher system, that there's no transportation cost associated with that as well and they go to the hotel, or are they responsible to get -- pay for their -- I mean, how does that happen when they go back to submit their receipts?

COMMISSIONER BLASS:

The voucher system does not, anymore than in Nassau, require the Department to provide transportation. They will be able to use the bus system or their own taxi costs, and if that is crucial in their getting to where they're going, we'll take that into account when we get the receipt the next day.

LEG. GREGORY:

But is that --

COMMISSIONER BLASS:

But most of it is not transportation.

LEG. GREGORY:

So it's at their expense or our expense?

COMMISSIONER BLASS:

It would be at our expense, but it would be more local, and very likely not even involve

transportation costs. That's not -- that's what we have found so far, that they don't require transportation costs to get to where they want to stay for the population that is in excess of the trailers.

LEG. GREGORY:

So you're saying now, and at one point a few weeks ago we had two or three, maybe even up to six people in motels, that there was zero transportation costs associated with -- well, we didn't have the voucher system then, but --

COMMISSIONER BLASS:

We don't provide transportation of -- for motels, but we do provide them for the trailers, and we provide them for our congregate shelters.

LEG. GREGORY:

Okay. So I'm still at a loss as to how do they get to -- they're responsible for getting to the motel.

COMMISSIONER BLASS:

Yes.

LEG. GREGORY:

And for getting back to the center the next day to claim their voucher or receipt, or whatever.

COMMISSIONER BLASS:

Yes.

LEG. GREGORY:

Okay.

COMMISSIONER BLASS:

Most of them use the County bus system to get back.

LEG. GREGORY:

Okay. I had another question, but it escapes me. And, as you said with -- to Legislator Fisher, that there isn't a deadline now, it's more of a self-imposed deadline to close the trailers on February 11th, but your feeling is that we may have some sanctions or some court order from the State or the courts to close down the trailers as they -- as we provide them now?

COMMISSIONER BLASS:

Yes. The trailers are not adequate shelter structures or services, and the cost and the uncertainty are why we're acting today.

LEG. GREGORY:

Now, "inadequate", meaning that they don't have showers or cooking facilities, as Legislator Romaine referred to.

COMMISSIONER BLASS:

They also don't have programmatic services like our other shelters do in terms of assessing for employment, in terms of getting them help, if they, for instance, need substance abuse attention, any of the services that our homeless population get. The claim that has been lodged against the shelters on behalf of the occupants, which is now in the administrative hearing process and is moving up, and eventually will find it's way to Supreme Court -- this is the additional litigation I referred to that's been started -- their contention is that simply because they are homeless, they are treated -- but also have the background that they've already served their sentence for and for which they're already complying with Megan's Law, they are being given shelter that is of an inferior quality to the shelters that are available in the rest of the Suffolk County system for homeless who are not sex offenders. And that discriminatory claim, we're awaiting the decision in the fair hearing

process and they have to exhaust their administrative remedies before they move on to the higher court system.

LEG. GREGORY:

Okay. Now to address one part of your statement. Well, if we give them vouchers to go to motels, certainly motels aren't providing programmatic services. So we'll still be insufficient in that regard, so I'm not understanding --

COMMISSIONER BLASS:

No, motels are not considered insufficient compared to a trailer in that there are shower facilities and there is access sometimes nearby to food. When they're in the trailers, they are asked to sign a consent that they won't leave the trailer overnight until the next morning when the taxi picks them up. We haven't had an incident where they violated that, but the contention again is that they're being forced -- just to get basic shelter, they're being forced to agree to these kinds of rules that don't apply to homeless in the shelter system normally.

LEG. GREGORY:

But has there been any -- and this will be my last question, Mr. Chair. Has there been any consideration as to purchasing a trailer? I mean, I have two trailer parks in my district. I know trailers certainly can have kitchens, they certainly have showers. Has the County looked at that possibility?

COMMISSIONER BLASS:

The problem is that a mobile home park is -- a trailer in that kind of a setting is for a family, usually, or couple, whereas we're dealing with one trailer that has 18 beds and another trailer that has eight.

LEG. GREGORY:

Okay. Thank you, Commissioner.

D.P.O. VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Good morning, Commissioner.

COMMISSIONER BLASS:

Good morning.

LEG. KENNEDY:

As you know, we talked at great length during the committee meeting about this resolution, about the issue associated with the homeless sexual offender population, but also the -- just the petty cash needs. And I appreciate you furnishing some of what you've given us this morning, and as the dialogue's been going on, I've been trying to go through it. But I find, to be candid with you, that some of what's contained in here are just going to raise more questions and things that I would come back to you and ask about the whole general process, and that's why I've just asked the Presiding Officer to entertain a motion for me to table this.

As to the broader issue with vouchers needed for homeless sex offenders, I don't see the imminent crises that you are conveying to us, if for no other reason, because I see a unilateral decision on the part of the Administration to elect to terminate, and that was done by virtue of the letter to the security guards providing that 30-day notice. I had no knowledge of that, I was never briefed about that. I was never asked about what my input for an alternative was, but I was told by you in committee that that's what precipitated this latest crisis. And so, once again, my inclination is, is I think, I believe I'm part of a governing system that involves entities that collaborate to address

ends, not one that's told to capitulate based on unilateral action. I need time, I need time to look at this, I need time to see what the implications are, I need time to see if giving vouchers is a reasonable remedy, not one that I'm prepared to go ahead and vote on right now.

You've made yourself extremely accessible and I appreciate that, but in order for me to do my due diligence on the behalf of my constituents, and we talked at length about this, I'm going to have to look at why we have to incur \$6,732 for fare hearing mileage expense. I've been to fare hearings with my constituents right over here on Wireless Drive. Maybe constituents need to have fare hearings at other areas in their communities instead of being compelled to come here to Hauppauge or wherever they're held. I look for some flexibility. I look for some remedies, not just slavish adherence to some kind of cost dictates that are put in from afar. So my inclination is to go ahead and table, do my due diligence over the next 30 days, and see whether it's wise or not. I don't know that now. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Montano.

LEG. MONTANO:

Good morning, Commissioner. Just a couple of quick questions. You said that there were 900 homeless -- 900 sex offenders that are not homeless and that are not in trailers in Suffolk County, is that -- is that what I heard you say?

COMMISSIONER BLASS:

That's correct. Suffolk County has one of the largest sex -- registered sex offender 1, 2 and 3, Megan's Law compliance populations if any suburban county in New York State.

LEG. MONTANO:

All right. And how many, again, are in the trailers?

COMMISSIONER BLASS:

We vary. Last year at this time, we were dealing with 15 to 16, 17; now we're up to 30 to 35. This week it went down again. It's in the mid 20's --

LEG. MONTANO:

That's in the two trailers? We have two trailers?

COMMISSIONER BLASS:

Yes.

LEG. MONTANO:

All right. So that's a total population of 30 to 35 in two trailers that we're talking about?

COMMISSIONER BLASS:

Well, the capacity of the trailers is 26, so we're already using the voucher system for the excess, it's just that it's not enough.

LEG. MONTANO:

All right. But that's 26 for both trailers. In other words, when you speak the number, you're talking about -- one is in -- at the jail complex; is that accurate?

COMMISSIONER BLASS:

One is actually not in the jail perimeter.

LEG. MONTANO:

It's on the parking lot.

COMMISSIONER BLASS:

It's in the parking lot --

LEG. MONTANO:

Parking lot.

COMMISSIONER BLASS:

-- outside the jail.

LEG. MONTANO:

And where is the other one?

COMMISSIONER BLASS:

In Westhampton at the so-called BOMARC site that the County owns in Westhampton.

LEG. MONTANO:

Now, of these 900 that are not homeless, do you have -- do you know where they're at at any given time? Do you know where they live?

COMMISSIONER BLASS:

No. They do -- they are required to register under Megan's Law, as are the homeless ones. So, in that sense, it is known where they are, but --

LEG. MONTANO:

What do you mean, "In that sense it is known where they are"?

COMMISSIONER BLASS:

It's known where they're living, but it's not --

LEG. MONTANO:

So they're at a permanent address?

COMMISSIONER BLASS:

Yes.

LEG. MONTANO:

And when they -- I hear Ben in there. Ben, you want to say something?

MR. ZWIRN:

Well, it's just every ten days, they have to -- if they move, they have to register --

LEG. MONTANO:

All right.

MR. ZWIRN:

-- with the Police Department.

LEG. MONTANO:

So we track where they're at on a regular ten-day basis; am I correct?

MR. ZWIRN:

(Nodded Yes).

LEG. MONTANO:

And where are they at in terms of geographically? Do you have statistics on where they are residing, what communities they're in, because I'm sure that they're not spread out equally throughout Suffolk County, that they're probably more concentrated in certain areas. Do you have those statistics?

COMMISSIONER BLASS:

I can tell you that, just as the 90%/10% proportion applies to the general population of five western towns to five eastern towns, so, too, with the homeless population, so, too, with the homeless sex offender population.

LEG. MONTANO:

Right. But could you break it down into a more -- a smaller unit in terms of village, hamlet, community, Legislative District; how do you have it, Ben?

MR. ZWIRN:

If you go on the State website, DCJS, you can go on by county, you can go by zip code, and they will give you the addresses of, and the backgrounds, and the picture of each of the people who are on the -- who have registered with Megan's Law. And I might add that if you don't have an address, you --

LEG. MONTANO:

Jack just told me there's 800 in Brentwood. I kind of knew that. That's what I was getting at.

*(*Laughter*)*

Thank you. I'm sorry, Ben, go ahead.

MR. ZWIRN:

They can even register without an address, they can register homeless. If they have no place, they can -- there is one I know that in the Riverhead area who they know lives in the woods near the railroad tracks. He has no address and he's legally able to list homeless as an address.

LEG. MONTANO:

And how is it he has no address and legally homeless?

MR. ZWIRN:

That's one of the things I was going to wait until the end and discuss, because when we talk about GPS, a lot of the individuals we're talking about have already served their sentences, they are no longer under the control of Probation or Parole. They are able --

LEG. MONTANO:

So they're basically discharged.

MR. ZWIRN:

Discharged.

LEG. MONTANO:

They're offenders that simply have to report, but they're not under the jurisdiction of the court is what you're saying.

MR. ZWIRN:

That's correct.

LEG. MONTANO:

Or Probation or Parole.

MR. ZWIRN:

That's why the GPS is problematic, because one of the problems we had originally when we unilaterally decided to have the trailer system and there was no moral indignation at that time as being a part of the solution, we wanted to put them behind the barbed wire at the jail; that seemed to be the safest place and probably the better place to put them. The State Department of Corrections would not permit that because they said they had already served their sentences and could no longer be in a jail setting.

LEG. MONTANO:

Right, because it would be tantamount to additional punishment. Commissioner, with respect to the lawsuit that you referred to earlier, you said the County made a Motion for Summary Judgment, which is public record, which was denied. Do you know if there was a cross motion made for Summary Judgment by the petitioners?

COMMISSIONER BLASS:

I'm not aware of one, but I do understand the County Attorney is prepared to discuss the pending litigation regarding the trailers in Executive Session, if requested to do so.

LEG. MONTANO:

Right. No, I understand that. But if there were a motion that -- if there were cross motions for Summary Judgment, it would be a matter of public record, so we really wouldn't need to go into Executive Session for that.

COMMISSIONER BLASS:

I agree with you. I'm not --

LEG. MONTANO:

And you're an Attorney and former Judge, so you know that.

COMMISSIONER BLASS:

Right. I'm not fully aware of the occurrence of a cross motion, but I could find that out for you.

LEG. MONTANO:

Okay. And the urgency in terms of passing this bill at this time, I'm not sure I get the urgency of doing this. You know, I'm not sure I understand the urgency of now. And I agree with my colleagues, that, you know, we deal with that on a regular basis, that everything is urgent, but could you explain to me again why it is so urgent that we do this this minute and not table it for further discussion and further review and understanding?

COMMISSIONER BLASS:

Only because we are trying to get a system in place that allows us not to have a self-imposed deadline by fiat, as had been suggested. We are trying to responsibly and gradually move towards abandoning the trailers, phasing them out. We recognize the Legislature's disinclination to have any kind of centrally located facility; we've been down that road. And we also recognize that we need to get the petty cash system to start rolling on to a system of debit cards that will then address the excess population and the hard-to-place homeless population, and all the other needs that we have with petty cash, that I've demonstrated in the enclosures have climbed dramatically since the mid-nineties. I can just tell you a story I shared yesterday with some people, very quickly.

LEG. MONTANO:

Okay. Go ahead.

COMMISSIONER BLASS:

That because CPS is not able to get all the petty cash they need for providing emergency clothing for children who suddenly come into foster care, or to provide meals for children during visitations that are scheduled and then take longer, and for a variety of other purposes, that these caseworkers are actually holding cake sales and fund-raising. The petty cash system for this department is inadequate, it's not working. It needs -- it should have been addressed sooner. I would have addressed it sooner if I was able to have done -- been aware of it. I became aware of it when I became Commissioner. I don't think we can last on eighty-five hundred dollars for a department with a 560 million dollar budget.

LEG. MONTANO:

Let me, if I may, to Gail. First of all, Commissioner, are you out of petty cash already? Are your -- have you depleted these funds, or this is anticipatory?

COMMISSIONER BLASS:

No, but they're low. We count on some of the petty cash to be reimbursed from the State formulas that -- depending upon what it's spent for. But just the news we had from Medicaid, that it is becoming impossible to get the out-of-state birth certificates back to our applications unless we pay them up front, that's going to be a strain for everybody else. We only have eighty-five hundred dollars as a revolving fund to work it. We at least need to bring it to 25; it probably should be more. And my decision was to go gradually, go for the 25 now, and if it turns out that we need more, we'll come back again to the Legislature to obtain it. But eighty-five hundred, even to table it for 30 days, I don't think is in the best interest of our clients.

LEG. MONTANO:

Going back to the trailers, you indicated that it was not a self-imposed deadline, that you were going to move gradually. So, if that is the case, what is the February 11th date that we're throwing around? Isn't -- to me, that's a deadline, is it not? Isn't that the date that you intend to close the trailers?

COMMISSIONER BLASS:

That is a date that we had anticipated early in January, and we did it because we feel that it is on thin ice, and we're already exceeding the capacity. And we felt that with the litigation going in the direction that it might be going, and with the cost that's escalating, the responsible thing is to steer away from them. We chose February 11th, only because it was 30 days from the date that we decided we ought to start the wheels in motion to close it. If everybody here feels -- think it's more responsible to leave them open, I would only return to you that even if we do, we have an out-of-capacity, an excess capacity, as well as combined with a hard-to-place homeless that need to be addressed with a petty cash fund allowance that let's us move in the direction of accommodating all of them.

LEG. MONTANO:

If I may, to BRO, Gail this petty cash, this creation of the petty cash fund, I was talking to our Counsel and he says that Section 341 of the New York County Law requires us to establish the petty cash? And the question I'm asking is, was this dealt with in the budget as a line item?

MS. VIZZINI:

No.

LEG. MONTANO:

Is this a departmental -- in other words, why would the department need the Legislature's approval to increase its petty cash fund, or is this something that can be done interdepartmental?

MS. VIZZINI:

Actually, we were just discussing that with Mr. Zwirn, and I think it's more of a legal question. I would defer to Counsel or to Mr. Zwirn.

LEG. MONTANO:

Okay. I'll pose it to our Counsel. George, I have your notes here. I'm just trying to -- is this something that is mandatorially an obligation of the Legislature, or is this something that is -- can be done interdepartmental within their existing budget, or how does this work?

MR. NOLAN:

Well you mentioned the section of the New York County Law 371, which says that the Legislature, by resolution, establishes these revolving petty cash funds for administrative units within the County. So, you know, it says it has to be by resolution. I believe, if we're going to increase the threshold for petty cash fund, then it should be by Legislative resolution.

LEG. MONTANO:

Okay. This was -- this amount was not --

MR. ZWIRN:

If I might, we did it for -- we did it for Parks, for the Parks Department last year.

LEG. MONTANO:

Right. Yeah, he explained that to me. This amount, though, was not -- this is not a budgetary -- this was not in the budget, is what you're saying, Gail?

MS. VIZZINI:

No.

LEG. MONTANO:

Wasn't a line item in the budget?

MS. VIZZINI:

No. All the departments have some threshold of petty cash, they're not particularly line-itemed in the budget.

COMMISSIONER BLASS:

This does not increase any appropriation, if that's your question. This will not cause an increase in appropriation. And, in fact, it wouldn't even cost --

LEG. MONTANO:

No, that's not -- actually, that's not the question, because my thought was that if it was done interdepartmental, it would not affect the overall budget. It might affect certain line items within your department, but wouldn't affect the overall budget. We're not increasing your budget by 25,000, we're simply moving monies around from one section to another; am I accurate in that?

COMMISSIONER BLASS:

That's correct.

LEG. MONTANO:

Okay. And this February 11th date, what are we doing now on February 11th, we are actually putting a padlock on the trailers and letting the sex offenders disperse into other parts of the County; is that what we're doing?

COMMISSIONER BLASS:

On February 11th, we're concluding -- we hope to conclude our contract with the security guard firm that provides the two guards overnight. And we will then adopt the system, hopefully, by then that will have -- or shortly thereafter, that will be similar to that of Nassau County.

LEG. MONTANO:

Which is a voucher system.

COMMISSIONER BLASS:

Correct.

LEG. MONTANO:

So we are -- so the answer, essentially, is that, yes, on February -- and I don't want to put words in your mouth, but on February 11th, we're going to padlock the trailers, send them wherever, you know, they're going to go, and the people that are staying in the trailers are no longer going to be there, they're going to be dispersed into another location or locations within Suffolk County.

COMMISSIONER BLASS:

We're doing on February -- yes. We're basically doing it on --

LEG. MONTANO:

So you're giving them a voucher -- just so I understand this, you're giving them a voucher on February 11th and you're saying, "Don't come back to the trailer, we don't care where you go. Here's enough -- here's money, go find a place to live"?

COMMISSIONER BLASS:

I would respectfully disagree with your characterization.

LEG. MONTANO:

Okay. I'm sorry, Greg. I don't mean to put words in your mouth. Would you -- would you rephrase it so that it's clear?

COMMISSIONER BLASS:

On February 11th, or shortly thereafter, depending upon how well we've been able to get the voucher system going and the debit card system going, it is our intention to adopt the voucher system and have them provided with a place of where they cannot go, and then eliminate the transportation costs and --

LEG. MONTANO:

A place where they cannot go?

COMMISSIONER BLASS:

Right. We're going to have -- there are certain motels and other units of rental housing that are -- that are --

LEG. MONTANO:

Where they're precluded from, you're saying.

COMMISSIONER BLASS:

Right.

LEG. MONTANO:

All right.

COMMISSIONER BLASS:

And then we will be doing, around that time, in the middle of this month I should say, what we anticipate may soon happen anyway, and that is that we wouldn't be able to use them anymore. They're not a viable option. It is not a workable option.

LEG. MONTANO:

So the list of precluded locations, that would be -- I'm assuming that that is a list that you have

compiled based on the various exclusionary laws that prevent sexual offenders from living within certain -- you know, certain locations of schools, playgrounds, etcetera, etcetera.

COMMISSIONER BLASS:

Yes, that's correct.

LEG. MONTANO:

So, you're going to give them a do-not-enter list, but are you -- but, on the other hand, these vouchers, they're going to go anywhere they want, is what you're saying.

COMMISSIONER BLASS:

Anywhere they want, but when they come back the next --

LEG. MONTANO:

Anywhere they want, except where you tell them they can't go.

COMMISSIONER BLASS:

Right. But, when they come back the next day, we will know from the receipt that they used what the amount has to be adjusted down to from \$90 and where they stayed, and that will --

LEG. MONTANO:

That's the day after they stay there.

COMMISSIONER BLASS:

Right, and that will be -- we'll be able to --

LEG. MONTANO:

That's not before they stay there.

COMMISSIONER BLASS:

We'll be able to cross-reference that from whether they've stayed at any prohibited places. And we -- I do want to say, though, that we anticipate cooperation from them. They have not been -- they've been a hard-to-place population, but they have not been a troublesome population. We have not had any incidents with them.

LEG. MONTANO:

Right, I understand that. So, just so I understand this, now that means that on February 12th, they're given a -- I just want to interpret this. They're given a voucher and they're saying, "You can't go here, you can't go there, you can't go there, but you can go anywhere else." They go wherever they can find a place, they come back to you the next day, they tell you, "We slept in a motel in" -- you know, "on Fifth Avenue last night," and then the next night, where do they go? If they only got a room for one night, where do they wind up? If they can't get that same motel, they got to go to another place, right?

COMMISSIONER BLASS:

Yes.

LEG. MONTANO:

So they have to come back to you every night and tell you where they stayed?

COMMISSIONER BLASS:

Yes. Essentially, yes. And --

LEG. MONTANO:

And this goes on, you know, 365 days a year?

COMMISSIONER BLASS:

Until such time as we transition them into permanent housing, and we transition them into employment. Some of them already are employed and just can't stay where they stay during the day. They can't stay overnight there because there -- it would violate Megan's Law to stay there.

LEG. MONTANO:

I actually do have a lot of questions, but I don't want to -- I don't want to steer off cost, so I'm going -- you know, I'm going to -- I appreciate the explanation. Ben, did you want -- I see you. Did you want to jump in and make a final statement here? I mean, in answer to my questions, not to make -- I'm not asking you to make a final statement, I'm saying is there anything that you want to address --

MR. ZWIRN:

Yes.

LEG. MONTANO:

-- to the questions that I posed?

MR. ZWIRN:

I think you highlight a lot of the problems. I think we've discussed the problems, and I think what we're looking for today is just not to say we won't like this, we don't like that, we're looking for some help from the Legislature. When we had the trailer program, it worked. You know, it was unpopular in certain districts, but it worked, we knew where these people were. And we're only talking about 25 to 35 people any given night, but we knew where they were. We didn't make it attractive for them, we didn't put showers in, we didn't put, you know, cooking facilities in there. Deliberately, it was kept spartan, because we were trying to encourage people to go out and find a permanent place to live and not make these shelters a permanent home, so that --

LEG. MONTANO:

But it is a permanent home.

MR. ZWIRN:

Well, for very few of them. Most of them don't stay there for long periods of time, with some exceptions. But when we tried to find an additional trailer or a situation in an industrial area, we thought we had found a location, it happened to be in Legislator Gregory's district.

LEG. MONTANO:

Right, I'm familiar with that.

MR. ZWIRN:

And there was going to be showers there, it was going to be a little bit less spartan, a little bit more with some programs. It was bordered by an airport, a landfill, a cemetery, it was in an industrial area. We thought that this would be the final answer for it, because it would have been another 18 beds maximum.

LEG. MONTANO:

Right, but it wasn't the answer, because there were other issues that came up, I'm aware of that.

MR. ZWIRN:

But then we found that it was almost impossible to find another location that would meet the requirements that have been set down for us to look through. And we have a problem, and we were looking for a solution, so we figured we would do what they do in Nassau County and give them a voucher so they could find housing, and we would steer them away from places that they shouldn't be able to stay under the housing requirements for sex offenders.

LEG. MONTANO:

Right, but the --

MR. ZWIRN:

You know, we've heard criticism today, we've heard, you know --

LEG. MONTANO:

Ben.

MR. ZWIRN:

-- morale indignation, but we don't have any answers except, "You can't do this," "You can't do that," "We're not" -- "We're going to table this bill." What -- can anybody give the County Executive and DSS a solution, an answer? Can you give us some suggestions? GPS doesn't work, because they're not -- we don't have authorization to do it.

LEG. MONTANO:

Well, the problem -- you opened the door and I might as well walk through it. The problem is that the only way we can give an answer is if we are part of the process, and I think that's been pointed out. It seems to me that, not only on this issue, but on other issues, we are not part of the problem. We could collectively possibly come up with some solutions if we were able to come into the process in an earlier stage and be part of these discussions, and it doesn't seem to me that it's happening. What happens, in my opinion, is that the decision is made because the problem exists, that a solution is going to come forward, it's presented to us, we have -- I wasn't trying to highlight the problems, I'm trying to understand the issues. So, as I understand the issues, they're much more complicated than -- and there are no easy solutions. But if -- and because we raise questions, which are legitimate questions, it leads us, some of us, to tend to say, "Well, maybe this is not the way we should go, so we should postpone a vote on this issue." And then we're hit with, "Well, it's an urgent situation because we've got to do this right away." And that's the dilemma that we're facing, not only on this issue, faced it on the solar panel issue and other issues that are coming up. And I think it needs to -- you know, that needs to be brought forward. But, for now, I understand, you know, we're dealing with this one issue and I thank you for the answers. And thank you, Commissioner.

P.O. LINDSAY:

Okay. We still have five Legislators who want to speak on this issue, and I am going to recess at 12 o'clock for Executive Session, because we have two cases we have to review, and we have to do this photo, so --

D.P.O. VILORIA-FISHER:

Schneiderman.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. You can tell by discussion, this has very little to do with increasing petty cash for the homeless, which I think we all supported. It has everything to do with the trailers that happen to both be in my district.

And, Commissioner, as you say, you want to work with the Legislature to solve this problem. Clearly, the Legislature didn't create this problem, this was the County Executive and DSS that set up this program originally to have these trailers moving throughout the County, you know, coming to a neighborhood near you, but ended up, instead, the first trailer went in Westhampton right next to -- you know, within a couple of hundred feet of an over 200-unit housing facility. The second trailer, which was supposed to be behind the barbed wire of the jail, ends up in an unsecured parking lot, basically in Downtown Riverhead, very close to Downtown Riverhead, where we have

libraries, Aquarium, schools; a mess. Now, of course this Legislature can't solve this problem because they're both in my district. I've got 17 Legislators who are going to end up with these people if this problem is solved. There's no incentive. This has got to be an Executive-based solution here. You've got to find a way not to ask this group for anything, because we won't get it, but to find that money, get these trailers decommissioned and out of there.

Now you know we're spending over a million dollars in transporting these people. Ninety percent don't come from the East End, so we've got over a million dollars in taxicab rides. We're looking at potentially millions in penalties from the State. You've got one lawsuit going, and, you know -- and it's certainly questionable whether we have complied in terms of whether we have fully explored the impacts of congregating these individuals where they're congregated, whether they are actually meeting the distances from various parks, and then a potential secondary lawsuit in terms of whether we meet the minimum standards. And I think there are some real questions of whether we're meeting the State standards in the current fashion of which we're housing these homeless sex offenders.

So, again, this has got to be solved at the Executive and the DSS level. We're going to have to find a way to shut these trailers down and find an alternative solution. It appears that this -- going back to the Legislature is not going to work, because there's no incentive. In fact, there's a disincentive to solving this problem. So there's got to be some emergency funds out there that could be made available to deal with this situation. The trailers have to be closed, and it sounds like you have to do what you've got to do as a department and not come back to this board, that didn't create this problem, to try to solve it.

D.P.O. VILORIA-FISHER:

Legislator Stern.

P.O. LINDSAY:

Okay. Before I recognize Legislator Stern, from Legislator Stern's district, we've been joined by Miss Szigethy's Fifth Grade class from the Vanderbilt Elementary School. Hi, boys and girls. Hello.

(Applause)

And with that, perfect timing, Legislator Stern, your Legislator, has the podium.

LEG. STERN:

Thank you, Mr. Presiding Officer. Commissioner, first of all, let me commend you. Certainly, you and your staff are doing everything possibly proactive in dealing with an almost unimaginable issue. Generally, how long do the homeless sex offenders remain homeless? Is there some type of average? How long are they able to remain homeless and continue to receive these kinds of benefits?

COMMISSIONER BLASS:

That has been the one aspect that is hard to measure, because when we transition them into permanent housing, I just cited an example yesterday of how the landlord is then hit either with code enforcement obligations that suddenly arise, or other community pressures that result from the information that is given them in the community by Megan's Law registration. And when that happens, we've had them transition out of homelessness and back into homelessness again. So I really can't give you an average figure because of the recurrence of the problem, the unwieldy aspect; there are many. One of them is that we find it difficult to give a permanency to permanent housing. Overall, with homelessness, we are -- I think it's a major achievement of this Administration, as I said before, that we transition more than 30 to 40 families per month from homelessness into permanent housing. Very few of them come back, but with this particular population, they do come back.

LEG. STERN:

And I'm sure we all have ideas as to why, but can you elaborate on it? Why would that be for this particular population?

COMMISSIONER BLASS:

Because there are so many areas where they are restricted from living, and the restrictions, which have been created by Federal, State and local laws, cause them to find that where they are living suddenly means they can't -- suddenly they can't live there anymore. And if they don't, then community pressure from being aware of their locale prevails upon the owner of the property to get them out. One night we had an increase of six, just because a landlord had to let all six of them, legally living in his dwelling, to go because the community pressured the landlord to get them out, even though there were no restrictions on that property.

LEG. STERN:

And right now, we have the responsibility to provide transportation because they're residing in the trailers. The responsibility for the County to provide transportation, that's a mandate that comes from where?

COMMISSIONER BLASS:

That's a State mandate, OTDA. I would also point out that in our shelters, we are able to provide a van from the centers to some of our other shelters, and that reduces somewhat the cost of it. But when it comes to the trailers, they are so -- this population is so dispersed, they'll be living in places which are legal restriction-wise during the day, but for overnight residency, they can't stay and they come to our shelter system.

LEG. STERN:

I had a question then on the distinction. Right now, we have the responsibility to provide transportation because they're at the shelters, but you had said that if they were dispersed, if there was a warehouse plan or a voucher plan, whatever it is, that we no longer have the responsibility to provide transportation; why is that?

