

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

March 2, 2010

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING
IN THE
MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE
RIVERHEAD, NEW YORK**

Verbatim Minutes Taken By:

Lucia Braaten, Alison Mahoney and Diana Flesher - Court Reporters

Verbatim Transcript Prepared By:

**Lucia Braaten, Alison Mahoney, Diana Flesher, Donna Catalano
Court Reporters**

And

**Denise Weaver, Legislative Assistant
Kim Castiglione, Legislative Secretary**

[THE MEETING WAS CALLED TO ORDER AT 9:36 A.M.]

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Mr. Clerk, would you call the roll, please?

MR. LAUBE:

Will do.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

(Not Present)

LEG. SCHNEIDERMAN:

(Not Present)

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:

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:

Here.

(Legislators Romaine and Schneiderman entered the Auditorium).

MR. LAUBE:

Sixteen -- seventeen. (Vote Amended to 18)

P.O. LINDSAY:

Could everyone rise for a salute to the flag, led by Legislator Romaine?

*(*Salutation*)*

I'd like to ask Legislator Romaine to introduce our visiting clergy.

LEG. ROMAINE:

Our visiting clergy is Father Todd Saccocia, better known to his friends as Father Todd. Father Todd went to Chaminade, graduated from Providence College with a degree in Business, Finance and Administration, moved out to Seattle, went to work for Key Bank. But while he was working there, and he would tell you he would be the last -- least likely to ever experience the call, he received the call. Each and every day it became stronger, and he returned to New York to study for the priesthood, first to a seminary in Douglaston, and then to Immaculate Conception in Lloyd Harbor. After four years, he received a Masters Degree in Theology, and two more years of study and he received a Masters Degree in Divinity. He became an ordained Deacon on December 8th of 2001, and then he went on in 2002 to enter the priesthood. He spent five years at Saint Kilian's, and since 2007, he's been at Saint Jude's in Mastic Beach. He is someone that I consider an inspired speaker and a friend of my family, and someone whose preachings remind us of the call of God. Without further ado, Father Todd.

*(*Applause*)*

FATHER TODD:

Thank you so much. Good morning, everyone. Dear God, we gather here on behalf of the great County of Suffolk, and the people whom we have been called to serve. May everything done here begin with your inspiration and continue with your help. Guide us by your wisdom, support us by your power, and give us the light necessary to truly know your will and the courage necessary to do it. Enable those so charged to uphold the rights of others, not allowing them to be corrupted by fear or by favor. And please, God, make us instruments of your peace. Where there is hatred, let us plant love. Where there is injury, pardon. Where there is discord, union. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. And where there is sadness, joy. Granted, we all may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. Yes, people can be unreasonable, illogical, self-centered, yet you ask us to forgive them anyway. If we are kind, people may accuse us of selfish ulterior motives, yet you ask us to be kind anyway. If we are successful, we will win some false friends and some true enemies; we are to succeed anyway. If we are honest and frank, people may cheat us; let us be honest and frank anyway. In the end, Lord, we can give this County of Suffolk the best we have, and it may never be enough for some. Nevertheless, let us continue to give our best for the people of Suffolk County. I humbly ask this in the name of the one who saved my life and changed my life,

Yeshua, Esa, Jesu, Jesus. Amen.

P.O. LINDSAY:

Thank you very much, Father.

FATHER TODD:

Thank you, Brother.

P.O. LINDSAY:

I appreciate it. If everyone could remain standing for a moment of silence to remember all those men and women who put themselves in harm's way every day to protect our country.

*(*Moment of Silence*)*

I'd like to welcome everybody to our newly renovated home here; that we haven't been to our Riverhead auditorium in a few years now because of the renovations, but they're finally done. And we're holding a lot more of our meetings in Riverhead this year as a result of the renovations being completed and we don't have to borrow space. So I welcome everybody.

We have a few proclamations. The first proclamation is by Legislator Romaine. Did he --

D.P.O. VILORIA-FISHER:

He just stepped out in the hall.

P.O. LINDSAY:

He just stepped out. I'm going to skip him to give him a minute. Legislator Cilmi will present a proclamation to Probation Officer Martha Argyros.

LEG. CILMI:

Argyros.

P.O. LINDSAY:

Argyros, okay.

LEG. CILMI:

No buttons to keep down. Thank you very much, Mr. Presiding Officer. I am pleased to welcome Probation Officer Martha Argyros and talk to you a little bit about her experiences and what -- what is kind of qualifying her for Probation Officer of the Month for the month of February.

During a routine home visit of a female probationer, who is a mother of two young children, Probation Officer Argyros was greeted at the door by an eight-year-old child. Upon entering the home, Probation Officer Argyros found the probationer in a locked bedroom in possession of heroin and other illegal drugs. Probation Officer Argyros contacted the Suffolk County Police Department who assisted in an arrest. A drug test found the mother to test positive for both cocaine and morphine. After the arrest, and this is really what's critical and what sets our Probation Officers apart, Probation Officer Argyros helped the probationer get into a drug treatment program and she remains clean today.

In another case, Probation Officer Argyros had a scheduled visit with a probationer who was thought to be dealing drugs. During the visit, Probation Officer Argyros conducted a narcotics search, which revealed a stash of illegal prescription drugs. The probationer admitted to selling and using the drugs. He was also found to be in possession of illegal weapons. He was arrested on multiple charges, and Probation Officer Argyros arranged for the probationer to enter a long-term substance abuse program, with the hope that this criminal activity will be a thing of the past.

These and other such cases are typical of Probation Officer Argyros' work, and, in fact, the work of the 286 dedicated Probation Officers working here in Suffolk County. Not only do they help ensure the safety of our residents, but they play an integral role in the rehabilitation process. They are truly unsung heroes in our public safety team here in Suffolk County. Officer Argyros works in our Coram office. She carries a caseload of approximately 84 probationers, and she is truly deserving of this award. So thank you, and congratulations on behalf of all the Members of this Legislature and on behalf of the one-and-a-half million people of Suffolk County.

MS. ARGYROS:

Thank you.

*(*Applause*)*

LEG. CILMI:

Congratulations to you. And we have a proclamation signed by myself and all of our colleagues here at the Legislature.

MS. ARGYROS:

Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Okay. I'll go back to Legislator Romaine for the purpose of a proclamation.

LEG. ROMAINE:

Thank you, Mr. Presiding Officer. Actually, I have two proclamations today, and the first one -- and, as you see, I have a 50-pound bag of dog food here, and that's not to suggest that this Legislature has gone to the dogs, but, instead, to honor the 2009 Animal Shelter of the Year, which is Kent Animal Shelter. I'm going to ask Pam Green, the Director, and a staff person to come on up. Come on up.

*(*Applause*)*

Kent is a -- is one of a privately run animal shelter in the Town of Riverhead, backing up on the north side of the Peconic River. It's a beautiful site. In fact, I adopted my first dog there in 1977. It is not only a non-kill shelter, but it's recognized because it takes dogs from all over the country, from around the corner and around the globe, including from the Virgin Islands. And they were recognized recently as the 2009 Shelter of the Year. They have a wonderful spay and neuter program that they perform, and this is a proclamation that honors that accomplishment and recognizes them, as did the North Shore Animal League of America, as the 2009 Shelter of the Year. Pam, congratulations.

MS. GREEN:

Thank you very much.

*(*Applause*)*

LEG. ROMAINE:

You want to say a few words?

MS. GREEN:

Sure. Thank you very much. A couple of weeks ago, I had received a phone call and the call was from someone from Dog Fancy Magazine publications. I don't know if you're familiar, but any animal lovers here would be with Dog Fancy, Cat Fancy, and so forth, and they said that Kent Animal Shelter was 2009 Shelter of the Year, and that this was a national award. And first I

thought, "Well, gee, I don't know. Is there something I have to buy here? Is there a subscription or something to the magazine?" But it was a real thing, and we were cited for our very progressive work with animal welfare.

We adopt out over six or seven hundred animals a year. We spay or neuter about 4,000 animals a year, helping with pet overpopulation, and our community outreach has -- goes out into the area senior care facilities, so that our seniors can enjoy pet companionship as they have throughout their lives.

I'd like to thank especially Legislator Romaine, because he's always been a friend of the shelter and a supporter, and he has a very big heart for animals, which in my book means he's very compassionate to humans and animals as well. So thank you very much.

Our goal at the Kent Animal Shelter, and I'd like everybody in the room to pay attention and hear this, we need a new facility and we're going -- and we are going to build one. We're forty-one years old and our place is very antiquated. So I need your support to be able to do this, and we'll go on to help the animals and do our work. Thank you very much.

*(*Applause*)*

LEG. ROMAINE:

Thank you. And that's why I bought the dog food, because words help, but deeds are even more important, and I think we all understand that around that Legislature. Thank you again.

*(*A Photograph Was Taken*)*

My second proclamation of the day is for someone that acted courageously. There was an accident on County Road 98, which is Moriches Bypass and Railroad Avenue. One of the cars involved filled with smoke very rapidly. One of the ladies that was passing by stopped her car, got out, got the person out of the car through the window, helped her, and then recommended that she immediately go to the hospital. That person did not have to stop. How many times do we see a car accident, other people would drive by? But she did and she helped really save that person's life. The person that was the good Samaritan that day was Kelly Platt. Kelly? She's here with here daughter.

*(*Applause*)*

And I want to recognize her efforts, because her efforts helped save a life. That car was filling with smoke. The person was somewhat unconscious behind the wheel. She was able to get in, get her through the window, and get her out of the car before the car would burst into flames or anything else. She took a risk, but she was willing to do that to save a life. I want to thank her.

I'm trying to get turning signals from Public Works at that corner to make it a little bit safer. God knows how long that will take. But as long as we have good Samaritans like Kelly Platt, we're in good hands. Kelly, do you want to say a few words?

MS. PLATT:

Well, first, I want to say I'm very overwhelmed and very happy that I'm actually receiving this proclamation from Legislator Romaine. This is just something that -- some things like this fall into my hands, where several years ago, a child was choking in a restaurant, and she was actually choking on a French fry that was larger than my pinky, and no one else knew how to do CPR in a restaurant. So, just being fully trained, that day I helped a kid who was choking on a French fry in a restaurant, and I didn't get my meal for free that day.

*(*Laughter*)*

MS. PLATT:

But I'm very --

LEG. ROMAINE:

There are no free lunches.

MS. PLATT:

I was at dinner.

*(*Laughter*)*

But I'm very happy to actually help someone who was in a car accident. Just, if that was my child, I would want someone to help my child out of a car if the car was on fire. And I'm just happy I saved a life and, you know, that she's still here today.

LEG. ROMAINE:

Thank you.

MS. PLATT:

Thanks.

*(*Applause*)*

P.O. LINDSAY:

Okay. I know we were waiting for Shirley Katz. Is Shirley Katz in the room?

LEG. SCHNEIDERMAN:

She's here, yeah.

P.O. LINDSAY:

Oh, you're here. Wonderful, Shirley. In recognition of Women's History Month in 2002, the Legislature passed Resolution No. 786 of 2002 to select a Woman of Distinction in March of every year. Today we have here with us Lori Green from the Suffolk County Women's Advisory Committee, along with Legislator Schneiderman, will present a County-wide Woman of Distinction Award to recipient Shirley Katz.

*(*Applause*)*

LEG. SCHNEIDERMAN:

Good morning, everyone. First, congratulations to the County on this beautiful new auditorium. I also wanted to congratulate my colleague, Dan Losquadro, on the arrival of his baby boy, Joseph. So congratulations.

*(*Applause*)*

Also, one bit of sad news, too, before we begin talking about Ms. Katz, is we did in Southampton lose a dear member of our community, a firefighter -- an individual named, Eggie Raynor, or Herbert Raynor, who had been with the Fire Department for a long time, received Suffolk County's Medal of Valor, so we have recognized him as well. And he just passed away last Saturday, so we're sorry to lose him, and certainly send our prayers to his family.

So we, in January, each of the Legislators designate one individual who we believe stands out from the crowd in terms of a Woman of Distinction because of their commitment to the community. And then there's a group called the Suffolk County Women's Advisory Committee -- Commission who decide from those eighteen one person from that year's honor as the Woman of Distinction for Suffolk County. And I'm very pleased that this year the name that I submitted, Shirley Katz, was chosen as the -- for that County-wide distinction.

Shirley Katz, to my left, was honored last month with a Lifetime Achievement Award from the Long Island Volunteer Hall of Fame. Her biography is full of numerous instances throughout a 70-year period of volunteering within her community. Ms. Katz, she's a professional businesswoman, a compassionate humanitarian who's worked with so many organizations, including school nursery, PTA, Girl Scouts, Boy Scouts, library programs, soup kitchens, the American Cancer Society, environmental organizations, youth programs, cultural and artistic associations, just to name a few. Upon retiring, Shirley actually moved out with her husband to Eastern Long Island, where she volunteered at The Retreat, an organization I think that you all are familiar with. She continues to volunteer with The Retreat. Today, at age 84 --

MS. KATZ:

Soon to be 85.

LEG. SCHNEIDERMAN:

Soon to be 85, she tells me, she continues to serve her community in so many capacities. So, on behalf of Suffolk County and behalf of my Legislative District, the Second Legislative District, my heartfelt congratulations to you, Shirley. You are really an outstanding role model for volunteerism, something we all need today more than ever. So thank you so much. And I'm going to give you an opportunity to make a few comments, too.

MS. KATZ:

Okay. Thank you. Yes. Thank you, Jay Schneiderman, for nominating me. Lori. Thank you, Lori, Suffolk County Women's Advisory Committee, for choosing me. And thank you, Suffolk County Legislature, for presenting me with this award.

Just last month, I received a Lifetime Achievement Award in Volunteerism from the Long Island Center for Volunteers Hall of Fame. At that time, I spoke of the importance of volunteering, particularly in this difficult economic time, when government grants and private donations have lessened, and in some cases even disappeared. Ironically, the Governor's budget has practically eliminated funding for domestic violence agencies. I work for and volunteer at The Retreat, the only domestic violence agency on the East End of Long Island, so I know only too well the important role volunteers play. However, here I am before the Suffolk County Legislature. I'd like to stress the need for people to become aware of and to participate in the activities of local government. Of course, one should vote, but also one should learn about pending legislation, call, write, E-mail, text, whatever, with your opinions. We may make nuisances of ourselves, but I do believe it is our obligation to be involved. Thank you again.

LEG. SCHNEIDERMAN:

Thank you.

MS. GREEN:

Thank you. Congratulations.

MS. KATZ:

Thank you.

LEG. SCHNEIDERMAN:

Thank you.

*(*Applause*)*

MS. KATZ:

Thank you.

LEG. SCHNEIDERMAN:

At this point, I would like to present Shirley with a proclamation on behalf of the County honoring her as the Woman of Distinction for 2009.

MS. KATZ:

Thank you again.

LEG. SCHNEIDERMAN:

2009.

MS. GREEN:

I just want to say the Committee had so many outstanding people who do a lot of volunteer work, but it was the humanitarian effort that Shirley puts into all of her work for Riverhead, for Montauk where she lives. And she just touches everyone's life in such a special way, and she's such an asset to Suffolk County. So congratulations, Shirley Katz.

MS. KATZ:

Thank you, Lori.

*(*Applause*)*

P.O. LINDSAY:

Congratulations, Ms. Katz. And congratulations to Lori Green and the Women's Advisory Board. They do an awful lot of good work. Thank you very much.

That concludes our proclamations. Before we go into the public portion, I would be remiss, I see Undersheriff Caracappa in the audience, to not recognize his efforts in this new auditorium that we're in, this renovated auditorium. Under Joe's leadership as the Presiding Officer, I guess it was 2003, '4, the plans were approved for this renovation, and it takes us a little while, it's finally done. And I thank you, Joe, for your foresight and planning.

UNDER-SHERIFF CARACAPPA:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

We have a number of public officials here that I'm going to call out of order out of due respect for their office, so they can get back to their Town duties. First is the Supervisor of Riverhead, Sean Walter. Mr. Walter?

SUPERVISOR WALTER:

I thank you for taking me out of order, and apologize to the rest of the audience. Sean Walter, Riverhead Town Supervisor. And I'd like to welcome the Suffolk County Legislature to the County Seat, and I think the Town Supervisor from Southampton is here as well. I heard she was here, she's probably behind me. And you are in the Town of Southampton, but we welcome you to the County Seat. The building is beautiful, and we thank you for coming today.

The reason that I'm speaking is just briefly about the sex offender trailer. I understand, and we fully support the County Executive's decision to shut down the sex offender trailer. I know we have Councilman Wooten from Riverhead that's going to speak, and Mason Haas, one of our Town Assessors. One of the things that I'd like to point out, and I think you're going to hear this more than once today on the sex offender trailer, is some 38 to 48 percent, and I've heard this two different ways, of the sex offenders that are in that -- in the County come from up west, and I'm -- this is secondhand information, but -- and I don't mean to dump on the Town of Babylon, but that's what I've been told by people in the County Executive's Office, that anywhere from 38 to 48 percent

of the people that may be residing in that trailer come from the Town of Babylon.

So my question is this: Riverhead is willing, and I think the Town of Southampton is willing, to do our fair share, but at this particular juncture and time, you're asking us to do much more than our fair share. And the bottom line is the people are living in this trailer. There's not adequate bathroom facilities, there's not showering facilities. The trailer does not fit, in my humble opinion, for habitation for people that are going to be there for an extended stay. When I go camping with my family, I think I take my family in a tent in better conditions than these gentlemen are staying. So I'm asking you to work with the County Legislature, close the trailer. I understand that the voucher system is not the most popular thing, but it does seem to be the most equitable thing.