COMMISSIONER BLASS:

That's the way the regulations read. We don't -- we're not mandating they go to a shelter that's a long distance.

LEG. STERN:

I guess that's my question. Is there a mileage requirement?

COMMISSIONER BLASS:

No.

LEG. STERN:

When does it become so far that we have to provide transportation and when does it not?

COMMISSIONER BLASS:

It's not a mileage requirement, it's that when we are transporting them to a facility that we operate for shelter purposes, whether they are homeless, this population, or homeless of another category, we are -- when it comes to actual facilities that they go to, we are required to transport them; if we give them vouchers, we're not.

LEG. STERN:

So the trailer, then, is defined as a facility.

COMMISSIONER BLASS:

Yes.

LEG. STERN:

So, if someone lives in Riverhead just ten minutes, or is doing their daily business ten minutes from the location of the trailer, we're still responsible for providing their transportation?

COMMISSIONER BLASS:

Yes. We don't let anyone go to the trailers unless they get there -- arrive there by taxi.

LEG. STERN:

Even if that taxi is two blocks away?

COMMISSIONER BLASS:

Unfortunately, yes.

LEG. STERN:

All right. Thank you.

COMMISSIONER BLASS:

But, fortunately, they are only 10% of the population --

LEG. STERN:

Understood.

COMMISSIONER BLASS:

-- from the five East End Towns.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. And I'll try and be brief. Commissioner, I appreciate your even-handed approach to this problem. It's a very difficult situation that you're in, but I can't be so dispassionate about this. Are we under any legal mandate to close the trailers at this time?

COMMISSIONER BLASS:

The key phrase you use is "at this time".

LEG. D'AMARO:

Yeah.

COMMISSIONER BLASS:

We have been given warnings --

LEG. D'AMARO:

Well, I just want -- I just want to know, are we under a legal mandate to close these trailers at this time?

COMMISSIONER BLASS:

We've been warned that we will be, but, at this time, we haven't --

LEG. D'AMARO:

We've been warned.

COMMISSIONER BLASS:

Yes.

LEG. D'AMARO:

We've been warned.

COMMISSIONER BLASS:

OTDA, State Office of Temporary Disability Assistance, has told us that the trailers, by their lack of facilities, are not adequate.

LEG. D'AMARO:

Okay. Why can't we make them adequate?

COMMISSIONER BLASS:

If we do, we have to then go to the court and tell them that while we're being challenged by the court in a court action to close them, that, yet, we are going to expand them. That would help us with another lawsuit that's on the way, but it probably wouldn't help us with a lawsuit that's pending.

LEG. D'AMARO:

So we haven't made any attempt to -- our response to the possible closure or the compulsion to close the trailers is to instead hand homeless sex offenders ninety bucks and say, "You know what, just go right out into our communities"? I mean, I truly --

COMMISSIONER BLASS:

I would respectfully disagree with the characterization.

LEG. D'AMARO:

Well, you know what, that's what it sounds like to me, when you cut through --

COMMISSIONER BLASS:

Well, it's not what -- it's not what it is.

LEG. D'AMARO:

When you cut through, okay, the fact, yeah, is it expensive? It absolutely is, but are we putting a price on the safety of people in our communities when it comes to homeless sex offenders now? Is that the debate we're having? Because I was under the understanding, when the trailers were first instituted, that this was the best solution, that this was the way to go, that the trailers would keep the homeless sex offenders out of our communities.

I don't care that Nassau County has a voucher system, that's irrelevant to me. And you know what, you mentioned that we have 900 homeless -- 900 registered sex offenders in our communities. That's not a valid justification to release more into our communities. If anything, that number screams out that there's enough already dispersed into our communities.

So my point here is that, you know, I'm looking at this from a common sense point of view. My constituents right now were told, yes, sex offenders are a problem, homeless sex offenders in our communities would be a problem also. What we did was we spent the last three or four years enacting restrictive legislation that would try and at least keep the registered sex offenders away from vulnerable locations such as schools and playgrounds. Then we went to our -- to the public and we told them, in our communities and our constituencies, and we told them we're going to take the homeless sex offenders, the ones that are taking your tax dollars and we're not going to spend

those tax dollars to put them back into your community, we're going to put them in a relatively more isolated and secure location where we know where they are in the evening. So why would I then vote for a bill to take -- to fund this petty cash account and hand that money back to a homeless sex offender and say, "Go back into my community"? I can't see a policy justification for doing that. We should be making those trailers work.

MR. ZWIRN:

Mr. Presiding Officer, can I just jump in here, because it's a policy decision. We can't -- we don't have the luxury of not doing anything, you have to do something. So you're either going to have the trailer program, which was unpopular, although we did it unilaterally and we didn't hear any righteous indignation at that time, except from the Legislators whose districts were immediately affected, but either we're going to have a trailer system or we're going to have a voucher system, because nobody has suggested anything else.

The voucher system is used in most of the counties in New York State, including neighboring Nassau County. We unilaterally tried to come up with a program to do exactly what Legislator D'Amaro said and it worked, but we got no support from anybody. The County Executive went out and took the heat. And, Legislator Kennedy, with all due respect, I didn't hear any righteous indignation when we put up the trailers where you came in and said, "That's a bad idea, you should have consulted me first." You came to Riverhead and you saw how angry the hundreds of people were when we put it there, but the County Executive took the heat, DSS took the heat from the community because we thought it was the right thing to do. But the County Executive looked for another site because we didn't have enough room where the trailers currently were. We had to find another location. We thought we found one in an industrial area, it was bordered by an airport, a cemetery and a landfill, and it still wasn't safe enough, because we found something within that industrial area that made it problematic. We can't find any other places, unless the Legislature could find one location in each of their districts where they think you could find a location where these people could be placed.

LEG. D'AMARO:

Well, wait a minute. Could I respond to that since I have the floor? Mr. Zwirn, we're talking about a population of 20 to 35 people, I believe.

MR. ZWIRN:

Right.

LEG. D'AMARO:

Right?

MR. ZWIRN:

About 25 to 35 people.

LEG. D'AMARO:

Twenty to 35 people right now. What's the largest this population has been in recent times, do we have any idea? Has it ever been more or less or --

COMMISSIONER BLASS:

It's at its height of late this year. We're way ahead of last year and the year before that.

LEG. D'AMARO:

Okay. All right. So, if we have this wonderful policy using the trailers or the trailer facility on the jail property, if we get an extra ten homeless sex offenders, why don't we make accommodations there at that location? Why are you challenging me to find a location in my district when we have a location that's isolated and on the correctional facility grounds? Why do I need to meet the -- we met the challenge by putting the trailers at the corrections facility. That was the sell at the time. That was the right policy. We said to our constituents, "We've solved this problem, we have a location." I think the County Executive was right on track in that policy. And now you're asking me

today to fund a program to hand them ninety bucks and say, "Oh, it's okay, just find a spot on Sunrise Highway in West Babylon to sleep overnight." I'm not going to do that, I'm just not going to do it.

I'll support you with the trailers, I'll support you in finding a more secure location and meeting the legal framework that we need to meet. I understand that, but this is not the solution. You don't imperil our neighborhoods with more sex offenders simply because we're having problems in making the current facilities meet present guidelines. You know what, let's look at the guidelines and let's get that solved.

MR. ZWIRN:

Well, who's going to look at -- who's going to find the locations? It's easy to say, with all due respect, Legislator D'Amaro, but when we try to find a location, we haven't found any acceptable location from anywhere. Whatever community, even tangentially, is going to be affected by this, the Legislator from that district is going to be put upon to do their job and to say no. The County Executive took the heat as the County Executive and came up with a plan that we thought would work and, in fact, did work, but it wasn't enough. We had to find another location.

And since most of the sex offenders that we are housing are homeless, again, it's a small number, are coming from western Suffolk County, it only made sense to look for a location in a different part of the County than the Riverhead area and Westhampton Beach in the Town of Southampton to help shoulder some of the responsibility. And when we looked in an area that we thought would meet all of the criteria, we found that we couldn't find it even there, and the County Exec said, "Look, this is like a lost cause, we can't find anyplace." So he said, "What other options do we have?" And we looked around the State, we looked around the County, this was a viable option.

Legislator Romaine and Legislator Schneiderman probably are very happy -- are happier with this kind of solution than what they have with the trailers there, because it becomes a very personal issue to the people in their district. We welcome the Legislature's input, and that's why we're glad this got to the floor, so that we could discuss it as a Legislature and as a County. But we are at an impasse, we have to do one of two things.

LEG. D'AMARO:

Listen, I just need to interrupt. You know, you can't penalize communities because they don't happen to have a correctional facility in their area, and that's what we're -- that's what you're saying here. All right? I understand the fairness argument, and, with all due respect to my colleagues that are bearing the brunt of this with these trailers, I understand their option, but the fact of the matter is we have to make a policy decision as what's the lesser of two evils, what's the more appropriate location for homeless sex offenders. And how can we argue that it's more appropriate to stick them in an industrial park that may be a mile away from a residential community than it is at a correctional facility? I can't make that argument to my constituents. All right. Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

If I might, Legislator Cilmi is on the list as the next speaker and then I have like three more Legislators. What I'd like to do, if everybody will support me, is, after Legislator Cilmi, cease debate and vote on this. We've been talking about it for an hour. We have to at 12 o'clock go into Executive Session and take our photos; okay? So, unless I hear objections, that's what I'd like to do. Legislator Cilmi.

LEG. CILMI:

Thank you very much. I have two simple, I hope, questions, Commissioner, one related to the issue at hand, which is the \$25,000 petty cash fund, and the other related to the issue that this seems to have evolved into. First, with regard to the petty cash fund, how much petty cash are you presently going through on a daily basis?

COMMISSIONER BLASS:

It's really a weekly count that we have. It used to be monthly that we went to the account to replenish it, now we're doing it weekly because it's short, and it varies. It depends upon the demand upon it. Some days will go by where we use very little, some days go by when we use a lot. I can't really give you an exact figure of a daily amount, but I do know that it gets replenished from the State reimbursement formulas that apply to the different programs, whether it's used by APS, or CPS, or Medicaid or -- all have different formulas to replenish it. So it's a constantly fluctuating figure as to what's available, but it's not adequate now.

LEG. CILMI:

Have you ever been at a point where you've literally run out of petty cash during any given week?

COMMISSIONER BLASS:

We're getting closer to that. We anticipate that that's becoming an increasing problem.

LEG. CILMI:

Okay. Thank you. My next question has to do more with the homeless problem and the cost associated with dealing with it, and it relates to the cost with regard to housing and with regard to transportation. You've mentioned that it cost \$90, or you give the voucher for \$90 for housing, for example, per day per homeless, irregardless of sex offender or otherwise, \$90 per day, and then they use that voucher, they bring in a receipt, and oftentimes it costs less than the \$90 to -- for the housing; correct?

COMMISSIONER BLASS:

Right. And that applies to those who are not in our shelter system.

LEG. CILMI:

Right.

COMMISSIONER BLASS:

Right.

LEG. CILMI:

Which is at capacity. Not just the trailers, all 52 shelters are at capacity. All 52 shelters are at capacity, so we now have, unfortunately, over 60 families in motels.

LEG. CILMI:

Understood. So where does the \$90 come from? It seems to me you could go to a Hampton Inn, you know, for less than \$90 an evening and have a fresh pot of coffee on your credenza at night and, you know -- and a maid make up your bed. Are those -- is that amount something that's dictated to us by the State or some other agency, or --

COMMISSIONER BLASS:

It varies for regions in the State. That's a recommended amount for our area. And the -- and we know that is on the top level of figures, because they will come back the next day with the receipt showing what they actually spent, and if they want to stay there again that night, we can give them that exact amount, which will usually be -- 72, \$68 is the area that we're seeing.

LEG. CILMI:

Is there any way to work out some sort of an arrangement with the companies that provide these services, be they transportation companies or hotels, motels, etcetera, that we could sort of contractually lower our cost to provide the transportation or housing?

COMMISSIONER BLASS:

Transportation we do when we can, we provide -- we've even provided vans to the Huntington Interhousing Initiative, and we've -- through Family Service League. But some populations, such as the hard-to-place populations, are too dispersed to lend themselves to one entity providing all the transportation. That's the problem with Suffolk County, it is a widely distributed geographic area.

LEG. CILMI:

All right. My final question, and I appreciate the Presiding Officer giving me the latitude for these questions before we break, but my final question has to do with those -- again, those costs. Barring any inability to work out those arrangements with companies to provide those services, what else can the County do to help lower those costs associated with those services, in your opinion?

COMMISSIONER BLASS:

We have studied that up and down, all around. We are, we think, doing the most efficient cost disbursements that are possible. We also, by the way, studied up and down a way to do this internally, as Legislator Schneiderman suggested. The law requires we come to you. And we also have considered the safety aspects that have been eluded to, and we strongly believe that with the combination of Megan's Law and the fact that they report back the next day with the receipt of where they've been is more than adequate for monitoring their whereabouts as homeless individuals. And many of them are already on probation and parole and, therefore, are monitored by other entities as well.

LEG. CILMI:

Thank you.

P.O. LINDSAY:

Okay. With my colleagues' acceptance, I'm going to call a vote on this now. We have a motion to table and a motion to approve. Let's start with the tabling motion. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes to table.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. With that, I'm going to recess for -- I'm going to make a motion to go into Executive Session, after the photograph.

MR. NOLAN:

After the photograph.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

After the photograph. And the Executive Session is twofold. Number one, to discuss with the County Attorney the litigation with the Freedom Center, and to discuss with Irving Like our ongoing litigation with LIPA. All right? So I make that motion. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We are in Executive Session. Thank you.

[EXECUTIVE SESSION WAS HELD FROM 12:03 P.M. TO 12:35 P.M.]

P.O. LINDSAY:

Motion to come out of Executive Session, Executive Session is over, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

I'm here. Tom's here. We're all here.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. And then we're going to make a motion to recess until the Public Hearings at 2:30.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

We stand in recess.

[THE MEETING WAS RECESSED AT 12:34 P.M.]

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

D.P.O. VILORIA-FISHER:

Mr. Clerk, could you please call the roll?

MR. LAUBE:

Will do.

D.P.O. VILORIA-FISHER:

Okay, the Clerk is trying to call the roll.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Yes, here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

(Not present).

LEG. STERN:

Yep.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Sixteen (Not Present: Legislators Lindsay & Gregory).

D.P.O. VILORIA-FISHER:

Mr. Clerk, the Public Hearing has been published?

MR. LAUBE:

Yes, they all have been.

D.P.O. VILORIA-FISHER:

Okay. Thank you. We'll go to the first Public Hearing which is IR -- oh, my finger is on it, I must not be close enough. Is it 1004 is the first one? IR 1004. I don't see any cards. Are you hearing me now? Okay, sorry. For some reason it's not working. I have to put it in a certain spot.

Okay. **Public Hearing on IR 1004**, page four. **Adopting Local Law No. -2010, A Charter Law to strengthen the independence of the Ethics Commission (Montano)**. I don't see any cards. Legislator Montano, what's your pleasure.

LEG. MONTANO:

What's the term --

MR. NOLAN:

Recess it?

LEG. MONTANO:

Recess it, that's the term. Sorry about that.

D.P.O. VILORIA-FISHER:

Okay. All right, Legislator Montano, motion to recess. Is there a second on the motion to recess? I'll make the motion, Legislator Montano.

LEG. MONTANO:

Yes, thank you.

D.P.O. VILORIA-FISHER:

Okay? All in favor? Opposed? IR 1004 stands recessed.

MR. LAUBE:

Sixteen (Not Present: Legislators Lindsay & Gregory).

D.P.O. VILORIA-FISHER:

Public Hearing on IR 1024-10 - Adopted Local No. -2010, A Charter Law to implement a cost saving measure to help mitigate budgetary shortfall by purchasing 5000 Corporate Court, Town of Brookhaven (County Executive). I have no cards.

LEG. MONTANO:

If I may? I believe that's in -- is that in Islip or in Brookhaven?

MR. NOLAN:

Islip.

MS. LOMORIELLO:

Ric, microphone.

D.P.O. VILORIA-FISHER:

It says Town of Islip, doesn't it?

LEG. MONTANO:

Right, I know that. But is it actually in Islip or is it in -- my understanding was it -- Chris?

LEG. ROMAINE:

The IRS building? It's Brookhaven.

D.P.O. VILORIA-FISHER:

It's a Public Hearing. I have no cards. It's the County Executive's -- I'm sorry. I'm going to switch the mic. I'm pressing on it, it's not lighting up, I'm sorry.

LEG. MONTANO:

Hi. Good afternoon.

CHIEF DEPUTY COUNTY EXECUTIVE:

Yeah, I believe it's in the Town of Brookhaven.

LEG. MONTANO:

It is in the Town of Brookhaven, right?

CHIEF DEPUTY COUNTY EXECUTIVE:

I believe so. It's in Holtsville, but the Brookhaven portion of Holtsville.

LEG. MONTANO:

All right. So you need to clarify that, you need to change the title.

D.P.O. VILORIA-FISHER:

Chris, is it just wrong on the agenda or is it incorrect on the actual resolution?

MR. LAUBE:

Hold on a second.

MR. NOLAN:

They amended it.

D.P.O. VILORIA-FISHER:

They did amend it?

MR. NOLAN:

Yes, they amended it.

D.P.O. VILORIA-FISHER:

Okay, Counsel is advising me that you amended it.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Yeah, it's correct on the bill, it's wrong on the agenda.

D.P.O. VILORIA-FISHER:

Okay. And what's your pleasure on this?

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Well, I'll leave it to the Legislature, but I think we'll discuss it in depth at the committee. I don't know if you need to keep the public hearing open or if you want to recess it or close it, that would be your decision. But we'll discuss it at length, we'll make a full -- we'll make a full presentation at committee.

D.P.O. VILORIA-FISHER:

Okay. I'm just curious as to whether you had more work to do on it.

LEG. ROMAINE:

Motion to recess.

D.P.O. VILORIA-FISHER:

Okay, motion to recess by Legislator Romaine. Is there a second?

LEG. NOWICK:

Yeah, sure.

LEG. LOSQUADRO:

Recess.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed?

MR. LAUBE:

Sixteen (Not Present: Legislators Lindsay & Gregory).

D.P.O. VILORIA-FISHER:

1024 stands recessed.

Public Hearing on IR 1029-10 - A charter Law to provide a fixed five-year term for the Police Commissioner, and we have some cards.

Okay, the first card is Tom Kehoe. You have five minutes.

MR. KEHOE:

Madam Chair, is there a time on this?

LEG. LOSQUADRO:

You have to hold the button down.

D.P.O. VILORIA-FISHER:

You have five minutes, and if you can please press on the button at the base of your mic and keep it pressed.

MR. KEHOE:

Thank you very much. My name is Thomas Kehoe, I live in Northport Village. I'm a Trustee in the Village of Northport and also the Police Commissioner there. And I'm here to talk in opposition to my friend Jon Cooper's resolution, 1029-2010.

I come from a family of Police and military men. My Dad was a New York City cop right after the war, as was my godfather and my father, son, grandfather and uncles all served in the military. Both military and Police Departments are organizations that function very strictly under one solid rule and that's the unity of command. The Bible talked about this thousands of years ago, and {Jew and Gentile} probably know the scriptures that no man can serve two masters, a house divided against itself will fall, and a double-minded man is instable in all his ways; it all talks about the same thing. This legislation, in essence, would put the Police Commissioner in a very awkward position where he would have to serve two masters.

The concept or principal of one leader who must be in charge very, very strictly has to be adhered to in military and paramilitary organizations which is what our Police Department is. We hire men and women in Suffolk County, pay them very, very well to -- and we arm them to do one thing and that's to protect us and to react and to react quickly in times of crisis. The leadership and direction that I referred to a couple of seconds ago is also very firmly laid out in our Constitution and the separation of the different branches of government and, you know, we have a long, long stored history where the military or the Police Departments firmly reside under the Executive Branch of

government, whether it's the National Guard with Governor Patterson, whether it's the military with President Obama or whether it's the Police Department under Ray Kelly and then under Mayor Bloomberg or the Police Department here under Rich Dormer and County Executive Levy.

Members of the Legislature, Cooper/Eddington Resolution 1029-2010 -- no offense, my friend Jon -- is a dangerous piece of legislation. The constant conflict that we read about and hear about in Newsday between our County Executive and the PBA is no secret, it's legendary. But as the Commissioner of Northport Village, we have similar squabbles when we try and reign in salaries and Police costs, and sometimes to no avail. The residents of Suffolk County love their Police. The people in Northport Village, we love our Police Departments, as we all do and I'm sure you folks do love our school systems. We're not too happy with what we pay in property taxes to the school districts and we're not too happy with the salaries that our policemen and women are paid, but this is the constant conflict that the County Executive has to wage and we also wage, as I do as the Commissioner and Trustee in Northport with -- in PBA negotiations. The Cooper/Eddington legislation that Jon's introduced is not the way to tackle this problem. It's not the way to reign in the Police Department, it's not the way to reign in the County Executive, it's not the way to tackle the cost of Police.

This proposed legislation that Cooper/Eddington has -- you know, that you have in front of you would require County Executive Levy to reappoint the Police Commissioner. Can you imagine if President Obama, if a couple of his cabinet members fell out of favor, as a couple of them are, you know {Geitner} is kind of falling out of favor, and if he had to get reappointed. Now, {Bernackie} had to get reappointed because that was the term of the Chairman of the Fed, but the Secretary and Treasury serves at the pleasure of the President and is appointed for the duration, as long as President Obama is in there. But can you imagine if he had to keep coming back, as the economy eroded and {Geitner} kept getting beaten up in the papers, if he had to get reappointed? That's, in essence, what we're doing here to Rich Dormer.

There's a salary dispute. There's a conflict between the PBA and Levy. You know, we're not going to solve this today by doing this to this man. Rich Dormer, he's an honorable man. I mean, he's done a fairly good job, he's reduced police costs and he's improved efficiencies. You may not want to go out and hoist a beer with him at the neighborhood pub, but you cannot dispute the fact that the guy has done a decent job. We've had similar disputes in our village where people tried to take out certain people and, you know, as long as a man or a woman is doing an honorable job, let them serve out their term. Let them do the pleasure of the people -- the people in the County and the people in the County of Suffolk.

This bill, 1029-2010, should be rejected wholeheartedly by you folks of the Legislature. It's bad business, it's simply wrong and irresponsible. Our people, your people, my people in Suffolk deserve better.

D.P.O. VILORIA-FISHER:

Your time is up. You'll be wrapping it up, right?

MR. KEHOE:

I'm on my last sentence, Ma'am.

D.P.O. VILORIA-FISHER:

Thank you.

MR. KEHOE:

I ask you to vote no on this resolution and leave the control of the Police Department with the Executive where it belongs. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you. Thank you very much. We have a couple of questions for you --

MR. KEHOE:

No problem.

D.P.O. VILORIA-FISHER:

-- before you go away. Legislator Montano.

LEG. MONTANO:

Good afternoon, Commissioner. How are you?

MR. KEHOE:

How are you, sir?

LEG. MONTANO:

Just so I understand. You cited -- excuse me?

LEG. SCHNEIDERMAN:

(Inaudible).

LEG. MONTANO:

Oh, I'm sorry. I think you cited the Bible and you cited Abe Lincoln about serving two masters.

MR. KEHOE:

Well, Lincoln cited the Bible when he said it.

LEG. MONTANO:

Okay. But what -- I'm looking at the bill. What in the bill tells you that that's what this does?

MR. KEHOE:

It's making the County Executive --

LEG. LOSQUADRO:

You have to hold the button down.

MR. KEHOE:

Yeah, thank you. I'm not used to doing that. Thank you. It's making the County Executive bring probably one of his -- as Jon has so eloquently said, one of his top two appointees back to you folks for reappointment. And I think because of some of the squabbles maybe he's had with Mr. Eddington and some of the rest of you folks, he may not get reappointed and I don't think that's fair to the man.

LEG. MONTANO:

Right, but that's a separate issue. You talk about this bill requiring the Commissioner to serve two masters, and I don't read anything in the bill --

MR. KEHOE:

Well, I think it's a sneaky way to have to bring a man back before the Legislature and he's not going to get reappointed. And I think, you know, the --

LEG. MONTANO:

Right, I understand that point. But what I'm reacting to is what you said about the Police Commissioner serving two masters. Once a Commissioner, whether it be Commissioner Dormer or any other Commissioner, is appointed for a five-year term, he serves independently as Police Commissioner for that five-year term. He doesn't -- you know, I don't understand what you mean when you say he serves two masters.

MR. KEHOE:

Well, he's always going to be cow-towing or looking over his shoulder and I think the County Executive is too, because I think this will give you folks a little bit -- a little bit more say over the term which is not there right now.

LEG. MONTANO:

All right. I think, with all due respect, that you -- there is nothing in the bill that -- I don't know were you get that from the bill, so I guess we have just a disagreement on that particular aspect. The other points that you raise I understand clearly and I respect --

MR. KEHOE:

Well, I think it's a back-door way to see that this man doesn't maintain his position as Commissioner. And he's -- you know, he's going to have to come back before you folks and possibly, you know, stand --

LEG. MONTANO:

Be confirmed or not confirmed, I understand that.

MR. KEHOE:

And so that to me is a very dangerous precedent.

LEG. MONTANO:

Okay, and I could appreciate your opinion on that. But I don't think that -- you know, and I just want to leave the --

MR. KEHOE:

I understand what you're saying on that.

LEG. MONTANO:

You know, having read the bill, the clear impression that once a Police Commissioner is appointed, whether we do it under the current system where he serves at the pleasure of the County Executive or he has a fixed term, there's nothing in here that talks about the Police Commissioner serving, you know, two separate masters. He will report to the Executive department, as he has always done.

MR. KEHOE:

I understand that.

LEG. MONTANO:

The difference is that he will be locked in for a five-year term and then at the end of that five-year term he will have to come up for a renewal.

MR. KEHOE:

Maybe have to get reappointed again.

LEG. MONTANO:

Right.

MR. KEHOE:

And I'm saying I think that's a mistake.

LEG. MONTANO:

So that's what you base it on

MR. KEHOE:

Yes, it is, sir.

LEG. MONTANO:

Okay. I just wanted to be clear on that. Thank you very much, Commissioner.

MR. KEHOE:

Thank you.

D.P.O. VILORIA-FISHER:

There's another question. Legislator Eddington.

MR. KEHOE:

Yes, sir.

LEG. EDDINGTON:

Yeah, I wanted to ask you, what master does Commissioner Dormer serve at this moment?

MR. KEHOE:

The taxpayers of the people of Suffolk County.

LEG. EDDINGTON:

You see, that's the root of the squabble, as you call it.

MR. KEHOE:

Well, I understand that.

LEG. EDDINGTON:

Well, I don't think you do because --

MR. KEHOE:

No, I do, sir. And I respect the fact -- look, I'm a Legislator like you at a much lower level and I respect --

LEG. EDDINGTON:

You know, I heard you talk and now I'm talking.

D.P.O. VILORIA-FISHER:

Excuse me, Commissioner?

MR. KEHOE:

I'm just answering you, sir.

LEG. EDDINGTON:

No, no.

D.P.O. VILORIA-FISHER:

Commissioner? Please allow him to complete the question.

MR. KEHOE:

Go right ahead.

LEG. EDDINGTON:

You said squabble and I think that that's demeaning because it's not a squabble, it's a disagreement over policy. And you're looking at the 18 people that are supposed to help set policy and that's what we're asking to do. And I think you hit it on the head, it should be the taxpayers, the question is that we in my committee have not been assured that it is. And I want the Police Commissioner -- and I commend Legislator Cooper, I want the Police Commissioner to do exactly what you say, I think you're right on, it should be the taxpayers. But if we're questioning that, we have to come up with a way to ensure that. I want what you said to be the way it is.

MR. KEHOE:

May I answer you, sir?

LEG. EDDINGTON:

Sure.

MR. KEHOE:

With all due respect, you know, if you don't like the term squabble, dispute or disagreement, maybe that's a little bit more sedate or refined; I mean, I'll take back squabble and put that out there. The disagreements and disputes between the Executive Branch and the Legislative Branch are healthy, they're not unhealthy. I mean, this is part of the process that we've all signed on to and our forefathers did and it occurs at every level of government. So I encourage it.

I mean, the rigorous, healthy, respectful debate, you know, and Jon and I have gone at it on a few other things, I mean, it's healthy. It's like a big family. You know, it's part of the refining, purifying process. And I think the -- when you take that out of the democratic process, it's when you hamstring the American people, or in this case the people of Suffolk County. That's all. I mean, the fact that you have a disagreement with Commissioner Dormer, God bless, I think that's great. I mean, if he came in and you guys agreed on everything, I'd start really shaking my head that something's wrong. So the fact that there's a healthy, rigorous debate and you don't always walk out with your arms around one another saying, "We agreed on everything," I think that's part of the process; that's why there's 18 of you in here and not one.

But I think what you're trying to do with this legislation demeans the process and that's -- he's not a dishonorable man, Legislator Eddington; he's as honorable as you. And I think, you know, the debate and the discourse and the disagreement is all healthy and it's wonderful and we could clean house tomorrow and you're never going to get rid of it.

LEG. EDDINGTON:

Thank you very much.

D.P.O. VILORIA-FISHER:

Okay. There's one more question, Commissioner. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Commissioner, for coming in. You mentioned that you not only are the Chief of Police for the Northport Police force, but you are a Village Trustee as well; correct?

MR. KEHOE:

No, I'm not the Chief of Police, sir. I'm the Commissioner and a Trustee. Chief of Police is a uniformed man, works his way up through the ranks, just like the Chief of Patrol does in the Suffolk Police Department.