Within a mile of that trailer, we have the high school, we've got the Riverhead Library, we've got many, many venues where there are children. There's -- as you can see, you're almost right in the backyard of where that trailer sits. There's nothing to do right here, so these individuals, if they don't find their way back to their home town, they find their way to Downtown Riverhead, and that's -- we have our own issues that we're dealing with in the Town, and the issue of having that trailer here is just giving us more angst. So we ask -- I ask every one of the Legislators here, please support the County Executive and his efforts to shut the trailer down and fund the voucher program. And I thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

We also have Councilman Orton. Does Councilman want to --

LEG. ROMAINE:

Wooten.

P.O. LINDSAY:

Wooten.

COUNCILMAN WOOTEN:

Hi, good morning. I will be brief. I'm sure you'll make sure of that. Basically, I just want to touch on the sex offender trailer.

I appreciated Father Todd this morning when he talked about calling on divine presence to help govern our society and help to work together. I do appreciate that the Legislators are here in Riverhead, I absolutely love it, and at the County Seat. I remember as a little boy, my mom worked here in the County Center. And this is a very majestic room. It's nice to see you here, and I'm glad that there's more slated for this East End where we can come and work together. It's important that we all get on the same page, and I think we all have the same concerns, whether we're a local Councilman, or whether we're a Legislative District. We all have the same concerns for our constituents.

In a sense of fairness, I think you really have to look at the sex offender trailer and how that affects this particular area of the East End right at the forks, the gateway to the North Fork and the South Fork. The transportation funding is going to be over a million dollars this year, in 2010. That's something that's a real number and that's something that really has to be looked at. I know we'd like to share our equities with each other and our rewards with each other, but -- and there's a downside like that that has to be shared, too, because when it's all concentrated in one area, it just lends to more problems. So I think it's important that we really look at the sex offender trailer and how it's arranged and how it's all congregated in one area and try to spread that out so that it lessens the burden on any one particular community.

The other subject I wanted to talk about, and I know it's out of turn, but this afternoon there's going to be a public hearing on it. It's from Legislator Eddington, and I know it was supported also by Legislator Romaine, the double wood. That's going to be a Public Hearing on 1102 for a Local Law to ensure the timely removal of damaged utility polls on County-owned roadways. This is very important to us in Riverhead also. We did an inventory. We have over 500 telephone polls, not only County roads, State roads and Town roads that have the same dilemma. It's absolutely outrageous that the utilities, whether it's LIPA or Verizon, or whoever owns the particular poll, can charge you on your tax bill for maintenance and all these surplus taxes so that they can run their businesses, but, yet, when it comes down to doing basic maintenance, it's really shoddy. It's absolutely unheard of, it's unsightly. It's not even -- it's dangerous, actually.

I had a chance to inspect a poll yesterday with Ed Romaine out in Laurel, on the Riverhead side, and it actually snapped. It's real dangerous. It's tied together by rope, not even cable. So that's just one incident, but I'm get an inventory done. We have over 500 in Riverhead. And I will certainly -- and on any County road, I will forward you the list of those particular polls.

And those were the two issues I want to speak to you on. And, again, thank you for being here in Riverhead, appreciate it.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Councilman. And the Tax Assessor, Mr. Haas.

MR. HAAS:

Actually, Legislator Lindsay, I'll wait, but could you have that mike turned on?

LEG. LOSQUADRO:

You've got to lift it up. They need to lift it up.

D.P.O. VILORIA-FISHER:

It's on.

P.O. LINDSAY:

The mike is on, you just have to talk right into it.

MR. HAAS:

Gotcha, okay.

P.O. LINDSAY:

Does Mr. Haas want to talk?

MR. HAAS:

I have some papers here I'd like to have handed out to the Legislators, please.

Good morning, all, and thank you very much for this opportunity to speak before you. Yes, I am an elected official in the Town of Riverhead, but I've been involved in this for quite sometime as a private citizen. What you're being handed right now is a map of the area, it's a one-mile radius from the jail. And I'm just giving that to you so you can see the school districts and the school buildings that are located within that one-mile radius, and those schools, the Riverhead School District does not provide transportation for those children walking to school less than one mile, that live within one mile of the School District.

In 2009, we put together a sex offender forum to discuss coming to a solution with the problem out here with the trailer placement of all the homeless sex offenders being placed at this location. We made it clear from the very beginning that the idea was not to ban these people or ostracise them,

we were looking for a sensible solution. We had representatives from the State Assembly, State Legislative Body, Senator Kennedy, Legislator Romaine, Schneiderman, Legislator Kennedy, County Exec's Office, Department of Social Services, were all there at this meeting. Approximately 300 people came out that night in a winter storm, similar to what you had in Babylon where 300 people came out for yours.

Commissioner Blass came up with an alternative, you know, a solution, a sensible solution, in our opinion. These people, we've spoken to these people that lived in that trailer back then, and one of the problems that we found out is that these gentlemen cannot even get a job working sensible hours when they have to be transported from way out here. So how are they to work themselves back into society if they can't even get a job. Sensible solutions are not found when mass mailings are done, creating panic and hysteria. Instead, those mailings should be for setting up meetings to educate the public. The recidivism rate is not that high, okay, it's less than 5% nationally.

Banning this group to the East End, claiming it's an extra layer of security is false. They're not prisoners. They have no legal obligation to return, and the County does not have any legal obligation to go out and find them. We know this from discussions at the County Exec's Office. This was explained to us, that they do not go out and find them if they don't return at night. The only thing this does is give them a place to stay, nothing more. They're free to roam all day once they leave the trailer in the morning, so where is the security, where's the oversight? There is none. Instead, what we do is we congregate a bunch of homeless sex offenders in one location, and is that good? I don't think so. We give them vouchers to -- so they can eat at the local establishments, they're the same ones that the children go to, McDonald's, Burger King, places like that right here. This trailer is located right across the river from our library, which holds many of our school functions.

Last month you had a -- last month you had Commissioner Blass come before you with a system about the voucher system, and it went around and around and around, and I read the minutes from that meeting. I'm a little bit taken aback by what I read there. You turn around -- some say, "Well, I'm not comfortable with them putting them back in my community." Well, you put them in our community. We're not saying we're not going to take ours, we're just saying come up with a sensible solution. The voucher system is the least expensive solution. When you spent -- 2008, you spent almost \$500,000, in 2009, you spent 1.4 million dollars, and in -- and those costs included the other services besides the transportation. And then this year, the projection is in 2010 for over one million dollars in transportation alone. That is not taxpayer friendly, and I'm an Assessor and I deal with the taxpayers on a regular basis, coming in looking for relief. And now you're turning around and exceeding the cost probably up to three million dollars this year at the rate this was going. With the voucher system, you do not have to transport them, as Commissioner Blass said. There is no transportation involved in it. There is still oversight. By that, you're going to know where they are.

The voucher system works in many other counties. To sit back and wait for where -- as I've heard from some that the courts are going to just do away with the trailers and we'll wait to do that, that is not a sensible solution, and that is not what the taxpayers need. Right now, you're fighting -- the County is spending money on three court cases, three fronts, Southampton, Riverhead, and from sex offenders that are living the in the trailer; their rights are being violated. We're spending money that you don't have to spend and the taxpayers cannot afford to spend. The voucher system would end up costing you right now -- the voucher system, according to the figures I took out of that for 26 sex offenders, hotel and food vouchers, that's \$3,042 a day, times 365 is 1.1 -- 110 million dollars, and you're already looking at that just for transportation alone.

It's a common-sense approach, the voucher system, unless you come up with another one. The Pinelawn wasn't a bad idea. I grew up in Amityville, I know Pinelawn Avenue. That was a great location. Okay, so there was a day care center that was found. Look at the maps, look at the school districts that are in there. That does not include the local day care centers that are in there that are even closer. So let's -- can we come -- get this off the -- back on the floor and get it passed for the voucher system for the sakes of the taxpayer, so that they don't have to keep

reaching into their pocket for this?

P.O. LINDSAY:

Thank you, Mr. Haas.

*(*Applause*)*

Supervisor from Southampton, Anna Throne-Holst.

SUPERVISOR THRONE-HOLST:

Good morning. I'm happy to be here. And I'd like to congratulate all of you on your newly appointed auditorium, it's beautiful.

I will address you, if I may, on two issues, and one of them -- as a little point of reference, the last time I was here, before the renovation began, was about two-and-a-half years ago, as I was first rung for the Town Board in Southampton, and stood here on the very same issue, which was the issue of the sex offender trailers. So here we are all this time later and the problem remains the same one, and the problem remains particularly the same one for the Town of Southampton, where we are carrying the burden entirely on our Town's shoulders in housing these sex offenders. It is a solution that does not make financial or practical sense.

The predecessor just spoke about the financial sense that it doesn't make sense, and where the voucher program is a proven program in our neighboring county and in other counties across the country. What it also does is speak to the practical issues that we again are dealing with the majority of the burden as residences of the Town of Southampton. The legislation was not originally designed this way. As you all know, the trailers were supposed to be moving around the area, and all parts of the area were supposed to take their fair share here. The trailers have not moved once, so the Town of Southampton continues to carry the burden alone.

The trailers do not meet the needs of the offenders, they are not properly appointed for that. And say what you will about that, it's not the right thing to do. But more importantly, the burden of this has to be carried by the County on an equal basis. And if we add to the mix that the majority of the offenders aren't even from this part of the area, they, for the most part, come from much further up west, again, it is an issue that has to be addressed.

So there was a glimmer of hope when all of you started looking at the voucher program, and we thought that that was the direction you were going, only to find out that the funding for it is being stalled, which, from our perspective, is stalling the entire program, and we remain, as the Town of Southampton, the sole burden-bearers of this issue. So I implore you to, please, move the voucher program forward. Put the burden of this issue equally across the County.

I would also like to speak to Legislator Schneiderman's proposal on the mortgage tax revenue and the expediting of that, and it being brought back to us. We do, in fact, generate most of that revenue, and we would like to see it come back to us in a timely manner. Needless to say, in times like this, being able to budget accordingly and more predictably is of very great importance to us. So, again, I appreciate your effort, Jay, and hope you all support it. Thank you all very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Supervisor. Okay. Next is Elaine Kahl. Elaine? Followed by Moke McGowan.

MS. KAHL:

It's quite an honor to follow my Supervisor from Southampton. My name is Elaine Kahl. I am the Chair of Suffolk County Coalition for Legal Immigration. I'm here today to talk --

D.P.O. VILORIA-FISHER:

Can you speak into the mic, please?

MS. KAHL:

I'm here -- lower it? I'm not that tall. Better?

P.O. LINDSAY:

Yes.

MS. KAHL:

Okay. I am here today because our organization has not weighed in on the Hate Crime Review Board and the composition of it, and it's coming up for a vote for an advocate. There's one saying that has not been discussed here today, is that the Antibias Task Force and several other groups -- I'm here on the subject of immigration. As you know, I've been terribly interested in it because of the humane situation in our community. We have people loitering, we have people living in the woods. They need help. There's accommodations, too many to a house.

We have quality of life issues, we have security issues. I've been up here several times to discuss these items with you. I come back to the Beedenbender bill, where we wanted E-verifier, which didn't get off the ground. But I'm here today to please revisit, that all people that apply for licenses have E-verifier. We can at least see who we have in our community and who should be working, saving the Americans' jobs, and have some sort of control, because this is my fifth year in studying this on all sides, going to all meetings. We still have the problem. We want to be good, we want to be fair to people, but, certainly, we have to be fair to the seniors in our community that are placed on a burden, because money has to be taken from one block to be put to another situation.

Are we here to represent the American citizens, or are we here to represent the world? I don't think it's fair to our communities to not address this. And I've been told it's a Federal problem. Ladies and Gentlemen, it's a local problem. We have a local problem of security, and somebody has to come before and take a stand compassionately and humanely, and I would like to be part of that solution. We've provided solutions on deaf ears.

I am still available. If you'd like to sit down and talk about it, we could do it calmly, sensitively and fairly. The business community should be mandated to have E-verifier. They will not have to worry about their business future. This way everybody's paying into the system, we're all on a level playing field, and, you know, all those that follow the law, we're all equal then. Okay?

Thank you. We do not believe in amnesty and rewarding people who come in here. The people that come in here are wonderful people, but they should be told we have rules, we have the rule of law. If we have to follow them, you do not have the opportunity to just choose to follow them either way. We must do something to clean up our communities, and I'm here today for your help in that effect. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Elaine. Moke McGowan, followed by Robert Kern.

MR. MC GOWAN:

Good morning. I'm Moke McGowan, the President of the Long Island Convention and Visitors Bureau. I'm here today in opposition to I.R. 1190. For the record, our Board as a whole has not had the opportunity to review and discuss this legislation to provide a position statement at this time. They will, however, review it during the March 16th agenda. That said, the Executive Committee has had that opportunity and it is their opposition that I'm relating this morning.

First, we oppose the codification of our current contractual obligations pertaining to the Suffolk County Specialty Tours and Marketing Program as both unnecessary and unwarranted. But, more importantly, we oppose this legislation because it would restrict only Board members representing Suffolk County interests from being allowed to determine how the monies in the Suffolk County Specialty Program are spent and allocated.

If you might recall, or many of you might recall, six years ago, the Suffolk County Comptroller was highly and rightfully critical of the Bureau's Board of Directors for failing to assume their fiduciary responsibilities in exercising the oversight and control of the business and financial activities of the organization. Under this legislation, Board members would be required to cede the very responsibility they were rightly criticized for not exercising.

This legislation would also violate the Board members' duty of loyalty and duty of care. Board members from Nassau County have an obligation to make sure that all of the funds that are provided to the LICVB are spent properly. By preventing them from voting on the surplus Suffolk County funds, they are being prevented from exercising these oversight responsibilities.

I think it's important to note that the Board seats on our Board are filled on the basis of what individuals bring to the table by way of their tourism expertise and knowledge and experiences, not on a constituent basis. Our Board consists of a number of individuals who represent tourism-related interests across County lines. We currently have Board members from the Long Island Lodging and Hospitality Association, New York State Parks, Empire State Development, and Out Bound Tour and Travel Agency, a lodging consultant, lodging industry consultant, the Long Island Farm Bureau, even the Long Island Islanders. There have been numerous times in the course of the last six years whereby Board members from both Counties have been asked to vote on issues affecting one or both Counties and have done so responsibly.

So it's with these objections in mind that the Executive Committee and myself oppose Legislation 1190. Thank you.

P.O. LINDSAY:

Thank you, Mr. McGowan. Robert Kern, followed by Jim Gallagher.

MR. KERN:

Good morning, Gentlemen. Good morning, Mr. Lindsay, and all Legislators, including my representative from the First District, Ed Romaine.

My name is Bob Kern. I represent SAD, Seniors Against Discrimination. SAD was started several years ago with regards to the disparity of medical insurance premiums between seniors living in the five Boroughs and Suffolk County. We challenged the Federal Government at that time in the Federal Court and lost. But then how could we win when the case was heard before a Federal Court, before a Federal Judge? When his decision was rendered, he stated that it was up to Congress to correct the problem. The problem has not been corrected. But in these several years of dealing with politicians, I have learned one thing, and that is that most politicians do not have a conscience. This leads me to the issue at hand today.

The senior citizens of Suffolk County are always the first ones to be looked at by the politicians, whether it is Federal, state or county. When the budget cuts are made, in this particular case it was the Senior Division of the Legal Aid Society were cut to the point now the seniors are being, if you would, defended by college students, not by attorneys, yet convicts get Legal Aid. As long as they don't -- they don't have the money, boom, they got it, they got Legal Aide, yet a senior is supposed -- senior citizen in this County has to rely upon a student in a college. This is unconscionable.

Seniors relied upon George Roach, he was the Chief Attorney, and his staff for guidance and help. Every day there are people out in the street coming up with new scams how to cut money from senior citizens; they have no morals either. Mr. Roach and his staff were aware of the issues and were on top of them, now college students are their only savior. What has this County come to?

The budget was 2.6 billion dollars, yet to run the organization of Legal Aid was \$359,000. Now I'm sure there could have been money taken from other areas and not denying these people their rights. The security and the legal protection of seniors has been interrupted, and this County, in the meantime, has been growing. God help us. There is about 250,000 seniors in Suffolk County that Legal Aid coverage comes to less than \$1.50 per senior.

In 2007, I sat on the Suffolk County Senior Citizens Task Force, headed by Legislator Stern. The goal was to hear and find out how Suffolk County could improve the everyday life of the seniors. Is taking away their Legal Aid assistance improvement?

In closing, I would like to point out that every year Suffolk County gives out a plaque, "Senior Citizen of the Year" award. I guess the budget can stand the \$25 for that plaque. What you people have done is a disgrace. Please reinstate the Legal Aid Division for the seniors. Remember, it's only \$1.50 per senior. Thank you for allowing me to speak.

*(*Applause*)*

P.O. LINDSAY:

Okay. We have Mr. Gallagher, followed by Douglas Swezey.

MR. GALLAGHER:

Good morning. I'm Jim Gallagher and I'm from Ronkonkoma. Regarding the Senior -- Legal Aid Senior Division, I understand the funding has been reduced from 500K, the level that the Legal Aid Society was funded, to 200K, the level Touro Law Center is being funded, and that our senior citizens' legal problems will now be handled by college students. We seniors need and deserve experienced attorneys, not novices to handle our legal problems.

Oh, I'm aware some in government, perhaps many, look upon seniors with disdain. Members of Congress, the New York State Legislature have shown us that disrespect with their empty promises. I won't go into that, but I want to talk about what I perceive to be the level of disdain for seniors held by Suffolk Legislature. Yes, you.

On November 14, 2008, along with many other seniors, I spoke before this body in the William Rogers Building. We pleaded with you not to move the Legal Aid Office to a place which would make it more difficult for seniors to access. Instead, it appears you reduced the funding, then moved it to another organization. We've earned the right to be treated better because we seniors built these communities. When I came to Suffolk County in 1960, there was no Suffolk Legislature. Obviously, many of the buildings used by that body didn't exist until we built them with our taxes, and we continue to pay taxes. We attracted businesses here, resulting in tax revenues. Some of us established businesses generating taxes. There was no tax-paying Smithaven Mall with all its retailers, we seniors attracted them. I could go on, but my point has been made that we invested in this County and brought it to what it is today, we seniors did that. Some of our members recall the greatest generation. Despite this, it looks very much like our investment has been spent on what, the demands of well-heeled special interests who made campaign contributions? I don't know. Regardless of where it went, I'm sure they don't need the money more than struggling seniors. We know the money was in the budget, but it's a matter of priorities. The money was in the budget, but it's a matter of priorities.

Seniors always seem to be the lowest priority. According to an article by Gary P. Joyce in the February Edition of 50 Plus LifeStyles newspaper, the Presiding Officer said it was strictly a budgetary decision. There was no mention of how the budget money was prioritized or that the

seniors' benefit was a low priority. Senior citizens seem too often to be the lowest priority. Maybe I missed it in the newspapers or Channel 12, but I don't remember any report that the Legislature took a pay cut to reduce expenditures as a budgetary decision. You apparently protected your own more than \$85,000 salary. You know, that's over twice the family income of many Suffolk seniors. Got that? Your salary is over twice the family income. You treat yourselves well at our expense. You deprived of us George Roach with decades of experience in elder care and gave us college students to handle our legal problems. Someone among you --

D.P.O. VILORIA-FISHER:

Mr. Swezey, that buzzer was that your time was up. Can you please wrap up?

MR. GALLAGHER:

I'm wrapping up now. Someone among you with a conscience --

D.P.O. VILORIA-FISHER:

Gallagher. I'm sorry.

MR. GALLAGHER:

I gotcha. Someone among you with a conscience might want to review that budget and cut out some pork to help fund real experienced attorneys for seniors. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Mr. Gallagher. Doug Swezey.

MR. SWEZEY:

Good morning, Legislature. My name is Doug Swezey, and I am approaching you on behalf of The North Sea Poetry Scene, of which I'm a Board Member. Also, I'm on the Board of Directors for the Long Island Collective, the oldest organization across Long Island, and we are hoping to establish a poetry archival center for Suffolk County. These are some artist's renderings that we have of the Sears Bellows Farm, the barn over on Route 24, and we feel that this is a perfect site for us to cultivate and renovate, so that we have a place for all the hundreds and hundreds of poets, writers, artists across Long Island to meet and create. Right now, it's basically disheveled and we feel that we can renovate this into a working valuable asset to the County. With so many parks closing, we think that turning it over to us or letting us rent it out would be a good suggestion, so that way the County doesn't have to be responsible for it.

Right now, I mean, I've heard so much this morning about sex offenders and things of that nature. Right now, this is a site where anybody could go and partake in those kinds of devious crimes, promote drugs, or whatever, and I feel that this would be a much better alternative, so that our kids and young adults have a place to grow and create. I want to thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

I had a card for Lori Green, but I think she spoke under the presentations. Jose Torres, followed by Dot Kerrigan. Is Jose Torres in the room? I'll put him aside. He might have went to the restroom. Dot Kerrigan.

MS. KERRIGAN:

Thank you, Presiding Officer Lindsay. Honorable men and women of the Legislature, my name is Dorothy Kerrigan. I'm honored to come here before you today representing Suffolk County Association of Municipal Employees, the hardworking men and women who plow the snow, collect the fees, file paperwork, tend to the sick, along with the myriad of other jobs that make this County run and run well. And I am here today to mimic the words of the residents and of the families of the

residents at John J. Foley, the County Nursing Home. The words are "Here we go again."

And I have to tell you that there's a very high level of anxiety at the County Nursing Home among the residents, their families and the staff. Once again, our County Executive has let them know through the newspaper of his plans to sell their home to the highest bidder. And contrary to the idea of transparency and the law, he will not let the people know or our elected officials know who is bidding and how much the bidding is going for.

I know I don't have to remind you, our leaders, what a hard-fought battle we have gone through to prevent this sale from happening in the past, and the blood, sweat and tears that continue to go into this efforts. Our County Nursing Home is a service of Suffolk County that Suffolk County has provided to its taxpayers for well over a century, and we're doing it more effectively than ever. John J. Foley actually ran with a fund balance of almost 4 million dollars, and was able to put that balance towards the following year, all that in just over a year of Legislative oversight. In the 2010 Operating Budget, John J. Foley has been funded by less than \$942,000, much less than taxpayers' money has gone to -- much more of that has gone to many private concerns.

This Legislature saw fit to form the John J. Foley Oversight Committee, and a body of men and women from Labor Management and the Legislature. This committee has done a phenomenal job, but there is still work to be done to save taxpayers' money. We have not yet affiliated with a hospital, which according to the experts would afford John J. Foley enhanced reimbursement. There are many other things we can do. The John J. Foley Oversight Committee is ongoing. Let's do everything possible for the taxpayers of Suffolk County to keep John J. Foley serving them in the way it has done since the 1870's. That many years ago, Suffolk County had the lofty idea that they could provide for their own. Does Steven Levy really want to be known as the leader who can no longer do that? I'll finish up.

I can speak for the Association of Municipal Employees when I say that we want to remain a part of the tradition of our forefathers. Our Suffolk County residents can take care of Suffolk County residents. We don't want to be part of a plan that the County Executive has to unload our sick, our disabled, and our elderly on a private money-making operation. And I hope we still have your support now and in the future. Thank you very much for listening and having you here today.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Dot. Charles Cetas, followed by Tammy Nuzzo-Morgan.

MR. CETAS:

My name is Charles Cetas. I'm Chairman of the Riverhead Open Space Committee, and I'm speaking on the Long Island Beagle Club property in Riverhead.

The Riverhead Open Space Committee is 100% in support of the preservation as open space of the Long Island Beagle Club property. It is a 150-acre parcel located in the Hamlet of Calverton on the west side of Edwards Avenue, about halfway between New York State Route 25 and Sound Avenue. The Open Space Committee has been pursuing preservation of this property since the summer of 2008. We, under its previous -- under our previous Chair, Sherry Johnson, succeeded in getting the Beagle Club property listed by the New York DEC in the State's 2009 Open Space Conservation Plan, and helped to restart Suffolk County's effort to preserve this parcel. The Open Space Committee visited the Beagle Club property several times and gave it a high rating score, even though it lacks wetlands habitat, and mapped habitat inventory of this property was produced in December 2009 by one of our members, Mary Laura Lamont, who is a well-known naturalist, and the Peconic Land Trust. This mapped habitat inventory was submitted to and taken into account by the Suffolk County Planning Department, which increased the County's rating score for this property accordingly. The.

Beagle Club property has a significant number of attributes that make it worthy of preservation as open space by the County. It is one of the largest parcels available for preservation in the Agricultural Protection Zone of Riverhead Town. It provides significant groundwater protection, as it is a large undeveloped parcel located in the Central Suffolk Groundwater Protection Zone, and it is no longer used for agriculture. It has a multiple -- it has multiple habitat types. Among this are Pitch Pine, Oak Forest, Successional Shrubland, Successional Red Cedar Woodland, and Successional Old Field. A protected plant species, the Northern Bayberry, was identified in the Shrubland and Old Field areas of the property. Also, Northern Harrier, a New York State threatened bird species, coopers Hawk, a New York State special concern bird species, and Field Sparrow, a declining grassland bird species, were cited during the Open Space Committee site visits of this property. The Beagle Club property parcel provides important habitats for many other bird and animal species as well.

The property is adjacent to preserved farmland and not far from other preserved open space parcels to the north, such as the Riverhead Town-owned Esposito property, and the New York State DEC Fresh Pond Preserve on Long Island Sound. The Baiting Hollow Boy Scout Camp on Sound Avenue is in that area as well. I'll be wrapping up in a minute.

It has a well maintained trail system ideal for nature walks and bird watching. It helps maintain the rural nature of the area and provides a scenic view along Edwards Avenue. It provides an important buffer between the adjacent farmland and the residential community on the east side of Edwards Avenue, directly across the street from the Beagle Club.

For these reasons and more, the Riverhead Open Space Committee believes the Beagle Club property meets the criteria of the Suffolk County Drinking Water Protection Program, and strongly urges the Legislature to approve planning steps, Introductory Resolution 1027. Thank you.

If I may, I just want to speak briefly about the Rolle property on Route 58 in Riverhead.

P.O. LINDSAY:

Your time is well up.

MR. CETAS:

I have about 30 seconds -- 15 seconds.

P.O. LINDSAY:

Five seconds, say what you want to say.

MR. CETAS:

Well, we approve -- we approve that the County go ahead and preserve these properties, the Rolle property. It's part of the Saw Mill Creek Watershed, which is a priority area in Riverhead Town. And we thank the County -- thank you that the County is continuing to be interested in preserving properties along Saw Mill Creek.

P.O. LINDSAY:

Thank you.

MR. CETAS:

Thank you.

P.O. LINDSAY:

Miss Morgan, followed by Michael Brewer.

MS. NUZZO-MORGAN:

Hi. I'm Tammy Nuzzo-Morgan. I'm your Suffolk County Poet Laureate. You appointed me for two years. As the time is running down, so is my time as the Suffolk County Poet Laureate, so I need to

act as quickly as I can, since I represent the whole County in the matters of poetry.

You do see some of the renditions of what we'd like to do with the horse barn on Route 24, which has been abandoned for over four years now. And as my colleague said, that you are having some problems with some parks, we would be able to take this facility off your hand. We're asking not for a donation, which you can't do anyway, a 30-year lease for a dollar a year, and we would do the leasehold improvement to that location. We could also use it for tourism, educational, cultural, historic, as well as agricultural. We could have a little community garden there.

I do have some gifts for you, as well as our business plan, and copies of letters of support I had E-mailed to you. I'm not sure if you received my E-mail. It's from thenorthseapoetryscene@hotmail.com.

So I'd like to give you those books and some business cards, and, as I said, our business plan.

I have my Masters in Business Accounting, and I also am going for my Masters in Fine Arts, so this is not just a pipe dream, this could really happen.

We have poets from all over the world that contribute to our anthology. We have different languages, so it's not just Suffolk County or the Southampton area, but it's international. And why not have an attraction like that here on the East End of Long Island?

We have a bunch of poets here, if they would just stand up for a moment, so you could see that I did drag a few people out of bed early to be here. And this -- we're not asking for money, we're not asking for seed money, we're not asking -- thank you, thank you. We're not asking for operational money, we just want you to open the door.

I've been dealing with Ed Perez and he said that the location is now in front of the Space Management Committee as a contingency plan for emergency seat of government in case the one in Hauppauge is not able to be used. And this is a horse farm. This is literally hey and dirt on the floor, and I don't think it's what you're looking for. You have a lot of land over in Yaphank you could use. Nobody's saying no to me, but nobody's saying yes. And the clock keeps ticking on my tenure and I only have so much time, so I need you to help me get this door open. I'll get the money. If I've gotten this far, I can get the rest of the way, just open the door for me, say yes. Give me that piece. Lease it out to me for 30 years to my corporation. We are a cooperation, we're a non-profit and we're tax exempt.

We're taking a piece of property off your hands that's abandoned and could be used for, let's say, arson, crack den, sexual deviants, and we're going to make it a place that people can come to learn and enjoy.

So I'm going to leave these gifts for you up here, and I hope that you will truly, truly help me open that door. I thank you for your time, and thank you for appointing me.

P.O. LINDSAY:

Miss Morgan, we don't usually comment during the public portion --

MS. NUZZO-MORGAN:

Okay.

P.O. LINDSAY:

-- but I just want to say this. I was just asking our Counsel. This subject is a totally new subject to us. We have no legislation before us on this subject. We were totally unaware of this.

MS. NUZZO-MORGAN:

Truly?

P.O. LINDSAY:

What I've asked is the Chair of our of our Parks Committee, Legislator --

D.P.O. VILORIA-FISHER:

We have a different Chair this year, but I'll take --

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

She could contact my office.

MS. NUZZO-MORGAN:

Okay, I have been dealing with Ed Perez and he's in your Cultural Affairs Department.

P.O. LINDSAY:

No, he works for the County Executive.

MS. NUZZO-MORGAN:

Oh, okay. So then I --

P.O. LINDSAY:

He doesn't work for the Legislature.

MS. NUZZO-MORGAN:

Okay. So then I was --

P.O. LINDSAY:

Either Nowick or Legislator Viloría-Fisher will contact you to talk about what you have in mind. All right?

MS. NUZZO-MORGAN:

Oh, gees. Thank you so much.

P.O. LINDSAY:

You're welcome.

MS. NUZZO-MORGAN:

And let me leave you these books and also the letters of support. And thank you so much for creating this position. Thank you, Ms. Fisher.

*(*Applause*)*

P.O. LINDSAY:

Okay. Michael Brewer, followed by David Martine.

MR. BREWER:

Good morning, Legislator. First, I'd like to acknowledge Mr. Schneiderman and Ed Romaine for standing for their constituents in their districts on the sex offender trailer and that's why I'm here today. My name is Michael Brewer. I'm past President of Flanders, Riverside, North Hampton Community Association. I've been one of the active members for the forum, the rally at the Circle and other things of that nature. We've tried to bring people together to band some solutions, not just be NIMBYs, which most of the Legislators in this room are being with this situation, not in my backyard. There's been vouchers, programs that have been proven to work in other parts of the country, along with Nassau. I ask you to please pass the voucher system, and every Legislator in this room to please go back to your districts and try to find a place that's viable for a trailer, so you

could house your own sex offenders instead of us having the whole burden on ourselves.

I have three lovely daughters. I don't know how many people up here have children. I have to show faces. I try to be proactive in solutions to -- for the -- showing my children of what to look for and things that they should do in the community. Okay? Should I have to show my children, my three girls, 13, 15 and 17, 35 faces of sex offenders that we have housed in these two trailers in Southampton Town that come from your districts, or should I have to show them three or four that live in our community that should only be in our district? I'm not saying not in our backyard, but I believe you guys are. You need to have your share. Why should we have yours?

The jail doesn't work. Why? Because everybody thinks that they're indoors? They're not indoors, they're out there in the parking lot. If they could -- they could do whatever they want, just like they could do whatever they want in your district, but that's something that you politicians need to come up with viable situations to try to handle that? Why should we carry that burden? We shouldn't.

We've met with the County, and Mr. Zwirn, and the DSS and tried to come with solutions. I would ask that you pass this voucher system and then let's look for some solutions. We've come up with some ideas about putting trailers in police stations in your district for overnight. Is it safe to say that because they're in the parking lot of the jail that they're confined? No. They will be just as confined in a trailer at a police station at night.

Let's do the morally right thing. Let's not put them in anyone's district. I'm appalled at the testimony of some of the Legislators, "Well, that's the best place to be," because they're not in your backyard, they're not in your community. Do the right thing. You're politicians. Of course no one's going to like it in your districts. One day it's going to come down to that, and let's face it, you know, it's only a matter of time before the State's going to be forced to do something. But, as Legislators, let's try to enact something that works for everybody. The voucher system is a proven system. Let's start with that. Let's close these trailers and then let's look for some other solutions. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Brewer. I guess I started off by jumping in, which I really shouldn't do under the public portion. I just have to point out to the speakers, because we have a number of speakers on this subject, the Legislature does not vote on the voucher system. This is a policy by Social Services. The vote that you're referring to was to increase the petty cash fund in Social Services, that I believe was tabled. We did not vote on the voucher system. The voucher system is in effect. I know it's in effect because I have a couple of these folks in my district; just yesterday was involved with it. So, you know, if somebody's telling you we have a vote on the voucher system, we do not. It's a policy by the County Executive, just like the policy to put the trailers in the jail parking lot was a policy by the Executive Branch.

LEG. SCHNEIDERMAN:

Sorry. If I may, there is a vote today on the funding --

P.O. LINDSAY:

I don't want to debate the issue, I just want to straighten out the misimpression that people are saying that we have a vote on the voucher system.

LEG. SCHNEIDERMAN:

There is a vote on funding the petty cash system, which will enable the voucher system.

P.O. LINDSAY:

The petty cash system. I don't want to debate it, Legislator Schneiderman, I just want to make it clear. Kelly Powell. Oh, I'm sorry. David Martine, followed by Kelly Powell.

MR. MARTINE:

Good morning, everyone. My name is Dave Martine. I'm Director of the Shinnecock Nation Cultural Center and Museum, but I am also here this morning as a Board Member of The North Sea Poetry Scene, and I'd just like to speak in support of Tammy Nuzzo-Morgan, that -- and communicate a little but about what we have in our collection.