LEG. KENNEDY:

Yes. Okay. So then when you say that you're the Commissioner, is that something that's one of the areas of village government that you oversee as an elected, or are you a salaried individual --

MR. KEHOE:

No, I'm not salaried. I'm appointed, just like what we're talking about here today with the approval of the Village Board.

LEG. KENNEDY:

Okay.

MR. KEHOE:

Similar to having to come before you folks. So it's a non-salaried but very active position in the small village.

LEG. KENNEDY:

And what's your term as a Village Trustee?

MR. KEHOE:

A four-year term and I'm at the end of the fourth year right now.

LEG. KENNEDY:

I see.

MR. KEHOE:

We have elections -- election day is March 16th.

LEG. KENNEDY:

Well, good for you, and good luck to you. Are you choosing to run again?

MR. KEHOE:

I think so, yeah.

LEG. KENNEDY:

Okay.

MR. KEHOE:

Yes, sir.

LEG. KENNEDY:

Okay. Well, I think what my colleagues have just shared with you and the point that I would share with you, too, is that, you know, we have two-year terms. As matter of fact, I've had the privilege of running five times in the last six years, and we -- when you look at the Charter and we look at State law, we are the body that does set policy in the County of Suffolk. As a matter of fact, as you know, only nine counties in the State of New York have elected County Executives; all the rest of them have salaried administrators.

MR. KEHOE:

Does the County Executive set policy, too?

LEG. KENNEDY:

Well, that remains to be seen, sir. But actually when we look at the Statute, I think the County Executive would like to be the only policy setting entity, but we're the ones that wind up having to deal with our constituents asking us why policies go on like taking officers off the highway or looking at eliminating homicide squads or major crime squads. So part of what I think you see with my colleague's legislation is an effort to try to have us be back in the game where it is we were supposed to be all along.

MR. KEHOE:

With all due respect, sir, the -- what you're saying at the macro level, at the County level, we have the same problems in a Village Police force of 20 people. The problem is that the legislation that empowers Nassau and Suffolk Police with collective bargaining comes out of Albany. So until some of that legislation and the Taylor Bill is changed and modified, you know, you and I can have this dispute until you retire and I go off and do something else and it's really not going to change. Here we are, a small village, you know, fighting to keep a budget down, and we're waiting for the Suffolk -- you know, collective arbitration. The interest arbitrator, both sides made their presentation over a year ago, the arbitrator hasn't issued any finding, so all the villages and towns that have small

Police forces are all waiting; is Suffolk going to get two, are they going to get three, are they going to get four? So that to me is where we, Legislators at all levels, should be putting our efforts to try and reign that in and how can we change some of the legislation that enables this stuff?

You know, the -- some of the other stuff we can -- I mean, we have the same squabbles; should we have Police dispatchers, should we merge them, should they have overtime? It's the same thing you're talking about. That pales by comparison to the overall enabling legislation that allows Nassau and Suffolk's Police Departments to, you know, get big six-figure salaries.

LEG. KENNEDY:

You know, I agree with you. And as a matter of fact, at the end of the day, all of us are trying to do our level best to spare our taxpayers.

MR. KEHOE:

I know you are, sir. And I'm not being critical at all.

LEG. KENNEDY:

No, not at all. And as a matter of fact, I was going to say to you, you do a wonderful job in the village. As a matter of fact, my grandparents lived in Bell Crest, I know Northport well. I remember when the train tracks were there. But I think, as you see amongst us, we are attempting to be more a part of what's going on with some of those bigger ticket decisions that effect all of our constituents. Thank you for coming out.

MR. KEHOE:

You're welcome, sir.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Clerk, I discovered what was wrong with my mic; I was using the Presiding Officer's mic and every time I pressed it, it went off and on. Okay. Commissioner, I would like to disabuse you of the notion --

MR. KEHOE:

Disabuse me?

D.P.O. VILORIA-FISHER:

-- that this legislation is impugning the character of our Commissioner. This legislation is about providing autonomy for the Commissioner; not to make him subject to two masters, but rather to allow him more independence.

MR. KEHOE:

That's a --

D.P.O. VILORIA-FISHER:

I don't believe anyone here is impugning the character of Commissioner Dormer.

MR. KEHOE:

Well, okay. I --

D.P.O. VILORIA-FISHER:

And you've said that a few times, so I just wanted to clarify that.

MR. KEHOE:

Then I -- if I did, then I retract that and I thank you for bringing that up. But I respectfully disagree with your take on the legislation and what it does.

D.P.O. VILORIA-FISHER:

Well, and that's why we're going to have a vote on this and those who disagree with you will vote no --

MR. KEHOE:

Thank you. Thank you very much.

D.P.O. VILORIA-FISHER:

And those who, you know, agree with me will vote yes for this.

MR. KEHOE:

Thank you.

P.O. LINDSAY:

Okay, Legislator Cooper and then Montano.

LEG. COOPER:

Thank you. As Mr. Kehoe pointed out, we have had a bit of back and forth over the past couple of weeks in the local papers on this issue. But I also wanted to disabuse you of -- I want to join in what Legislator Viloría-Fisher said. I'm in no way attempting to question the honor of the Police Commissioner. I have, I think, at least until now I've had a great relationship with the Police Commissioner, I like him personally, it has nothing to do with that. I've been accused of pandering to the Police union. As you certainly know, I'm term limited. I'm not running for reelection again. I don't have to pander to anybody; not that I ever did, but I'm certainly not pandering.

For me, this is about good government. It's about enhancing accountability, not just of the County Executive but also the Legislature. And its -- and treating all the key department heads the same.

I would argue that individual Legislators have a better finger on the pulse of their communities than the County Executive does. Because I have given dozens of community meetings in my district, I've given a couple of dozen in Huntington Station, I've spoken to local residents after a shooting outside of Jack Abrams Intermediate School where I spoke to parents that were thankful that their 4th grader wasn't shot in the gang shooting but were concerned that the next time they may not be as lucky; they came to me imploring me to do what I can to get more cops on foot patrol and bike patrol, more cops in the Gang Suppression Unit.

P.O. LINDSAY:

Jon, a question.

LEG. COOPER:

Oh, I forgot it had to be a question.

(*Laughter*)

P.O. LINDSAY:

Yeah, give me a question.

LEG. COOPER:

Wait; was Vivian's a question?

MR. KEHOE:

May I ask Legislator Cooper a question on his statement?

D.P.O. VILORIA-FISHER:

It was shorter.

LEG. COOPER:

Okay.

MR. KEHOE:

But Jon, I don't think any -- I don't disagree with you; we agree on what you just said. But I don't see how this legislation corrects the crime situation in Huntington Station.

LEG. COOPER:

Because you alluded to -- I guess you should be serving one master, two masters, and you very adroitly and quickly came up with the taxpayers of Suffolk County as the master. I think most folks --

MR. KEHOE:

Is that a compliment, Jon?

LEG. COOPER:

But most folks would think that right now the Police Commissioner is only answerable to the County Executive. And as you acknowledged and as we've discussed earlier, it's the Legislature that sets policy.

So how would you propose dealing with the situation where the policy that's being County'd out -- being carried out by the Police Commissioner, perhaps at the direction of the County Executive, conflicts clearly with the policy that the Legislature has set forth, stated policy that we would like to see implemented.

MR. KEHOE:

Budgetarily.

LEG. COOPER:

I'm sorry?

MR. KEHOE:

Budgetarily.

LEG. COOPER:

Any policy. Any policy that we set.

MR. KEHOE:

No, but I'm saying, you know, the fly in the ointment is the tremendous amount of money that we spend on policing and maybe certain communities don't get what they want or, you know, have disagreements or there's not enough Police cars and now we're going to make Jack Abrams a transfer station so we can have cop cars there. But I think as a Legislature, just as Congress, you've got to get more involved in the budget and the facts and figures as they percolate up from all the different departments and the Police Department before it's set in stone every year.

LEG. COOPER:

Maybe this is not the time to address this.

P.O. LINDSAY:

Thank you very much. Legislator Muratore.

LEG. MURATORE:

Good afternoon, Commissioner. Over this way, right here.

MR. KEHOE:

How are you, sir?

LEG. MURATORE:

Good. How are you? The question I have for you, this proposed legislation, is it not about accountability to this particular house? I mean, after all, we do -- you know, the County. Executive represents the people, as do we. And don't you think we represent them on a more intimate level? We see what they see, we feel what they feel. So don't you think it's really about accountability here and having someone to answer to these 18 men and women who intimately represent the taxpayers in Suffolk County?

MR. KEHOE:

Is that a question, sir? I mean, are you asking me to respond to that?

LEG. MURATORE:

Yes. You know, I'm new to this arena, so --

MR. KEHOE:

No, no, I didn't know whether it was a rhetorical question or you wanted a response.

LEG. MURATORE:

We have to ask questions, I guess, here, so I put it in a question form.

MR. KEHOE:

I think, you know, as a taxpayer now, had this come up in the normal course of life, it probably would have been much -- you know, better received. But it came up on the heels of some pretty inflammatory things that occurred between, you know, the Commissioner's level and you folks over the course of the year and I think -- you know, maybe inflammatory, excuse me, is a harsh word, but some disputes or disagreements that spilled over into the newspapers on more than one occasion. And I think looking at this, trying to look at it, for a dispassionate observer, it seems to me it's a bit retaliatory, that's all. I mean, you ask and that's my take on it, sir.

LEG. MURATORE:

Well, if what's going on in Suffolk County goes on in Northport, would you have a problem with that? With bodies laying in the streets for hours, kids getting killed in parks, and dissecting and amputating the Police Department; would your constituents stand for that?

MR. KEHOE:

Legislator Mure -- is it -- I can't -- Muratore? I don't think -- you know, again --

LEG. MURATORE:

It's Muratore.

MR. KEHOE:

I think anyone that would condone that sort of activity and say, "Oh yeah, I'm thrilled to see that or read about it in the papers," would be, you know -- need to step down from any sort of elected position. And far be it from me to condone that sort of behavior or activity. And I'm not happy when I pick up the newspaper at 6:30 in the morning and read it over my cup of coffee at the kitchen table and see something like that.

But that being said, we have a large County with a lot of people living in it, you know, and we're a microcosm of what goes on in New York City and other places around the United States and it's one of the reasons we do have Police Departments. You know, we're not going to -- we're not going to eliminate that sort of behavior from society, it's too bad but it's the world we live in. I don't condone it, I'm sure you don't either, sir. But I don't --

LEG. MURATORE:

Of course not.

MR. KEHOE:

Of course not, but I don't think this answers it.

LEG. MURATORE:

Going back to the beginning of your statement, you're saying that because of what's going on, the County Executive maybe should think about stepping down because of what's going on in Suffolk County.

MR. KEHOE:

I said that?

LEG. MURATORE:

I thought you said something along those lines; if a public official let that happen, they should think about stepping down.

MR. KEHOE:

Could you have the stenographer read back my comments? I'd like to hear where I said that, sir.

LEG. MURATORE:

I'm sure we can read that later on.

MR. KEHOE:

I didn't say anywhere near that, sir.

LEG. MURATORE:

Okay. I kind of got that jest from it. But realizing that we have -- this group of men and women have a responsibility to taxpayers, to provide them with the services that they pay for. And right now, coming from my background, I don't see that happening here in Suffolk County.

MR. KEHOE:

Legislator, if I disrespected you and your colleagues and the oath that you took, I wouldn't be here today. I respect you to the utmost and I think you've done --

LEG. MURATORE:

I don't see disrespect on your part. You're making your statement. You know, you're supporting the Police Commissioner.

MR. KEHOE:

Yeah, but I think you folks do a great job, and you have a tough job at times. But I'm asking you to reconsider this legislation. I don't think it necessarily addresses what you want to address and from someone looking in from the outside, it seems to be a bit of a retaliatory move.

LEG. MURATORE:

There's no accountability here. I sat in that audience for years, saw how people run roughshod over this group of men and women who are only doing one thing, asking questions for the people that they intimately represent, and we're not getting anyplace with this. So you know what? We need to make some changes here. And that's what government is about, is making changes for the betterment of the people that we represent in this County.

MR. KEHOE:

And Legislator, at the end of the day, sir, that is the oath you took and I respect that. And I think the people of Suffolk will either way.

P.O. LINDSAY:

Thank you for your patience. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I just have -- now, you're a Trustee and the Commissioner of the Police Department in the Village of Northport.

MR. KEHOE:

Yes, sir.

LEG. GREGORY:

Now, is the Commissioner generally a Trustee, appointed from amongst your peers?

MR. KEHOE:

Historically, over the -- it's either the Mayor who chooses to become -- maintain that position, or the Mayor appoints someone with the approval of the board.

LEG. GREGORY:

But is it generally someone on the board or an outside person?

MR. KEHOE:

It's usually -- well, for the past 15 or 20 years it's been either the Mayor or one of the other four Trustees.

LEG. GREGORY:

Okay, okay. I just wanted some clarity on that. So I do take umbrage to some of the comments that you've made. Yes, there have been squabbles, different disagreements or however you want to label it. But certainly, the actions of the Legislature haven't been retaliatory. In fact, I think I mentioned to the Commissioner himself or some of the actions that have come out from some of the policies that were made were presumably retaliatory to Police Officers in the PBA and others that get negotiations.

MR. KEHOE:

Legislator Gregory, if I read this legislation correctly, and I misread it a few times as Jon has corrected me, there's a 180-day sunset clause at which time he's got to get reappointed; is that correct?

LEG. GREGORY:

Right.

MR. KEHOE:

Okay. So to me, if I'm fighting with you, but I've got to come back before you in 180 days to get reappointed; to me, that's a little bit punitive.

LEG. GREGORY:

I don't think so, because I -- during our budget hearings, when the Commissioner came here, he was the only person, only Commissioner that came before us, and at the time the Police Department was subject to losing, I think it was 70 Police Officers if an agreement wasn't made between the County Executive and the PBA. He was the only person that came before us during our budget

process that said, "I'm okay with losing 70 personnel." Where other Commissioners and Directors, they came before us fighting for one and two positions, here he says, "Well, it's okay if I lose 70, I have to deal with whatever the consequences are."

MR. KEHOE:

May I ask you a question about that, sir?

LEG. GREGORY:

Certainly.

MR. KEHOE:

If this legislation passes, you know, when you put it up for a vote, what do you think his chances are of getting reapproved in 180 days.

LEG. GREGORY:

I personally think, you know, he's done an adequate job. And I've said this publicly and I said it to him privately, you know, let us help you. This will give you more independence, autonomy. Because we felt, the impression was that he wasn't necessarily making good decisions. And as a Commissioner, and I've been a Commissioner, not on a County level but certainly on a lower level, you want your independence, certainly you recognize that you have a superior and a boss, but you're hired for a purpose and you should be allowed to function in that purpose and not directed and guided each step of the way, in contradiction to what your better judgment and expertise will dictate. And we felt that that may be the case, so we wanted to provide a five-year term or a term which we think will give some reasonable measure of autonomy and independence.

MR. KEHOE:

Well, you know, I'll ask you the question again respectfully, sir.

In other words, if this legislation were to pass tonight or the next time you put it up for a vote, you know, in your mind, what's the reasonable expectation that this current Commissioner would survive the vetting process with you folks? And I think that's --

LEG. GREGORY:

I don't know.

MR. KEHOE:

To an outsider, that's what this legislation looks like it's attempting to do.

LEG. GREGORY:

I haven't polled my colleagues, but certainly he would -- at this point, he would have my support.

P.O. LINDSAY:

We're going a little far afield here, guys. All right? Thank you. Legislator Cooper.

LEG. COOPER:

Mr. Kehoe, I think there are so many misperceptions about either what this bill does or what the intent of the bill is; I've already addressed a couple of them.

First of all, the sunset clause. The purpose of that was to give the Police Commissioner six months to try to repair his relations with the Legislature and answer and address any concerns and be more forthcoming.

P.O. LINDSAY:

Pose it in a question, Jon, a question.

LEG. COOPER:

I'm leading to that. Are you aware that that was the purpose of the sunset clause?

MR. KEHOE:

Yes, but I don't think that's what it is. I think it's a trojan horse if you think that's it.

LEG. COOPER:

If our goal in all of this was to fire the -- get rid of the Police Commissioner, are you aware that right now, without this bill, by a vote of ten Legislators we could fire the Police Commissioner?

MR. KEHOE:

I'm sure you can fire anyone at the Commissioner's level --

LEG. COOPER:

For no reason whatsoever.

MR. KEHOE:

I understand that.

LEG. COOPER:

When my bill passes, when he has a fixed term, are you aware that if anything it will be more difficult for us to terminate the Police Commissioner in the middle of his term, because we would have to -- we could only fire him for cause, right now we could fire him for any reason whatsoever or for no reason.

MR. KEHOE:

I'm aware of that, Jon. But you just said, you opened your remarks just now that your -- he's got 180 days within which to repair his good name with you folks, and if he can't, I would imagine that he's not going to survive.

LEG. COOPER:

But my hope is that he will. But I would argue that -- look, we're coequal branches of government, the Executive Branch and the Legislative Branch. If a major department head, whether it be Police Commissioner or Social Services Commissioner or a Health Commissioner, if that department head has lost the confidence of either branch, either the Executive Branch or the Legislative Branch, I would argue that we've got a problem here. Now, are you aware of what transpired last year where --

MR. KEHOE:

Be specific, sir.

LEG. COOPER:

-- Janet DeMarzo, who was our DSS Commissioner, her term was up, and I think it was pretty clear that she had lost the confidence of the majority of Legislature, for various reasons, I won't even go into it. The County Executive put forth -- attempted to put forth her name to reappoint her for a new term, it became clear that he did not have the votes, did not have the support of ten Legislators. So what did he do? He withdrew Janet DeMarzo's name, came up with the name of another individual, Greg Blass who testified earlier today, who was unanimously approved by the County Legislature and has been serving very well ever since. I think DSS is running better today than it was under Janet DeMarzo. But what that accomplished was the County Executive and the Legislature coming together cooperatively, finding common ground and agreeing unanimously on a new DSS Commissioner.

So my hope is in this case, if it turns out after the six months that the Commissioner still does not have the support of a majority of Legislators, who I think have a better finger on the pulse of their communities, then that's a sign of a problem and it would be good for the County Executive to put forth another name that will hopefully be --

D.P.O. VILORIA-FISHER:

Jon, is there a question coming?

LEG. COOPER:

And do you agree?

MR. KEHOE:

I disagree, Jon. That was a long-winded question. My question to you is who is your dispute with and who is the Legislature's dispute with; is it Commissioner Dormer or is it County Executive Levy? And is this a way to --

D.P.O. VILORIA-FISHER:

Actually, we don't want to turn this into a debate. So I'll ask you --

MR. KEHOE:

I just asked a question.

D.P.O. VILORIA-FISHER:

I know, but we're supposed to be asking you questions. And so if you could just hold that rather than having a debate. Okay?

MR. KEHOE:

No problem.

D.P.O. VILORIA-FISHER:

Thank you so much for your time and for answering all those questions.

MR. KEHOE:

Thank you all very much. Thank you, Jon.

LEG. LOSQUADRO:

Your mic is not on.

D.P.O. VILORIA-FISHER:

That's because I'm using the Presiding Officer's again and I keep putting -- turning it on and off.

Okay, our next speaker is Mike DaPaoli. You have five minutes Mr. DaPaoli. I know I saw him. Okay, we'll skip over Mr. DaPaoli, go to the next speaker; I'll hold his card aside.

Former Commissioner Gallagher. Hi, John. It's good to see you.

MR. GALLAGHER:

Thank you.

D.P.O. VILORIA-FISHER:

And you know you have five minutes. Just press the button and keep your finger on it.

MR. GALLAGHER:

Okay. Thank you. Is this some form of a test to make sure you keep your finger on the button?

D.P.O. VILORIA-FISHER:

That's right.

MR. GALLAGHER:

Good afternoon, Ladies and Gentlemen. It's my pleasure to be, I think, to be back here in front of you --

(*Laughter*)

-- after many years. I see some familiar faces anyway. As you know, I was the Police Commissioner for seven years here in Suffolk County, and during those seven years I think I gained a certain amount of experience in how to deal with this Legislature and with its needs. And I think following in the press -- and that's the only, really, avenue, the only venue I have to look at what's going on -- I still feel that the way to deal with disputes between the Legislature and a department head, especially a department head with the department of such a magnitude as Police Department, is to come before you, deal with you and work with you as you work as the closest arm of government to the people.

As many of you know, I'm also, have been for many years, a professor in history and government, taught government for several years in different colleges. And I always stress in teaching government that democracy ultimately is the rule of the people, and the closest you get, the closer you get to the people, the more you are truly the democratic arm of government, that truly democracy in action. That's you, that's the Legislature. You -- by being people who have districts which you represent limited numbers of constituents, you're the arm of the people, and I think any Commissioner should be held accountable to you and responsible to you as the one closest to the people.

The other thing about being a Legislator is that you represent that arm of government that is really the ultimate policy maker, as -- I'm preaching to the choir here, I'm possible with the obvious. You represent the arm of government that is the arm of government that really makes the policy. Executives, unfortunately, because of the trend over so many years of our media, especially the television media, to find a focus on one face and one image, one icon as government, have focused on Presidents and Governors and Mayors, but meanwhile government is you. Government is the Legislative arm of government.

And I don't know that to answer your needs, to put a term on to a department head who is going to remain in the Executive Branch of government, is going to remain in that line of communication, to put a term on that department and have him floating free out there or her floating free over a five-year term; I don't know that that's the answer.

I know you're having a problem. I mean, it's obvious from listening and reading the paper that you're dealing with problems with your perception, but you're not getting the communication you need from the department. Well, I can't say that I have a magic answer for you, I don't. But I can tell you one thing, in the years that I was here as Commissioner, if I felt that that problem was festering, it would go away and the way you would have to make it go away is to hold the Commissioner accountable for you, for your needs, as the department head, to your needs, too. And I don't know that that's -- you know, that's an easy thing for me to say, I don't know how easy it is for you to carry out. But I'm simply asking you to think about a five-year term as really not an answer. It may sound attractive and it may be that, "Oh, this is good. You know, it puts the Commissioner out there on a five-year platform". No, I think they should serve at the pleasure of the people, that's the first pleasure they should be serving at, the people. They should be serving at the pleasure of this Legislature, because it is the closest in the arm of government, in the branches of government to the people. And then they should be serving at the pleasure of the County Executive, the chief administrator to whom they report.

I don't think this is the way to go. I don't think it's an answer to what your problems are. I think you have to sit with the department head and his or her representatives and see to it that they -- you know, are held to your accountability. And by doing that, I think, you know, instead of letting them get out of that, if that's what you think is happening, then you should hold them to your accountability. Thank you.

LEG. D'AMARO:

Vivian?

D.P.O. VILORIA-FISHER:

Thank you, Commissioner Gallagher. There's a question by Legislator D'Amaro.

LEG. D'AMARO:

Commissioner, thank you for coming down today. You certainly bring that perspective that I think we need when we address a policy issue such as this, having served as our Commissioner. And I thank you for that service.

I'm not sure that the last round of discussions that we had on this bill were exactly on target. Right now the procedure is the County Executive will propose a Commissioner, or nominate, if you will, a Commissioner; that Commissioner, that candidate would come here and have to get a majority approval from this body, then goes on to serve at the pleasure of the County Executive, presently.

And we're throwing around a word today, accountability. Do you feel that giving a five-year term to the Police Commissioner enhances accountability or diminishes accountability? I would like to know your perspective on that.

MR. GALLAGHER:

I think it's neutral as far as accountability. I think a Commissioner may feel that he has -- or she feel that they have a little more leeway in dealing with the Chief Executive that they're dealing with. But believe me, when you're in that seat, you deal with the Executive arm of government almost on a daily basis and you're dealing with especially that arm of the Executive arm that controls your fait in the terms of a Budget Office and the Experience Budget Office. So I don't know that being on a five-year term is going to make the Commissioner feel any more empowered to, if you will, stand up to the Executive, if that's the right word. I don't know what it is that you're looking for the Commissioner to do, but I think that it doesn't enhance or detract from the Commissioner's ability to behold, you know, the Executive in a different light than he does now.

LEG. D'AMARO:

Let me -- thank you for that answer. Let me ask you another question, because I want to take the opportunity, while you're here, to get your perspective.

Do you, as a former Police Commissioner yourself right here in Suffolk County, did you ever feel that you -- can you give me a reason that you should not have been serving at the will of the Executive Branch, that you needed a term to insulate you for some reason? I don't know what the right words are here, but when you were serving day-to-day, did you feel a need to have a term as opposed to saving day-to-day or at the will of the Executive Branch?

MR. GALLAGHER:

No, no. I -- really too much of, if you will, a straight line, government work that I think the Executive Branch is where I belonged and accountability to the Executive Branch was where I should be held accountable. And I never felt that in some way that I was -- I know, we had our -- myself and the County Executive, I can think of moments few and far between, but they were there, where you -- I think of the DARE Program where, you know, the accountability issue was I felt one way, he felt another way; the ultimate answer was he prevails, he's the County Executive.

LEG. D'AMARO:

Well, let me pick up on that. Do you feel that in an instance like that, we've heard terms such as "a reasonable measure of autonomy for the Police Commissioner". Do you believe that if you have a genuine dispute, policy-level dispute with the County Executive or with the Legislature, that you should be able to prevail in that dispute? Whose perspective should prevail?

MR. GALLAGHER:

I really don't think as a department head it would be, you know, the -- my presumption that I would prevail at all times. I think that --

LEG. D'AMARO:

Where does the buck stop?

MR. GALLAGHER:

You have microcosms and macrocosms. The microcosm of what I look at as Police Commissioner would be a macrocosm to someone else. Sometimes I had Legislators who, in their Legislative District, felt that I wasn't serving the constituents of their district and I had to, you know, in effect try to persuade them that I had a larger media to deal with, a larger environment. I had the macrocosm of an entire County. I had Legislators who would cite to me budgetary figures that showed that their constituents gave, quote, "more to the County by way of their taxation than constituents of other districts who gave less and were yet getting more services," in their eyes. My feeling was always -- my response to that was always, "Look, you don't -- this is not a pay-as-you-go kind of system. You get the service where you need the service." And that is what -- the idea of the taxation is that that's where you have to use the money where it's most needed.

So at times, yes, you feel yourself, you know, where you're at odds with the people who you feel are taking a microcosmic look at something that you have a larger view, a larger -- you're dealing in a larger arena. But then you get to the next level up and you get a County Executive who has got to deal with several other, you know, arenas and several other forces that come from the outside to deal with him, and if he says to you, "Look, I agree that you have the right to say what you think you're saying," but, you know, I had those moments when he would say, "Look, I need something to be done here, here and here. I don't need to have to sit there and persuade you, I need to tell you this is what I need done." And at that time, I would have to -- and I think -- I don't think any Commissioner would have the right to then walk away from that.

LEG. D'AMARO:

Now, last question. In that type of scenario where there's a genuine -- I don't want to say dispute, but just maybe the County Executive wants to implement policy one way or even deployment or whatever it is you're talking about, and you as Police Commissioner, as the professional, feel that that's not exactly right, it should be done a different way. Do you believe that if you had a term rather than serving at the pleasure of, you would be more inclined to not follow the directive of the County Executive who's elected by the people of Suffolk County?

MR. GALLAGHER:

Well, me personally? No, I would not feel that. I mean, I just am not built that way to think that the term would give me a kind of leeway to just go at loggerheads. I think if it came to that strong difference of opinion, I think the answer is one of us walks a way and I don't think it would be him.

(*Laughter From Panel*)

LEG. D'AMARO:

Well, you always have that option, certainly. But I'm just trying to get into my mind, based on your personal experiences, whether or not a term enhances your ability to do your job, how it effects accountability and whether or not it's the proper way to manage the Police force. So I appreciate your insights today.

MR. GALLAGHER:

Okay. I really -- again, I don't think it really truly would enhance the ability to do the job. It may make you give -- give you a little more leeway to make decisions that you know would not be that

popular with the Executive Branch or the Legislative Branch, but I think it's more -- the accountability to me is more what enhances the ability to do the job, because that's a persuasion process.

Many times, as those of you that are more seasoned in these chairs know, I had to come before you and I had to persuade you that I needed something that was not -- you know, forthcoming. Even in the County Executive's budget from time to time, where I had to say, "Look, we really need this." It may be something as mundane, at least seemingly mundane as cars, but there were times when I was desperate to get vehicles for the department because the vehicle were literally falling apart on patrol. And I bucked to the County Executive's own Budget Office to come before this Legislature and ask them to please give me an additional increase -- you know, increase increments for the purchase of cars. So at times, yes, at times you -- I didn't need a term, you know, I just needed to know that these are the things that are important for me to do my job and I think that's more important.

If you feel comfortable that you are able to do your job in the context of what that job is, then I don't think a term is going to enhance that sense of your responsibility to get the job done. I can't help but remind you all, though, that the first obligation any department head has is to you. I mean, I -- to me, that -- I think it was clear when I was Commissioner and it was clear to the County Executive, he accepted that, he understood how I felt about that.

LEG. D'AMARO:

Commissioner, thank you very much for answering my questions. I appreciate it. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay? Commissioner, if you could just -- we have a few more people who want to chat with you. Legislator Browning.

LEG. BROWNING:

I like one of the things that you said at the -- you mentioned that the Police Commissioner serves at the people -- serves at the pleasure of the people first; right?

MR. GALLAGHER:

To me, yeah. Any department, especially -- that job, when I became Commissioner, you raise your right-hand, you take an oath, you swear to protect life and property, protect and defend life and property, and to me that's -- I took that seriously.