We have priceless archives, books, videotapes, a world class poetry and literature collection that really needs a place, a permanent place that can be of a benefit to everyone in the County. We have a membership that's worldwide. We have a reputation that is really tremendous, because we can afford the opportunity of artists, literary people of all creative areas to come together and share their talents for the public. And we really don't have a good place to store this world class collection. It really is a wonderful selection of materials. If you would allow us to be able to renovate the facility, it would really be a remarkable addition to the cultural life of Long Island and the region. So I would just please ask for you to please consider the proposal, and thank you very much. Applause.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Martine. Kelly Powell -- Mason Haas has spoke already -- followed by -- Douglas Swezey has spoke already. Kelly Powell. You're there? Okay.

MS. POWELL:

Oh, I'm on the time already. Okay. We weren't aware that you didn't know about the poetry archival project. I just wanted to say good morning. I'm a voter in the 18th Legislative District. My name is Kelly Powell. I represent The North Sea Poetry Scene in our plea for assistance in finding a home for the Long Island Poetry Collective -- Archival Center. I'm sorry, different thing.

I'm proud to be a poet. I'm also a mother, a bookkeeper, and a taxpayer. I'd like to answer the question of whether or not poetry is important by quoting William Carlos Williams, that poetry doesn't bring very much of the news, but there are people dying of a lack of what is found there.

There's several thousand poets in Suffolk County alone. We represent all walks of life; teachers, naturalists, accountants, business owners, scientists, artists, customs brokers, dentists, doctors, pilots, nurses, lawyers, policemen, seniors, students and veterans, just to name a few. We represent all communities in Suffolk County. We'd like to see a center where our collective history is not only stored, but honored and available to the public, a place where it's protected and enjoyed. It would be a place to showcase the hidden talent of Suffolk County, Long Island. There are a thousand voices on Long Island, and poetry, and music and art continues to grow in a renaissance, despite war, crime and economic crises. Arts programs are the first thing cut from budgets and programs, but hundreds of open mikes spring up where young people and people of all ages can share their ideas, their talents, and build community and confidence and self-esteem. We'd like to see Long Island poetry have a home base, and I'd like to thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

Thank you. We've been joined by Councilman Creighton from Smithtown. Councilman, you want to come forward with your comments?

COUNCILMAN CREIGHTON:

Good morning, Ladies and Gentlemen of the Legislature. My name is Robert Creighton. I am a former Police Officer, and I am currently a member of the Town Council in the Town of Smithtown. But I must, in the interest of full disclosure, say to you that what I want to speak about today refers to my father-in-law. I'm here to support the naming of the Fourth Precinct the Cyril J. Donnelly Building in Hauppauge.

Cyril J. Donnelly was a long-time Chief of Police of the Town of Smithtown. He became the Chief of Police in Smithtown 1935; served in that purpose until 1960. He was community policing long before there was any such thing as community policing. He was a graduate of the F.B.I. National Academy, a member of all organizations that you can think of, and was a particularly important person in the Town of Smithtown, which is where the Fourth Precinct is. After serving for 25 years as the Chief of Police in Smithtown, he and a group of the Chiefs of all the five western Towns and the government of those Towns put together the basis for the brand new Suffolk County Police Department, which is 50 years old this year. And those Chiefs, who were not particularly sophisticated people, and I'm including my father-in-law in that group, put together a very, very sophisticated Suffolk County Police Department, which went into effect January 1st, 1960 in a seamless transition, which was remarkable.

My father-in-law, Cyril J. Donnelly, or Cy Donnelly, served as the Chief Inspector of the Suffolk County Police Department until 1973. As the Chief Inspector, he was the highest ranking Police Officer in the Suffolk County Police Department. He was very instrumental, along with Commissioner John L. Barry, for the formation of the Suffolk County Police Department, and he is well deserving of this honor to have the building in the Fourth Precinct named after him. He would be honored by it, certainly my family would be honored by it, and the people of the Town of Smithtown would be honored by your decision.

I also wish to tell you that the Supervisor of the Town of Smithtown, Mr. Vecchio, and the rest of the Town Board completely supports the naming of this building. Thank you very much for your attention.

P.O. LINDSAY:

Thank you, Councilman.

*(*Applause*)*

We have -- next speaker is Inspector Ed Brady I from the Second Precinct. Ed? Followed by William Bluemel.

INSPECTOR BRADY:

Mr. Lindsay, Members of the Legislature, thank you for allowing me to speak before you today. I'm here to speak to you in regard to a resolution put forward by Legislator Stern in regard to renaming the intersection of Commack Road and Motor Parkway in honor of Police Officer Glen Ciano, who lost his life on February 22nd, 2009 in a motor vehicle accident, which was caused by an alleged drunk driver.

Officer Ciano was a 23-year decorated veteran of the Suffolk County Police Department, who spent his career in the Second Precinct. He was recognized by the Department five times for excellent police service. He received numerous letters of appreciation from the public for his actions taken in service to Suffolk County. He was a leader in his squad and he was respected by his peers and his supervisors. In addition, he was a mentor to the young officers when they came on the job and to serve in the police service. His tragic death was a profound loss to the Second Precinct, and in particular, to the members of Squad 4.

The naming of the intersection of Commack Road and Motor Parkway to Glen Ciano place would be a fitting and proper honor to an officer who gave his life in the service to the County of Suffolk. And I thank you very much.

P.O. LINDSAY:

Thank you, Inspector Brady, for taking the time to come out and talk to us about this subject, I really appreciate it.

INSPECTOR BRADY:

Okay. Thank you, sir.

*(*Applause*)*

P.O. LINDSAY:

William Bluemel, followed by Mike DePaoli.

MR. BLUEMEL:

Members of the Legislature, good morning, and thank you for the chance to speak before you today. I rise in favor of the County purchase of the Long Island Beagle Club. As one of 26 owners, I think it is a win-win for all parties involved. The Town, I have met with various members of the River Town Board. They seem to be all for it. I have met with various people and spoke with various people at the county level, and it's really a piece of property that somebody should come out and see. It's 150 acres, totally fenced in, consists of two large barns, a brick clubhouse, and it probably has more wildlife than any other single piece of property on Long Island.

In speaking with the Riverhead Town Board, and the Riverhead Town Attorney, and the Riverhead Town Supervisor, Sean Walter, the Town is willing to go into a management partnership with the County. In other words, the County would supply the funds, and the Town would manage the property. Riverhead would have use for this piece of property as the new Riverhead Animal Shelter. It is a win-win for all parties involved.

But before I go on, let me just give you a very, very brief history of our club. The club was started in 1932, and we were at two locations prior to where we are now. First was in Commack, then we were in Coram. Needless to say, I was not there in 1932, but the site has never -- has not been farmed for the last 50 years. It is as pristine a site as you will see anywhere in Suffolk County. All the contiguous property to our 150 acres, all the building rights have been sold off. Our building rights are still intact. We are the last piece in what would be called a very large puzzle. And with the County purchase of this property, it would then be -- it would then be comprised of many, many hundreds of acres that will be preserved for ever wild.

We've had various conservation groups come in and survey our property, one of the woman you heard speak before from the Riverhead Open Space people. I never realized the diversity of that habitat until I was told by experts. Many of our members want to sell to a builder and, indeed, we had it sold to a builder a couple of years ago. That had fell apart at the last minute. But I speak for 26 other owners and/or shareholders, and we have often said that we could all, not to sound dramatic, but we could all leave this earth very happy knowing that the place was preserved for wildlife and basically for the people of Suffolk County.

Thank you for your time. And in closing, I want to especially thank Ed Romaine, who was the one who picked up the ball on this and carried it forward. Thank you, Ed.

P.O. LINDSAY:

Okay. We have Mike, followed by Carl Iacone.

MR. DEPAOLI:

My name is Mike DePaoli, I'm a Vietnam Vet, I'm a Suffolk County resident. I'm here to speak about endangered species called the "Suffolk County taxpayer".

If you look on that side of the horseshoe and we look on this side of the public, we see that there's an imbalance. It's called a taxpayer holocaust that's going on, not only in Suffolk County, but across our nation. Disfunction of government on the Federal level and on the State level, and now more or less on the local level, we're spending and spending and spending.

Today's newspaper, Newsday, another endangered species called "the free press", high unemployment, high foreclosures. People are in dire straits. We need a public advocate. We need a voice in Suffolk County to tell the State, to tell the Federal Government, that we've had enough and we're not going to take it anymore. Where is the taxpayer represented across the board?

We have a one-party political system. I don't know the difference anymore between a Republican and a Democrat. You go to Suffolk County Board of Elections, there's no representation for the largest component of the electorate, is the Independent. Where is the Independent commissioner? Where is there a commissioner for the Conservative Party, and for the other parties that should be represented. A one-party system, that's not what we fight in this country for, it's called democracy. You are our voice.

Suffolk County needs, demands a public advocate. New York City has it. There are other public advocates across this nation. I suggest and I propose -- I indicate that you, as our lobbyist, please establish an Office of Public Advocacy in Suffolk County, and perhaps maybe our voice can be heard, not only here, but through the State and through our Feds government. It's time now to get up, and yell, and scream and demand our rights. We need that more so. We have people that are dying today fighting for freedoms.

I'm offering once again the opportunity for this Legislature to stand up to show some guts, to show some courage. And, in reference to that, our Army is at the forefront fighting for us on a day-to-day basis and they're representative now of a new flag for the Army. It's also called the Single Star. Where is the public advocate? The holocaust of our taxpayers now is endangered. It's now to call out the Federal Government, it's now to call out our army. You are our army, you are our lobbyists. Mike DePaoli, Vietnam Vet, Suffolk County. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Michael. Before we go to our next speaker, I'm going to make a motion to extend the public portion.

LEG. LOSQUADRO:

Seconded, Madam Chair.

LEG. CILMI:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Cilmi. All in favor? Opposed? Okay. We're extending the public portion.

MR. LAUBE:

Fifteen.

D.P.O. VILORIA-FISHER:

Our next speaker is Carl Iacone.

MR. IACONE:

No. You had it right the first time, Iacone.

D.P.O. VILORIA-FISHER:

Iacone.

MR. IACONE:

Can everyone in this room hear me, because the {accousticals} are very bad in the back. We listened to some and some we cannot hear. You did a beautiful job here, but I got to admit, the

{accousticals} are kind of bad.

My name is Carl Iacone and I am a resident of Flanders. I've been a resident for 17 years and I'm here to speak on the sex trailer subject. As you can see, I don't have anything in front of me, so whatever I'm going to say is from my heart, and it's that you people that are supposedly supposed to represent us.

Mr. Chairman, you were right in what you said. The voucher program for the trailer program came from the County Exec, but you are here today to vote on allocations to add to that. My impression is that we're going to get nowhere with this, nowhere at all, and you know why? You people are dragging your feet, you're dragging your feet for your image, and we don't want to see that.

We're from Flanders, we're from the area around here. You know how far those sex trailers are from here? A stone's throw. They're in the jail? I don't think they're in the jail, they're in the parking lot with a fence around it, and that's been brought out. Many things have been brought out to you people, but it seems that you're wearing earmuffs. Nobody wants to hear from us because we come from Flanders. I don't know why that impression is so important on people, but we're the same as anybody else, the same that you represent your people from, and we want to be treated in that same respect.

I'm a Korean Vet. I went when they called me. It was a police action the time that I did go. What if I had refused and I didn't want to go? You know who'd be sitting there today? People from China, people from another country, whatever we went to fight for, but we fought for democracy. You people aren't fighting for democracy, you're fighting for your little piece of land that people vote you from and it's not a right way to do it. It's not a right way to do it. We're all the same. We want the same respect as you would give anybody in your area, and that is to consider us.

I stood here two -- over two years ago with a sign and it said, "Share the burden." You didn't listen then. I don't know if you're going to listen now, but I'm here before you to try to make you understand. We want a democratic way of doing this, and however you're going to do it, come out and do it. Don't just say it and pass the buck from one to the other to the other. We don't want to hear that, we don't want to see that. You're government, your supposedly supposed to be our government. When I use the word "our", I mean all, for everybody. So don't just pick the little spot that you represent. We have representatives here to have their hands tied because you're sixteen against two. Get on the field and play ball like that, see where you wind up. So I say get all together and start playing ball right. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Charlene Knadle followed by Barbara Meyers.

MS. KNADLE:

Thank you very much for this opportunity to speak. I'm speaking on behalf of the poetry archive and art center. And I believe in it as a place where people can hone their language skills, which is very important in terms of developing the populous of Suffolk County. And businesses also are extremely appreciative of employees that they have who can communicate, and they find generally that it's hard to find from among them the ones who can communicate well. Poetry hones those abilities to communicate, and even novelists, of whom I am acquainted with many as a member of the Long Island Authors Group, it is considered that poetry is the highest form of communicative expression.

I was in a large audience with a Pulitzer Prize winning playwright, a novelist, and a Nobel Prize winning poet, and one of the others -- then the poet said, "I would love having nothing more as my legacy than an amazing line of poetry."

I teach at Suffolk Community College's Michael T. Grant Campus and I am in communication continuously with freshmen and sophomores who are just past that teenage point where they have been in love with poetry for a short time and are still remembering that, and, in fact, are secretly still practicing it, and those people would be among the ones who would be attracted to a poetry archive and art center, and be willing to go there and read some of the poems and the many, many volumes that have been made available, and to see the history of poetry on Long Island, not squirreled away in the university setting where Ms. Nuzzo-Morgan has decided she would prefer not to sequester Long Island and Suffolk County's poetry, but would prefer to make it available to the public in general, an idea with which I greatly agree. Thank you very much for listening to me.

*(*Applause*)*

P.O. LINDSAY:

Okay. Barbara Meyers, followed by Linda Ogno.

MS. MEYERS:

Good morning, Mr. Lindsay and Legislators. Thanks for having us here. My name is Barbara Meyers. I'm a member of the Long Island Poetry Collective and The North Sea Poetry Scene. You have here on your County park a rundown barn, which is a danger and a magnet for trouble. What we propose is to renovate this barn without you guys laying out a penny, which is good news, I'm sure. And we would construct it, and we have plans to have a -- not only a poetry archival center for over eighteen hundred books so far, and in the wings there are more books waiting to come, but people are waiting for a decent place to put it. Now we can build up this parkland. We can have a little community garden, we can draw tourists, and we can expand to other arts also. It's not a penny out of your pocket, and it will serve a community. I -- you'd be glad to know I'm not representing the seniors, even though I have gray hair, but I am a member of the poetry community that goes from the age of when people can speak to old age. So it's going to be a magnet for people of all age, for tourism, to build up the parkland, and I can't see anything that's not positive about it.

Thank you for your time. I'll be brief and give my time over to someone else. Thank you. Applause.

*(*Applause*)*

P.O. LINDSAY:

Linda Ogno, followed by Greg Fischer.

MS. OGNO:

Good morning. My name is Linda Ogno. I'm a lifelong resident of Suffolk County. I've lived 32 years in Manorville. I love Suffolk County, and I'm a proud employee of John J. Foley for over 22 years.

I've stood here this morning and I've listened to, you know, our senior citizens and people that have sacrificed, and we at Foley have known that for the last two years. I know over 200 women there that are extraordinary, who come in every day under the circumstances they've had to work, especially under the last couple of years. We've given up over 70 of our employees. The nurses has given back 4% of their salary. They come in every day. We just passed the State survey even under these conditions. And these people coming here, you know, most of our children have come in there to volunteer their time. I have three of my kids, three out of four of them, and they've been coming in since they're little, volunteering their time. This is not just an institution here on Long Island, this is a way of life for a lot of our people that live there, and I just would like my representatives here to understand that. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Greg Fischer, followed by Dominick Ogno.

LEG. GREGORY:

Hi. I'm Greg Fischer, Suffolk County resident, resident of Calverton. I'm here to speak in support of a bill being laid on the table by Ed Romaine today, it's an anti-abduction bill. I'll go into further detail at future meetings, but there are now several holes in the law that allow for parental abduction, allow for New York State Family Courts to be thwarted completely by the removal of children from the state taken to other states. There are about a quarter of a million to 350,000 parental abductions a year, based on the Federal numbers. That translates to no less than 5,000 in Suffolk County.

The New York State law is so weak on custodial interference that the police don't know how to enforce it, they don't know when to enforce it, the District Attorney doesn't know. Anna here was abducted for 25 months. Abduction commences on the concealment of a child. No different than a stranger abduction, a parental abduction is usually done by an unwell person, somebody with mental health issues. That abduction for Anna was not resolved for 25 months. This can all be done under color of law and it never results in a good thing for the child, never.

So I guess we'll be speaking more about this in the next few weeks. And I'd like to thank Council -- Legislator Romaine for introducing this very, very important legislation. It's very complete in its detail, but I'm glad to add more and answer any questions necessary. It's no different than what we did for cell phones or other things in Suffolk County as innovative law that actually did sweep the nation. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Dominick Ogno, followed by Andrea Spilka.

MR. OGNO:

Good morning. Thank you for letting me speak. I've been a County worker for over three years and a volunteer for over 15. I didn't come here today to give you the thousands of reasons why John J. Foley should stay County-ran, or even argue the only reason why County Executive Steve Levy wants to close John J. Foley, which is over money. I came here to talk to you today about a man, a man who had a dream, where all County residents would have a place to go if they were ever struck with an illness or crippled over an accident. John J. Foley Skilled Nursing Facility is that dream. Mr. Foley will always be a legend to us, a legend who stood up against the rising of a tide and fought for what he thought was right. I came to you today, the Legislators, to make sure that that man's dream does not end. So I'll leave you with a quote, which I hope will be in your head when you go to vote on keeping the building County-ran, and that is, the unreal is more powerful than the real, because nothing is as perfect as you can imagine it. It is only intangible ideas, beliefs, concepts that last. Stone crumbles, wood rots, and, well, at John J. Foley, we know, people, they die. But a thing as fragile as a thought, a dream, a legend, like Mr. Foley, well, that will go on and on.