LEG. BROWNING:

And you talked about that you would go at loggerheads if you felt it was important, an issue was so important and you disagreed with the County Executive. You know, everybody is different, and some people will go at loggerheads more than others. So when you say about serving at the pleasure of the people first, and if that person is not really doing -- serving at the pleasure of the people first, but the boss who he serves at the pleasure of and he's not doing what's right by the people, what do you propose we should do?

MR. GALLAGHER:

I think you have to bring the department head to accountability here before this body. You know, again, it's easy for me to say that. Thank God I'm retired. I just can read the paper and turn the page if I don't think --

LEG. BROWNING:

And that's the point.

MR. GALLAGHER:

I know what you're going to do, I just say, "Well, that's their problem," and I understand that.

LEG. BROWNING:

And that's the point. We have done that, we have done everything that we could do. And believe me, this is not a bill that I'm entirely thrilled about. We do have departments here in the County where there are term limits; DSS, Health Department, there are term limits for those Commissioners.

MR. GALLAGHER:

Yeah, this --

LEG. BROWNING:

So in a way, this is another thing. And those are very -- you know, those are very busy departments with a lot of issues going on, and I think those are departments where they're term limited -- not term limited, but they have terms and come back for reappointment. And I think with the Police Department, we have to make sure public safety is first. And I think each and every one of us sitting around here, we serve at the pleasure of the people and we -- each and every one of us are in our communities, we walk into the grocery stores, we're in the libraries, we're in our schools. When I go to the high school for my son's concert, I'm approached by people at my son's concert about public safety issues. I serve at their pleasure and I have to come back to them with an answer as to why we don't have enough officers for the street. So I hope you understand where we're coming from.

MR. GALLAGHER:

Yes, I do. You know, I don't -- again, I'm belying -- you know, I'm beating the dead horse here. I know that this is not an easy issue for you to face, just from what I've been -- again, from press accounts of what seems to be times of a stalemate, but I don't know that this is the answer to the issue. That's, I guess, the main point I'm trying to make today, is I think there may be some other way to reach out to the Commissioner and get what you need other than by this, what I think might be an intemperate kind of free-floating five-year term for that Commissioner.

I agree, by the way. I know what you said about Social Services, I thought about that, Health and Social Services; they make decisions that can be very, very unpopular. And it's by no accident that State law exempts them, you know, makes them term appointees because of the nature of what they do. I don't think the same would apply to a Police Department.

P.O. LINDSAY:

Okay. We have Legislator Cooper.

LEG. COOPER:

Hello, Commissioner. Very good to see you again.

MR. GALLAGHER:

You really mean that?

LEG. COOPER:

Absolutely. I don't know whether you were here for the testimony during the public portion this morning when another former Police Commissioner, Robert Creighton, spoke and --

MR. GALLAGHER:

No, I was not.

LEG. COOPER:

Oh. But he took another position, he testified in support of my bill because he felt that it would enhance accountability and autonomy of the Police Commissioner.

You had said at one point, I believe, that you thought that the Police Commissioner should serve the

people first, and at another point I believe that you had said that you thought that Legislators were closer to the people. Are you aware that there was a period of time in the 1970's when the Police Commissioner not only had a fixed term, but was actually appointed not by the County Executive but by the County Legislature?

MR. GALLAGHER:

Yes, I am. That period was around the time I became the Chief Deputy County Executive under Peter Cohalan, when I was sworn as Chief Deputy County Executive. And I remember that and I remember that we lobbied and succeeded in getting that removed, the appointment under the Legislative purview. And I think that, too, was simply -- that simply, I think, was an issue -- I heard the Bible quoted here before, I don't know if I -- was trying to think of something from {Bhouda} or {Lazoo} or somebody that --

(*Laughter*)

-- could sound very -- but the idea of 18 people, that would scare me as a Commissioner.

LEG. COOPER:

Which is why that's not the bill that's going to be before us. I didn't go that far, I really see this as a compromise. It was an attempt to accomplish exactly what you proposed, and we're going to certainly have a Legislative debate on this.

Needless to say, I think that the frustration on the part of some Legislators is that we have made attempts, multiple attempts over the years to increase accountability and improve dialogue between the Police Commissioner and the Legislature, and for one reason or another it doesn't seem to have happened. You said that there was a chance that if there was a fixed term, it could give a little bit more flexibility to the Commissioner as far as accountability, you said it would probably be neutral, it probably wouldn't increase or decrease. But can you think of any downsides? I mean, there are potential upsides. Can you think of any downside to a fixed term?

MR. GALLAGHER:

I would think the issue of accountability would be, you know, I think, diminished by the fixed term. In other words, the sense on the part of the person holding that office, that they can go beyond what they might take a second look at if they felt that they were, you know, day-to-day accountable for their actions. So I don't know whether the fixed term would be -- the downside to me would be too much of a free floating kind of a position. I'd feel more comfortable in a position where I knew I had people to report to and had a day-to-day obligation to do that reporting.

P.O. LINDSAY:

Okay. Legislator Muratore.

LEG. MURATORE:

Good afternoon, Commissioner. I'm over here.

MR. GALLAGHER:

Yes.

LEG. MURATORE:

How are you today?

MR. GALLAGHER:

Yes, sir.

LEG. MURATORE:

I've been very fortunate, I served under John Gallagher as Commissioner when I was in the Police Department. I also served under Bob Creighton. And, you know, we have -- I mean, I'm totally

confused today. We have two of the finest Commissioners in the history of the Police Department here, one supporting and one saying we shouldn't.

John is an example of why you don't need a term for a Police Commissioner. Like he said, he's able to work with us, and if he was still in office, unfortunately he's not, we would have that. Bob Creighton stood up for what he thought was wrong and he decided he had to step down. So, you know, we go back to what I said before to the other gentleman, to me it's all about accountability.

What I would like to ask the Commissioner, I had to write it down because I might have forgotten it, but what if you felt it endangered public safety; would a term give you the ability to stand up for what's appropriate?

MR. GALLAGHER:

Let me see if I get this. In other words, if I felt that something was actually endangering public safety; yeah, you know, you have no choice. That's your sworn obligation but to stand up. Don't get me wrong, I don't think I ever remember a time when I felt that, you know, there was that ultimate value that had to be -- that was being challenged.

LEG. MURATORE:

You were working under a different County Executive at the time.

MR. GALLAGHER:

Excuse me?

LEG. MURATORE:

You didn't work under the present County Executive, right, you worked under the prior County Executive. You left when the present County Executive came in office, didn't you?

MR. GALLAGHER:

Well, yeah, I was not reappointed.

*(*Laughter*)*

LEG. MURATORE:

Right, exactly. And why do you think that was? Am I allowed to ask that question?

MR. GALLAGHER:

Well, yeah, I think every County Executive has the right to, you know, have department heads that serve both at his pleasure and under his vision of what he wanted to see. Let me put it this way, you know, I'm not going to dance around this, I left, I was not reappointed. I don't know that I would have stayed, if I were offered to be reappointed, I don't know that I would have stayed.

LEG. MURATORE:

So even if there was a term, you might have thought twice about even accepting a position with a term, considering who was in charge.

MR. GALLAGHER:

Yeah, that's correct.

LEG. MURATORE:

Because what I see as a Legislator here now and what I saw before is, like I said before, people come before this group of individuals who ask some very difficult questions and there's no cooperation at all. They just tell him, "You know, kiss off into the wind, I'm not going to answer your questions." I mean, and I think that's really inappropriate, and we as a group need to find a way to make that happen.

See, you cared. You cared about the people in Suffolk County, you cared about the taxpayers and you cared about the cops, and you cared about your respect before this board, before this group of individuals. Some people are not doing that today. They're running roughshod over them, playing games with them, coming in here and making statements about, "Let me tell you what we've been doing over the past, you know, six months," when that wasn't the question, the question is this or that. And that's why I feel we need to seriously look into this term for a Commissioner to make accountable to us and to the County Executive. But now I'm also learning that we might be able to find a way to get rid of people, Commissioners now, which is intriguing to me. So maybe that's what we need to do first and then we work with this bill.

P.O. LINDSAY:

Okay.

MR. GALLAGHER:

I don't think there was a question in that, I'm hoping.

P.O. LINDSAY:

No, don't even go there.

LEG. MURATORE:

I've got to learn how to pose questions.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Commissioner, it's good to see you. The last time you and I were in this auditorium together, you were Police Commissioner and I was a Legislative Aide, so welcome back.

My question is at any time during your term -- or I shouldn't use the word term, but during your stint as Police Commissioner here in Suffolk County -- when you had disagreements with the County Executive on significant issues, would you share those disagreements with the County Legislature?

MR. GALLAGHER:

It would depend on the nature of the disagreement. I mean, basically if the disagreement was over budgetary issues, I would try to work with the County Executive first and foremost.

If it was over policy issues, I generally would -- again, as a department head, your first line of reporting is to the County Executive. And if I felt the policy issue was, however, important enough for -- you know, in terms of what I decided to be in my realm to be, you know, a rather serious issue, then I would share most likely with the Chairman of the Public Safety Committee my concerns over my disagreement with the County Executive.

LEG. CILMI:

Because it --

MR. GALLAGHER:

I think you all can appreciate, it's very hard for a department head to get up in front of you in public session and openly disagree with the department head. I know this bill you think would help to ease that, but I don't know that it would, I really don't know that it would. Because when we're through doing what we're doing here, the next -- tomorrow morning the Commissioner, whoever he or she is, has to go back to their office and answer the phone when the County Executive is on the phone saying, "What the hell did you do?"

LEG. D'AMARO:

Good for you.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, Commissioner, for being here. I don't think we've ever met, but you seem like a swell fella.

*(*Laughter*)*

MR. GALLAGHER:

Thank you. You look pretty good yourself.

*(*Laughter*)*

LEG. GREGORY:

Thank you. I'll be 41 on the 10th, so I'm getting older.

"Awww" said in unison

Well, as a Commissioner -- and certainly, you worked under the direction and cooperation with a different County Executive. Were you ever in a position that Legislators, that you came before this body and Legislators would ask you for information, i.e., staffing levels or transfers or crime statistics?

MR. GALLAGHER:

Yes, often, often, both in -- you know, more than one session before this body, yeah --

LEG. GREGORY:

Okay.

MR. GALLAGHER:

-- about why am I not staffing this particular precinct or that particular district, and that's where that macrocosm/microcosm that I was talking about before. As Legislators, you, and rightfully so, have first concern for the districts you serve, but the Commissioner I think has to -- you know, has to have that much of an overview of what the district is all about. You know, there are five towns and, you know, several hundreds of thousands of people, and sometimes the needs of one district will have to take precedent over the needs of the other, yes.

LEG. GREGORY:

Certainly. And were you -- were you ever in a position where -- and this is a rhetorical question, that you were ever subpoenaed for documents when you were the Commissioner?

MR. GALLAGHER:

No.

LEG. GREGORY:

Okay. Well, members of this body had routinely asked for documents, they were blown off, to put it in those terms. It got to the point where we had to subpoena them, and you said you read the paper so I assume you read that, because the relationship between the Commissioner and this body has gotten to the point. I don't think, and I'll only speak for myself, I don't necessarily think that it

was at the pleasure of the Commissioner, possibly he was pressured to not release those documents; I don't know, I'm not going to make a judgment on that, but it certainly could be a possibility. And, I mean, I know from my standpoint, providing a term for Commissioner will give them, as I stated earlier, some level of autonomy. Certainly we all, everyone wants to keep their job, they want to do the best job that they can and want to work with the person that appointed them, but I think with a five-year term, you don't have that weight hanging over your head every single day, you know, "Is this the time that I disagree with the County Executive, is he going to ask for my resignation?" You know, you can function without having that monkey on your back, if you will. Do you agree that maybe that could possibly add that type of, I guess, dimension to this situation?

MR. GALLAGHER:

Well, in any hypothetical, you can always say yes, it's possible. But I also again have to insert the day-to-day operations of a department that have to be measured against your ability to disagree with the person who ultimately will make the budget that has to be submitted to you, the Legislators, in terms of -- you know, budgets are statements of policy, as we all know, they're not just numbers. And disagreement with the Chief Executive I think -- you can disagree, don't get me wrong, but I think it would be -- it would be naive to think the disagreement could go beyond, a reasonable disagreement to one where you decided to take him on.

You know, in 1990 -- I became Commissioner in '97. In 1998, I was invited by the FBI to attend their 35 fairly newly appointed heads of Police agencies all over the world, and every year the FBI takes 35 names out of its worldwide resources and invites them to spend a year in what they call the National Executive Institute. It's really three one-week sessions, and you meet people from all around the globe. It was an eye-opener to me as a newly appointed. And I've never been a cop, I've never been, you know, indoctrinated into or inculcated into the culture of Police work other than having family, you know, Police in my family. But dealing with that, during those three one-week sessions in the National Executive Institute, people were brought in to talk to us and among them was a fellow who was a very colorful press person and a media person named {Jerry Enactman} who had been the publisher of the New York Post and he said the first thing you've got to do when you're dealing the people who you -- he called them the outside forces and that's you, the Legislature and the Executive, he said, "You've got to be upfront with them. You've got to tell them what they need to know, you've got to be" -- "And if you can't tell them what they need to know then dance around it, but don't tell them what they don't need to know," you know, say, "I can't give it to you now."

So I think -- I took away from that and listening to more experienced people than I sitting there in those sessions, people like the Commissioner at that time in New York City, Commissioner of Los Angeles, I came away thinking, "Oh, this is the way you have to work." You really have to be -- you have to take what you need, and by you I mean the local Legislature, and you've got to -- you've got to react to their need; I don't know what other way to put it. And I think that's something that if you're not getting it, as you say you're not, then I think you have -- really, obviously it's your prerogative, to make a strong representation to the department head, "You're not giving us what we want."

LEG. GREGORY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Hey, John. It's good to see you.

MR. GALLAGHER:

Thank you. You, too.

LEG. BARRAGA:

It's been a long time since Suffolk Community College. Let me ask you a question. I'm just not sure, when I take a look at this legislation, if this legislation would be before us if a Creighton or a Gallagher were still Commissioner, because there's been a great deal of turmoil surrounding this Commissioner and his relationship with the unions and the County Executive. This has been going on for about a year and a half, and the sides are pretty well drawn in either direction.

My concern with a five-year appointment has to do with that Commissioner, once he finishes or she finishes the third year.

Now they begin the fourth year, and it seems to me at that point, just like elected officials who run every four years or elected officials who run every two years, when you get into the second year, you're looking around for support because you want to get reelected if you're an elected official. If you're a Police Commissioner, once you move to the fourth year, I can see you serving not one or two masters, but 19 masters. Because just by the very fact if you want to stick around for another term, you're going to need 18 here to reappoint you in a year and a half.

So in a sense, I think that distracts a Police Commissioner from doing his or her job every single day, because he now knows lingering in the back of his mind, the days, the weeks, the months are creeping by where he has to appear before this Legislature again to get reappointed, and to do that he has to make sure he's on excellent terms with all 18 and that takes time. Any comment?

MR. GALLAGHER:

I hadn't thought of that aspect of it, but I must say I agree with you, that there will come a time in the course of a term, if a Commissioner feels that he wants to go back or she wants to go back to another term, yeah, that -- I agree with you, that puts a whole different pressure on that particular individual then as to who they're dealing with; they're dealing with one person or dealing with the entire Legislature plus that one.

LEG. BARRAGA:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

That's it.

P.O. LINDSAY:

John, I'll take the last crack. Commissioner, I will always call you Commissioner because we always had a good relationship and I have respected you when you were Police Commissioner here. But the question is this, and this is coming from someone that's had multiple careers; do you ever notice that the last guy that had the job was the best guy in the world?

MR. GALLAGHER:

Absolutely.

*(*Laughter*)*

P.O. LINDSAY:

Thanks for coming down. Noel DiGerolamo.

MR. DIGEROLAMO:

Thank you very much. Just bear with me one minute.

D.P.O. VILORIA-FISHER:

Noel, do you have your finger on the button there?

MR. DIGEROLAMO:

Yes. Just bear with me one moment, I didn't bring my glasses with me. I didn't plan on speaking today, however after the Northport Commissioner came up and spoke -- no, thanks, Bill -- I find a need to come up and at least address some of the comments that were made.

First he spoke about the Commissioner being a good guy; I don't think anything in this bill addresses whether or not Commissioner Dormer is a good person or a bad person. He spoke about the Tailor Law in Albany, he talked about salaries of Police Officers; I don't think any of that is addressed in this bill, I don't think any of that is relevant to this bill. I have no idea why he came up and spoke to those issues, other than maybe to detract from what the true issue is and that's accountability of a Police Commissioner and some reasonable level of autonomy and independence to do his job.

I don't know why he spoke about the PBA, the PBA disputes over salary. The PBA has no dispute over salary. We're in binding arbitration, the arbitrator is going to come out with an award. We gave \$12 million in concessions and deferrals back to the County to help with a fiscal crisis. I haven't read one thing in the paper or a statement by the PBA complaining about salary; I don't know why he mentioned that.

You know, he referred to being a trustee and having to negotiate contracts, negotiate with members of the unions; again, nothing in this bill speaks of the union or negotiations with the union. And for the record, the PBA at no time, at no time did we lobby Legislator Jon Cooper to draft this or submit it. This had nothing to do with us. That doesn't mean we don't support such a bill, it means it has nothing to do with most of the issues that the Northport Commissioner came here and spoke of. So I am a little confused by what exactly it was he was trying to say, but I don't believe it really applies to this issue at hand.

This bill, the way I understand it, does not remove power from the Commissioner. The only thing this bill does, it removes some political influence over a Commissioner who will have the protection he needs to make a decision that he believes is right and in the best interest of the public, which I think everyone here agrees is who the Commissioner is to serve first and foremost, the residents of Suffolk County. It doesn't empower a union; if anything, it further removes us from the process knowing that the person is in for five years.

So any reference to the PBA being an influence of the Commissioner or this bill or attached to this bill was inappropriate to make and inaccurate, and for the record, I want to make sure that's straight and on the record.

LEG. MONTANO:

Bill?

MR. DIGEROLAMO:

One other thing I just want to point out is many Legislators here made reference to their inability to get certain facts and statistics from the existing administration, whether they believe that's just an issue of the existing Commissioner or if there was influence from the County Executive's Office. I don't know and I don't sit here and presume to know the answer to that, whether it's an individual or an administrative decision. However, it doesn't take much to open up the paper and read about the violent crime going on in Suffolk County, about the shootings that are happening on a daily basis, about the increase in violent crime, firearm crime, home invasions. All you're asking for are facts, and if you're not getting that information, then the question would be why and does this bill in any way assist you in getting the information you need from the person who's overseeing the entire Suffolk County Police Department. Thank you.

P.O. LINDSAY:

Noel, if you could stay there, Legislator Montano has a question for you.

LEG. MONTANO:

Noel, how are you?

MR. DIGEROLAMO:

Good.

LEG. MONTANO:

We had a conversation the other day with respect to this bill, and the gist of it was that the bill did not provide any -- or set any minimum standards or experience for a Police Commissioner. Now, I know that Commissioner Gallagher, when he was appointed, had no prior Police service. But I think that there should be some -- you know, just my thoughts, that there should be some minimal requirements of Police experience, particularly in today's, you know, advanced day and age of Police work.

What are your positions -- what is your position or the PBA position with respect to this bill? And I know you support it, but, I mean, with respect to that issue of the bill? Because what would happen is that if we close the public hearing today, then we would probably vote on the bill as written without any modifications. Counsel, I'm correct? If we close it in order to -- if we modify it, we would have to reopen the public hearing if we made substantial modifications?

MR. NOLAN:

Yes, substantial.

LEG. MONTANO:

Okay. So that's our standard. Do you think that this bill should include language with respect to minimal qualifications of a Police Commissioner, assuming that it were to pass, or you don't think it's necessary or you don't think it should be there at all? In terms of, you know, your perspective from representing the PBA.

MR. DIGEROLAMO:

I don't disagree with you that there should be some level of qualification for the Police Commissioner. You're overseeing one of the largest departments in the nation, over 3,000 employees when you include the civil employees, and somewhere around 15 to 18% of the entire County budget. So to have some level of qualification is not unreasonable to ask, you know, by the Legislature. Whether or not it should be written in the bill, to be honest with you, I don't know that I'm in a position to tell you whether or not that should be written in the bill.

LEG. MONTANO:

Right. I understand.

MR. DIGEROLAMO:

I would hope that the members of this body sitting here are -- you know, and I'm confident that you all are -- responsible enough to take the search for a Commissioner, the vetting process of a Commissioner and the appointment of a Commissioner serious enough that you would make sure all those qualifications are met without having it legislated. If you feel that should be, then that's up to this body to decide, not me.

LEG. MONTANO:

Right, and I agree with you. And I didn't mean to throw the question on you and your response is appropriate.

But with respect to other jurisdictions, do you know whether or not in other jurisdictions, or any that you can name, there are standards, minimal standards that have to be adhered to in terms of appointing a Police Commissioner? For instance, in New York City, do you know anything about the

appointment process there and whether or not you need a certain level of experience before you can assume that position? If you know, and I don't know, that's why I'm asking.

MR. DIGEROLAMO:

No, I do not know that to be the case. I'm not familiar with them.

LEG. MONTANO:

Any jurisdictions that you know of that require or at least have in their statute minimal qualifications?

MR. DIGEROLAMO:

I'd have to review it. I think Los Angeles has a qualification in their statute, there is an extensive vetting process. There's actually a Board of Commissioners, and it's not a Police Commissioner, the individual who runs the department, it's a Chief of Police and he's appointed to a five-year term. I would have to look into it to get specifics of the qualification. It's an extensive process over there and I believe they do have one; I can research that for you if you would like.

LEG. MONTANO:

Right. Okay, I would like to know, if you can get me that. With respect to the Board of Commissioners, I know, for instance, years ago the City of Bridgeport had a board of Commissioners who were civilians appointed, I believe that they served without compensation or just were compensated for their time, and they were the ones that selected the Police Commissioner; am I -- do you know anything about that? I believe that was the system in Bridgeport, and you're saying that's the system in Los Angeles at the moment?

MR. DIGEROLAMO:

Yes, my understanding is that it's like a weighted vote process where there's, I believe, five Commissioners sit on it, they're appointed by the Mayor and there's a civilian review appointed to it also, an individual for civilian review, and I believe there's a budgetary individual assigned to that board also. Where all of the appointments come from? Again, like I said, I'm not that well versed in Los Angeles appointment, but I did research it in the past years ago and I remember it being an extensive process.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Okay. Thank you, Noel.

MR. DIGEROLAMO:

Thank you.

P.O. LINDSAY:

And I see Mike DaPaoli back in the room; you're up, Mike.

MR. DAPAOLI:

My name is Mike DaPaoli, Suffolk County resident, a Vietnam Vet. I'm here to speak about --

LEG. COOPER:

Mike, you have to hold the button down.

MS. ORTIZ:

Keep it down the whole time.

MR. DAPAOLI:

Okay, keep it all the time? Mike Dapaoli, Suffolk County resident, Vietnam Vet. I'm here to talk about the Police Commissioner.

I think, as a general contention, the characteristic, the background, the mission statement, the goals, the objectives becomes a political football. I think, though, they should serve at the discretion of the County Executive to give some balance on the team and keep it out of the politics. In addition, though, to that, I think the Commissioner really should have additional titles and additional roles. There should be a civilian complaint bureau for civilians to file complaints against abuse of power with the badge.

Throughout Suffolk County and throughout Nassau County, there's a lot of issues associated with certain duties of a Police Department and there are a lot of those duties being now abused within the system.

So in addition to your considerations for the Police Commissioner, which I believe should be sustained as a part of the County Executive's arm for free balance, there should be a civilian complaint bureau in Suffolk County to allow individuals to stand up and be counted for and have some balance for what we call is the Constitution. I hope some of the people here may remember it, the United States constitution. There's Fourth Amendment rights, and there's also a New York State Constitution. When you wear the badge, you have a certain amount of duty and responsibility. When you abuse those duties and responsibilities, there is no levity for the residents or the citizens of this County. I filed complaints, civilian complaints with the Police Department and with the Police Commissioner in writing and I sent them off to the media complaining about the Police Department and complaining about certain members of the Police force; I have never gotten contact by the Police Department in writing, etcetera.

So I am requesting your consideration of not only a Police Commissioner duties and responsibilities and obligations, but also the necessary use, application and adoption of a civilian compliant board and hopefully you will follow precedence and set one for Nassau County, because in Nassau County, those Police are running gunshot on the Long Island Expressway. They have in Nassau County Highway Patrol running bounty hunters for your Suffolk County residents, issuing tickets upon tickets for no good cause and no good reason in the form of some amount of reward.

So I'm asking that this Legislature stand up, be counted for, order a civilian complaint department for Suffolk County and take due course of what's happening in Nassau County when everybody is running gunshot and nobody is accountable. A Commissioner is important, but it should be an extension of the County Executive. I thank you.

P.O. LINDSAY:

Thank you, Mike. Appreciate it.

Okay. I don't have any more cards on this hearing. Is there anybody else who would like to address us on this hearing?

LEG. LOSQUADRO:

You sure, Bill?

P.O. LINDSAY:

Seeing none, Legislator Cooper, what's your pleasure?

LEG. COOPER:

Motion to recess, please.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded. All in favor of recessing? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Next up, **Public Hearing on IR 1030-10 - Adopting Local Law No. -2010, A Local Law to exempt properties in the Town of Brookhaven from requirements of Local Law No. 3-2009 (Browning)**. I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Browning, what would you like to do?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1034-10 - Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to boards and commissions (Montano). I have no cards on this subject. Is there anybody else in the audience that would like to speak on this subject? Seeing none, Legislator Montano?

LEG. MONTANO:

Yeah, if I may just ask Counsel a question?

P.O. LINDSAY:

Sure.

LEG. MONTANO:

I made some modifications or some add-ons to the bill. I don't think that they're substantive. Do you know -- have you had a chance to review them?

MR. NOLAN:

The changes were made, the bill was filed with the changes.

LEG. MONTANO:

All right. So that means that I can close it and we can vote on it. All right, so I'm going to make a motion to close.

P.O. LINDSAY:

We have a motion to close by Legislator Montano.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen ****(ACTUAL VOTE):** Sixteen - Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

It stands closed.

Public Hearing on IR 1037-10 - Adopting Local Law No. -2010, A Charter Law to expand the functions of the Council on Environmental Quality to include advising Suffolk County on bicycle routes (Schneiderman).

And I have one card from Commissioner Gil Anderson. Commissioner Anderson, before you start, would you like a term?

(*Laughter*)

LEG. GREGORY:

Off the record or on the record?

COMMISSIONER ANDERSON:

Good afternoon. And thank you for the opportunity to speak before you on this matter and make a statement, a brief statement on our concerns of this resolution.

The proposed legislation directs Suffolk County Council on Environmental Quality to provide recommendation to add and facilitate bicycle paths and pedestrian travel along County highways. The resolution notes that these matters are environmental issues. While there are environmental benefits, I would argue that these are engineering issues that best rest with the Department of Public Works. We acknowledge the good work that CEQ does. Yet with all due respect, the majority of the committee members have no formal training in the planning or design of such facilities.

A bicycle path or pedestrian way needs to be a coordinated system within the limits of a road right-of-way, and as such must work in conjunction with the vehicular travel lanes. Similarly, without full understanding the scope and breadth of a road project in certain cases such as an intersection improvement project, there is the potential for construction -- to construct lanes that end abruptly or expand the scope of the project to a point that would include land acquisition and thus delay the project or increase our budget significantly.

Pardon me. Generally, a Department of Public Works project will include a shoulder, normally a minimum of five feet which acts as a bicycle lane where specified bicycle lanes are not called for. The shoulder also provides a number of other safety benefits, including increased site distance and allowing an area for cars to move on or off the highway either due to mechanical distress or to provide sufficient time to accelerate to get up to speed.

Therefore, we will be speaking against this resolution at the next Environmental Committee meeting and request that further discussions occur before this legislation is approved. Thank you.

P.O. LINDSAY:

Thank you, Commissioner Anderson. Anybody have any questions? Legislator Schneiderman has a question for you.

LEG. SCHNEIDERMAN:

Yeah, I'll try to form this into a question somehow. You know, we have so many advisory committees. This is simply an advisory committee, it's not an engineering committee. I didn't want to create a whole new committee. You know, we have all these task force committees, we have a standing committee at CEQ, they often review, as you are aware -- maybe that's part of my question. They often review road projects, they typically ask questions about bike paths, it seemed to make sense. Because I often say to them when I'm there, because I have been on CEQ for the last couple of years, "This really isn't in your purview, but it seems to make sense." They do the Historic Trust, they do the SEQRA stuff, they seem interested in bike paths. Rather than bring you a whole new set of people in to advise on bike lanes, it seemed to make a lot of sense. And I think you've gone way over board in terms of over analyzing this. This just basically gives CEQ that added responsibility of making suggestions relating to bike paths, not engineering them

P.O. LINDSAY:

Humor me, ask a question.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

So were you aware of how limited in scope this is and how logical it is?

COMMISSIONER ANDERSON:

Yes. Well, I read the legislation and that's the reason I came up here. And I spoke with my staff about it and we are concerned that formalizing it would make it more than what you're intending it to be. And that's why at the end I suggested that we, you know, we have further discussions on this.

LEG. SCHNEIDERMAN:

I'm open to hearing your suggestions in terms of further narrowing the scope of this legislation. But having CEQ advise on bike lanes is a very simple task and I don't think would cause your department any grief or any additional expense.

COMMISSIONER ANDERSON:

Then I look forward to further discussions on it. Thanks.

P.O. LINDSAY:

Anybody else? No. Thank you, Commissioner Anderson. Okay, I don't have any other cards on this subject. Anybody else want to speak on this subject? Seeing none, Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

I'm going to recess it one term.