*(*Applause*)*

P.O. LINDSAY:

Andrea Spilka, followed by William Hughs.

MS. SPILKA:

Good morning. My name is Andrea Spilka. I'm the President of the Southampton Town Civic Coalition. I appreciate the time to speak before you today. I'm here, as well as many of the other people from our area, to ask you to increase the petty cash fund so that we can remove the trailers from both the Riverside area and from Westhampton.

As you've been told, our requests aren't new. We came before you in the Spring of 2007 asking you to share the burden. We held a forum right here in Riverhead. We had over 300 people in January of 2009 where people came out, over 300 of them, in the middle of a snowstorm trying to come up with a better solution. We understand it's a difficult problem, but the trailers in one location definitely is not the answer.

At the time we asked the County, the County representatives and the State representatives to come up with a better solution. What they came up with, one was defeated in terms of moving it to the -- you know, adding another trailer. The voucher system has been in effect, as you've heard, in Nassau County and other parts of the state. We're asking you again to authorize the money so that you can, even if it's on a temporary basis, go ahead and use the voucher system.

We need to close the trailers. It's the right thing to do. We're asking that you continue to work as we will to find better solutions in the long run. But in the short run, the only decision is please allocate the money, close the trailers. Be fair to the taxpayers of Suffolk who are paying an inordinate burden for people to be transported back to their home areas every time at a daily basis that they have to be -- if that they're staying in the trailers. And most importantly, be fair to the residents of Southampton and to Riverhead. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

William Hughs, followed by Stephen Serot. I think that's Serot.

MR. HUGHS:

Good morning. Thank you for having this forum here in Riverhead today, and thank you for allowing me to speak. My name is William Hughs. I'm a resident of Southampton, where I've lived and worked since 1975. I'm also a candidate for Town Council. I'm here to support Legislator Romaine and Jay Schneiderman in their initiative.

I'll just kind of parrot what Carl Iacone and Mike Brewer said. This is not fair. It is not fair that we share the entire burden of the County. Economically, it is not sound. We want fair government, that's all we're asking for here. These men come and go as they please. There is no restriction and we have the entire burden in the Town of Southampton and Riverhead where the border is right here at the river. We want a shared responsibility. You said that it's policy, Mr. Lindsay. If it's policy, policy can be changed. Policy is not law and we all know that, you're Legislators.

Again, I wish you'd please look at the initiative, which Legislator Romaine will bring up, and Jay Schneiderman. Thank you, and have a great day.

*(*Applause*)*

P.O. LINDSAY:

Okay. We have Stephen, followed by Bridget Fleming.

MR. SEARL:

Good morning, Presiding Officer, Members of the Legislature. My name is Steven Searl, and I'm Project Manager with the Peconic Land Trust. I'm here to express our support for Resolution 1027, authorizing planning steps for the Long Island Beagle Club property.

And I apologize to some members of the Environment, Planning and Agriculture Committee who have heard me before, but I just wanted to reiterate for the full Legislature the importance of this property and the reasons why we think it's a priority open space preservation project.

First, its size. It's 150 acres, making it one of the largest unsubdivided remaining parcels on the East End. Second, its location in a special groundwater protection area is very significant. Third, its visibility. There's about a half mile of road frontage, property road frontage along Edwards Avenue. Fourth, it boasts a wide array of habitat and species diversity. Fifth, the property has the potential, once preserved, for public access and passive recreation for the broader community. And finally, I think the most important is that it's the last piece of the preservation puzzle. If preserved, it would complete one of the largest blocks of preserved land in the Town of Riverhead, by my calculation, at least 450 acres. It would serve as a buffer between the agricultural lands that run on the western side, western side of Edwards Avenue and a large scale residential development, which is directly across the street.

The preservation community has been working on this important project for years now, and we're closer today than we've ever been before. With your help and the approval of I.R. 1027, we can begin the Legislative process necessary to preserve this property. Thank you very much for your time.

*(*Applause*)*

P.O. LINDSAY:

Bridget Fleming, followed by Richard Amper.

MS. FLEMING:

Good morning, ladies and gentlemen. I'm Bridget Fleming. I'm a resident of Noyack in Southampton Town, and I, too, am running for Town Council in a special election next Tuesday. I'm here to speak in favor of Resolution 1047 for increasing the DSS petty cash fund to enable the voucher system to operate, and also to comment generally on the trailers for homeless sex offenders.

It's interesting that the voucher system was suggested when a town other than Southampton was slated to begin to bear some of the burden for housing these individuals. I was a prosecutor and specialized in sex crimes when Megan's Law was enacted, and we in the law enforcement community, as well as the families and the victims of sexual offenses, considered this a great step forward in ensuring the security of our communities. To ask that one community bear the burden of housing all the individuals from the entire county I dare say is a step backward in ensuring the security of the community.

I would ask particularly that you Ladies and Gentlemen not fall for the false argument that seems to be floated, that because the location in Southampton is on the property of the Riverhead Jail, that it is somehow more secure than locations elsewhere throughout the County. In fact, it's in a parking lot of the jail and it is no more secure because of that location. The jail security is not in place in those trailers, and these individuals are free to come and go.

There was some discussion that this is a policy of the DSS and it's not up to your body to take steps to ensure the security of the community in this respect, and I would respectfully disagree. The voucher system must be funded in order to enable it to operate, and so I would ask that you vote yes on that Resolution 1047. I'm not suggesting that there is a silver bullet or that the vouchers represent a silver bullet. This is a very difficult situation, but I suggest that the voucher system, having come up when a town successfully fought the placement of the trailers in their community, suggests that there is a political will to find some solution other than lumping all these individuals in one place in communities other than their own and in our community.

So I would ask that the legislation -- the Legislators here go ahead and vote yes on that voucher legislation in order to keep that petty cash fund funding the vouchers, so that we can continue to explore -- we can continue to explore solutions to this particular solution, which is the trailers. We need to shut the trailers down in Riverside and we need to find solutions that incur the burden on all the members of the County. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Richard Amper, followed by Tracy Ferguson.

MR. AMPER:

Sorry, I filled out the yellow card for the Public Hearing on the farmland stuff later and I'll come back. The Beagle property is a very important acquisition. We support that, too. Thank you. Applause.

*(*Applause*)*

P.O. LINDSAY:

Tracy Ferguson.

MS. FERGUSON:

Good morning. I'm here to support Legislator Romaine and Schneiderman. I am a resident of Westhampton Beach. I am the mother of five children who attend the school district. I am also a Girl Scout leader there. I am also a parent member for the Committee on Special Education for my school district, and I've been an EMS for the past 15 years as a volunteer.

In Westhampton Beach, I have volunteered as a paramedic. We had a call at the trailer this weekend, we also had one this morning. Have you ever been inside one of the trailers? I'd also like to remind you that this takes away from my services to the people who pay taxes in Westhampton Beach by responding to your overflow in the sex offender trailers. So I'd ask you nicely to reclaim what's yours.

Applause

*(*The following was taken by Alison Mahoney - Court Reporter
& transcribed by Denise Weaver - Legislative Aide*)*

P.O. LINDSAY:

Okay. Jose Torres, is he -- did he step back in the room? I guess not, okay.

I do not have any other cards. Is there anyone in the audience that would like to speak to us that hasn't filled out a card? Please come forward, Madam, and identify yourself.

MS. {CESSA}:

Good morning. My name is Charlene {Cessa} and I work at John J. Foley. We've been breaking our backs out there for the last two years to keep it 95% bed-full at the facility. And Mr. Levy is undermining all the hard work that the committee and the workers have done every time this facility comes out in the news, papers, that the residents and families work to ensure that their future is upheld.

So I would like to say that I hope that you all still support us and stay on our side and help keep us open and keep a home for these people and jobs for us. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you very much. Is there anyone else that would like to address the Legislature? Seeing none, I will accept a motion to close the public portion.

LEG. LOSQUADRO:

So moved.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

We stand closed.

Again, in the interest of -- we had a lot of speakers this morning on different subjects and I weighed in to make some corrections on some misimpressions. The Senior Legal Aid Program that is going to be managed by Touro Law School is not going to be handled by students alone. My Aide was there this week, they are going to hire two attorneys and a paralegal to supervise and work with the clients as well as use some of the students to help in this process. The Legislature did not take that program out of the budget, it's been out of the budget for the last three years. We've added it back the last two years, this last year we just didn't have the money to do it and the Touro solution seemed like a good way to go in a tough economy.
So just in the interest of clarification.

With that, I am going to go to the agenda, and I will accept a motion on the **Consent Calendar**.

LEG. LOSQUADRO:

Motion, Mr. Chairman.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

LEG. ROMAINE:

I'm here.

LEG. LOSQUADRO:

Ric's right there also.

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper)

P.O. LINDSAY:

Seventeen, okay. We have -- if you turn to page nine, if you have the paper agenda, **Resolutions Tabled to March 2nd, 2010:**

0011-10 - To designate local newspapers in which County notices may be published (Presiding Officer Lindsay). I know there were some technical problems with this that we didn't pass it the first meeting; they've been cleared up?

LEG. SCHNEIDERMAN:

It's fine.

P.O. LINDSAY:

They've been cleared up, okay.

LEG. MONTANO:

I'm here.

LEG. LOSQUADRO:

Bill, I think Terry --

MR. PEARSALL:

They have not been addressed.

D.P.O. VILORIA-FISHER:

They haven't been cleared up he's saying.

LEG. SCHNEIDERMAN:

My issues have been addressed, but I don't know -- there may have been other technical problems.

P.O. LINDSAY:

Okay. I'm being told that there's still some problems with them, I'm not aware exactly what the problems are yet. So I'll make a motion to table. We meet in two weeks and we'll address whatever problems there are in the interim. Seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1003-10 - Appropriating funds in connection with the implementation of a County database for taxpayer access (CP 1650) (D'Amaro). Legislator D'Amaro, this was tabled. Could you refresh our memory, has this been straightened out?

LEG. D'AMARO:

We had tabled it originally waiting to hear back from the Attorney General's Office on getting some software to help us implement this bill. We just heard back from the Attorney General's Office, so we haven't had a real chance to have that conversation. What I'd like to ask, though, is -- and make a motion to recommit this to the committee.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

I think it's more appropriate there, We can hash it out with the Attorney General and also get the Commissioner of IT back to the committee.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Okay, we have a motion to recommit by Legislator D'Amaro, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions to recommit?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The bill is recommitted.

IR 1047-10 - Increasing the petty cash fund in the Department of Social Services (County Executive).

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Schneiderman, seconded by Legislator Romaine.

LEG. LOSQUADRO:

Roll call.

LEG. KENNEDY:

I'll make a motion to table.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Motion to table by Legislator Kennedy, second by Legislator Gregory.
On the question; anybody want to talk? Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, I would just ask BRO again to go ahead and share with us some of what they've spoken about previously regarding current funding, I guess, that exists within Department of Social Services under the existing voucher program and why, in fact, we are even contemplating this matter at this point. It's my understanding there's sufficient funding there. Quite candidly, I believe the administration could have done this quite some time ago.

MS. VIZZINI:

What this resolution seeks to do is allow the Department of Social Services to replenish its petty cash fund, not when it hits 8,500, but rather when it hits 25,000, so administratively it makes it a little bit easier for them. Some of it has to do with the increasing caseloads and the need for cash on a regular basis; once they hit the 25,000, then they replenish through the Comptroller's Office.

LEG. KENNEDY:

What is the drawdown to date on that -- on the petty cash area that they have elected; or, in the alternative, what has drawdown on housing vouchers been to date?

MS. VIZZINI:

I believe the demand for the housing vouchers is contributing to the need to administratively increase to the 25,000. I'd have to get that for you.

LEG. KENNEDY:

We don't have any specifics at that point? My point is is that if we're being asked to go ahead and increase, you know, even five cents at this point in the environment that we have heard up to this early point. We are facing a budget that everybody's talking about has cataclysmic consequences to it. We're being told on a constant basis that we have no ability to spend anything, and yet we're looking at increasing by 300% the petty cash line.

I would ask specifically that we get some -- a detailed analysis and an expenditure to date on what, in fact, is going on with the Department specifically with the existing housing voucher issuance so that we can then take a look at vouchers and what the expenditure is. If there is some other policy that the administration would like to advance or have us consider, then I'd encourage them to go ahead and bring that forward. But if we're speaking about housing vouchers and some large-scale expenditure in this year that we'd not experienced last year, I for one would like to look at specific trends on this.

So if that's something that BRO can have, or perhaps, for that matter, any member of the administration, I would welcome that.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Thank you. If BRO or the County Executive's Office could answer this question for me. Is passage of this bill going to affect in any way the amount of money that is given out via the voucher system or the speed at which that money is given out from our Department of Social Services, or is it simply meant to make things more efficient within the Department of Social Services?

MR. ZWIRN:
With respect to the speed, if the money had been allocated then I think with respect to the trailers where we were housing homeless sex offenders, that -- those trailers would be closed expeditiously.

Whether this bill passes or not, Social Services -- the policy is to close those trailers. And what will happen is it will just take a longer period of time for it to be done because we're using the same pool of money for homeless sex offenders and also individuals and families that need emergency housing. So the pool of money would be used for both. The policy is not going to change with respect to closing those trailers, but it would -- does effect the speed in which it'll be done. In fact, we had to go month-to-month, I think, with the not-for-profit that is running those trailers. We had expected to close that and now we've got to keep it going until we can make sure all those people are accounted for.

LEG. CILMI:
Thank you.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. You stated the policy and I'm happy to agree with that policy. I think the trailers should close as quickly as we possibly can.

The issue here is, and someone raised the issue of the petty cash fund; we're not adding to the petty cash. The money is going to be spent, it's just how much you have. Do you have a \$50 petty cash, a \$100 petty cash? How often is the petty cash drawn on? Obviously, with homeless people, that number has increased tremendously; not homeless sex offenders, just homeless people. Now we're trying to deal with homeless sex offenders.

Every homeless sex offender which are housed in either Westhampton or in Riverside, every homeless sex offender incurs on average \$15,000 in taxi fare to get where they're going because they're not near neighborhoods that they live in. There are no cooking facilities in that trailer, there are no showering facilities in that trailer, They are given food vouchers. The Social Services Commissioner testified they're all transported west anyway every morning, so they're in your neighborhoods in any event. And what makes them different than anyone else? People say, "You're so concentrated on -- focused on the trailers"; well, I am because they're a visible sign, and most of

the people living in those trailers don't come either from my district or from Jay's district. There are three people from the east end that are housed in those two trailers. The majority of those people come from the west end. But they miss the greater picture; we have at least 95 sex offenders in Riverhead Town that live here, but they're not homeless. That's the only difference, and that's why they wind up in the trailers, but we certainly don't treat them the way we treat other homeless people. Obviously, when you don't provide shower or cooking facilities, something is left to be desired.

This County hasn't developed a comprehensive problem -- how to address this problem, and a lot of that has to do with the State of New York. Because many of the Level II and Level III homeless sex offenders maybe should not have been totally released at the end of their sentence. Maybe they should have been evaluated for continued civil confinement.

So I have a lot of problems with everything. But I definitely have a problem with these trailers continuing to operate, I agree with the County Executive's new stated policy and I'd like to speed that along. But that does not mean that I am prepared just to consider the vouchers the end-all of this. We need to develop a comprehensive program on how we deal with homeless sex offenders, and as a County we have failed in that regard. Thank you.

P.O. LINDSAY:

Anybody else? Yeah, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Maybe I can get Ben back up, too. Thank you. Mr. Zwirn, when you stated a moment ago the policy you said it was DSS' policy to close the trailer; is it the County Executive's policy as well?

MR. ZWIRN:

Yeah, absolutely. No, the County Executive directed DSS to go in a different direction.

LEG. SCHNEIDERMAN:

Okay. So they'll be no --

MR. ZWIRN:

We have tried to find an additional site, and as we looked across the -- we even hired a private real estate firm to take a look to see if we could find a site that would meet all the restrictions that the Legislature and the State, the County Legislature and the State Legislature has set up. We thought we had found a site in East Farmingdale, in Legislator Gregory's district, because it was an industrial area.

When we were looking at the site at the last possible moment, and I went to Farmingdale High School and spoke before a thousand people that night; at four o'clock in the afternoon I was prepared to go down there and tell the people that this trailer was going to open; not a trailer, but a facility was going to open up in East Farmingdale, until we started looking again at the aerial photographs of the site and found a youth facility that we had not seen at ground level, was like an outdoor hockey rink. And the question becomes is that a playground under the definition that the Legislature has, which prohibits it to be within a quarter mile of that location, and we decided -- the County Exec said, "Look, we're not going to split hairs and decide what's a playground, what's not a playground. We're going to err on the side of the legislation and be more conservative." It became apparent that it would be virtually impossible to find another location.

So we adopted -- and I differ with Legislator Romaine because I believe we do have a policy and the policy is a voucher policy which is what other Counties are using, what Nassau County is using to our -- immediately to our west. The County Executive promised to people on the east end, and Legislator Romaine -- actually, the trailers are in Legislator Schneiderman's district completely and border Legislator Romaine's. We said, "Look, we're going to look for other sites." It wasn't just going to be the burden of Riverhead, Riverside and Westhampton that have to bear

the burden for the whole County. It became increasingly apparent that it would not -- it was not going to happen.

And I have to tell you, when I spoke down in Farmingdale High School that night, there were a thousand people in that room, a thousand people, and they had been notified that this facility was not going to be opened. Now, if they had thought that that facility was still going to be open, there would have been 2,000 people in there and it would have been the first time in my history that I would have asked for a Police escort to get out of there; that's how angry people were.

I've never seen an issue that has galvanized communities more than this, and the County Executive as well. So we said, "Look, we'll have to disperse people through the County." I think we're filing a bill that will be laid on the table today which is asking for a task force for Legislators to go back into their own districts and see if they can locate a spot.

*(*Laughter*)*

And by the laughing, I think that may be, you know, tabled subject to call.

LEG. SCHNEIDERMAN:

That's laughable, yes.

MR. ZWIRN:

I'm just saying, what it does is it brings to the Legislature the same dilemma that the County Executive was facing and deal with it on a Countywide basis. He had -- to his credit, he had broad shoulders, he made the decision. You know, I went out to Riverhead and I went out to Westhampton and Hampton Bays to talk about the County Executive's, you know, the trailer policy because we thought that was the best policy that we could come up. We understand that there was no support for it virtually anywhere. So we went to plan B and we looked around. So I differ that when you say you may not like the policy, Legislator Romaine, but there is a policy in place and that's where we're going to go forward, because it is such a difficult problem; it's a Countywide problem, it's a Statewide problem.

The County Executive has supported, you know, civil confinement laws. We've asked for legislation that was sponsored as a result of the meeting we had out in Riverhead High School with Assemblyman Thiele and Senator LaValle put in legislation saying that before a sex offender can be paroled, they must have a permanent address where they're going to, just not go showing up at DSS to find temporary housing, and that's pending up in Albany today.

So we have tried to do what we can from our end. But I just say that the voucher system is going to be in place, unless, you know, everybody can find a location within their districts, and that may virtually be impossible to do.

LEG. SCHNEIDERMAN:

Mr. Zwirn, the voucher system seems, at least in the interim, the right direction to go.

LEG. ROMAINE:

Right.

LEG. SCHNEIDERMAN:

The fairest direction to go. Yet this body is unlikely to fund it because of the problem with closing the sex offender trailer in Riverhead, in this area, will mean the sex offenders are going to stay where they're from, in many cases their district. So it's easy from a political standpoint to say, "All right, the sex offenders in my Legislative District," not mine, but theirs, "are being rounded up at night, the homeless ones, and brought out to the east end." So I can understand the difficulty from a political perspective, yet it's the right thing to do to share this burden and not to dump all these individuals into one community as we're seeing now.

So I have implored the County Executive to figure out a way to fund it without coming to this body, and I believe there were some efforts underway to do that. Can you apprise me of any success in that regard, figuring out how to get the voucher program going without the approval of this Legislative body?

MR. ZWIRN:

I think that the process is going forward. I mean, they are using the petty cash fund. It's just going to take a lot longer.

LEG. SCHNEIDERMAN:

When you say longer, I need to be able to tell my constituents a sense of this timeline. Now, I know there was one court document I saw that said something like March 31st in a stipulation for an extension of time, that the County would intend to close these facilities by March 31st. Is that date still a correct date; is that a target date, or no?

MR. ZWIRN:

It's probably a target, but I'll have to get -- and it depends on how many people we have on a given night.

LEG. ROMAINE:

Right.

MR. ZWIRN:

If it's a smaller amount then we can handle it. If it's the number -- it varies from, you know, day-to-day from the weather, I mean, it just -- we don't really know a set number.

LEG. SCHNEIDERMAN:

Give me a day.

MR. ZWIRN:

If we had more money, we could move the program along a lot faster. We had to go month-to-month. Originally it was 30 days from the date that the County Executive announced and asked DSS to go to a different system, that we had terminated the contract with the not-for-profit that ran the trailers with the security system.

LEG. ROMAINE:

February 11th.

MR. ZWIRN:

We have had to extend that on a month-to-month basis until we can get the trailers closed. It is a question as the money becomes available, DSS is going everything they can to implement this new policy. If we have additional funding, which would not only go just for homeless sex offenders but for people who are homeless in general, but a good part of it is going to go for this program.

LEG. SCHNEIDERMAN:

I think we were told originally February 11th they were going to close; that date has now --

MR. ZWIRN:

Come and gone.

LEG. SCHNEIDERMAN:

-- come and gone. The people standing in the back want to know what date these sex offender trailers are going to close.

MR. ZWIRN:

I will try to find out --

LEG. SCHNEIDERMAN:

That's what I'm asking for is a date.

MR. ZWIRN:

I will try to find out from Commissioner Blass if they have -- they'll have a target date and then they're still getting -- the circumstances may adjust that one way or the other. But I've assured the individual -- the folks that are here, and I've met with them many times over the last couple of years and they've always been very respectful even know they're very passionate about this issue and we understand that, they have always been very respectful and very civil to the County Executive's representatives at their meetings. They are going to get what they had hoped for and what you gentlemen had hoped for for your constituents, it's just going to take a little bit longer. But the commitment has been made, we're not looking to go reverse it. And with the legislation that's been proposed, it's just going to show everybody how difficult a situation this is. But I'll find out if I can get a better target date for you.

LEG. SCHNEIDERMAN:

If you would. I would appreciate that. Thank you, Mr. Zwirn.

UNKNOWN AUDIENCE MEMBER:

Mr. Presiding Officer?

P.O. LINDSAY:

Public portion is over, I can't take any other comments.

UNKNOWN AUDIENCE MEMBER:

I just wanted to ask Mr. Zwirn one question.

P.O. LINDSAY:

Ask him outside. There is no more public portion. Legislator Montano.

LEG. MONTANO:

Actually, I was going to ask Mr. Zwirn a question, maybe so much from Social Services. We're talking about this voucher system, Ben, and the question I have is is it on the record how many offenders we have in Suffolk County and how they are disbursed by district today?

MR. ZWIRN:

Well, we could get that information. I think there are roughly about 950, give or take, registered sex offenders living in Suffolk County.

LEG. MONTANO:

Okay. And --

MR. ZWIRN:

There's about 35 to 40 at the most that have been -- well, the trailers --

P.O. LINDSAY:

I just had this discussion with the Commissioner, forgive me --

LEG. MONTANO:

No, go ahead, I want to know.

P.O. LINDSAY:

-- yesterday, I had two discussions with him. He told me there was in the neighborhood of 400 and change in the County; not homeless, but sex offenders.

MR. ZWIRN:

My understanding is that it's closer to 950.

P.O. LINDSAY:

Okay, Then maybe I misunderstood the answer I got.

LEG. SCHNEIDERMAN:

Are you talking about Level II and III?

P.O. LINDSAY:

Maybe.

MR. ZWIRN:

Yeah.

LEG. MONTANO:

Right, and that's the question. Now, of these 900, do you know presently how -- do you know how they're dispersed in terms of districts?

MR. ZWIRN:

We could -- you could find that information out pretty much on the website, on the DCJS website for sex offenders because they all have to register. So you could do it by zip code and that will tell you how many -- not only tell you how many, it will tell you who they are --

LEG. MONTANO:

And where they're located.

MR. ZWIRN:

-- and where they're located.

LEG. MONTANO:

Okay.

LEG. BROWNING:

Bill?

LEG. MONTANO:

Kate, did you want to --

LEG. BROWNING:

Yeah, I'd like to add.

LEG. MONTANO:

I'll yield to Kate. I'll yield to her.

P.O. LINDSAY:

Well, the only thing is that I have a list and Legislator Viloría-Fisher was next.

D.P.O. VILORIA-FISHER:

I'll yield to her if she can answer it.

P.O. LINDSAY:

Okay. Go ahead, Legislator Browning.

LEG. BROWNING:

To add to your question, the Parents for Megan's Law website is the site that I use to check because there are sex offenders on that website that are not on the DCGS -- JS website. And again, to talk about saturations, I have saturations of sex offenders, so I took exception to some of the comments today about being a NIMBY. These sex offenders are living in my district, and there are probably about 900 total in Suffolk County in the five western towns; it is, I think, around 500. So, you know, we all have this problem. You know, nobody wants them in their district. Some of us are taking more than our fair share.

LEG. MONTANO:

Thanks.

LEG. BROWNING:

And so to support housing homeless sex offenders which could possibly wind up again in my district, and I'm getting tired of every campaign season where my opponents are telling me I'm housing them there, and I can see in two years from now I'm going to get accused of approving petty cash to house sex offenders in my district. So I can't support this right now.

Yes, I do feel for the Riverhead residents, I understand what you're saying, but again, we have to come up with a solution for this problem. Many of them are on parole and that is our biggest problem is to get that civil confinement.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Was Ric done?

LEG. MONTANO:

No, I'm just going to make one --

P.O. LINDSAY:

Okay. Go ahead, Legislator Montano.

LEG. MONTANO:

They actually asked me to test my mike, so I'll ask a question, and it's still not working. It's working but you have the sound.

LEG. LOSQUADRO:

Feedback.

LEG. MONTANO:

The problem with the voucher system, Ben, as I see it, is that there are certain areas that because of their housing patterns and their exclusionary zoning laws, you're not going to find any sex offenders. And what's going to happen is that they're going to be continually placed in certain communities, like Legislator Browning's district, my district and other districts. And people come here and say, "We'll take our fair share, we're not being NIMBY," etcetera, etcetera, but the reality is that there isn't an equal distribution. And until you can come up with a plan that places this burden that belongs to Suffolk County evenly throughout the County, you're going to find resistance. And submitting a bill asking us to find a place in our district to locate housing, you know, sex offenders I think is -- I think you know you're wasting your time and we understand very clearly how political that is, but that's not a solution to the problem. And I think what you need to do is address the problem fully before you come here and ask us for, you know, a dollar here and a dollar there, because we're not really

solving the problem, we're just pushing it around. And I think that's the reaction that -- you know, that's certainly what I'm feeling. And, you know, we will look at this website, but there's not an equal distribution now and there's going to be a more unequal distribution after you institute your program.

MR. ZWIRN:

Well, there are exclusions. There areas that they're excluded; it's playgrounds, it's parks. There are a lot of -- and there are other things that were even added to the mix that didn't get passed. We recognize that, and the County Executive has tried to work within the parameters.

There have been cases that are now working their way up to the New York State Court of Appeals in Albany County, I believe, and it might of been in Orange County where these restrictions have been thrown out by the courts and whether you can have --

LEG. MONTANO:

Right.

MR. ZWIRN:

-- under the Fair Housing Act, whether you can put any of these restrictions in place. That will work itself up and if the Court of Appeals rules -- whichever way they rule, it'll have an impact on the policies going forward.

We agree, there is no easy solution to this problem. And what I think the County Executive is saying is, "Look, I can't" -- "I thought I had a good solution, put them on the grounds of the jail, the BOMARC site," we really didn't receive any support from anywhere. Was there an unfair burden? I know out on the east end there's -- you know, there's less population and there's less registered sex offenders. But yet in Riverhead they've got the jail where there's sex offenders who are within the confines of the jail.

Originally, what we tried to do was to put the trailer or the housing facility behind the barbed wire within the jail grounds, so that we figured that would be the safest place. And the State Office of Corrections said, "No, can't do it. These individuals have served their time. They no longer can be kept in that kind of confinement. They would be back in jail, they've all ready served it." So we lost there, so we did we thought -- the next best thing was to put it on the grounds of the jail in the parking lot there.

It is a -- it is a difficult, difficult problem. The last bill, I think that, you know, as I said, we talked about trying to find a location in each district; we thought that would be a fair approach, at least everybody would share the burden, even though it may be impossible. There may be districts where it's possible to find a spot that would meet all the different restrictions, we don't know. But the County Executive, until we can come up with a different plan, is going to adopt a voucher plan. But you're right, what's going to happen with the voucher plan is that people are going to be told where they can't go, not where they can go but where they can't go. Because if we do it the other way around, then we're going to be accused of steering people to certain hotels and certain motels and certain neighborhoods. So we're just going to give them a list of, "These places are excluded by law and you're going to have to find your own place, your own transportation to get there and you're going to have to bring a voucher back the next day to show that you stayed at this particular location before you'll get reimbursed or get another voucher for a following day."

LEG. MONTANO:

I understand and appreciate your dilemma. But you know and I know and I think everybody here knows that's simply de facto dumping, and that's what going to happen. And there's going to be dumping in certain communities and not others and that's the problem, that's why it's dumping. And until you can come up with a solution that equally distributes -- and I would like you next time to come with those figures that you say are available. I know I can get them, but I would like them presented by either the County Exec's Office or DSS so that we can take a public look at the

distribution of sex offenders right now; where they're located, where they're housed and in what district so that everybody, you know, at least when we do take action it's on the record of what is already existing. And if the problem is compounded in those districts, you know, we have an opportunity to put on the record that this is why we are against certain policies.
Thanks, Ben.

MR. ZWIRN:

I think somebody -- Allen just mentioned to me, we do have a snapshot by town; I will make that available to you.

LEG. MONTANO:

Would you? I would appreciate it.

MR. ZWIRN:

And the numbers that we have were 887 homeless -- not homeless, sex offenders in the County as of yesterday.

LEG. MONTANO:

And we'll get that by district?

MR. ZWIRN:

We're going to break it down by town.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Presiding Officer. I want to go back to what the Presiding Officer said during the public portion so that we can --

Ben, I'm going to be asking you a question -- so that we can reframe the debate that's going on right now. Because the legislation before us is about petty cash. When this piece of legislation came before the Health & Human Services Committee, nowhere did it refer to sex offenders, and it took about an hour to get the information from the administration about the percentage of money that was going to the voucher system. And so there was a reluctance on the part of Legislators to support legislation which was presented to us in a very opaque fashion; it wasn't candid, it wasn't clear.

Going back to, again, reframing the discussion here. We are not making a policy decision based on this resolution. The policy decision has already been made by the County Executive; the voucher system is currently in place and moving forward. And that leads me to the question that I wanted to ask you, Ben, which is when I queried Commissioner Blass regarding the voucher system, he said that this money was necessary until the debit card system kicked in, and I'd like to you explain that. Because if we have begun to give people vouchers, then the debit card system is in place and they're being -- we're being reimbursed? Can you just walk us through that please, Ben?

MR. ZWIRN:

Let me first apologize if the information was not clear to the Legislature, and I was there at the committee that day and I understand your concerns. And I had spoken with Commissioner Blass and I said,

"Does the Legislature fully understand where all this money is going?" We tried to make it clear, if we didn't make it clear before that period, then that was an error on our part because this would

have been foolish to try to just slip past the Legislature. And we wanted to make sure that you knew what you were voting on so that you couldn't be -- it was the right thing to do, and if we didn't do it soon enough, then that was our error. So those comments you make are taken in the spirit in which they are given.

With respect to the debit system, I am not familiar where that stands right now. But I will do this, I will get in touch with Commissioner Blass, either ask him to come out to the meeting here today, because this is -- he lives out here, this is his home in Riverhead -- and answer those questions. In the interim, I'll find out where the program stands and how fast it's going to be implemented so that this issue will not be before the Legislature again.

D.P.O. VILORIA-FISHER:

Well, it's really important in reference to the questions that were asked by Legislator Schneiderman regarding the timeline. Because the wheels are in motion, and my understanding at the committee meeting was that once the wheels are in motion and the vouchers have begun to be issued, that the reimbursements come and it continues to flow. And so if we have begun that, it almost makes this piece of legislation moot.

MR. ZWIRN:

I understand what you're saying and I don't disagree with your analysis.

D.P.O. VILORIA-FISHER:

And I want to underscore, the policy decision has already been made, as the Presiding Officer stated during the public portion.

MR. ZWIRN:

That's correct.

P.O. LINDSAY:

Legislator Kennedy?

LEG. KENNEDY:

Mr. Chair, I think this is something that each and every one of us continues to want to hear the full picture on. I started this with my motion to table specifically because I had asked for some concretes on what the expenditures are. But the discussion about the 900 plus offenders, where they currently reside in Suffolk County, what the services are that are out there for homeless in general, as well as that subset associated called "sexual offender" is important information to bring forward and to have.

Each and every one of us, to a certain degree, has facilities that Social Services uses right now in order to go ahead and house homeless and that subset within homeless called "sexual offender." So if we're going to have a frank and an honest and a fair discussion about where folks are at and what districts and what communities are doing their fair share or their part at this point, I think some of that information needs to come forward as well.

And I'll be happy to go ahead and talk about issues of equity and issues of cost and issues of timeframe, but I want to have a full and robust discussion and not just one that focuses on some particular category and some particular community. Otherwise, we will forever be dealing with what area, what place, what location these people will go to.

And addition to that, I want to know about the Department of Corrections and the State-based and city facilities that continue to give people train tickets and send them out to Suffolk County to find a place to live. That's also relevant to this discussion. Thank you.

MR. ZWIRN:

Mr. Presiding Officer, I can quickly give you a readout by town of the homeless sex offenders, if you want me to do it real fast.

LEG. SCHNEIDERMAN:

Yes, please.

P.O. LINDSAY:

Do you want that, or do you want to put this aside and ask the Commissioner to come out here and we'll talk it later on in the day? All right. Why don't you have him come out. Because I had two conversation with him yesterday about this issue because I'm getting calls from civic associations and groups and whatever; you know, I have a motel in my area where the voucher system has been implemented and there's people there. So I know it's taken off, but -- do you want to do that? Do you want to vote on this now or do you want to wait and have the Commissioner come out?

D.P.O. VILORIA-FISHER:

I say vote on it.