P.O. LINDSAY:

A motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

1037 stands recessed.

Public Hearing on IR 1038-10 - Adopting Local Law No. -2010, A Local Law amending the Suffolk County Empire Zone Boundaries to include Bren-tronics, Inc. (SCTM No. 0400-22.000-0100-045.000) (County Executive). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, I'll make a motion to close.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

1038 stands closed.

Public Hearing on IR 1048-10 - Adopting Local Law No. -2010, A Local Law to strengthen the enforcement of clothing bin identification requirements (County Executive). I have no cards on this subject.

Is there anyone in the audience who would like to address us on this subject? Seeing none, I'll make a motion to close. Second by Legislator Gregory. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Okay, 1048 stands closed.

Public Hearing on IR 1051-10 - Adopting Local Law No. -2010, A Local Law to regulate the distribution of mortgage tax revenues to towns and villages (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to speak to us on this subject? Seeing on, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

IR 1051 stands closed.

Public Hearing on IR 1052-10 - Adopting Local Law No. -2010, A Charter Law to provide flexibility in the membership of the Council on Environmental Quality (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to speak to us on 1052? Seeing none, Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

1052 stands closed.

And we have one that isn't on the list but was posted outside, it's the subject of a Certificate of Necessity, it's **1172-10 - Adopting Local Law No. -2010, A Local Law imposing a surcharge on wireless communications service in the County of Suffolk (County Executive).**

I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll make a motion to close. Second by Legislator Gregory. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Cooper).

P.O. LINDSAY:

It stands closed.

D.P.O. VILORIA-FISHER:

Ed Romaine has a quick --

P.O. LINDSAY:

Oh, I'm sorry. Legislator Romaine.

LEG. ROMAINE:

Yes. I thought 1172 was listed on our agenda -- I thought 1172 was listed on our agenda for the next meeting. I'm looking at the agenda right here and it's listed as a Public Hearing for March 2nd; is that an error of some type?

P.O. LINDSAY:

I'm going to let our esteemed Counsel answer your question.

MR. NOLAN:

The County Executive issued a CN for it to be considered today; when that happens we post it for a Public Hearing, which was done. So obviously it will not be on for a public hearing at the next date.

LEG. ROMAINE:

Unless we recess this.

MR. NOLAN:

Unless you recess it, but I think we've already closed it.

LEG. ROMAINE:

Because there was no one given an opportunity to speak on this that might have wanted to speak on this, that's the problem with this. Now, my understanding --

P.O. LINDSAY:

Could I make a suggestion? I think we called the vote on closing it. If you'd like to make a motion to reconsider, I'd be happy to do that.

LEG. ROMAINE:

I don't want to inconvenience the body if that's not their pleasure.

*(*Laughter*)*

P.O. LINDSAY:

Well, I don't really think -- I don't know whether anybody -- we did call the vote on it, right?

MS. ORTIZ:

I did.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

I'll make a motion to reconsider.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Motion to reconsider by Legislator Romaine. Seconded by Legislator Gregory. Any discussion? All in favor? Opposed?

LEG. ROMAINE:

Could I just have a moment of discussion?

P.O. LINDSAY:

Go ahead, sure.

LEG. ROMAINE:

Obviously we're getting a veto message on the wireless communication.

P.O. LINDSAY:

I think we have it.

LEG. ROMAINE:

Yes, we do. And obviously this is another bill on a very similar topic. You know, possibly the public would like to speak about this. Particularly debating on whether we override the veto or not, this may be a subject for some discussion. This is a different approach that the County Executive is taking, and obviously I think that we should recess this and allow at least a public hearing where people have notice. Because while you knew, Mr. Presiding Officer, that he had issued a CN, I didn't know, and I can guarantee you very few people out there knew.

So I would simply say in the hopes of keeping us open and transparent -- I love those words, they've been used in the past, in fact this session alone someone used those words. But I think that it would be a good thing to recess this to allow the public to speak. I think there's emergency services people and fire people that probably would want to comment on this as well.

LEG. MONTANO:

Right. Bill?

P.O. LINDSAY:

I don't have any problem with your motion. You have a motion and a second to reconsider. And on the reconsideration, Legislator Montano would like to weigh in.

LEG. MONTANO:

No, actually our vote now is simply to reconsider.

P.O. LINDSAY:

Correct.

LEG. MONTANO:

I'm fine with that.

P.O. LINDSAY:

Okay. We have a motion to reconsider closing 1172.

LEG. MONTANO:

No, no. We have a motion to reconsider.

P.O. LINDSAY:

No, it was closed. It was closed.

LEG. MONTANO:

Oh, okay.

P.O. LINDSAY:

A vote was called, this is to reconsider that action.

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Okay. All in favor of reconsidering? Opposed? Abstentions?

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay, so it's back before us. We've reopened 1172.

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine. Do we have a second to the recessing before I --

LEG. GREGORY:

I will second.

P.O. LINDSAY:

Second by Legislator Gregory. Go ahead, you have the floor.

LEG. GREGORY:

I just had a question for Counsel. Now, we have the CN before us.

If the C -- how does that work? We're still going to have to vote on the CN. So automatically the public hearing is just --

MR. NOLAN:

No, no. If the public hearing is recessed, if we don't close the public hearing, we cannot vote on the CN.

LEG. GREGORY:

That's what I thought.

LEG. MONTANO:

Then I have a question.

D.P.O. VILORIA-FISHER:

It's going to committee.

LEG. MONTANO:

Can I ask a question?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

To Counsel. We have a bill that deals with the same subject matter that was passed and vetoed which we're going to take up today. If we override the veto, does this bill become academic?

LEG. NOWICK:

No.

LEG. MONTANO:

What does this bill do? Does this bill change the bill that Legislator Horsley passed?

MR. NOLAN:

Right, it's almost identical to Legislator Horsley's bill except in terms of the distribution of money to the PSAPs. Legislator Horsley's bill would distribute 20% of the revenue to the PSAPS, this bill would do 8%.

LEG. MONTANO:

So does this -- so if we override the veto and then we pass the C of N, that modifies the bill that Legislator Horsley passed, or it changes; is that what happens? What happens? I'm trying to figure it out.

MR. NOLAN:

Typically, for purposes of discussion, if we pass, if we overrode on Legislator Horsley's bill, theoretically this bill could continue to move forward. If it was enacted, you would essentially be amending that one provision of the Horsley bill.

LEG. MONTANO:

So it would amend --

LEG. HORSLEY:

Which is the whole purpose of the bill.

MR. NOLAN:

But something tells me if there is an override, this bill would probably be rendered moot.

LEG. MONTANO:

Now, which one are we going to address first, the C of N or the override?

P.O. LINDSAY:

The override.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

We have to address the override today, we're running out of time. If we don't address it today, then it's --

LEG. MONTANO:

Well, we're also going to address the C of N today.

P.O. LINDSAY:

No, because Legislator Romaine --

LEG. MONTANO:

Oh, okay.

P.O. LINDSAY:

-- just recessed the public hearing.

LEG. MONTANO:

I'm sorry then. If we recess it, we won't address it, okay.

P.O. LINDSAY:

Right.

MR. NOLAN:

We haven't voted yet.

P.O. LINDSAY:

Oh, we haven't voted on the recessing yet. Mr. Zwirn.

MR. ZWIRN:

Yes. Mr. Presiding officer, if I can just add to the confusion.

(*Laughter*)

LEG. MONTANO:

I'm confused.

MR. ZWIRN:

This bill -- one of the things -- and I understand, I can sense Legislator Montano's confusion here, but let me see if I can make it worse.

There are two bills. The bill that Legislator Horsley sponsored and passed the Legislature -- I think it was 13-4 was the vote and Legislator Romaine was not present at that time -- it gave 20% of the cell phone surcharge money that was adopted by the Legislature to the PSAPs exclusive of the Suffolk County Police Department. The County Executive's proposal, the difference was the County Executive proposed 8% of the proceeds go to the PSAPs outside the Suffolk County Police Department because that's the number -- that's the percentage of calls they handle, is 8%.

LEG. MONTANO:

If I may, Ben. I understand the substantive changes between -- or differences between the two bills. My question was more the procedural aspects, I was confused about the procedural -- you don't have to explain the difference between the bills, I got that; I didn't get the other part.

MR. ZWIRN:

Okay. And the reason that you have -- because the veto, everything sort of works together here. Is that with Legislator Horsley's bill, there is a difference of almost a half of million dollars in revenue that was based on the adopted budget, the 2010 budget. There would be about a half of million dollars less going into the General Fund that would otherwise be going to the PSAPS.

LEG. MONTANO:

Right, but that's the substantive part, I got that.

LEG. NOWICK:

He's got that.

MR. ZWIRN:

And that's why we're putting this in, because the County Executive vetoed Legislator Horsley's bill --

LEG. MONTANO:

You keep arguing the merits, but I'm not on the merits, I was on the procedural.

MR. ZWIRN:

I just wanted to make sure any --

LEG. MONTANO:

And I think now I understand the procedural aspect.

MR. ZWIRN:

Sorry.

P.O. LINDSAY:

There was just some people confused about overriding the override, you know?

LEG. HORSLEY:

Inaudible.

LEG. MONTANO:

Yeah. And so if we don't -- and I just want to be clear. If we don't close -- if we do close the hearing and then we override the veto and then we pass the C of N, the C of N modifies Legislator Horsley's bill; am I correct, Counsel?

LEG. NOWICK:

Yes, we do.

LEG. MONTANO:

I get it now?

MR. NOLAN:

Yes.

LEG. MONTANO:

Good, I woke up. Thank you.

P.O. LINDSAY:

Okay.

LEG. STERN:

I have one more question.

P.O. LINDSAY:

Oh, on the motion to -- we're still on reconsideration?

LEG. MONTANO:

No, we reconsidered.

LEG. HORSLEY:

Recess.

P.O. LINDSAY:

We're on recess. Now I'm getting confused. Okay.

MS. ORTIZ:

You reconsidered.

LEG. HORSLEY:

We got the reconsideration done.

P.O. LINDSAY:

We already reconsidered, the bill is back before us and now there's a motion to recess and a second.

D.P.O. VILORIA-FISHER:

Right.

CHAIRMAN EDDINGTON:

And on the recess motion, Legislator Stern.

LEG. STERN:

Yeah. And let me just ask, I guess, the next part of Legislator Montano's inquiry is if we recess this and then the CN is not eligible to be voted on, if Legislator Horsley's bill is -- the veto is sustained, then there are no other options, then there's nothing.

LEG. MONTANO:

Right.

LEG. STERN:

And what, if anything, are the issues that go along with having done nothing at this meeting?

MR. ZWIRN:

Well, there would be no additional revenue coming in for the PSAPS or the General Fund. We would have a -- I think it's a \$4 million gap.

LEG. HORSLEY:

As it is right now.

LEG. MONTANO:

Well, that's if we vote on the bill.

MR. ZWIRN:

Unless the bill was voted on at a later time, then whatever -- that's correct. You're correct.

LEG. MONTANO:

Exactly. There would be a gap between today and our next meeting, so we could conceivably pass it

next month. Now, would it be -- I didn't mean to jump in on you, Stern, but you raised a good point. Now, would it be retroactive?

MR. ZWIRN:

No.

LEG. MONTANO:

It would commence from the date that we pass it.

MR. ZWIRN:

Correct.

LEG. MONTANO:

Whereas Legislator Horsley's bill is already passed, so -- all right, I get you. I'm not going to go there, I got it.

P.O. LINDSAY:

Someone else had a question?

LEG. D'AMARO:

I did.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. Just quickly thinking it through, if we're voting on whether or not to override today, we don't know the outcome of that yet, I just think it's more prudent to have all options in front of us at the same time. You know, I don't see the purpose really of closing, recessing this public hearing. It's the same issue as on the bill, on the override vote, I don't think there's a need to further publicize a public hearing that we've already had two or three times on the Home Rule legislation or whatever. So I just think it would be more prudent to close this public hearing on the CN and have them both before us so we can deal with both of them at the same time today.

MR. ZWIRN:

If I might, Mr. Presiding Officer? We did follow the rules of the Legislature in doing the proper posting.

P.O. LINDSAY:

Nobody said anything different. Did you want to --

D.P.O. VILORIA-FISHER:

No, it's okay.

P.O. LINDSAY:

Okay. Okay, so we have the bill before -- we have a motion to recess the public hearing and a second. Now, Legislator D'Amaro wants to close it; do you want to make another motion to close?

LEG. GREGORY:

Mr. Chair, I'll withdraw my second on the motion to recess.

P.O. LINDSAY:

On the motion to recess.

LEG. KENNEDY:

I'll second.

LEG. D'AMARO:

I'll offer a motion to close the hearing, sure. Thank you.

P.O. LINDSAY:

Okay. I'm just getting everything in order.

LEG. COOPER:

I'll second the motion.

P.O. LINDSAY:

Legislator Kennedy has made a second to the recessing. And we have a motion to close by Legislator D'Amaro and seconded by Legislator Cooper. Recess takes precedent, so let's start with the motion to recess, and I'm going to call the roll.

LEG. HORSLEY:

This is a motion just to recess.

P.O. LINDSAY:

To recess, it takes precedent over a motion to close.

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

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes to recess.

LEG. COOPER:

No to recess.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Seven.

LEG. D'AMARO:

It fails.

P.O. LINDSAY:

The motion to recess has failed. Now the motion to close, and we have a motion and a second. Roll call.

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

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Boy, that makes everything clear.

All right, just to confuse things a little bit more, I'm going to make a motion to **reconsider 1024**. The administration has indicated to me that they would prefer that that public hearing be closed.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Anybody want to talk about it?

LEG. MONTANO:

No.

P.O. LINDSAY:

No? Okay. All in favor of reconsidering 1024? Opposed?

LEG. ROMAINE:

Opposed.

LEG. LOSQUADRO:

Opposed.

LEG. KENNEDY:

Opposed.

LEG. GREGORY:

Opposed.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

You got them all?

MR. LAUBE:

I believe so.

P.O. LINDSAY:

Okay. It stands closed. It stands -- we considered it.
We reconsidered it; yeah, yeah, it's back before us again.

(*Laughter*)

I'll make a motion to close.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. LOSQUADRO:

Roll call.

P.O. LINDSAY:

Roll call, they want a roll call.

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

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No to close.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay. That concludes our Public Hearings, thank you, for today.

I'd like to set the date for the following Public Hearings of March 2nd, 2010, 2:30 PM in the Maxine Postal newly-renovated auditorium in Riverhead, New York: IR 1054, IR 1078, IR 1080, IR 1097, IR 1102, IR 1127, IR 1129, IR 1163, IR 1164, IR 1170 and IR 1171, and I've just been given a notation that 72 is stricken because we just did that, okay? So --

MR. NOLAN:

Is there more?

MS. PASTORE:

Yes.

MR. NOLAN:

There's more.

P.O. LINDSAY:

Oh, there's more. Wait a minute. 1173, 1174, 1175 and 1176.
I'll make a motion. Seconded by Legislator Viloría-Fisher.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It is set.

And now that we're done with the Public Hearings, wait till you see how fast we get through this agenda.

D.P.O. VILORIA-FISHER:

Yeah, right. Page eight.

P.O. LINDSAY:

Okay. First, **Resolutions Tabled to February 2nd:**

1922-10 - Adopting Local Law No. -2009, A Local Law declaring as ***surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed-use development (County Executive)***. For the time being, I'm going to make a motion to table subject to call --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

-- until we get back the CEQ report. Seconded -- Legislator Losquadro, you second that?

LEG. LOSQUADRO:

Yep.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

And on the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

We do have the CN stating that Suffolk County is the lead agency and it is pos dec'd, so table subject to call is certainly appropriate here.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, **Economic Development, Higher Education & Energy:**

1036-10 - To appoint Naomi Hogarty to the Suffolk County Motion Picture/Television Film Commission (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley. Second by Legislator Stern. And she did appear before the committee, okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1043-10 - Authorizing the County Executive to enter into a lease with Eastern Long Island Solar Project to use County property in connection with the development of solar energy facilities (County Executive).

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by Legislator Horsley. Anybody on the subject, on the motion? Legislator Cilmi.

LEG. CILMI:

I had some questions during the Economic Development meeting with regard to the cost of this lease to the ratepayers of Suffolk County. Is there anyone here who can speak to that publicly?

P.O. LINDSAY:

I'm not sure, that ratepayers or the taxpayers?

D.P.O. VILORIA-FISHER:

The ratepayers.

LEG. CILMI:

To the ratepayers.

LEG. ROMAINE:

The ratepayers, they have to pay for this.

P.O. LINDSAY:

I see. Okay, but --

LEG. CILMI:

Let me --

P.O. LINDSAY:

-- that isn't something that we're voting on, that was a deal that was made by LIPA. We're leasing property to the intermediary.

LEG. CILMI:

Correct. But if we don't lease the property, then the ratepayers don't get -- don't have to pay the brunt of this cost. Let me just -- I'll explain why I'm so concerned about it.

The information that we received during the meeting was that the cost to the ratepayers was going to be approximately 83 cents per month for the average LIPA ratepayer. Eighty-three cents doesn't seem like much, but one of the questions I had was who is the average LIPA ratepayer? And that seemed to be a question that was shared by some of the other members of the committee.

I received a copy of a press release that was issued from LIPA in December, and if I could just read a portion of this press release into the record. And it says, "Over the contract of a current 20-year term, enXco will install solar systems on carports within existing parking lots at railroad stations and other facilities owned by Suffolk County, owned parking lots at a cost of \$125 million over the contracted 20-year term." So I'd like to know, the County is receiving something like eight and three-quarter million over 20 years for these leases; who's paying for the additional hundred -- who's paying for the 125 million?

LEG. LOSQUADRO:

Bill?

P.O. LINDSAY:

Do we have someone that helped negotiate this lease? Hopefully will come forward and talk about it?

D.P.O. VILORIA-FISHER:

They're all here.

P.O. LINDSAY:

Thank you.

LEG. CILMI:

By the way, if I could. I'm all in favor of solar power. I'm all in favor of, you know, clean energy. I'm all in favor of the jobs that hopefully this would create, but we really have to have a serious look at this cost.

COMMISSIONER MEEK-GALLAGHER:

We're not privy to the contract details between enXco and LIPA, which that's all part of the Power Purchase Agreement. All that we negotiated was the lease agreement between Suffolk County and enXco to host the sites and that's what you're being asked to vote on, is actually just authorizing the County to enter into that lease agreement. We don't -- you know, it doesn't address the issue of the contract between LIPA and enXco.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Perhaps Budget Review could help us on this. Obviously the capital costs borne by any private venture that wants to build a power generation facility -- be it fossil fuel, nuclear, photovoltaic, whatever it may be, they seek to recover that capital investment based on the Power Purchase Agreement entered into with the local utility company, with a margin of profit obviously. So that's why I'm a little bit lost on the cost to the ratepayer here. Is LIPA entering into a Power

Purchase Agreement to purchase this at a cost greater than what they're generating electricity for in other areas?

MR. SCHROEDER:

Well, LIPA and enXco have entered into a Power Purchase Agreement, of which we have no details, a 20-year Power Purchase Agreement. LIPA has indicated, they indicated during the briefing here at the Legislature that the Power Purchase Agreement was going to be performance-based, which means it's going to be based on the actual power output of the panels which will be metered through a LIPA meter that enters the grid. So the power from these systems that will be these seven individual systems will flow into the meter as generated. It has to overcome certain inertias built into the system, certain inefficiencies. And the actual size of the systems is not absolute, it's not -- it's approximate in terms of the plans that we have, and as yet not absolutely determined. And so based on the efficiency of the panels, the orientation of the panels, the amount of sunlight that actually hits the panels, it's actually indeterminate what the ultimate impact to the ratepayers will be, but there is a green premium associated with this array that would not be associated with a new combined cycle gas turbine system, but it is a project intended to demonstrate utility scale generation through a renewable resource.

LEG. LOSQUADRO:

But the actual -- as you said, we're not privy to the actual details of what that green premium, as you put it, is. And obviously, you know, we remain somewhat suspect given that, you know, some of the renewable premiums that people were paying, residential ratepayers were paying, that they were not actually -- it was going towards, you know, an overall pool, so there was great reason for residential ratepayers to be sceptical there. So we're not privy to those details, we don't know exactly what that premium will.

MR. SCHROEDER:

Right. But it's important to note that anything that LIPA offers to ratepayers, including the benefits of its solar pioneer program, any of those costs are socialized across the entire rate base. So we're all paying for any program that LIPA runs through our rates. And if you put a solar panel on an individual roof and that individual homeowner has a net metering agreement with LIPA, then all other ratepayers are paying a premium for that array on that roof, for that net metering. So it's not atypical of a solar installation on Long Island, or for that matter through most of the country.

LEG. LOSQUADRO:

And based on when the installation actually takes place and potential advancements between now and then and the other factors that you mentioned, just refresh my memory, what is the possible or potential generation capacity of these facilities combined?

MR. SCHROEDER:

Well, the capacity and the power that's produced are two different issues. I believe this is estimated to be approximately 17 Megawatts worth of capacity.

COMMISSIONER MEEK-GALLAGHER:

Yes.

MR. SCHROEDER:

But that's a boiler-plate rating, that is not what these will necessarily produce. That's the rating of the panels.

LEG. LOSQUADRO:

Right. Okay, thank you.

COMMISSIONER MEEK-GALLAGHER:

And just to add to those comments that Joe is mentioning, this is -- the agreement is a stable price

over the 20-year term, so it helps to hedge against the volatility of, say, future natural gas or oil prices. LIPA is getting, you know, a steady payment, they're paying a certain amount, the same amount over that 20-year term, whereas natural gas and oil will continue to fluctuate and most likely be going higher. So at the end of the 20-year term, it may be that it's actually cheaper than what natural gas and oil prices are.

MR. SCHROEDER:

It's also important to note that whatever renewable attributes or green tag benefits are associated with this array or these arrays will flow directly to LIPA. So that as the value of those credits possibly increases, those are commodities traded on exchanges, and all projections are that those will increase as energy costs increase. That benefit should flow to LIPA ratepayers as well.

LEG. LOSQUADRO:

That's an interesting component. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. You know, like my colleague Legislator Cilmi, I am, I guess, generally in favor of solar power, but I will say that trying to do some of the due diligence on this project has been little bit daunting. Nevertheless, I have had conversations as recently as yesterday with LIPA and the quote that I got was that the purchase price associated with the kilowatts generated from this project will be roughly double what the cost is associated with conventional, fixed-base generating, or for that matter wielding power, I guess, through cross-sound or neptune or what have you.

I guess I would ask Mr. Schroeder if that's true, but I've heard four times now that we're not privy to the Purchase Power Agreement. So I guess then what I would go back and say is why not? How come if we're furnishing for approximately 21 years a fixed-based County asset, which I still struggle with whether or not is deemed surplus, why haven't we seen the PPA? Does anybody know? Commissioner, have you seen it?

COMMISSIONER MEEK-GALLAGHER:

No, I haven't.

LEG. KENNEDY:

Okay.

MR. SCHROEDER:

Legislator Kennedy?

LEG. KENNEDY:

Yeah.

MR. SCHROEDER:

I'm not going to try to defend the fact that there's no public knowledge of the Power Purchase Agreement between LIPA and enXco. However, I can tell you, having been involved in the regulatory process, that that is a closely guarded -- those are closely guarded details in any purchase power agreement, whether conventional-powered plants or renewable. We were looking for information relating to Long Island power plants during the recent PSC proceedings, and in all instances that the companies requested that information be held confidential, the regulatory body agreed and even as a government entity, we were not entitled to that information. So it is a systemic issue, it's typical of any Power Purchase Agreement.

LEG. KENNEDY:

Well, I appreciate that input and I appreciate particularly your perspective, coming from the utility industry and your background there. But I also know that from the seat that I sit in, I'm supposed to be a steward of County resources and County assets. And if I have another entity that comes to me and says, "Do this deal, renegotiate it and oh, by the way, you'll get about a half million bucks over 20 years," I don't think that I'm doing due diligence on the part of my constituents if I can't at least turn and tell them we got an okay deal, we got a good deal or we got a lousy deal. Right now I don't know what our deal is, all I know is what's being offered.

COMMISSIONER MEEK-GALLAGHER:

EnXco did look at 50 other sites. Just to reiterate, this was a LIPA RFP for a solicitation. Thirty-five companies or 37 responded, they short-listed BP Solar, which is doing the big project out at BNL. And enXco, enXco did look at over 50 sites and decided that working with Suffolk County as one entity and working with seven sites and doing this model project of distributed solar power generation would be in their best interest. But even to get to that point, both BP and enXco had to be the low bidders as well as the most qualified bidders. So we were -- it was a competitive selection process, a highly competitive selection process by LIPA, and then it was even more so a competitive selection process as who was going to host the sites. I highly doubt that anyone else would come forward and say, "We want to pay you \$9 million to use your parking lots for something." I mean, it's -- where we still get the use of the parking spaces, that's why it's a lease and we don't have to declare it surplus. The property is not -- we're not changing the use, these are still going to be parking lots and we're monetizing an asset that otherwise could not be monetized to the benefit of the residents of Suffolk County.

LEG. KENNEDY:

The perspective that you share, Commissioner, certainly is something that's relevant. But in a time where we're being called on each day to look at how we operate government, and at a time where we're looking at again, who knows, a \$30 million deficit, a \$60 million deficit, we don't know. We are equally being asked to go ahead and commit over the next 20 years to this stream of revenue. Any money that we can generate at this point is positive. However, I don't know if committing irrevocably about, what is it, 10, 12 acres; how much is it altogether?

COMMISSIONER MEEK-GALLAGHER:

Forty-six acres.

LEG. KENNEDY:

Forty-six acres. Forty-six acres and we're going to throw a half mill off it. I don't know if that's the best use of that parking lot area. There may be other opportunities for us out there. At the very least, I would want to see what were at least some of the essential terms associated within that PPA. I didn't know duration where the form lease makes reference to either 21 years or PPA life until, what is today, Tuesday, I guess it was Monday, Monday when I had a chance to speak to Mike Deering. I was prepared to raise the issue that we couldn't vote on this today because it was for an indeterminant term. Now I hear that it's either 21 years for the life of the lease or 20 years for the PPA; I guess whichever breaks first.

I still remain concerned about some of what the specific terms are in there. I'd like to at least know, why is it that we're dealing with a west coast based firm? I've just been made aware, I guess, that the local preference doesn't apply to when we lease County property. The local preference was something that some of our predecessors fought very hard for in order to try and -- no?

P.O. LINDSAY:

No, I don't think we make them here.

LEG. KENNEDY:

I'm sorry?

P.O. LINDSAY:

Does anybody make the solars here?

LEG. KENNEDY:

Well, I don't know if there's solar installation that comes out of Suffolk County or Nassau County or not, Mr. Chair. And I don't know if there was an opportunity to go ahead and do that.

P.O. LINDSAY:

First, it isn't our RFP. But second of all, I don't know, and I used to be in this industry, don't know of a manufacturer of solar cells on Long Island.

LEG. KENNEDY:

I was just asking the fellow who is here.

COMMISSIONER MEEK-GALLAGHER:

No.

P.O. LINDSAY:

No, they're installers, John, they don't make them. There isn't a plant on Long Island that I know of that makes solar cells, unless Joe does.

LEG. KENNEDY:

Is enXco going to make them? Is enXco going to -- are you a first-instance manufacturer? Maybe the gentleman can tell us.

MR. WOOD:

EnXco is not a manufacturer of solar panels. The way --

MS. MAHONEY:

Can you state your name, please?

MR. WOOD:

Yes, Hanson Wood and I'm the Senior Developer for this project. And by the way, it's a pleasure to speak to all of you today.

EnXco is a developer, so we negotiate directly, responded to LIPA back in August of 2008 to even be where we are here today. We're not a manufacturer, but we certainly -- and we're also not a construction firm. We will retain construction outfits to come and to work within Long Island for this project, and there are prevailing wage requirements, there is a local preference language in the lease and we also have minority and -- minority in women, I guess, business entity language in the PPA with LIPA as well.

LEG. KENNEDY:

Okay.

MR. WOOD:

It's not -- from our perspective, it's not light on local wage and local labor requirements.

LEG. KENNEDY:

Okay. Just out of curiosity, then, where do you procure your panels from?

MR. WOOD:

We're procuring our panels from a company called SunTech. SunTech is -- the reason why we are working with SunTech is because they are the current low-cost leader in panels and that's what got

us to the table with LIPA, is having a low-cost installation model. Currently, SunTech has manufacturing firms throughout the nation, or throughout the world including Asia and also Arizona.

LEG. KENNEDY:

Tell me a little bit about the infrastructure. When I read the lease, I saw that your company is responsible for putting in a switching, underground lines, any supporting structures, and from time to time, you may do panel upgrade, panel replacement, panel maintenance. What happens at the end of 21 years?

MR. WOOD:

At the end of 21 years, the lease will allow for enXco and Suffolk County to discuss where we would like to go. If Suffolk County is amenable to extending the lease, we can discuss that. Suffolk County can also tell enXco that they would like us to remove the system and we would do that at our sole cost. There's also the option to discuss negotiation for Suffolk County to retain the carpet structures for themselves, should they like to.

LEG. KENNEDY:

What is the use-for-life of a solar panel?

MR. WOOD:

So our Power Purchase Agreement and lease is for 20 years. The panels themselves are warranted for 25 years, and we believe that the long-term operations of those panels can operate for a longer period of time, possibly 30, 40 years so.

LEG. KENNEDY:

Has enXco ever done any installation in the northeast or dealt with these types of climate conditions? What's your experience?

MR. WOOD:

Yes, absolutely. One of our largest markets is actually in New Jersey. Now, I'm not sure if the Legislature is aware, but in the industry of solar industry, you have to chase the financial incentives that are made available to the industry because it is a difficult business model, and so New Jersey happens to be the second largest solar market. We also have a project that is going into construction in Pocono, Pennsylvania, and that will be a three megawatt project with the Pocono Raceway. But we have -- I don't know exactly how many megawatts in New Jersey currently are operating, but several large installations in that market, and recently we were awarded an RFP from a major utility and New Jersey as well.

LEG. KENNEDY:

Okay. Thank you. Obviously you know your product very well, and as a matter of fact, you're a very well spoken person on behalf of your company. You heard my comments before about the Power Purchasing Agreement.

MR. WOOD:

Correct.

LEG. KENNEDY:

From enXco's perspective, would you have any reluctance to somebody presenting at least some of the terms associated with the PPA?

MR. WOOD:

That becomes a proverbial sticky-wicket for us. There are confidentiality agreements between enXco and LIPA? It is a -- we are a business fundamentally and there are very sensitive business terms in those types of agreement, but I am personally not authorized to release a Power Purchase Agreement to you all because of the nature of the confidentiality agreements.

LEG. KENNEDY:

What would your board say to that request?

MR. WOOD:

I'm sorry, what?

LEG. KENNEDY:

What would your board say to that request?

MR. WOOD:

I can't -- I obviously can't respond on behalf of my board. I think if you have specific questions about the PPA, you know, I would be happy to respond to them in written e-mail.

LEG. KENNEDY:

You know, I hear what you're saying, and perhaps maybe it's just some of my own personal curiosity. But when it comes time to bind, you know, the assets of 1.5 million people, I'd like to know as much about what underlies it as possible. So I don't know. I'll yield.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, I'd like to make two points about this situation. Number one, in 1999 this Legislature passed and the people of Suffolk County ratified by referendum the fact that this Legislature should exercise a degree of oversight over LIPA. We have not exercised that oversight to the degree that was planned by our Legislators in 1999. I introduced briefly a Legislative bill for exercising oversight over LIPA, that bill will be back. I invite my colleagues to join me, because this is a type of situation where an oversight commission would be able to probe where we don't have the time or sometimes the expertise amongst ourselves, this Legislative commission should probe LIPA's well-being.

Secondly, there is a bill in the packet today that deals with the revenue from this. As you know, every ratepayer will have to pay for this solar. It's expensive. It adds, again, to one of the highest utility bills in the United States. My bill would say the money that the County would get from this should go to pay the Shoreham certiori debt. As you know, this County participated with towns and villages in the over assessment of the Shoreham Nuclear Power Plant. When it was operating, Shoreham Nuclear Power Plant, when it was being built or almost completed, represented about 11% of this County's tax base.

We had over assessed that plan every year except for 1979 and we lost the court case. Normally, the over assessing jurisdiction would pay it back. We cut a deal, with State-authorized, through State legislation, that we would not, that, in fact, the ratepayers would pay back the over assessment. Suffolk County then got a certiori debt, that's why our bills are slightly higher, one of the reasons they're slightly higher than Nassau County, because we have certiori.

My bill would allow this money, this eight and a half million -- if it's eight and a half million, some people say it's less -- whatever revenues we would get as a County to be put in a separate fund and to be used to pay off the certiori debt. That would only benefit Suffolk ratepayers. So if we're going to force the ratepayers to pay for solar -- which is not a bad idea, someone has to pay for it, it's not a bad intention -- at least we would give them back some money, money that we're forcing them to pay for our certiori debt.

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

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

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Secondly, there is a bill in the packet today that deals with the revenue from this. As you know, every ratepayer will have to pay for the solar; it's expensive. It adds, again, to one of the highest utility bills in the United States. My bill would say the money that the County would get from this should go to pay the Shoreham certiorari debt.

As you know, this County participated with towns and villages in the overassessment of the Shoreham Nuclear Power Plant. When it was operating, Shoreham Nuclear Power Plant, when it was being built or almost completed, represented about 11% of this County's tax base. We had overassessed that plant every year except for 1979 and we lost the court case. Normally, the overassessing jurisdiction would pay it back. We cut a deal and the State authorized through State legislation that we would not -- that, in fact, the ratepayers would pay back the overassessment, and Suffolk County then got a certiorari debt. That's why our bills are slightly higher, one of the reasons they're slightly higher than Nassau County, because we have certiorari. My bill would allow this money, this 8 1/2 million, if it's 8 1/2 million, some people say it's less, whatever revenues we would get as a County to be put in a separate fund and be used to pay off the certiorari debt. That would only benefit Suffolk ratepayers.

So, if we're going to force the ratepayers to pay for solar, which is not the idea, someone has to pay for it, it's not a bad intention, at least we'd give him back some money, money that we're forcing them to pay for our certiorari debt, not a lot, only about 8 1/2 million dollars, but we'd further help reduce that debt that we've put on the ratepayers.

Thank you, Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. This bill, when it was presented in committee last -- when it was discussed in committee last week, was really the first opportunity that I had to know what was -- what had been going on and where these particular projects were going to be located.

You could sit down, Mr. Wood. I just want to say, we -- Mr. Wood and I met yesterday for about an hour-and-a-half, an hour-and-forty-five minutes, and a lot of the technical concerns that I had were addressed, were addressed, you know, in an articulate, straightforward, honest way. So my original intention was to seek to table this, but I'm not going to do that. But I do want, you know, just give a message to the County Executive's staff, Carrie, and I think you understand this. Two of the sites are in my District.

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. MONTANO:

And until that meeting, I had no idea that this was being discussed, locations were being discussed, particularly in a Legislative District that I represent. And then I was put in the position where not only were we told that we needed to vote on this urgently, because enXco wants to start breaking

ground in April, and I believe they have to complete construction within a year, so not to be -- and there's language, I understand, in the PPA, as was said by Mr. Wood, that deals with local contractors, that deals with minority and women-owned businesses. But the fact that you would begin a site selection process back in July, and I understand that Mr. Wood was here on and off from July, and that you would have discussions and you would begin the process of selecting sites, and, in essence, excluding the Legislature totally, and, in particular, those Legislators who represent districts where these sites are going to go in, is somewhat, and I'll use the word "offensive", it is somewhat offensive.

I am put in the position -- while I am going to support this, I'm put in the position that neither I, nor anyone in my District, the 80 so -- 80,000-plus people that I represent, and where two sites -- I think there's two out of seven sites, the Courthouse, which I wasn't particularly concerned about, but the Brentwood Train Station, which I'm very familiar with and where I live closely, no one even knew that this was coming in. And I, as the Legislator, never got an opportunity -- I know you're sighing, but, you know, you're going to hear me out -- never got an opportunity to explain, to convince, to hear reactions from any of the residents. And this is not the first time that this has happened. And while I am going to support it, you know, I'm putting you on notice and your -- you know, your Executive, that I'm not going to be continually pushed into taking a vote without, number one, being part of the process -- without being part of the process and without having the concerns of the residents put -- you know, without them being heard.

We had a Public Hearing, I had a -- I hosted a Public Hearing not too long ago and we had over 200 people there, and this could have very easily been a topic of discussion for that Public Hearing, because the community has a right to know. And even though I think that this is a good project and the end result is probably a good one, the fact is that this should not happen. And, as I said earlier, I find it, you know, difficult to swallow that this would go on.

And I did speak with the people from LIPA and one of them said to me, you know, "I'm sorry that you were late to the party," and I said to her, "No, you don't understand. I wasn't late to the party, I simply was not invited and there's a difference." And that should not happen to anyone. I don't think any Legislator here should be put in the position of having something jammed down their throat or put in their district without at least knowledge and input, and that's -- and that's, you know, as I said, a continuing thread. And I hope that that ceases, because while this one is going to go through, I think in the future it's going to lead to further, you know, aggravation and I'm not going to be so supportive, and I'm going to be more obstructionist, if I have to be, with respect to projects in my District. I think it's only a question of protocol and due respect that we be notified. And I know you said that you had this meeting in November. You know, I looked at -- unless the information I have is faulty, the Brentwood site wasn't even listed in that proposal.

COMMISSIONER MEEK-GALLAGHER:

It was not a site at that time.

LEG. MONTANO:

Okay.

COMMISSIONER MEEK-GALLAGHER:

Wyandanch was a site at that time.

LEG. MONTANO:

I understand.

COMMISSIONER MEEK-GALLAGHER:

Brentwood was added later when Wyandanch fell out, because there's a major project already planned for Wyandanch.

LEG. MONTANO:

Right. But the point is that I didn't know about this until the very end. And if other Legislators were in my position, I think that they would be just as incensed as I was. My staff and I had to go back to the drawing board -- not go back, we had to go to the drawing board and come up to speed very, very quickly, put aside other matters we were working on so that we would be fully informed. And I appreciate the fact that Mr. Wood came by yesterday, gave a full briefing, answered all the questions, and if it were not for that, I would be asking that this thing be tabled.

So I just want to -- you know, you don't have to respond if you don't want to. If you do, be my guest. But the bottom line is that I don't like the way that this was put, you know, in there. And I'm still, unfortunately, in the position of, you know, having a community that has no idea that as they drive down Suffolk County, you know, back -- next month, this structure is going up. And then I'm going to have to answer the why, and what happened, and why didn't I -- why wasn't I notified, and that's a bad position for any public official to be in.

COMMISSIONER MEEK-GALLAGHER:

I would just like to respond that we did present at EPA Committee in November. The Power Point was made part of the public record. There are, obviously, minutes of those on the record. Brentwood School District actually knew before you guys did, because enXco was having meetings with them in October. So the School District was aware --

LEG. MONTANO:

Right, I understand that. And, by the way, I --

COMMISSIONER MEEK-GALLAGHER:

-- of this project. The bill was filed at your first organizational meeting of this year. We had the public official briefing on the 19th. We made calls, we reached out to Legislators. I --

LEG. MONTANO:

You didn't call our office, Carrie.

COMMISSIONER MEEK-GALLAGHER:

I don't know what else we could do to make you aware. There was a press conference, there was lots of articles in the newspaper. I just --

LEG. MONTANO:

All right. I'm going to interrupt you. You made calls, but you didn't call my office. And the briefing that you had in November, I think you just admitted that Brentwood was not a site in November; am I clear on that?

COMMISSIONER MEEK-GALLAGHER:

Yes, Brentwood was not a site, but Central Islip was.

LEG. MONTANO:

All right. And then with respect to the School District, the School District is a component within the District, but it's not the local official. I'm still the local official in the District and I still wasn't notified.

And as far as Brentwood goes, Brentwood hasn't even agreed with enXco at this point to accept the payment. The other school districts have, I understand that Central Islip has, but that doesn't change the fact that there was no notification to me, as the Legislator, and then you're -- and then you're coming back to me to ask for my vote, and that's the -- and that's the issue. All right? And the public -- the public officials meeting that you had in December, was it December, Bob?

MR. MARTINEZ:

Yes -- no.

LEG. MONTANO:

What was that?

COMMISSIONER MEEK-GALLAGHER:

January.

MR. MARTINEZ:

January.

LEG. MONTANO:

January.

COMMISSIONER MEEK-GALLAGHER:

January 19th.

LEG. MONTANO:

Was a general notice, all right, not specific, not followed by a phone call, which really didn't alert me, as the Legislator, that this was something that was going to be so important to my District.

COMMISSIONER MEEK-GALLAGHER:

Okay. We will make sure in the future that we make more of an effort to alert you.

LEG. MONTANO:

I hope so. Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you. If I could just follow-up on my initial question with some others. I don't begrudge enXco one bit the desire or attempt to profit. They're a private company, they are entitled to a profit. I don't -- I'd like to commend the County Executive and the Commissioner on their creativity in terms of pursuing alternative energy projects for our County, I think that's good. But if we believe the LIPA press release, again, somebody's on the hook for 125 million dollars, and we can -- we can, you know, divide that up as much as we want, we can say that it's going to cost ratepayers 80 cents apiece, but you know what, with every ratepayer that leaves Suffolk County or Long Island, that's more money that the remaining ratepayers have to pick up. So, unless somebody can tell me that the economic benefit to this resolution, to this project exceeds 125 million dollars, or unless somebody can tell me that 125 million dollars is inaccurate, or unless somebody can tell me that the jobs that are created as a result of this project are going to generate more than 125 million dollars worth of economic activity -- now, to enXco's benefit, Hansen and I had a conversation yesterday and, I understand that there has been some language put into some of these agreements that would -- that further defines the extent to which local labor would be used in this project, which I think is very, very important and very, very good. But, again, I need to have somebody address the 125 million, because approval of this resolution is, in effect, authorizing LIPA to send a bill to the ratepayers of this County for 125 million dollars at a time when they cannot afford it.

MR. WOOD:

You ask a very pointed question. I have a -- I would like to at least give my perspective as somebody who's in the green industry, who's in it for, per se, the right reasons. Now this type of business model is we call a Power Purchase Agreement, so none of the LIPA ratepayers or Suffolk County taxpayers are going to bear any of the capital costs associated with this project. EnXco will be 100% responsible for the capital costs associated with this projects.

Now, I understand the concern that this will potentially increase rates, but I think there's two -- two

or three very large benefits that should -- that are difficult to maybe quantify in terms of exact dollar amounts, but, certainly, are going to be very beneficial to Suffolk County and LIPA over the long term of this agreement. Now, the first thing that I would say is both Joe and Carrie were correct in saying that the -- well, paying a green premium right now is at an additional cost. Those green attributes are poised to be much more valuable going into the future.

I would also add that, very astutely, that the solar power is -- and our agreement with LIPA I can't say is a fixed power price, so over the long-term of -- over the 20 years, which is going to be a very long time, and we all can remember just as recent as two years ago how insane gas prices got, natural gas prices have risen, our power price is going to remain fixed and will be a hedge against those rising costs of electricity, and that is for the benefit of everyone in Suffolk County and LIPA.

And, finally, I'll just, you know, make the final plea and note that while Suffolk County is going to be getting a lease rate on this, there is also the very real reality of economic stimulus, both through job creation and also through the local investment of tens of millions of dollars. So I think, in my opinion, the overwhelming -- there is a very real public partner -- partnership for this renewable energy model. This is really going to turn Suffolk County into "Solar County", in my mind. And I guess that's all I had.

LEG. CILMI:

Are you familiar -- I recently saw a story in the paper that said that LIPA estimates that we have enough capacity currently with our current generation to accommodate our power requirements through either 2020 or 2030; are you familiar with that?

MR. WOOD:

No, I'm not -- sorry. I'm not sure which article you're referring to.

LEG. CILMI:

Yeah, as a result of the Caithness plant. Actually, not as a result of the Caithness plant, it's without the Caithness plant.

LEG. HORSLEY:

Right.

LEG. CILMI:

So I'm wondering, other than the feel-good, you know, nature of this program, and it does make us feel good -- and, certainly, there's a lot to be said for alternative energy for solar power. I am a big proponent of energy independence. I think, to a great extent, through the -- through the purchase of some of the fossil fuels that we purchase, we're funding people that want to kill us here in this country, so I think it's really important. But the question still remains, and while the cost may be -- I'm not even -- I mean, I'll stipulate that the cost may be justified, but we still have to answer the question who is going to pay for it, and I don't know that there's anybody who can answer that question.

MR. WOOD:

Over the next -- enXco will at least pay for the capital costs, that's my response, and it will improve your distribution network as --

P.O. LINDSAY:

Maybe if I could, Tom, just to go back to some legislation that this Legislature passed, I guess it was about a year-and-a-half ago. It was to do just what we're doing now. The legislation called for an RFP to seek vendors like enXco to install alternate power on our property or our sites, either photovoltaics, or a windmill, or whatever. And the reason why is the Federal Government is making a major commitment to go to alternate power for not only economic reasons, but for reasons of national security, and there's huge tax credits available, but you have to have a private entity in between; we couldn't do it directly. If the County was to put this solar array up by ourselves, we

couldn't take advantage of the Federal tax dollars that would flow in to support this program, so you had to get someone in the middle. And we proposed this two years ago, a year-and-a-half ago, Joe?

MR. SCHROEDER:

(Nodded yes).

P.O. LINDSAY:

And it passed, and I don't know whether this deal was a result of that, but it was something that this Legislature addressed about a year-and-a-half ago, and it's coming to fruition. So, when you're looking for the 120 million dollars, who's paying the tab? Sure, some of it's coming from the ratepayers as they pay for the more expensive power through this long-term power agreement, some of it is probably coming from a lot of citizens around the country that adds to this initiative to reduce our carbon footprint and reduce our dependence on foreign oil, and stuff like that. And what you said about there's no doubt about it, the Caithness article shows that we have an abundance of power suddenly, that the demand has decreased dramatically. A lot of that power comes from old plants, dirty plants, plants that we really want to mothball eventually, because it isn't good for our environment and it isn't -- they aren't really very efficient, you know. But that's just some clarification.

COMMISSIONER MEEK-GALLAGHER:

Yes. And, Legislator Cilmi, if I could just add, that since this project has been announced, we've had a number of private companies who have come to us and said, "We're so excited that this is happening, because we have large parking facilities." And if this turns out to work out, we want to see these models, you know, working in place, and we would be interested in possibly putting up silver carports on our parking lots as well, which would then drive more jobs in this industry, which would then possibly spur interest in a solar panel manufacturer to locate in Suffolk County if they saw enough demand. So we're really hoping that long term, that it will be worth a lot more than the 120 or 125 million, because we'll have a new industry that's emerging here on Long Island, and then we'll have a trained workforce.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to pick up on that. I want to commend you, Commissioner Gallagher --

COMMISSIONER MEEK-GALLAGHER:

Thank you.

LEG. D'AMARO:

-- because, I think that, you know, this is Suffolk leading, leading in the fight against our dependency on foreign oil, leading in the need for alternative sources of fuel and energy, clean energy, it's good for the environment. We can spend hours talking about the benefits of a project like this. I'm concerned about the ratepayers. LIPA is accountable to the ratepayers. LIPA has to answer for the deal they cut, whether it's with this company or any other source of power, as to what the cost of that energy is going to be. I'm concerned about the ratepayers, but I'm responsible to taxpayers. So our role in this scenario, in this new project is really just as a landlord. The company -- what's the -- enXco?

COMMISSIONER MEEK-GALLAGHER:

EnXco.

LEG. D'AMARO:

EnXco -- thank you -- has looked at other sites. There are other landlords out there that may be ready, willing and able to provide the ground area necessary to construct the solar panels. So the project's happening, and it's the right direction on a lot of policy levels, it's the right way to go. So

my question becomes, yeah, you know, we should take a good hard look at whether or not we want to be a part of this. It's a public/private partnership. Again, that's another very good aspect of this, creating jobs. We can go on and on. But when I analyze it from a taxpayer perspective, my question is how do you arrive at the lease payment amount? Do we do an appraisal? There's nothing similar to this. How do we know the value of what we're leasing for the project? How do we know we're getting the right return?

COMMISSIONER MEEK-GALLAGHER:

Right. And what it's based on is actually a percentage of the revenue stream that enXco will be getting from LIPA through the Power Purchase Agreement. So we're actually going to be getting roughly 6% of that revenue stream. And, as we understand it from what the research that we did in reaching out to other people in the industry, they said that's a very good -- you know, it's a very fair deal, and maybe better than ones they would have offered us. So we felt we did, and Public Works as well reached out to folks that they knew in the solar industry that were doing similar types of projects and they said 6% of the revenue stream seems like a very fair deal for the County.

LEG. D'AMARO:

So it's really not based on a property appraisal, if you will, it's more about what is the total value of the revenue stream, and then we should get a -- "we" meaning the County, should get a percentage of that to compensate the County for the use of the land.

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

Is that what you're saying?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

Now, the revenue stream can fluctuate, but can the lease payments fluctuate?

COMMISSIONER MEEK-GALLAGHER:

No. The lease payments are fixed. So whether -- as soon as the -- all of the solar panels, as soon as the fixture are operational, we will be getting paid, no matter whether they're actually generating the 17 megawatts or they're generating five megawatts. So, as each of the installations is complete, we start getting paid on each of the sites.

LEG. D'AMARO:

And who's on the hook to Suffolk County to make the guaranteed payment, the lease payment?

COMMISSIONER MEEK-GALLAGHER:

EnXco is.

LEG. D'AMARO:

Okay. So EnXco is --

COMMISSIONER MEEK-GALLAGHER:

Actually, Eastern Long Island Solar is the company that we're entering into the lease agreement with.

LEG. D'AMARO:

Okay. Which is a subsidiary or alter ego of enXco?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

Okay. All right. So we -- in effect, the deal for Suffolk County is we had a solar project, it's ground-breaking, it's new, creating jobs, helping the environment. And, by the way, when this project gets built, we're partnering and also bringing some revenue into our taxpayer -- to our tax base. And not only are we bringing the revenue in, but over those 20 or 21 years, we're guaranteeing this steady stream of revenue.

COMMISSIONER MEEK-GALLAGHER:

Correct.

LEG. D'AMARO:

I think that's a home run. Good job.

COMMISSIONER MEEK-GALLAGHER:

Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Legislator Romaine, you have such a good memory. In 1999 we did, indeed -- we did, indeed, pass a resolution that resulted in a referendum regarding our oversight of LIPA. In 1999, I also introduced -- by the way, I was a cosponsor of that particular piece of legislation, and we continue to try to have oversight of what's going on with LIPA and its relationship with the ratepayers. But that year I was also the lead sponsor of a resolution that sought to cap the CO2 that's going into our atmosphere; that was in 1999.

We now have before us an opportunity to reduce the amount of carbon dioxide going into our atmosphere by how many thousands of tons? Fourteen thousand tons per year. That's a tremendous amount of offense to our environment. So, on the environmental issues, this is certainly a project that's going in the right direction.

As far as some of the comments that I've been hearing as I've sat here is loss of assets, I think was something that was mentioned. The functionality of the assets that we will be leasing will not be diminished in any way. We will still be using those assets for their intended purpose, which is as parking lots, but we will have the additional function of using it to create energy. What happens in creating this kind of energy and what's the benefit? The benefit is that right now it is, indeed, more expensive, but this is a sustainable energy source.

Fossil fuels are finite supply and they will become more expensive as time goes by. And so what we're doing here -- if you remember when I was -- when I introduced LEAD legislation, there was not a great deal of understanding of LEAD, and there was a concern that building -- building our buildings according to LEAD standards will be too expensive. What's happened is that LEAD standards have become best practices, and having built our buildings according to the green building standards, our workforce has become trained on how to build in that manner and so we're ahead of the curve.

Another really important issue is that it was mentioned that approval of this resolution will permit LIPA to raise rates. Actually, this was a competitive process, and so LIPA had the RFP, they made an agreement, and then enXco looked for participants. We competed for this and we're being paid for parking lots that will not lose their functionality, we're being paid every year for that. So

whether or not we pass this today, or whether or not the County is the entity that comes into this agreement, this would have happened.

Another thing that is very, very important to me, and I'm so pleased that Legislator Montano is on board, because I respect that some of this is going on in his District, and I respect that he would have wanted more warning that this was going to be happening in his District. And although I don't represent Legislator Montano's District, as a Latina, it's been very, very important to me to try to bridge the gap that seems to exist between the Latino and minority community and environmental issues. And I went to Albany to speak about Latinos and the environment. It would have been good if I had known when I spoke at the Somos Conference that was hosted by Phil Ramos in the Fall that this was happening in Brentwood, because this is an educational opportunity for a population that I have been trying to reach in bridging the gap to environmental concerns and environmental education.

This morning Kevin MacLeod mentioned something that's really, really important. These are operational classrooms. This is a laboratory, a learning laboratory. And if you've done any reading lately on what's going on with moving forward with green initiatives, an important part of that is to have our youngsters understand that green careers run the gamut of levels, experience and education. And seeing a project like this going on, they might understand that not only is it an issue of doing weatherization of homes, but you have solar panels which involve engineering and design, installation, marketing.

There's just a tremendous opportunity for learning here. As an educator, seeing an opportunity like this is just -- is a home run, as Legislator D'Amaro just said. It's a home run for our environment, it's a home run for our economy, it's a home run for our educational initiative to let our kids and our adults know the kind of opportunities there are out there for careers in this field. So I'm very happy that this has come to us. I'm very happy that I'm able to support this. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. I think that's it. We have a motion and a second; am I correct? It's been awhile.

MS. ORTIZ:

Yes, you do.

P.O. LINDSAY:

To approve. Okay. Roll call.

(Roll Called by Ms. Ortiz, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

COMMISSIONER MEEK-GALLAGHER:

Thank you.

***[THE FOLLOWING WAS TAKEN BY LUCIA BRAATEN &
TRANSCRIBED BY ALISON MAHONEY - COURT REPORTERS]***

P.O. LINDSAY:

Okay. Moving right along.

(*Laughter*)

***1020-10 - Approving planning steps for the acquisition of Farmland Development Rights –
November 2009 (County Executive).***

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Wait, Legislator Losquadro made a motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

I was waiting. I've got a motion and a second. Anybody on the question? All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor.

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1040-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Spring Meadow Enterprises, LLC property – Town of Brookhaven – (SCTM No. 0200-128.00-01.00-016.002).

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Losquadro.

LEG. GREGORY:

Motion to table.

P.O. LINDSAY:

Motion to table?

LEG. GREGORY:

Yes. This is 1040?

P.O. LINDSAY:

1040. Is there a second to the tabling?

LEG. D'AMARO:

I'll second for discussion purposes.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the question?

LEG. GREGORY:

Can you -- this is just a regular authorization bill for -- Counsel?

MR. NOLAN:

It's an acquisition bill, 6.8 million total. It's a 75/25 split between the County and the town.

LEG. GREGORY:

And what's our contribution to this acquisition?

MR. NOLAN:

About \$5.1 million.

LEG. GREGORY:

Okay. And what's the -- \$5.1 million? And what's the contribution from the town?

MR. NOLAN:

One point seven, approximately, \$1.7 million.

LEG. GREGORY:

And this is coming from Quarter Cent.

MR. NOLAN:

It is.

LEG. GREGORY:

Okay. Mr. Chair, I withdraw my tabling motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen (Not Present: Legislator Barraga).

LEG. LOSQUADRO:

Madam Clerk, please list me as a cosponsor.

LEG. ROMAINE:

Cosponsor, please.

P.O. LINDSAY:

1041-10 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Harriman Estates at Aquebogue LLC property – Town of Riverhead – (SCTM No. 0600-085.00-03.00-072.008 through 072.103) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Is there a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Any discussion?

LEG. CILMI:

Bill?

P.O. LINDSAY:

Yes, Legislator Cilmi.

LEG. CILMI:

Counsel, could you just kind of describe this bill?

MR. NOLAN:

This is the -- to authorize the purchase of development rights, Farmland Development Rights for 57 acres for \$9.6 million, approximately.

LEG. CILMI:

And once we purchase -- who are we purchasing this property from?

MR. NOLAN:

The owner is Harriman Estates at Aquebogue, LLC.

LEG. CILMI:

Is the land going to be vacant or is it going to be used as a farm?

P.O. LINDSAY:

Development rights, you're buying the development rights, so it can continue to be farmed.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen (Not Present: Legislator Montano).

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

P.O. LINDSAY:

1001-10 - Designating March as Professional Social Work Month (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher, second by Legislator Eddington. All in favor? Opposed? Abstentions? We already did --

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

I'm sorry. We already did 1047, it was tabled.

1050-10 - Approving the appointment of Diane Pfadenhauer as a member of the Suffolk County Public Employment Relations Board (County Executive).

LEG. KENNEDY:

I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Viloría-Fisher. Legislator Kennedy, she came in?

D.P.O. VILORIA-FISHER:

Yes.

LEG. KENNEDY:

Yes, she did, Mr. Chair. And as a matter of fact, she presented very well, she's very qualified.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1000-10 - Reauthorizing use of Hubbard County Park by Ducks Unlimited Inc. (Viloría-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1021-10 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 015.000 pursuant to Section 125 of the New York State Highway Law (County Executive).

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, as the Chair of the DPW Committee, I'd actually like to recommit this. I'd like to make a motion to recommit.

P.O. LINDSAY:

Okay. We have a motion to recommit. Is there a second to that motion?

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

I saw that it was discharged without recommendation, now you're recommitting. Can you just tell us what the problem is?

P.O. LINDSAY:

Let's see if I could get a second first --

D.P.O. VILORIA-FISHER:

Oh, I thought you did. I'm sorry.

P.O. LINDSAY:

-- to the recommit.

MR. NOLAN:

Second by Romaine.

P.O. LINDSAY:

Motion by -- second by Legislator Romaine. Go ahead, the question.

LEG. SCHNEIDERMAN:

There are two small triangular-shaped pieces of property that the County owns that potentially could be surplus and could be sold to the adjacent property owner. The Legislator who's district it's in has raised some concerns and I'd like to have them vetted. I don't want to see them vetted for now at the full Legislature because it would just take too much time, I'd rather vet them in the committee. We discharged them without recommendation not knowing if the Legislator who's district it's in has had an opportunity to review it; he had not.

D.P.O. VILORIA-FISHER:

Who was that?

LEG. SCHNEIDERMAN:

That's Legislator Romaine. So what I'm -- I'm asking that it goes back to the committee. I don't think it's time sensitive at all.

LEG. LOSQUADRO:

Motion to recommit.

LEG. SCHNEIDERMAN:

And it will spare you the discussion, frankly.

P.O. LINDSAY:

I can't understand this. This is only the second meeting, you talk when you sit together all day and you don't know what's going on.

We already had a motion to recommit and a second. Is there any other questions, discussions? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

It's recommitted.