LEG. SCHNEIDERMAN:

Have the Commissioner come out.

LEG. NOWICK:

Can he print that and give that copy to all of us?

P.O. LINDSAY:

We could probably make arrangements for that.

MR. ZWIRN:

Yes.

P.O. LINDSAY:

But I think it goes beyond just where they are. I think there's a whole -- you know, there's a couple of things that play into this whole thing, as far as I'm concerned. Fortunately, and I say fortunately, the folks that I have in my district are on probation, so they're wearing GPS systems now that we're tracking them at real-time.

But some of the homeless folks that are off probation or off of parole, we don't know where they are until the next day when they turn in the voucher. And I think Legislator Eddington has a bill that's going to try and fill in that loophole, I think that's one thing that kind of helps me out a little bit.

And the other thing is, as you all know, I've had an ongoing concern about the Congregate Shelter Program that we have in the County that helped us to get out of motels about four or five years ago. And it seems that no good deed goes unpunished, because what we do is we audit those people, nitpick them to death and then want hundreds of thousands of dollars back from them after we paid them and almost put them out of business. So, you know, I'd like some of those questions. Because I think the congregate shelters could play a role in this for the simple reason that they're supervised. You know, you have people there overseeing them, giving them job training, trying to put them in permanent housing and at the same time tracking them as they come and go, and I mentioned this to the Commissioner. And I think if there was a willingness by the department to work with these folks a little bit better instead of punishing them all the time, that they might be willing to come forward and try and help with the solution.

So if its all right with everybody I'm going to take this issue up. I'm not going to table it, I'm not going to take a vote on it, we'll take it up later after we hear from the Commissioner? Okay; is that all right with everyone? All right.

Page ten, **Budget & Finance:**

IR 1051-10 - Adopting Local Law No. -2010, A Local Law to regulate the distribution of mortgage tax revenues to towns and villages. (Schneiderman).

LEG. SCHNEIDERMAN:

Motion to approve.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Okay. Let me ask a question. What kind of fiscal impact does that have on the County?

LEG. ROMAINE:

None.

P.O. LINDSAY:

None?

LEG. ROMAINE:

None of that money is ours. That money, the mortgage tax money is split 50% to the State, a little less to the towns, and a small proportion to the County Clerk's Office for administrative salaries providing that those jobs are filled; if they're not, the County Clerk should not and doesn't apply to the State.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

So all of our vacancies there don't get funded. But right now that money is the town's; whether we give it to them once a year, twice a year or four times a year is a matter of indifference. We cannot make interest on that money, that is not our money.

P.O. LINDSAY:

Are we -- do we have to borrow money to pay the town?

LEG. ROMAINE:

Never. We collect it and every single month my office -- my former Office of County Clerk would give it to the County Treasurer. So that is given every single month to the County Treasurer.

P.O. LINDSAY:

Okay. Let me ask the Budget Chair; did we get testimony from the Clerk? Does this create any problems within the Clerk's Office or the Treasurer's Office?

LEG. GREGORY:

No. No, Mr. Chair.

P.O. LINDSAY:

Okay. Okay.

LEG. SCHNEIDERMAN:

And I did work with the Clerk on this --

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

-- and the Treasurer's Office. This is really a cash flow problem for the towns which are --

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

-- You know, seeing the same problems that we're having.

P.O. LINDSAY:

So the towns can collect interest on the money, we can't.

LEG. ROMAINE:

We can't retain that interest, we have to turn it over to the towns.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

It's not our money.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

You know, in many instances we're talking about millions of dollars. So if you get it quarterly, obviously it can help them meet their payrolls, etcetera.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

And they need that to keep the towns functioning.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Just does anyone know, has anyone heard from other towns, you know, comment on this, one way or the other?

LEG. ROMAINE:

They all support it, because it obviously helps them with their cash flow. It's like, you know, Tom, you take a job, "We'll pay you once a year or we'll pay you four times a year"; obviously you do better getting paid four times a year because you can budget accordingly.

LEG. CILMI:

The reason I ask is because I reached out to the Town of Islip yesterday and they had no idea that this was even proposed, so.

LEG. ROMAINE:

It's proposed because a number of towns have reached out to us and asked for that; particularly the East End Supervisors. But it would be germane to all towns, obviously giving them mortgage tax we collected. The County Clerk's Office will collect it and then once a month we turn it over to the Treasurer and we have to send it up to Albany electronically, we transfer the money electronically by the 10th of the preceding month. So it's out of our control. The Treasurer sits on it until we pass a

resolution authorizing distribution. Any interest the Treasurer makes goes to the towns because it's not our money to make interest on or keep.

LEG. SCHNEIDERMAN:

If I might as well. The idea actually came to me from a unanimous resolution of the East End Supervisors and Mayors Association. Of course their request was to have this done monthly which the State Statute allows; we looked at that, that was just too difficult to do, and so instead we ended up with this quarterly distribution. So right now it's twice a year, this would make it four times a year.

LEG. CILMI:

Has anyone from the great Town of Babylon reached out to the Babylon Town Supervisor to see if --

LEG. GREGORY:

(Shook head no.)

LEG. CILMI:

No?

P.O. LINDSAY:

Legislator Nowick is our resident tax collector.

LEG. NOWICK:

But I will say, Legislator Cilmi, just so you know -- Legislator Cilmi? You're a Legislator now; Legislator Cilmi?

LEG. CILMI:

Sorry, I'm still getting used to it.

LEG. NOWICK:

Just so you know, in the eight years that I've been here, every time this mortgage tax is due I get a call from my Supervisor, "When is it coming? When is it coming? When is it coming? When is it coming?"

LEG. CILMI:

Right.

LEG. HORSLEY:

I'm sure.

LEG. NOWICK:

So believe me, they're going to be happy.

LEG. ROMAINE:

And every month that I was County Clerk, I would get calls from towns, "How much should you collect this month," so they could budget it, although they could not get paid until we did a resolution. Usually we do a resolution once or twice a year, this would be four times a year for distribution, and it would codify that we will be giving their money in a more timely fashion.

LEG. CILMI:

One more brief question; when would this begin?

LEG. ROMAINE:

I would assume as soon as it's signed into law, shortly thereafter.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

It's not?

LEG. COOPER:

I believe it's 2011.

P.O. LINDSAY:

Counsel, you have the answer.

LEG. ROMAINE:

2011?

MR. NOLAN:

Right, the -- after conversations with the Treasurer's Office, we amended the law; it's going to apply to mortgage recording taxes collected after October 1 of this year.

LEG. ROMAINE:

Okay.

MR. NOLAN:

And they'll make the first quarterly payment March of next year.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Okay; is everybody all right with this? You've got another question, Legislator Kennedy?

LEG. KENNEDY:

Yeah. I scanned the bill quickly and I was just going back to it to try to look at it again. My recollection is from a procedural perspective, the time differs often as to how much time it takes from the increment to when the resolution appears and gets acted on that actually does the distribution. I believe it was two cycles ago, it was approximately five months following the distribution period till a resolution actually appeared before us that wound up doing the distribution. Does this bill have any language that says how much -- how proximate is the distribution point to the collection period?

LEG. SCHNEIDERMAN:

Counsel, I don't have the answer to that. I think you just said it starts in October of this year and it -- the first check is in March of next year. That may set up the parameters.

MR. NOLAN:

You look at Section II of the bill, it kind of explains that the payout dates are key to certain earlier dates in the year, so we're going to making the payments basically March, June, September, December. In order to make it work from a procedural standpoint, we're going to authorize this via Procedural Motion going forward where we'll direct the Presiding Officer and the Clerk to issue the warrant, basically, and authorize the payout. So it's key to the State Statute and it should work.

LEG. KENNEDY:

But that is different than what we've done in the past. As a matter of fact, the distribution consent actually originates out of taxation and finance, I believe, which then follows from a procedural which previously had been originated by the County Executive. If this is now a decision that we're going to, on a routine basis, generate the resolutions for distribution; that's fine and, as a matter of fact, I

welcome that. But is that actually what the intention is here?

MR. NOLAN:

That's what it does.

LEG. KENNEDY:

Okay. All right.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. COOPER:

Tim, cosponsor, please.

LEG. ROMAINE:

Cosponsor.

MR. LAUBE:

Will do. Thank you.

P.O. LINDSAY:

IR 1059-10 - Amending Resolution No. 1148-2009, implementing budget, staff and taxes for the fiscal year 2010 (Mandated) (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. NOWICK:

Cosponsor.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Gail, do you want to comment on what this --

MR. LIPP:

These are pro forma resolutions, this one and the next two also, they're basically the same thing.

P.O. LINDSAY:

Okay.

MR. LIPP:

It adjusts the tax warrant in East Hampton for two minor changes, the fire districts and for a clean-up bill. And it's -- administrative bottom line is it just sequences what the warrant was and what the actual tax bills were, and it's a very minor amount.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

MR. PEARSALL:

Tim? We have a new Legislator.

*(*Laughter*)*

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1060-10 - Authorizing amended tax warrant for Resolution No. 1149-2009 (for the Town of East Hampton) to be signed by the Presiding Officer and the Clerk of the County Legislature (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Can we do same motion, same -- all right, Legislator Schneiderman wants to make the motion. Second? I'll make the second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1061-10 - Amending Resolution No. 1147-2009, implementing Budget, Staff and Taxes for the Fiscal Year 2010 (Discretionary) (Presiding Officer Lindsay). I'll make the motion. Second by Legislator Vilorina-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not present: Legislator Montano).

P.O. LINDSAY:

IR 1063-10 - Amending the 2010 Operating Budget to support St. Patrick's Parish Outreach and Bay Shore Chamber of Commerce (Barraga). Legislator Barraga, would you like to sponsor that?

LEG. BARRAGA:

(Nodded head yes).

P.O. LINDSAY:

You make that motion, I'm second it. I believe that's all Omnibus money. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1079-10 - Amending the 2010 Suffolk County Operating Budget in connection with the restoration of one Clerk Typist and one Courier position to maintain operations in the Office of the Suffolk County Clerk (Presiding Officer Lindsay). Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Gregory.
Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1099-10 - Amending the 2010 Operating Budget to support the Long Island Philharmonic, Inc. (Presiding Officer Lindsay). I'll make that motion. Second by Legislator D'Amaro. This is Omnibus money that's been reappropriated. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1100-10 - Amending the 2010 Operating Budget and transferring funds to Medford Volunteer Ambulance (Eddington). Legislator Eddington makes a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. And again, I believe it's Omnibus money. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1101-10 - Amending the 2010 Operating Budget and transferring funds to Parents for Megan's Law Crime Victims Center (Eddington).

LEG. EDDINGTON:

Presiding Officer? I believe we're going to be getting a CN on this, so I guess we'll just pass over it.

P.O. LINDSAY:

Okay, we'll just skip over it.

LEG. EDDINGTON:

Could I just on the motion, though?

P.O. LINDSAY:

Sure.

LEG. EDDINGTON:

That I have a unique situation that I've been working with the County Executive's Office and --

(*Laughter*)

LEG. LOSQUADRO:

Hold on; are you okay?

LEG. EDDINGTON:

And the County Executive has agreed to match the Legislature's initiative up to 45,000 and I have

gotten, I think, nine of my colleagues to help, including yourself, and we're down \$3,000. And I would hate not -- to put the County Executive to the task of putting every cent that he said he would be willing to distribute. So I'm going to ask between now and this afternoon, if anybody can give a \$1,000 or 1,500 or whatever from the CSI money, I would love to get every cent we can from the County Executive. He's willing to meet us halfway. So, thank you.

P.O. LINDSAY:

Thank you. So we're going to skip over 1101.

IR 1106-10 - Authorizing the County Treasurer to borrow cash funds from other County funds for 2010. (Presiding Officer Lindsay).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1107-10 - Amending the 2010 Operating Budget and transferring funds to Babylon Village Youth Project (Horsley). Motion by Legislator Horsley, second by Legislator Gregory, and it's Omnibus money. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1131-10 - Amending the 2010 Operating Budget and authorizing the purchase of four previously leased vehicles in the Suffolk County Department of Labor (Presiding Officer Lindsay). I'll make this motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. Just for everybody's edification, some of our fleet of cars is reaching the retirement age and rather than buy new cars, we wait until the Labor Department disposes of cars that they get through Federal funding and buy them used from them, and it seems to work and we have an opportunity to buy a few and we have four cars that are almost ready to be retired. So I made the motion. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator --

LEG. BROWNING:

Second.

P.O. LINDSAY:

Oh, we did, I'm sorry. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1132-10 - Amending the 2010 Operating Budget and transferring funds for Suffolk County Bar Pro Bono Foundation (Stern).

LEG. D'AMARO:

Motion.

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern, seconded by Legislator D'Amaro. And this is Omnibus money. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1156-10 - Amending the 2010 Operating Budget and transferring funds to Family Service League Huntington Station Manor Field Family Center (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator D'Amaro. And again it's Omnibus money; correct, fellas?

LEG. COOPER:

It's actually -- it's not my Omnibus money, it was actually money put in the budget by the County Executive, but he supports the resolution.

P.O. LINDSAY:

Okay. But it's budgeted money, it isn't --

LEG. COOPER:

Yes, it was money from another Family Service League program that was terminated.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, *1158-10 - Amending the 2010 Operating Budget and transferring funds to St. Joseph's CYO (Cilmi)*. Motion by Legislator Cilmi.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. And again, it's Omnibus money; that's correct?

MS. VIZZINI:

Correct.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Consumer Protection:

IR 1048-10 - Adopting Local Law No. -2010, A Local Law to strengthen the enforcement of clothing bin identification requirements (County Executive).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Montano.

D.P.O. VILORIA-FISHER:

I thought we did this already.

P.O. LINDSAY:

I thought we did it, too, and my continuing question with this is I thought this fell under the town's purview as far as zoning or whatever. I mean, I don't see what harm it does, but I don't know how much more we can give our Consumers Affairs Department to do. But we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

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).

LEG. HORSLEY:

Motion.

MS. LOLIS:

Mr. Chairman, if this could be passed over? A technical correction needed to be made and it's going to be done by CN later on today.

P.O. LINDSAY:

Okay, we'll pass over it.

IR 1058-10 - Appointing Yves R. Michel as a member of the Suffolk County Industrial Development Agency (IDA) (Horsley).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed?

LEG. ROMAINE:

I had a question.

P.O. LINDSAY:

On the question, Legislator Romaine.

LEG. ROMAINE:

Yes, I simply had a question of whether any IDA money is used to pay Mr. Michel's salary?

P.O. LINDSAY:

I guess it's a no. Mr. Zwirn almost tripped getting out of his chair.

*(*Laughter*)*

MR. ZWIRN:

I've got my glasses going up and down.

LEG. ROMAINE:

The reason that I asked, it seemed very odd that we -- usually IDA board members are people that are independent business people or finance people that serve on this board that give advice.

LEG. NOWICK:

Bill?

LEG. ROMAINE:

And usually you don't have staff people serving as board members on this. They attend the meetings, they certainly are there for input, but you usually don't have them as members of an IDA. I can't think of any IDA that has a staff person serving on that.

P.O. LINDSAY:

I thought Mr. Morgo was the Chair of the IDA.

D.P.O. VILORIA-FISHER:

Yes.

MR. ZWIRN:

Out of the last seven Commissioners, six have served on the IDA.

P.O. LINDSAY:

Oh, okay.

MR. ZWIRN:

So it's something that has been past practice.

LEG. ROMAINE:
Okay. Thank you.

P.O. LINDSAY:
Legislator Nowick?

LEG. NOWICK:
The question was answered then. Go ahead.

P.O. LINDSAY:
Okay. You can sit down, Ben, he's not getting paid out of the IDA.

MR. ZWIRN:
The facilities are so nice that I just -- the terrain is a little different, that's all.

*(*Laughter*)*

P.O. LINDSAY:
Okay, okay. We have a motion -- do we have a motion?

MR. LAUBE:
Yes, you do.

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

LEG. MONTANO:
Note my abstention.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
IR 1126-10 - Accepting and appropriating a grant award from the New York State Environmental Facilities Corporation for a Green Innovation Grant Program in connection with a College-wide Water and Energy Conservation Initiative 90% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1130 - Appropriating funds in connection with the Science, Technology and General Classroom Building – Ammerman Campus (CP 2174) (Presiding Officer Lindsay).

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Motion by Legislator Nowick, second by Legislator Horsley. And this funding has been in the Capital

Budget; am I correct?

MS. VIZZINI:

Correct.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying *Bond Resolution, 1130A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$13,475,000 bonds to finance a part of the cost of construction and equipment for the Science, Technology and General Classroom Building-Ammerman Campus (CP 2174.310 and .510)*, same motion, same second; roll call.

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

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Let's see if we can get a few more done.

We're going to skip over 1157 because Economic Development is having a special meeting at 12:30 for the purpose of interviewing Ms. McMahon.

IR 1178-10 - Appropriating funds in connection with installation of cooling systems – College-wide (CP 2138) (County Executive).

Do I have a motion? Motion by Legislator Horsley.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying ***Bond Resolution 1178A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$275,000 bonds to finance the cost of the planning for the installation of cooling systems - college wide (CP 2138.110)***, same motion, same second; roll call.

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

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

All right, let's see if we can do one more.

IR 1179-10 - Appropriating funds in connection with the partial renovation of the Peconic Building (CP 2181) (County Executive). Motion by Legislator Horsley, second by Legislator Gregory.

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Same motion, same second on the accompanying ***Bond Resolution, 1179A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$45,000 bonds to finance the cost of the planning for the partial renovation of the Peconic building (CP 2181.110);*** roll call.