1022-10 - Authorizing the conveyance of County-owned surplus unused right-of-way fronting a parcel of land having a Suffolk County Tax Map Identification Number of District 0200 Section 593.00 Block 01.00 Lot 013.001 and District 0200 Section 593.00 Block 01.00 Lot 014.001 pursuant to Section 125 of the New York State Highway Law (County Executive).

LEG. SCHNEIDERMAN:

Same motion.

P.O. LINDSAY:

Same motion same second. Is that agreeable to you two guys?

MS. ORTIZ:

To recommit?

MR. NOLAN:

Recommit.

P.O. LINDSAY:

Same vote.

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano)

P.O. LINDSAY:

Maybe, you know, after it's recommitted, maybe you's can fill us in on why the action, you know, after it goes back to committee.

LEG. ROMAINE:

There are compelling reasons.

P.O. LINDSAY:

And I'm sure we'll hear about them.

LEG. ROMAINE:

Right, at committee.

P.O. LINDSAY:

But -- okay. ***1003-10 - Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650) (D'Amaro).*** Legislator D'Amaro?

LEG. D'AMARO:

Yeah, I'd like to offer a motion to table. We're still trying to work with the Attorney General's Office on the software licensing, if possible.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Okay. We have a motion to table. Second by Legislator Losquadro.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

And that makes 10 -- 1003A a moot issue because the accompanying resolution didn't pass yet.

1008-10 - Authorizing reconveyance of parcel to Holbrook Fire District pursuant to Section 72-h of the General Municipal Law (SCTM No. 0500-108.00-02.00-018.000) (Presiding Officer Lindsay). I'll make a motion.

LEG. EDDINGTON:

Second.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1009-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Hassan and Laila Hito (SCTM No. 0500-382.00-03.00-055.000) (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1017-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Incorporated Village of Lake Grove) (SCTM No. 0208-015.00-04.00-014.000 et al) (County Executive). Do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Do I have a second?

LEG. STERN:

(Raised hand).

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1018-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Ronald R. Raby (SCTM No. 0200-809.00-01.00-030.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1019-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Baron II Realty Corp. (SCTM No. 0500-179.00-03.00-026.000) (County Executive).

LEG. D'AMARO:

Twenty-five by a hundred, landlocked. I'll offer a motion to approve.

P.O. LINDSAY:

Okay. Can we do same motion, same second, same vote; all right?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1031-10 - Canceling auction sale of property (SCTM No. 0200-960.00-02.00-045.000, 046.000, 047.000) (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

All right. We're going to go to the manilla folder. There's some procedural stuff in there.

Okay. We have three ***Procedural Motions***. The first one is ***Procedural Motion No.1-2010 - Designating Veterans organizations to receive funding for Memorial Day Observances for 2010 (Stern)***. Legislator Stern, you want to make that motion?

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern. I'll --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. LOSQUADRO:

And --

LEG. MURATORE:

Seconded.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

And I salute you, Legislator Stern, for being so diligent. Usually we approve these the first week of May.

(*Laughter*)

P.O. LINDSAY:

Next one is ***Procedural Motion No. 2-2010 - Authorizing remittance of monies from the maintenance fund to the Vanderbilt Museum (Presiding Officer Lindsay)***.

LEG. COOPER:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Viloría-Fisher. Who had the question?

LEG. MONTANO:

Legislator Montano.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Just -- last year when we -- was it last year -- Legislator Cooper? Was it last year that we passed the resolution giving the Vanderbilt the \$700,000?

LEG. COOPER:

Yes, it was.

LEG. MONTANO:

All right. They had put in a plan after -- you know, after the debate on that, they had put in a business plan which indicated that they were going to raise "X" amount of money and they were going to become self-sufficient. This was before the Hotel/Motel Tax was passed giving them an additional \$700,000 out of that money. Where are they at? And the reason that we gave them the money was that we didn't want to dip in to the -- what is it, the corpus; am I correct in that?

D.P.O. VILORIA-FISHER:

The corpus.

LEG. MONTANO:

The corpus, right.

LEG. COOPER:

Yes, and this will not --

LEG. MONTANO:

Right.

LEG. COOPER:

Yes, and this will not pierce the corpus.

LEG. MONTANO:

All right. Do you know how much money they have over the corpus at this point?

P.O. LINDSAY:

Jon, if it's all right, let Lance answer.

LEG. COOPER:

Sure. Sure.

LEG. MONTANO:

Yeah, okay.

P.O. LINDSAY:

Lance monitors this on a --

LEG. MONTANO:

On a regular basis?

P.O. LINDSAY:

Yeah, on a regular basis.

LEG. MONTANO:

Okay. I'm sorry. Go ahead, Lance.

MR. REINHEIMER:

That's okay. The current value of the fund is about \$8.6 million; this is to authorize the --

LEG. MONTANO:

Well, the corpus is 8.6 or 8.7?

MR. REINHEIMER:

No, the corpus -- I'm sorry. The corpus is 8.2 million, so they're four --

LEG. MONTANO:

Eight point two, so they have --

MR. REINHEIMER:

They're 400,000.

LEG. MONTANO:

Over.

MR. REINHEIMER:

Over. Okay, part of that 400,000 is capital appreciation. They have about \$120,000 in income that they've earned since the last time we made a distribution which was in February of 2009.

This is to authorize the distribution of \$20,000 from their income account -- this was interest that they earned through bonds -- in order for them to bridge them until they get money from the Hotel/Motel Tax. They're in the process now of working with the County Executive and finalizing that contract. We're hopeful that that contract should be signed and in place within the next couple of weeks, but in the meantime, they have payroll that they have to meet. This \$20,000 is the minimum amount that they need in order to get enough cash or have enough cash --

LEG. MONTANO:

This is just to make the February payroll?

MR. REINHEIMER:

-- for the February 10th payroll. They're lagging bills, they're postponing the payment of bills because of their cash position, so they're doing everything they can to work with the money that they have. This is to ensure that they have money for payroll.

LEG. MONTANO:

So it begs the question now, the business plan that they submitted which had revenue forecast that they were going to raise money here and there, that hasn't seemed to work out, I would imagine.

MR. REINHEIMER:

They've made some cuts in expenditures, they're still working on trying to get the cell tower in place and up and going, that's probably a year plus away. The way things have progressed with the star projector, that's probably a year later; they were looking for October, 2010, that's probably going to be the summer of 2011 if things work out. So they've had a lot of setbacks, you're correct.

They're working on site use, they had sent out an RFP for concessions. In their opinion, there was nothing that was compatible with the mission of the museum that would not alter how the museum runs and provide a significant amount of money. They feel that they can earn over time approximately \$200,000 from site use. None of the concessions that they had for a caterer to come in would provide that much money. So they think they can do it just on site use, given if they have good publicity and no talk of closing.

LEG. MONTANO:

All right. And so the bottom line, though, is that this is their excess money from the corpus and it's not County money.

MR. REINHEIMER:

No, this is not County money.

LEG. MONTANO:

Gotcha. Okay, thank you.

P.O. LINDSAY:

Anybody else? No? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. Is there another Home Rule in here?

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

We've got Home Rule No. 2 and No. 4, right?

P.O. LINDSAY:

Okay. We have another Procedural Motion, it was just handed out a few minutes ago. It's ***Procedural Motion No. 3-2010 - Authorizing additional funding in connection with action against LIPA for overcharge of Suffolk ratepayers (Hodgson Russ) (Presiding Officer Lindsay)***. This is what Irving Like talked to us about before, the Hodgson Russ Advisory Group, it's for --

MR. NOLAN:

An additional 20.

P.O. LINDSAY:

An additional 20?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Because there was already 15.

P.O. LINDSAY:

Right. I see, right.

LEG. LOSQUADRO:

I make the motion.

LEG. ROMAINE:

It was 15; we're going from 15 to 35.

MR. NOLAN:

They submitted a bill for 23,000, they say they'll take 20,000, so that's what we're going to give them.

P.O. LINDSAY:

Okay. Who made the motion?

D.P.O. VILORIA-FISHER:

Losquadro, and I seconded.

LEG. HORSLEY:

I'll second it.

P.O. LINDSAY:

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

LEG. D'AMARO:

On the motion, Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Just please note on the record my recusal as per my previously filed disclosure statement.

P.O. LINDSAY:

Okay. With that in mind, all in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Recused: Legislator D'Amaro).

P.O. LINDSAY:

Okay.

MR. NOLAN:

You want to do the vetos?

P.O. LINDSAY:

Yeah, why don't we do the vetoes.

D.P.O. VILORIA-FISHER:

We have two Home Rule Messages.

MR. NOLAN:

Yeah, we have two Home Rules behind it.

P.O. LINDSAY:

You want to do the Home Rules? Okay.

LEG. MONTANO:

Are we going to have a long talk to that?

P.O. LINDSAY:

Well --

LEG. LOSQUADRO:

God, I hope not.

LEG. MONTANO:

All right, then no.

P.O. LINDSAY:

No, no, no, that's okay. We can do the Home Rules. I just was looking for some --

LEG. KENNEDY:

Action?

P.O. LINDSAY:

-- fun. Okay, ***Home Rule Message No. 2-2010 - Home Rule Message requesting State of New York to amend the Civil Service Law, in relation to resolution of disputes between a public employer and Suffolk County Probation Officers (Senate Bill S.4872 and Assembly Bill A.7171-A) (Presiding Officer Lindsay).*** I will make the motion.

LEG. BARRAGA:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. BROWNING:

Cosponsor.

P.O. LINDSAY:

Home Rule Message No. 4-2010 - Requesting New York Legislature to amend the General Municipal Law, the Vehicle and Traffic Law and the Criminal Procedure Law, in relation to establishing a Traffic and Parking Violations Agency in the County of Suffolk (Assembly Bill A.8471 and Senate Bill S.5862) (Presiding Officer Lindsay). I will make that motion.

LEG. LOSQUADRO:

I'll second that.

P.O. LINDSAY:

Second by Legislator Losquadro. Any -- on the question, anybody? No? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

D.P.O. VILORIA-FISHER:

Veto Messages.

P.O. LINDSAY:

Okay, now we get to vetoes.

D.P.O. VILORIA-FISHER:

You couldn't wait, huh?

P.O. LINDSAY:

Okay. The first one is Resolution -- well, it's ***IR 1638, Resolution 97f4-09, Adopting Local Law No. -2009, A Local Law authorizing a wireless communications surcharge.*** This was the bill sponsored by Legislator Horsley, Kennedy and Nowick, and it was vetoed. Do I have a motion?

LEG. HORSLEY:

Motion to override.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion to override. Seconded by Legislator Kennedy?

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Oh, okay. Any discussion on this?

LEG. MONTANO:

Question?

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

On the -- if I may, through the Chair, to Legislator Horsley. There's another bill before us that we discussed earlier that, what is it, 1072 or -- but it basically deals with the same subject matter, we understand?

LEG. HORSLEY:

Same subject matter, yes.

LEG. MONTANO:

And the difference, could you just put the differences between your bill and the County Executive's bill on the record so that we know what we're dealing with here?

LEG. HORSLEY:

I can. Yes, the bill is for to break out the dollars that will be collected from the E-911 surcharge on wireless phone bills. And what they will be is -- my bill gives 20% of the total dollar amount, which is somewhere in the neighborhood of \$5 million, which is presently in the budget. And 20% will go to the PSAPs who are the 12 PSAPs throughout our County and that 80% will go to the call center in Yaphank for the Police; so that is 80/20.

Where the County Executive's bill gives a total of 8% to the PSAPs, the 12 PSAPs across the County, and give 92% to the County call center. That's the difference.

LEG. MONTANO:

That's the only difference?

LEG. HORSLEY:

That is the only difference.

LEG. MONTANO:

All right. And procedurally we need now 12 votes to pass your bill?

LEG. HORSLEY:

That's correct.

LEG. MONTANO:

And if your bill is -- if it's -- just so I understand. If it's over -- if we override the veto and then we pass the other bill, it amends your bill, is that -- Counsel, is that --

LEG. HORSLEY:

No. I don't see how we could possibly pass both, but maybe I'll defer to the --

LEG. MONTANO:

That's what I want to get to.

LEG. HORSLEY:

Yeah, let me defer that to the attorney.

LEG. MONTANO:

Excuse me?

D.P.O. VILORIA-FISHER:

They're mutually exclusive, aren't they?

LEG. MONTANO:

Are they?

MR. NOLAN:

Well, they're inconsistent because of the difference just laid out, so it really would be -- it wouldn't make sense to pass both bills. I don't think there's a -- that would happen.

LEG. MONTANO:

But inconsistency is not mutually exclusive.

MR. NOLAN:

Right. And generally the rule of construction is the later bill that passes would act -- would probably act as an amendment to the early passed bill. That's my belief.

LEG. HORSLEY:

So I will be very vigilant to make sure that if we override the County Executive's veto on this E-911 surcharge, that we will -- I will work diligently to defeat any further bills to amend this, because we are doing the right thing for our PSAPs.

LEG. MONTANO:

Well, I voted against this bill originally.

LEG. HORSLEY:

Yes.

LEG. MONTANO:

But now in light of the fact that we could wind up with a different bill that changes the formula with the ten votes, what I will do then is I'm going to change my vote and sustain -- I mean, vote to override the veto with the hope that your bill is the one that ultimately is passed.

LEG. HORSLEY:

God bless you.

*(*Laughter*)*

LEG. MONTANO:

God has nothing to do with it. Thank you. That's a bit of an over statement I think, Wayne.

P.O. LINDSAY:

I've got a question, Legislator Horsley. Could you discuss with us, is this a fairer formula in terms of service response?

LEG. HORSLEY:

Oh, absolutely. The 12 PSAPs is -- are part of a broad system for our emergency services, the E-911 -- the 911 call-in center. So everyone knows with the 911, when you call the 911 you get -- you'll get an answer on the phone, "Yes, what would you like," "The Police," "Do you want the Police? Do you want the Fire? Do you have an emergency?" You know, etcetera. And the call center in Yaphank, the Police, would then refer it to many -- to PSAPs that have PSAPs, they refer that call to them. So that being the case, they then get a hold of the local fire department and your ambulance arrives at your door. It is an integral part of overall system, these 12 PSAPs. And it was at one point that they were given about \$95,000 per year to update their machinery and they have to be updated once again to deal with the E-911, the wireless phone services.

So that being the case, we have a -- we have a system that is -- that takes a major number of calls to make sure that the full 911 system operates adequately. Over the -- the problem has been that over the last couple of years, people have moved from the land lines, the hard-wired phones that you have -- that may have had in your phone -- in your houses and there's a 30 cent charge on the land lines. What has happened, of course, is that people have been moving to cell phones and there is no charge on cell phones. However, there is a charge -- this charge on cell phones almost across the entire state. The County of Suffolk opted out several years ago for whatever reason.

But what we've done, then, is we are starving our PSAPs. And who is making up the difference? Our local fire departments are putting monies into it, the towns have been putting monies into it, and this is a fair exchange. So what this does is brings them back to where they were financially back to 2001, so they will approximately get the 95 -- be back in the range of 95,000. There is not a whole lot of extra dollars here.

And we should also note that this money is in our budget. We are already accounting for these dollars in our budget and we will blow a hole in our budget in the range of \$5 million if we do not override this veto.

So I think that's explained. I have talked about this ad nauseam, I think it is fair. You know, and I recognize that the political grounds have shifted over of the last couple of months since we've passed this, and certainly we're looking at every dollar that the -- that our ratepayers pay and our taxpayers pay, and I'm certainly an advocate of keeping a tight fiscal watch on public dollars. But this is our mission, this is the core to what we do, public safety. We have to be -- make sure that we've got the right equipment, that an ambulance will -- when you call for 911, that an ambulance reaches your door and they do it in a timely way. That is our mission. There is no more important

mission before us than public safety. And this is what we are voting on and this override tonight and I want you to join me in this fight to make sure that the 911 system is still sound.

(*Applause & Laughter*)

LEG. KENNEDY:

Wait, let me call an ambulance.

LEG. MONTANO:

I want to borrow that soap box. Where is it?

P.O. LINDSAY:

Unfortunately there's another question for you, Legislator Horsley.

D.P.O. VILORIA-FISHER:

Sorry, Wayne. I know all of the air is out of you. And I know Dave Bishop went over this with me, but I was at a meeting yesterday where there was a presentation by my local fire department who aren't PSAPs.

LEG. HORSLEY:

Right.

D.P.O. VILORIA-FISHER:

Just explain to us, for those of us who represent areas where we don't have PSAPs, how it is benefitting our fire departments as well.

LEG. HORSLEY:

Okay, that's a good question. And I'm glad you asked it. Because it is very relevant.

One of those 12 PSAPs -- well, first of all they get 82 -- we get 80% that are going to go to our call center which is for all of us, that is the Police Call Center where your 911 phone call originates. But secondly, one of the 12 PSAPs throughout this County, one of those 12 PSAPs is our FRES Call Center, and that's where many of your phone calls are referred to if you do not have a PSAP in your local district. So you will get one-twelfth of the 20% will be for calls that are for your district. You will be represented in this bill; in fact, better represented because this is a better bill for those PSAPs, otherwise FRES will be starved as well.

D.P.O. VILORIA-FISHER:

Thank you, Wayne.

P.O. LINDSAY:

Anybody else? No? All right, we have a motion and a second; roll call.

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

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

For my country, yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No mission, no.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

For God and my country, yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Thirteen.

P.O. LINDSAY:

Okay. The *next veto is a Local Law to privatize -- privatization of county-owned marinas.*

D.P.O. VILORIA-FISHER:

Motion to override.

MR. NOLAN:
1057.

P.O. LINDSAY:
1057?

LEG. CILMI:
Second.

LEG. NOWICK:
Second.

P.O. LINDSAY:
We have a motion by Legislator Viloría-Fisher to override, seconded by Legislator Cilmi. Any discussion? Wonderful. Roll call.

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

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

LEG. CILMI:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yeah.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
For Cameron Alden, yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

All right. And the *third veto is a Local Law to authorize County registry for domestic violence offenders (Gregory)*.

LEG. GREGORY:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Gregory.

MR. ZWIRN:

Mr. Presiding Officer, if I can just --

P.O. LINDSAY:

Let me see if I can get a second first, okay?

LEG. EDDINGTON:

I'll second it.

P.O. LINDSAY:

Second by Legislator Eddington. Go ahead, Mr. Zwirn.

MR. ZWIRN:

This is a veto of a bill where the County Executive has gotten overwhelming support from all the advocacy groups that work with domestic violence victims. Just to -- everybody, we had almost a two hour Public Hearing at the County Exec's office where many of them came.

One of the issues was because they needed -- DSS needs information; there has to be a sharing of information with the Police Department and Probation. And in your packet of CNs we are working on a Memorandum of Understanding between all these different organizations so we can get the information where it's needed without compromising the identity of victims of domestic violence. We know the bill was well intentioned, but we have had, again, overwhelming support. There's a letter that I think all the Legislators received from New York State, which if this bill goes into effect could

have -- could jeopardize funding for domestic violence in Suffolk County on Federal and State grants.

So we ask you to really consider this one carefully because we do have an alternative that would provide the information without revealing the identity and compromising the identity and safety of people who are victims of domestic violence.

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

LEG. GREGORY:

If I may, Mr. Chair. I know the County Executive has been working diligently behind the scenes to sustain his veto, and I guess that's what you get when you're in the middle of the pack, but hopefully I'm not speaking to the choir. But to address some of the issues that Mr. Zwirn had just mentioned.

One, his bill -- his cooperative agreement between the different agencies is a good bill and I support that bill, but it's not what the registry is intending to do. His bill and his program, which has been implemented in other states, New Jersey being the most recent state, applies to information, intra-agency information, not for public consumption. For those who have services within the County, those personnel that are servicing those people will have information on domestic violence incidents. That's not something that the registry was intending to do. So just so that -- those of you who may not be aware -- I know you voted on it, but just to refresh your memory, the registry is -- to sustain the veto would mean to say that the status quo is okay.

Just so that you know what the status quo is, Suffolk County, in 2006, we had over 34,000, 34,000 incidents of domestic violence. And that's -- by every estimate, that's a lowball figure. We also have -- and I'm going to read some statistics for you, just so that you know what you're voting for. One out of four women experience domestic violence in their lifetime; those who witness domestic violence are twice as likely to abuse their partners; 30 to 60% of perpetrators of intimate partner violence also abuse children in the same household. And during this time of economic insecurity, this figure I think is quite telling, the cost of intimate partner violence exceeds \$5.8 billion a year. Victims of domestic violence lost almost eight million days of paid work because of the violence perpetrated against them. This is a serious problem.

Fifteen point five million U.S. children live in families where domestic violence occurred at least once in the past year, and seven million children live with families in which severe partner violence occurred. Younger women, age 16 to 24, experienced the highest per capita rates of domestic violence, and slightly more than half of all female victims are children under the age of 12. Domestic violence accounts for more than half of the homicides of women in the United States. I can go on and on. The statistics are really appalling. And to say that, you know, the status quo is okay, I think really is not an accurate statement, it's not something that -- I think if we all looked at this issue closely, it's something that we would agree with.

The confidentiality issue is an issue that I would like to address as well. I know that all of you received a letter from the office of -- the New York State Office of Prevention of Domestic Violence, and you should also have a -- I had George Nolan, our Counsel, look at that statement, and that issue addresses programs, funding for programs. The information that the domestic violence registry provides is all public information. So not one iota of information will be displayed or for public use that's not already available. This website -- this registry will just make it more accessible. So we're not exposing anyone's confidentiality.

And in fact, you know, this has been a tremendous process for me. People that I'm personally close to have been victimized, if you will. One of the members here earlier today came before us to say,

"Well, we're going to lose this funding" -- who actually contacted the office -- the New York State Office of Domestic Violence, Prevention of Domestic Violence came here today and said that, "Well, you know, we're going to lose Federal funding because of the confidentiality." Well, that very same person revealed information of a person that's close to me on a conference call about her being a victim of domestic violence. So she would hold me to a higher standard than she holds herself. I would hope that she would report herself to the Office of Domestic Violence, because she would be in violation of those standards that she is trying to apply to this registry.

That organization receives over \$500,000 from this -- from our government, from our budget. There are over two-and-a-half million dollars that we fund for domestic violence. And what you see is people being hurt, there are programs that don't address the prevention aspect. I don't think anyone can say that they're completely happy with what's going on. This is an attempt to do something different.

And oh, by the way, this is not so unique across the country. There are other localities, like Montana, Oklahoma, Hawaii, for instance, is looking at a violent offender registry. And all those registries have the same offenses listed that this domestic violence registry would have; and that's murder, kidnapping, manslaughter. And in those localities where they have a registry, where a person is required to register, whether domestic or not, you don't hear the complaints that people's confidentiality are being broken. So I don't -- so I think that claim falls on deaf ears. You don't hear that they're losing Federal funding because they're requiring their people to register who committed domestic offenses as well as just non domestic-related offenses. So I'll end on that, and I know some have some questions, so I'll open it up for questions.

MR. ZWIRN:

Mr. Presiding Officer, if I just might respond just quickly. If every -- the groups in Suffolk County, all of them that deal with domestic violence victims, if everything Legislator Gregory said was true, why is it that they have all asked the County Executive to veto this bill, all of them. This isn't about politics. It is about the safety and protecting the identity of people who come forward and claim that they have been abused by a partner in a domestic relationship. And this is about identifying children who have the same last name as somebody who has abused them. You know, to talk and say this is political is just -- is offensive, because it's not.

I sat there for the public hearing at the County Exec's Office, and every person, everybody who represented a group, from the Retreat to every other group on Long Island in Suffolk County that deals with these people, said that this bill does more harm than good, and that's why we're here today. It's got nothing to do with politics, being in the middle of the pack or at the top of the list. It's got nothing to do with that.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I know that the legislation is well intended, but I have to say, I take a bit of umbrage at Legislator Gregory's statement that if we voted against his bill or if we sustain the veto, it was a sign that we felt that the status quo was okay. This is not -- and I heard all the stats on domestic violence, and I've been a strong supporter of efforts to curtail domestic violence, I've given to many of the organizations that were referred to recently. But this is not a vote on whether we support or oppose domestic violence; every Legislator at the horseshoe opposes domestic violence.

LEG. GREGORY:

Right.

LEG. COOPER:

The concern I have is based on the testimony that we've heard at the past couple of Legislative meetings from every single domestic violence agency in Suffolk County, whether it be the Retreat,

Suffolk County Coalition Against Domestic Violence, VIBS, individuals that came forward that were concerned, expressed the same concerns of these agencies, that this would have unintended consequences. And my primary concern is that if we have a registry like this publicizing the names of the offenders, it will make it less likely that domestic violence victims will come forward and report the crime in the first place. And they'll keep it in the closet and there will be a greater likelihood that these women, generally women, will continue to be abused. Obviously, that's not your intent. But I have to say, the fact that the New York State Office on Domestic Violence, every Suffolk County agency that deals with domestic violence victims, the fact that they're all saying the same thing, raises some serious concerns in my mind.

So as I said, I think it was very well intended, but I'm going to have to vote to sustain the veto. And I hope that you, working with the County Executive and others, can come up with an alternative approach that addresses your concerns without jeopardizing the lives and the health of the victims.

LEG. GREGORY:

Well, I respectfully disagree that putting -- that you characterize that this bill would put people's lives in jeopardy; I think it would do the opposite.

But to respond to your statement, in no means did I mean to state or did I say that the members of this body do not respect domestic violence and appreciate the issue. What I said was to sustain the veto would mean that the status quo was okay, because if you sustain the veto, that means what we're doing now is going to continue to happen.

MR. ZWIRN:

That's not true.

LEG. GREGORY:

And I don't think people -- I don't think anyone can stand up with 100% confidence and say what we're doing now, what's existing right now is working completely.

LEG. COOPER:

Well, no --

LEG. GREGORY:

This is an attempt to address an issue. By no means did I ever portray it to be a cure-all, but certainly it addresses, you know, the issue of prevention. I mean, we have -- when you did your E-cigarette bill, you know, a lot of organizations and people came before us and said, "Well, you know, this is not a good thing." You had people who said, "Well, I've stopped smoking for 20 years." Any bill that you have, you are going to have opposition.

Legislator D'Amaro's bill with -- and this is important -- with the calorie content; you know, that's a very well-informed bill. You know, recently I was shopping for a vehicle, and it's interesting, you can go on-line, you can go to the Kelly Blue Book, you can -- you know, when you want to get an appliance you go to Consumer Digest Reports or whatever. People, during this day, with the Internet technology that we have, can look up a host of things. And what the -- and the data of on-line dating, 53% of women -- of the on-line dating world, if you will, are women. It was a \$200 million industry in 2001, now it's a \$1 billion industry, and a lot of those women on-line are single mothers. And, you know, if you go on to E-Harmony or Match.com and all those places, you can find out if the guy likes -- if he likes tattoos, erotica, you know, all types of crazy bizarre things, but zero information about a person who has a history of domestic violence.

This would be an opportunity for those seeking to, you know, meet someone or a partner will have just information before they make a decision to enter this relationship, because in most instances, once they get involved with someone it's difficult to get out. And that's the important aspect of this

bill, it allows someone to make an informed decision before they get involved in a relationship. And I think, you know, it doesn't cost us anything, we don't have to enforce it, you know, it's just allowing someone information that we think would be important for them to say, "You know what? Maybe I won't go -- I'll go a different way."

LEG. COOPER:

Look, I don't want to beat a dead horse. But again, DuWayne, the goal is laudable. My hope is that if the veto is indeed sustained, I know the County Executive and the various domestic violence organizations have offered to work with you to come up with an alternate bill that would, again, seek to address your concerns but without putting domestic violence victims in jeopardy. And again, it's not just the organizations and my concern, it's every single organization in Suffolk County that we fund and we trust to protect domestic violence victims, but we also heard from some women that came up, including one I remember who was a domestic violence victim herself and she was concerned that it would make it less likely that victims like herself would come forward. So again, it's well-intentioned, but I think that perhaps there's an alternate way to accomplish this goal, and a better way.

LEG. GREGORY:

The bill that was offered as an alternative wasn't an alternative; it's in the CN packet, it addresses a totally different issue.

And this is something I think is important also. This is on one of the programs that one of the agencies that we fund, this is a quote, "While this agency believes that offenders can choose to be non-abusive, victims of domestic violence are cautioned not to have expectations that the violence will go away or that it won't come back after program completion." So we're giving \$3 million to these organizations, they can't even provide an assurance that they're going to be safe.

Now, this bill, you know, someone goes away for manslaughter, if you look at the sentencing guidelines, according to the offenses in this bill, it ranges from 90 days to 25 years. I would hope that after -- and this bill applies to those who are convicted. So I would hope after 25 years of being in prison that this person is not sitting and waiting with open arms to welcome this person back into their life where they would be in jeopardy, this person, being put on a registry. So I don't know what else to say.

LEG. SCHNEIDERMAN:

Nothing.

LEG. LOSQUADRO:

Let's vote.

D.P.O. VILORIA-FISHER:

No, we have speakers.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. I must say that I'm very conflicted on this issue. You know, being a clinical -- licensed clinical social worker, many of the mental health professionals that oppose this bill I've referred clients to, so I can't discount that. At the same time, I realize that victims often deny the incident or refuse assistance from outside agencies. So -- and certainly, if you're a non-professional certainly I could -- you would have to be conflicted based on all the testimony from the professionals.

And I think -- I would like to say that I admire that the County Executive has committed to dealing with this issue. I think that's a huge step in what Legislator Gregory has been asking for, please give this some attention, let's do something with it. And so I understand all of that.

Just from myself, I'm going to have -- if I'm making a wrong judgment, I just want it to be on the record that I'm going to err on the side of the victim by supporting this. But I can understand the conflicted issues with everybody else, because I'm confused. But if I'm going to make a mistake, it's going to be on the side of the victims. So thank you.

LEG. GREGORY:

And if I may, just as a closing comment. If you really evaluate what you're saying, when you're saying that as a victim I'm going to allow the person who abused me -- you're going to empower him even more, you know? Because you're saying that, "Well, you know, I can intimidate" -- the "abuser" has intimidated this Legislature from action. You're empowering him because you're intimidating the woman. And there are claims as of right now that, you know, victims won't come forward, they're intimidated from dropping charges, we hear all those claims now. Now, to give this -- bill would be a deterrent, I think, before someone says, "Hey, if I put my hands on a woman, or a man for that instance, I may have to suffer the consequences of going to jail and have to register on a registry." I don't think people are looking at that aspect.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Okay, I'll be quick. Thank you. Just before my comments, just through the Chair, I'd like to ask Legislator Eddington, erring on the side of a victim, does that mean sustain or override in your mind? I'm just -- it wasn't clear to me.

LEG. EDDINGTON:

It means that I would ask to override it.

LEG. D'AMARO:

Okay, it wasn't clear to me.

Legislator Gregory, I've listened to your comments and I applaud you for diligently working on a very important issue, but -- and I want to provide a database that people can go on to look up potential partners, whatever the purpose may be to know a little bit more; a background check, if you will, as a source of information. That will be a great service, but I also have to ask at what cost and whether or not providing that laudable service somehow impacts victims of domestic violence.

And I want to go to -- and I think it's important to put this on the record, just a couple of the communications that have come to me on this issue since we last voted on it. For instance, Jeffrey Friedman, who you know as the Executive Director of The Retreat, has written to me, and I think all of us, and said, "After speaking with many of the women we serve, it is their belief that if this registry had existed when they were engaged in an abusive relationship, that their abusers would have inflicted more pain and suffering as a form of retaliation for being publicly humiliated." He goes on, "This registry can also have the adverse effect of preventing victims from coming forward out of fear of retaliation." He's also asked survivors or victims of domestic abuse, "Do you feel that this registry would prevent men from abusing their intimate partners out of fear of the information becoming public," and their response was a resounding "no". He also says that once an abuser is made public, so is his intimate partner and his children. "Suffolk County needs to continue to protect the rights of women and children in our community."

Just a little further for the purposes of the record. I received a communication from Suffolk County Coalition Against Domestic Violence, and Legislator Cooper was talking to this. "Victims tell us that they won't call the police when an incident occurs in fear their partner's picture and information

would appear on the registry. They fear retaliation and exposure." VIBS has written to me and spoke to the issue of confidentiality, "Victims' confidentiality is protected in the Federal Violence Against Women Act. The public registry could be a deterrent to calling the police." So -- and Legislator Eddington, you're right, I'm not an expert in the field. But I'm listening to a unanimous chorus of the experts that we fund and rely on in this County all telling us that, you know, we all are concerned about this issue, we're all on the side of the victim, but this may backfire and have the effect of exposing victims, discouraging victims from reporting and leading to yet more retaliation.

So for those reasons, it gave me pause to consider my initial support of the bill. It's -- I think what should happen here is if we sustain the veto, I don't think we should drop the issue. I would ask that we or you or us, I would certainly be willing, to look at the issue again and see if we can't find a way that provides information to the public at large, and at the same time gives a little bit more protection to the confidentiality of the victim. Thank you.

P.O. LINDSAY:

Legislator Barraga?

LEG. BARRAGA:

Yeah, on the bill. I certainly understand all sides and the concerns of all sides on this particular issue. But I have to admit, you know, when you take a look at the New York State Penal Law as it defines domestic violence crime, some of these crimes are heinous. I mean, you're talking about manslaughter, kidnapping, rape, assault; very, very serious crimes that the average person would say, "Look, if somebody committed that kind of crime under the domestic violence statute, they should be on some registry somewhere." But what I'd like to see, if it's possible, is some sort of a compromise on this particular piece of legislation.

Right now, as I understand it -- and you can correct me, DuWayne, if I'm incorrect -- the Probation Department at some point makes a decision, based on a given case, to write up a report recommending to a Judge to put an individual on this domestic violence registry. What I'd like to see, and I'll go back to what Ben was talking about, all of these particular groups now coming and indicating there's a real problem with that from the standpoint of the victim. What about the feasibility of when the Probation Department writes that report, they don't send it directly to a Judge for this position, but they send it to a domestic violence committee or task force consisting of the very groups that Lou and Ben were talking about, who now take a look at it and they make a judgment as to whether or not this individual person in this particular case, because of the seriousness of the crime, belongs on a domestic violence registry. If the answer is yes, they then send it back to the Probation Department and they then forward it to a Judge who has the final say one way or the other.

But it just seems to me that, you know, bringing these groups into play here would help the situation. Now, you might say, "Well, they may uniformly reject every one of these recommendations from Probation", that's always a possibility. But then you also say, "Because this was a rape or a murder or a manslaughter, this person belongs on a registry." And the bill could also be designed to sunset. If you put the provisions in and they don't work, the bill sunsets in a couple of years and that's the end of it. But I think DuWayne is on the right track, but the groups involved, I think they should be able to be brought in and participate in some form.

D.P.O. VILORIA-FISHER:

Can I say something, please?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'm planning to support the override of the veto. And I agree with what you just said, Legislator Barraga. But I think that under the provisions of the legislation that we have

before us where it talks -- speaks to the Probation Department having discretion, that can be set up within the Probation Department. How they come to their decision could be something that's worked out within the Probation Department.

I also believe that at this point in time, as you said, Legislator Gregory, there are so many people using these on-line services, and many of the people are single moms. You know, sometimes people who are no longer in school, in college, you know, may be divorced and have children and don't know where to meet people are very vulnerable, and so they might be bringing somebody into their home who could not only hurt them but hurt their children, so they have added vulnerability.

The third thing is I read the CN from the County Executive and that's really a very anemic version of this. Because it says something about an MOU and giving information when appropriate, but it doesn't say the means of the information, it doesn't talk about how it would be accessed by the public. So it really is just a meaningless bill as far as I could see, it's not a subject for what you've provided.

You have the letter that was written to you by Marilyn Fitterman, I've been having conversations with her. I reminded her this morning that the meeting was today and she shot out this letter because she feels so strongly, and she represents -- and has been associated with NOW for a very long time with women who have seen the suffering of women under, you know, domestic violence situations. So I'm going to be supporting the override.

LEG. GREGORY:

God bless you, too.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I, too, am a little conflicted with this bill, and I'm going to ask you, Ben, because I'm trying to understand something. The bill states that anybody going on this domestic violence registry would have had to be convicted of a crime; true, am I right? Legislator Gregory, is that --

LEG. GREGORY:

It's not -- it's strictly for convictions, yes.

LEG. NOWICK:

Okay. So if it is a conviction, that means it is an open court, there's testimony and the victim -- the victim's name is already out there for the public because it's an open court; am I right?

LEG. GREGORY:

Yes.

LEG. NOWICK:

Here's my question I just don't understand, because I do respect all of these groups that you talk about. I know they're good at what they do, but why do they feel this registry will compromise the anonymity of a victim that's already out there in the public? I'm just missing that, and if you could just put that piece together for me, that piece of the puzzle.

MR. ZWIRN:

Because the victim is not out there in the public, necessarily. But if you put in a domestic violence registry, they know the victim was somebody in the family, and the children have the same last --

LEG. NOWICK:

But it is in the public if it's -- if they go to court, don't they have to testify in open court?

LEG. KENNEDY:

It's sealed.

LEG. NOWICK:

It's sealed? Is that what they're saying, is that what -- I'm just trying to understand what they --

MR. BROWN:

It's true that it might be part of the public record, but the public record is not known to you or me and everybody else. And so really what this does is sort of make -- it compiles what already is in the public record and make it accessible to all, you know, readily and easily.

What I can also add, though, as part of the Federal law, there is in connection with that, with the letter that was sent, we did pull the law and we did look at it and it does specifically state as a grand condition, that as conditions of grants, that the personal identifying information, you know, ought not be revealed and that the disclosure of the names of the accused -- of the convicted, I should say, you know, could indeed have that inadvertent impact and the impact on the funding.

LEG. NOWICK:

So then it's not about the victim, it's about the money.

D.P.O. VILORIA-FISHER:

That's right.

LEG. GREGORY:

That's what it is.

LEG. NOWICK:

That's what it sounds like. I get the money, and I'm not -- all right.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. George, maybe for you or maybe for the administration. Legislator Gregory went through several revisions of his bill, to his credit, because he was listening to those that did come before us who did voice their concerns. And I think he did an outstanding job in pushing this forward for month after month after month taking into account all those concerns.

One of the things that I think was done very well here was ensuring that -- and this was a change over time, was that there would be levels of protection here. I guess really prophylactic procedures that would work to protect, you know, those victims along the way, that it wouldn't just be thrown up on some website, but that it would have to go through Probation, ultimately there would have to be an approval from the Judge.

So I guess my question would be if the organizations are concerned about the anonymity of victims, if victims themselves are concerned about retribution and other things that can happen in the future, if it was so heinous at the time that the abuse was committed, wouldn't those all be factors that would be discussed with the Probation Department and/or the Judge and wouldn't those facts all have a cumulative effect of ensuring that, whether it's Probation or the Judge, that these victimizers wouldn't be placed on the registry? I mean, these are facts and circumstances and every case is so different. I mean, wouldn't that be a part of the argument? Wouldn't that be part of the case that a victim would make to ensure that he or she or her family, you know, weren't exposed in that way?

MR. ZWIRN:

That's a question to me? I don't know the answer to that, Legislator Stern. I do know that it is unusual that when you have every victims' advocate group, without exception, asking the County

Executive to step in and veto this legislation, that's got to send a message to everybody that there's a problem here. It wasn't as if there were two out of three. The Retreat, which is out in the east end, maybe Legislator Romaine is familiar with it, I know that I am because it's out in my area, it's not a political organization, there's no politics involved. When Jeffrey Friedman writes a letter like that and testifies at a public hearing, they are concerned about the people that they protect. I know this bill was well intentioned and I know that the County Executive's CN which provides a basis for a Memorandum of Understanding is to get information to be shared with the right authorities. That -- the Memorandum of Understanding has to be worked on, it has to be approved by this Legislature. We want to bring it back, we want to cover all the bases, we want to make sure that people are protected. And this bill, according to all of the advocates that this County funds and relies on, has said, "Please do not override this veto."

LEG. GREGORY:

I just -- (*Laughter*). All right, that's all.

P.O. LINDSAY:

Anybody else? You're sure? Okay, we have a motion and a second.
Roll call to override.

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

LEG. GREGORY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. LOSQUADRO:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

(Not present).

LEG. ROMAINE:

No to override.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seven (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

Okay, the veto is sustained.

Okay, let's go to the red folder of **CN's**, see if we can get through these quickly.

Okay, the first CN, ***IR 1053-10 - Authorizing a Memorandum Of Understanding among the Suffolk County Police Department, the Suffolk County Office of Probation, the Suffolk County Sheriff's Office, the Suffolk County District Attorney's Office and the Suffolk County Department of Social Services for sharing domestic violence incident information (County Executive)***. Do I have a motion?

LEG. MONTANO:

Motion to send to committee.

D.P.O. VILORIA-FISHER:

Yeah, it doesn't need to be a CN.

LEG. MONTANO:

Yeah, that's what I want to address. Motion to send to committee.

P.O. LINDSAY:

Well, why don't you just table it?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Table it would send it to committee, right?

MR. NOLAN:

Let it go to committee, that's proper.

P.O. LINDSAY:

All right, to commit. To commit.

LEG. MONTANO:

No, I think -- what is the proper motion?

P.O. LINDSAY:

To commit.

LEG. MONTANO:

I make a motion to send to committee.

D.P.O. VILORIA-FISHER:

And I second that.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Motion by Legislator Montano to commit and second by Legislator Gregory. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

1087-10 - Delegating authority to refund certain erroneous tax payments to the Suffolk County Treasurer (County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. It looks like twenty-five hundred dollars. It's a pro forma resolution. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

1142-10 - Accepting and appropriating 100% Local Government Records Management Improvement Fund Grant from New York State for Records Management Programs (County Executive).

D.P.O. VILORIA-FISHER:

Motion to take the money.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

1180-10 - Accepting and appropriating a grant award amendment from the State Education Department, Federal Perkins IV funds, for a Perkins IV Career and Technical Education Act Program 100% reimbursed by Federal funds at Suffolk County Community College (County Executive). Same motion, same second okay with everybody, same vote? Okay.

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

1182-10 - Authorizing settlement with Huntington Freedom Center (County Executive).

LEG. D'AMARO:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

1183-10 - Making SEQRA positive declaration in connection with a declaration as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development (County Executive). I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. No, sixteen (Not Present: Legislators Gregory & Schneiderman).

P.O. LINDSAY:

1184-10 - Authorizing the conveyance of a permanent sewer easement in and to County-owned real property known and designated as CR 80, Montauk Highway, Patchogue, Suffolk County, New York to the Town of Brookhaven (County Executive).

Motion by Legislator Eddington. Seconded by Legislator -- I'll second it. All in favor? Opposed? Abstentions.

MS. ORTIZ:

Sixteen (Not Present: Legislators Gregory & Schneiderman).

P.O. LINDSAY:

1191-10 - Authorizing execution of a Memorandum of Agreement with the Village of Saltaire for provision of police services (County Executive). Do I have a motion?

LEG. BROWNING:

I will.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. BARRAGA:

On the resolution? I'd like to make a comment for the record.

P.O. LINDSAY:

All right, let me just get a second. Do I have second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Legislator Barraga.

LEG. BARRAGA:

Who can answer a few questions with reference to this contract?

MS. MALAFI:

I can.

LEG. BARRAGA:

Oh, okay. Great. I read the articles with reference to the history associated with the Village of Saltaire, and then making a decision, I guess, back in 1960 not to really join Suffolk County Police District. And now you're charging them on a per hour basis, and I guess they're in agreement with that. And of course, we had the Petersons in here this morning who felt that they should be getting 24 hour, seven day coverage, and that family has had a lot of rather negative history in the village.

Let me ask you a question. It's my impression other villages, like let's take Brightwaters or Islandia. I have been told, and we made some phone calls, that they do not pay anything for Suffolk County Police services. And the question is if that's true, why is Saltaire, you know, going to have to pay if the other two aren't paying? And let me finish the thought. Someone said to me, "Well, they're not paying because in the Town of Islip, whether you live in Saltaire or Islandia or Brightwaters, you do pay town taxes, and the Town of Islip pays for Police services. That's not the case?"

MS. MALAFI:

No.

LEG. BARRAGA:

Okay.

MS. MALAFI:

What happens is that there are two different funds which fund the Police Department. There's one is the General Fund, it's called the 001 account, which pays for the Aviation Unit, the Major Crimes Unit, Special Services, recruitment, the Police Academy; they're part of everyone's General Fund property taxes. Then there's a second line on tax bills, the Police District Fund, on tax bills of those -- those houses that are within the Suffolk County Police District. The difference between Brightwaters and I think you said Islandia and the Village of Saltaire is that the Village of Saltaire, in

1960, opted out of the Police District, they're not in the Police District. The people in Saltaire who pay real estate property taxes do not pay into that separate Police District fund. So the resident of the Village of Saltaire do not pay taxes into that fund. It is not whether the village or the town pays into the Police Fund, it's whether -- it's on the property taxes of the residents of that village, and Saltaire has not paid into the special property -- the special Police Fund.

LEG. BARRAGA:

Now, what about Brightwaters and Islandia?

MS. MALAFI:

They do -- they are in the Police District, they do not have their own Police force, they never opted out of the Suffolk County Police District.

LEG. BARRAGA:

Okay. A number of years ago there was an argument between, if I recall correctly, the County and the Town of Islip with regard to MacArthur Airport. And I do recall something along the lines where the County wanted to charge the Town of Islip for Police coverage at the airport, but the Town of Islip took a different position saying that, "You know, we already pay for Police services. You should be covering the airport at no extra cost to the town." What do they mean, then, when they said they were already paying for Police services?

MS. MALAFI:

I believe that that specific dispute was over Homeland Security Funds, additional funds that were going to the town to provide security at the airport. So the question was whether or not the County should share in those funds, because the actual protection was being provided, at least in part, by the Suffolk County Police Department.

LEG. BARRAGA:

Okay. Thank you.

P.O. LINDSAY:

Christine, while you're there, and Tom's question begs some additional ones. First of all, the airport is in the Hamlet of Holbrook which is part of the Police District, so I would assume any facility within that --

LEG. BARRAGA:

I knew there was some argument at the time.

P.O. LINDSAY:

Yeah. And then went --

MS. MALAFI:

It's not about what they're entitled to Police services, it was just about Federal funds that were going in, that's all.

P.O. LINDSAY:

Right, right. Is there any other hamlets, besides Saltaire, that is not in the Police District and doesn't have their own Police force?

MS. MALAFI:

No.

P.O. LINDSAY:

No. And, you know, don't get me wrong, I'll take whatever money we can get, but I just think it's outrageous that this went on for so many years. And in case I forget, when we get to budget time,

it's even more ridiculous that not only don't they pay us money for Police protection, but we give them money back.

D.P.O. VILORIA-FISHER:

On revenue sharing?

P.O. LINDSAY:

On revenue sharing. I mean, that's like really crazy.

MS. MALAFI:

Just so that everyone understands, the revenue sharing is not for Police services, it's for public safety services. And the Village of Saltaire has code enforcement officers that give tickets for violations of the Saltaire Town Code. So it does go for safety purposes. I believe the number is only about 1,900 a year for Saltaire, just so that -- I just want to give you all your information.

P.O. LINDSAY:

Well, whatever it is, you know. I assume that we have been responding to Police calls in that hamlet for -- since they separated.

MS. MALAFI:

Absolutely. But when the call comes in to 911 and somebody needs help, the Police are going to go, that's their job and that's what they have been doing. And as soon as this came to our attention, it was over two years ago, we have been negotiating with the village to do this, so even -- as soon as it came to our attention we started working on it.

P.O. LINDSAY:

So if someone lives in Saltaire, calls 911, I mean, a cop responds, the new system, we're automatically going to bill them for that response.

MS. MALAFI:

Yes.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Why the contract? Why not just insist that they become part of the Police District and contribute to the base like every other commercial and residential household that's paying into the system?

MS. MALAFI:

Because the Charter and the creation of the Suffolk County Police Department said that there was a process that was gone through and in order to have -- the village would have to request to become part of the Police District and it would have to be voted on by its residents to become part of the Police District and they haven't done that and there's no mechanism in the law right now to require them to do that.

LEG. D'AMARO:

So --

MS. MALAFI:

This situation wasn't contemplated when the Charter was drawn up and the procedure was put into place.

LEG. D'AMARO:

Well, there's a procedure for a jurisdiction to become a part of the County Police District, there is a procedure for that. So rather than requesting to become part of the district, they say, "No, we'd rather just pay on a per diem basis because it's cheaper," but no one else gets that deal for County police services.

MS. MALAFI:

I agree. And whether or not it's cheaper remains to be seen, that's not a foregone conclusion.

LEG. D'AMARO:

So it may actually cost the residents more, it may be more expensive to do this contract for Police services than it would be to join the Police District.

MS. MALAFI:

Yes, that's why the contract has a 90-day opt-out clause at the County's option or at the village's option, so that if it doesn't work out, and depending on how the numbers work, either municipality can reassess.

LEG. D'AMARO:

So in all likelihood, this may be a good -- from a financial analysis, this may be a better deal for the County than it is for the village.

MS. MALAFI:

It might be, yes.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Ms. Malafi, there's just one question I have with this. The alternative, I guess, would be to have Saltaire actually -- to have the County seek to amend the geographic boundary of the Police District and have Saltaire come in so that we would then be able to levy them and have them be part of the Police District.

MS. MALAFI:

It would require a Charter amendment, because right now they can come in at their option. It doesn't -- right now, the way the law is written, it's not at our option.

LEG. KENNEDY:

We cannot compel them to join?

MS. MALAFI:

Not at the present state. I mean, you could if the Charter was amended and we did some changing, but under the present state of the law, you can't force them to become a part of the Police District.

LEG. KENNEDY:

Does this contract limit our ability to do that, or could we still go forward with that if we chose?

MS. MALAFI:

The contract does not address that issue at all, so I would say it does not limit what you do from this point forward.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Okay. I guess it falls under the category of take the money. We have a motion and a second, Madam Clerk?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

All in favor of 1191? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

Okay. Going back to **1172-10 - Adopting Local Law No. -2010, A Local Law imposing a surcharge on wireless communications service in the County of Suffolk (County Executive)**. This is the bill that the alternate -- I'm going to make a motion to table subject to call.

LEG. HORSLEY:

And I'll second that.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

Wait, I got one more -- did I do 1192?

MR. LAUBE:

Not yet.

P.O. LINDSAY:

No, no.

1192-10 - Accepting and appropriating 100% Federal grant funds awarded by the U.S. Department of Justice Office of Violence Against Women under the American Recovery & Reinvestment Act Grant to the NYS Department of Criminal Justice Services and passed through to the Suffolk County Departments of Probation, District Attorney, Sheriff, and Police (County Executive).

LEG. GREGORY:

Mr. Chair, I have to state that I am offended that this resolution, this CN has been submitted. And I have real questions about the activity of these organizations that came here today and, low and behold, they're getting \$154,000 after their efforts to stymie my domestic violence registry and this is the pay off. This is really obscene. And I would hope that we don't have a situation where there was some coercion that they come here and voice their objection in order to get a pay off. I would hope that the District Attorney would look into any foul play in this matter. So I'm going to make a motion to commit so that we can look at this and evaluate this resolution.

D.P.O. VILORIA-FISHER:

Second.

LEG. MONTANO:

Second.

LEG. ROMAINE:

This is Steve being Steve.

P.O. LINDSAY:

We have a motion and a second to commit.

MS. ORTIZ:

Who was our second?

LEG. D'AMARO:

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

LEG. COOPER:

I will second.

P.O. LINDSAY:

And a motion to approve by Legislator D'Amaro and seconded by Legislator Cooper to approve.

LEG. MONTANO:

Well, wait a minute, let me grab it.

P.O. LINDSAY:

And which one take precedence?

MR. NOLAN:

Commit.

P.O. LINDSAY:

The motion to commit takes precedence, and Legislator Cilmi would like to speak.

LEG. CILMI:

Counsel, can you explain what this bill would do and contrast it with what Legislator Gregory's bill proposed to do?

D.P.O. VILORIA-FISHER:

Accepting Federal money.

LEG. CILMI:

We're accepting the money, but what are we doing with the money?

P.O. LINDSAY:

It's going to domestic violence organizations.

D.P.O. VILORIA-FISHER:

Different jobs, District Attorney's Office, PINS.

LEG. CILMI:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Bilingual.

LEG. MONTANO:

Can I ask a question?

LEG. D'AMARO:

Just on the motion, if I might?

P.O. LINDSAY:

Go ahead, Legislator D'Amaro.

LEG. D'AMARO:

I understand Legislator Gregory. You know, again, I just think that not accepting the money, this is kind of pro forma. I am not prepared today to accuse every organization named in this bill, as well as the County Executive, of collusion and fraud and criminal conduct when we had a policy debate, I think that's just a little far afield from where we should be right now.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. When I first got elected C of N's were introduced on a routine basis. And I offered a resolution that required the County Executive to justify or at least explain why it was necessary that the C of N be introduced, and the purpose of that was to ensure that we had adequate time to review the bills that were being submitted. And in looking at the C of N's, it seems to me that more and more the reason that's given -- and we specifically put in the bill that was passed that I had authored, that we would not use the reason as a basis for not considering the C of N, but at the same time there was supposed to be a good faith effort that bills that needed to be acted upon on an emergency basis would be introduced through a C of N.

Now, my question on this bill and on some of the others is what is the emergency or the real necessity that we deal with this at the moment? I haven't really had a chance to look at the bill, I think the C of N's were put in front of me at about three o'clock, we haven't had a break. So what is the urgency that we have to do this right away? And I know that they're generally done pro forma because nobody wants to turn down money. But we seem to be going, Ben, into a direction where you just throw something in front of us and we pro forma approve it. What's the urgency here? If we don't accept the money, do we lose it? If we don't accept it today --

MR. ZWIRN:

Yes, we could lose the money. It is for --

LEG. MONTANO:

Is there a deadline on this?

MR. ZWIRN:

Yes.

LEG. MONTANO:

What's the deadline?

MR. ZWIRN:

There are guidelines that have to be in by March and the next meeting we have is in March. So we do have a time -- we do have constraints. This is a \$154,000 grant, it includes money for a new position in the District Attorney's Office, a Bilingual Assistant District Attorney to deal with domestic violence.

LEG. MONTANO:

Right. And I understand --

MR. ZWIRN:

And I'm sure that's a real political, you know, cronyism going on. It's ridiculous. I mean, this is a -- you want to turn down the money? This is an ARRA Grant from the Federal Government.

LEG. MONTANO:

Ben?

MR. ZWIRN:

This Legislature can turn it down and then explain to their constituents why they did that.

LEG. MONTANO:

Yeah, Ben, we could do that. But the question was why the emergencies on the C of N's? Not necessarily this one. This one doesn't specify, on the face of it, that there is a time constraint, it just says, "Because it is the desire of the County to accept and appropriate the Federal Grant funding." Well, it's always the desire to accept and appropriate. My question is, you know, in light of the legislation that was passed, which I authored years ago, the concept was to make sure that we only dealt with C of N's when we needed to and that they wouldn't be thrown before us. Now, if you have a good reason for this one, that's fine, it should be explained.

MR. ZWIRN:

It's a time constraint issue.

LEG. MONTANO:

Okay. Well, that's the answer to the question then. Why wasn't it submitted earlier?

MR. ZWIRN:

Well, I don't know if the paperwork wasn't done.

LEG. MONTANO:

And how long have you been working on this, or is this something that just popped up and all of a sudden -- well, those are the questions that I'm asking.

MR. ZWIRN:

I'm told that this was finalized on Friday and the bill was submitted on Monday.

LEG. MONTANO:

Okay. We don't know that by reading this. So if we ask these questions, it's for purposes of information, not to get into a political dialogue and not to get into, you know, a confrontational situation, irrespective of the comments that were made by Legislator Gregory.

MR. ZWIRN:

Okay.

P.O. LINDSAY:

Calm down, Ben.

MR. ZWIRN:

I was calm.

D.P.O. VILORIA-FISHER:

That's Ben being calm.

LEG. MONTANO:

Hold on, Ben. I just was handed something, it looks like this was actually approved December 3rd, 2009? And I haven't read this and you've got to -- you know, you've got to bear with me on this. It looks like VAWA Recovery, it says Grant C, 12/3/2009. Where are we, what's today's date? We're in February, that's two months ago.

MR. ZWIRN:

That's right.

LEG. MONTANO:

This could have been introduced -- if that was the date, is there any reason why it wasn't laid on the table earlier?

MR. ZWIRN:

The paperwork was done as quickly as possible and then filed with this body as quickly as we could.

LEG. MONTANO:

Okay. I'm fine with that.

P.O. LINDSAY:

Okay. We have -- what do we have?

MR. NOLAN:

Recommit.

P.O. LINDSAY:

We have a motion to recommit and a motion to approve, and recommit goes first, roll call on the recommit.

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

LEG. GREGORY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. LOSQUADRO:

(Not present).

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Three.

P.O. LINDSAY:

Okay. We have a motion to approve. I'm not going to call a roll. All in favor? Opposed? No. All in favor? Opposed? Abstentions?

LEG. GREGORY:

Cosponsor.

P.O. LINDSAY:

There you go, all right.

*(*Laughter & Applause*)*

LEG. MONTANO:

Good for you, Legislator Gregory.

MS. ORTIZ:

Seventeen (Not Present: Legislator Losquadro).

LEG. COOPER:

Tim, I think he was joking.

LEG. GREGORY:

I'm dead serious; cosponsor.

P.O. LINDSAY:

The man's coming of age.

(*Laughter*)

He's getting it down. Okay, we have **Late Starters**; we'll go through these quick. I'll make a motion to waive the rules and place on the Table the following late Starters: 1177 to Health and Human Services; 1178 to Economic Development, Education & Energy; 1179 to Economic Development, Education & Energy; 1181 -- there's no 80, right?

MS. PASTORE:

No.

P.O. LINDSAY:

Okay. 1181 to Economic Development, Education & Energy; 1185 to EPA; 1186 to Health & Human Services; 1187 to EPA; 1188 to Health & Human Services; 1189 to EPA; 1190 to Economic Development, Education & Energy and setting the Public Hearing for March 2nd at 2:30 at Riverhead; 1193 to Ways & Means; 1194 to Public Safety; 1195 to Public Safety; 1195 to Public Safety; 1196 to Public Safety; 1197 to Public Safety and setting the Public Hearing for March 2nd, 2:30, in Riverhead.

MR. NOLAN:

Public Works.

P.O. LINDSAY:

Oh, Public Works, excuse me; Public Works, my mistake; 1198 to Budget & Finance; 1199 to Health & Human Services. And we have a Home Rule Message --

MR. NOLAN:

No. 1.

P.O. LINDSAY:

No. 1 is assigned to Ways & Means and No. 3, Home Rule Message to Labor, Workforce & Affordable Housing. Do I have a second to that motion?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. All in favor? Opposed? Abstentions? Give me a count.

MS. ORTIZ:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

Seventeen. With that, I don't think we have any over business. I'm going to make a motion to adjourn.

LEG. NOWICK:

Motion.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

(*The meeting was adjourned at 7:03 P.M.*)

{ } - Denotes Spelled Phonetically