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

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. I've got a request to do one more.

IR 1181-10 - Appropriating funds in connection with the Learning Resource Center – Grant campus (CP 2159) (Kennedy).

LEG. KENNEDY:

I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Losquadro.

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Same motion, same second on the accompanying ***Bond Resolution, 1181A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$800,000 bonds to finance a part of the cost of the planning for the Learning Resource Center - Grant campus (CP 2159.110);*** roll call.

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

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. We stand recessed until 2:30 after the lunch break.

See you all then.

*(*The meeting was recessed at 12:33 P.M. *)*

*(*The meeting was reconvened at 2:34 P.M. *)*

P.O. LINDSAY:

Okay. Mr. Clerk, we're going to resume our afternoon session. Would you please call the roll?

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

LEG. ROMAINE:

(Not present).

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

(Not present).

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Yes, here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay, okay. We'll start the afternoon proceedings with *Public Hearings*. I have some of the cards, but not all of them, we're still collecting them out in the hallway.

The first hearing is *Public Hearing on IR No. 1004-10 - A Charter Law to strengthen the independence of the Ethics Commission (Montano)*. It appears that I don't have any cards. Is there anyone in the audience that would like to speak on 1004? If not, Legislator Montano?

LEG. MONTANO:

Recess, please.

P.O. LINDSAY:

Makes a motion to recess, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Twelve.

P.O. LINDSAY:

It Stands recessed.

P.O. LINDSAY:

Next one up is *Public Hearing on IR 1029-10 - Adopting Local Law No. -2010, A Charter Law to provide a fixed five-year term for the Police Commissioner (Cooper)*. And I don't have any cards here. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

I'll make a motion to close, please.

D.P.O. VILORIA-FISHER:

Oh, there's a hand up in the back.

P.O. LINDSAY:

Please come forward, sir. Would someone from the Clerk's Office check to see if there's any more cards out there?

LEG. NOWICK:

Which one is this?

P.O. LINDSAY:

1029. Right there, sir.

MR. CARNEY:

Good afternoon. My name is John J. Carney, my address is 211 Locust Drive, Bay Shore, New York. I'm here representing the Brentwood Fire Department today in reference to the term, a five-year term for the FRES Commissioner. Is that -- am I correct?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Let me just get --

D.P.O. VILORIA-FISHER:

That is now part of it.

P.O. LINDSAY:

The original resolution called for the Police Commissioner, but the revised bill also includes the Director of Probation and the --

LEG. COOPER:

And the FRES Commissioner.

P.O. LINDSAY:

-- and the FRES Commissioner; you're correct, sir.

MR. CARNEY:

Okay. Just a little background. I'm the current ex-Chief of the Brentwood Fire Department, I just finished my tenure. I would like to make a few comments on your proposal to give the Fire Rescue Commissioner a five-year term.

I think it's very important to maintain continuity within the Fire Rescue Commissioner's Office, and I think this is a positive move to help the fire service maintain a structure as -- in the incident command system. The Fire Rescue Commissioner, as a past Chief dealing with major fire incidence, it's always a good thing to know that the Commissioner's there and that we have the same guy we're going to look at day-in and day-out to maintain that relationship with our fire service, our EMS service. And we're definitely -- speaking from Brentwood, we're definitely in favor of this five-year term for the Commissioner.

P.O. LINDSAY:

Thank you very much.

MR. CARNEY:

Thank you.

LEG. NOWICK:

Bill?

P.O. LINDSAY:

Yes. Sir, if you could just --

LEG. NOWICK:

No, I don't want to ask him --

P.O. LINDSAY:

Oh, go ahead.

LEG. NOWICK:

Do you have a motion and a second on this yet?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No, not yet. I thought there was a question for you, I'm sorry. All right. And Commissioner Timo, I know from my home district.

Mike, before you start, just -- I heard some questions around the horseshoe. I said it before. Could we have a little order? Come on, guys, let's go. The original bill just covered the Police Commissioner; the bill has since been amended to cover the FRES Commissioner and the Commissioner of Probation is it?

LEG. COOPER:

I think it's Director of Probation.

P.O. LINDSAY:

Okay. Okay, Mike, go ahead.

MR. TIMO:

Thank you. Good afternoon. My name is Michael Timo, I reside at 41 Avenue E in Holbrook. I'm an ex-Chief and a current Commissioner of the Holbrook Fire District. I'm also the District Manager for the Lakeland Fire District in Ronkonkoma and a Suffolk County credentialed nationally registered paramedic.

I'm here today to speak on behalf of Resolution No. 1029-2010 which has been introduced by the Honorable Legislators Cooper, Eddington, Viloría-Fisher and Lindsay. This resolution would provide for fixed terms for public safety appointments. I would specifically like to speak in favor of this proposed legislation as it relates to the appointment of the Commissioner for Fire, Rescue & Emergency Services.

As you are aware, the Commissioner of Fire, Rescue & Emergency Services, commonly known as FRES, oversees a department which is vital to the safety and the protection of every resident of Suffolk County. As the County's senior emergency manager, it is his or her responsibility to prepare and execute all emergency declaration and to submit these to the County Executive for his signature.

The FRES Commissioner is also the liaison officer between Suffolk County and the Federal Emergency Management Administration. In this capacity, it is imperative that we have an absolute continuity of command and this proposed legislation would assure this vital function. The Commissioner of FRES also oversees the preparation, submission and oversight of numerous Federal grants including the County's current \$2 million Urban Avenue Work Group Grant which he has obtained through the Department of Homeland Security, and the proposed \$2 million SERS application which is administered through the Federal SAFER Program.

In addition, the Commissioner of FRES must interact with each of the County's 109 recognized independent political subdivisions and 27 EMS agencies to coordinate emergency, fire and EMS response. The Commissioner has asked for and received the cooperation of these same entities to prepare a request to the Federal government for reimbursement of \$41 million for expenses and damage caused by the windstorm created by the major norEaster last November, and an additional \$19 million for the clean-up of snow from the blizzard which produced Long Island's worst recorded snow fall last December. It is during these times that we must ensure that the appointed leader of this department remains in tact, on the job and unencumbered by political shifts of governmental control.

I applaud and support the current Commissioner of FRES, as I did the former Commissioner, but the road of succession was not an easy one. You see that upon taking office, the current administration was unintentionally but immediately embroiled in continued controversy with various leaders of our volunteer political subdivisions. This disharmony lasted for over a year as the County Executive sought to name a qualified Commissioner of his choice to oversee this important function. There have been five different FRES Deputy Commissioners appointed, two of whom were originally designated for future consideration by this body for the position of Commissioner. However, due in part to the political wrangling, qualified candidates resigned and withdrew their names for consideration; time was lost and duties were delayed.

Adoption of this proposed legislation would assure that our emergency services volunteers and the residents of Suffolk County would be provided the leadership, service and protection they deserve, the continuity of control and the security of service without interruption or interference. To paraphrase a portion of the wording as stated in this proposed legislation under the title of Legislative Intent, I agree wholeheartedly with the concept of establishing a five-year fixed term of office for the Commissioner of Fire, Rescue & Emergency Services so that he or she may be insulated from normal political pressures while carrying out their duties and their responsibilities.

It is my opinion that the sponsors of this resolution are completely and accurately on target with their intentions and I ask you, the entire body of our Suffolk County Legislature, to give this proposal your most serious consideration. Thank you for your time, and I thank you for your continued support of the volunteer fire and EMS agencies and also for your dedicated leadership and service to the residents of Suffolk County.

P.O. LINDSAY:

Thank you, Mike. There's some questions for you. Legislator Romaine.

LEG. ROMAINE:

Yes, I was following your logic about the insulation from political pressures?

MR. TIMO:

Yes.

LEG. ROMAINE:

Wouldn't that be true for all appointees of the County Executive or Commissioners? Couldn't you make that argument for the Economic Development Commissioner or the Planning Commissioner?

MR. TIMO:

I think you probably could make a portion of that argument. The difference I would see, though, however, would be that in the protection of the public, if we had a lapse or a delay in the coverage, in the area in which you mentioned, I don't think that the -- that lapse would cause the kind of turmoil or possibility of a delay in grant proposals or grant establishment nor emergency management. At any point in time the FRES Commissioner would direct and be called upon to activate the Emergency Operation Center for anything from a snowstorm, you know, to a much, much more damaging event, which we hope we won't see in our County.

LEG. ROMAINE:

In case of an emergency.

MR. TIMO:

Correct.

LEG. ROMAINE:

State law, as you know, requires the County Executive to declare an emergency, not the FRES Commissioner.

MR. TIMO:

But I've -- knowing quite well that the County Executive, although he may sign that declaration, that declaration is prepared by the FRES Commissioner and is brought to the Office of the County Executive. That's the way it works.

LEG. ROMAINE:

I understand that, thank you. I just question, you know, if the County Executive is dealing with a person that is not his choice or his appointee, how willing he is to work cooperatively or collaboratively with them. You know, sometimes there's a tension in government that exists.

You talk about political influence; that could be said of every Commissioner of County government. And then the question is how many discretion do we give our Executive? If we're electing him to in office to do a job because we have faith and confidence in him, how much discretion do we give him, particularly since the Legislature has to approve certain of those Commissioners? But thank you.

P.O. LINDSAY:

Just to -- all right. But to clarify something, and Legislator Cooper can help me with this because he's the prime sponsor of this bill, but I believe there was three changes to expand it to the other two Commissioners to change the term from five years to four years, and that the term would terminate at the end of the current County Executive's reign.

LEG. ROMAINE:

So for example, let me take for example --

P.O. LINDSAY:

Legislator Cooper, am I correct on those three changes?

LEG. COOPER:

I'm sorry, can you repeat that please, Bill.

P.O. LINDSAY:

What I was saying is the three changes that you made to the bill was expanded to three Commissioners, changed the term from five years to four years?

LEG. COOPER:

No, no.

P.O. LINDSAY:

Please explain the changes.

LEG. COOPER:

There were two changes; adding a FRES Commissioner and Director of Probation. And George, what was the second change? At first we were considering four. Oh yes, and then if a Commissioner or Director leaves in the middle of his term and is replaced, the replacement Commissioner would fulfill the balance of that term.

LEG. ROMAINE:

And that term is four years?

LEG. COOPER:

No, the term is five years.

LEG. ROMAINE:

Five years. So they would -- and the County Exec's term is four years. So although the Executive would make the appointment -- would the Executive make the appointment under your bill?

LEG. COOPER:

Yes, that does not change.

LEG. ROMAINE:

So in essence --

LEG. COOPER:

Then it comes before the Legislature for confirmation.

LEG. ROMAINE:

So down the road, at some point you'd have an Executive that would no appointments. Five years, five years, five years, five years, the next Executive has absolutely zero appointment if every Commissioner served out their full term. Thank you.

LEG. COOPER:

Well, excuse me, that's not -- let's say if it was a four-year term, you can also have a case where the County Executive would have a carryover Commissioner. Let's say that someone left office early, the new Commissioner would be appointed, let's say year three of the term and even if it was a four-year term, would carry over three years into the next term. So whether it's four years or five years or six years --

LEG. ROMAINE:

So theoretically it's possible for an Executive not to have any appointments in these three critical offices. Thank you. That's the point I was making. You will come to a point, theoretically, where an Executive would have none of these appointments under his control, despite being elected by the people of Suffolk County. Thank you.

LEG. COOPER:

I guess theoretically anything's possible.

P.O. LINDSAY:

Thank you very much, Mike. Anybody -- oh, Legislator Nowick?

LEG. NOWICK:

No.

P.O. LINDSAY:

Okay. And forgive me for the wrong information, that was the information I was given. I guess the bill has been changed a couple times.

LEG. ROMAINE:

One last question. This would take place beginning with the term of next County Executive; is that correct?

LEG. COOPER:

No.

LEG. ROMAINE:

I'm asking Counsel; when does this law go into effect, if it was adopted?

MR. NOLAN:

It would go into effect immediately.

LEG. ROMAINE:

And what would that do to these three appointments? Would these three appointments be immediately up or would they be up --

MR. NOLAN:

Their terms would be over. Their terms would terminate. There would be a 180-day holdover period that they're entitled to under the Charter.

LEG. ROMAINE:

Right.

MR. NOLAN:

At that point there would have to be a reappointment of that person or a new nomination.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Okay. Thank you, Mike.

MR. TIMO:

Thank you.

P.O. LINDSAY:

I don't appear to have any other cards under 1029. Is there anyone else in the audience that would like to speak under 1029? Having -- seeing none; yes?

LEG. LOSQUADRO:

No. I would just like to offer a comment on this.

P.O. LINDSAY:

Okay, go ahead.

LEG. LOSQUADRO:

Thank you. Oh, it's the first time I've tried this microphone. I'm glad I don't have the feedback issues.

LEG. MONTANO:

That's because they don't want me to speak.

*(*Laughter*)*

LEG. LOSQUADRO:

We've had a number of discussions on this issue. We've seen some changes, I would like to see more changes regarding this. I think Legislator Romaine illustrated some very key points; concerns that I have and I know that others have regarding this. So I would not like to see this move forward today. I know there's a motion to close. I'd like to offer a motion to recess this.

P.O. LINDSAY:

Do we have a motion to close yet?

LEG. COOPER:

Yes, I'd like to make a motion to close my own resolution.

P.O. LINDSAY:

Okay, okay.

LEG. LOSQUADRO:

Well, I'd like to make a motion to recess.

P.O. LINDSAY:
Motion to recess.

LEG. NOWICK:
I'll second it. And the only reason I'm doing it is it was also new to me what was in it, I just wanted a little time to consider it and go over it because it is new.

LEG. COOPER:
If I may?

LEG. NOWICK:
And I would ask your indulgence just for the next the cycle.

LEG. COOPER:
I've reached out to all my colleagues multiple times inviting input; I don't think I've heard -- I've heard from a couple of Legislators. Everyone else now is suddenly saying that they have ideas, they've had ample opportunity over several months at this point to reach out to me; and they haven't. We're not going to be voting on this today. I just want to close the public hearing so we can move forward, send it to committee and at the earliest we'll be voting at the next meeting. So you'll have three weeks, Lynne, to review the resolution, ask any questions that you would like to ask and decide whether or not you'd like to support it.

LEG. NOWICK:
Just to answer that, if I may. Is that okay?

P.O. LINDSAY:
Go ahead.

LEG. NOWICK:
You know, it's no secret that this particular bill is just a little bit -- was a little hard to understand. And I just would really like to get as much of the public's -- public opinion on it as possible. And we were doing okay and then the changes came, so I just wanted time to consider it. That's all I'm asking.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you. Legislator Cooper, this is -- the reason I'm asking to hold this in abeyance for a period of time is you and I did have some discussions initially, and quite frankly we were pretty far apart on where we thought this should be. So in my opinion, what we would need to be move forward would be a substantive enough change as to require a new public hearing anyway. So as I see it, I'm still pretty far apart on where I think that this should be. I think there needs to be a more distinct separation of power between the Legislative and Executive Branch that I don't think this accomplishes. So I think the changes that we had talked about initially that, you know, we maybe didn't have common ground on and maybe we won't. So maybe we'll just disagree on this philosophically. But to my mind, the type of changes that I would want to see would require a new public hearing anyway. So I don't think this should be closed and, you know, we can disagree on that.

LEG. MONTANO:
Can I ask a question?

LEG. COOPER:
I tell you what. Working the assumption that there will be a good faith effort on the part of other Legislators to reach out to me this time, because that has not been forthcoming over the past few

months, and considering that the next Legislative meeting is, I think, only three weeks off, I will recess one more time. But please, if anyone has suggested changes to the resolution or concerns, if you can take this opportunity to reach out to me. So I'll change my motion to a motion to recess.

P.O. LINDSAY:

Okay. But before we get to that, Legislator Cooper, Legislator Montano has a question.

LEG. MONTANO:

Just one question, Legislator Cooper. With these terms -- and I appreciate that you're going to recess it. But once a Commissioner is appointed, did we discuss how, if somehow we were unhappy with a term Commissioner, that person could be removed? Can it be removed under your bill and what would be the process?

LEG. COOPER:

Yes. A Commissioner or a Director could still be removed either by the Legislature or the County Executive, but if this bill was enacted, if he has a fixed term, he could only be removed for cause. Now, the definition of what rises to the level of cause is pretty general; maybe I'll allow George to weigh in on that. But my understanding is at least he would have an opportunity to come before us and make his case as to why he should be maintained in office.

LEG. MONTANO:

Let me ask this --

LEG. COOPER:

But ultimately the Legislature, I believe, would be able to decide whether or not the definition of *for cause* has been met.

LEG. MONTANO:

Okay. And let me ask one other question then. George?

LEG. COOPER:

If you could please weigh in on that.

LEG. MONTANO:

I'm fine with that answer, I don't need to elaborate on that now. But is there a procedure in place that we would be able to look at and utilize existing now to remove someone for cause or is this something we'd make up as we go along?

MR. NOLAN:

It's in the Charter now that we can remove any appointed official.

If a person is serving without a term, he can just be removed by a resolution. If a person has a term, the Charter says the charges have to be stated, they have to be presented with charges and there has to be an opportunity for that person to be heard by the Legislature before we act. So it's presently in the Charter.

LEG. MONTANO:

So there would be a hearing set up and procedural aspects to it, or --

MR. NOLAN:

It doesn't really say a layout to procedure in the the Charter. It just says there has to be charges, There has to be an opportunity to be heard.

LEG. MONTANO:

Okay. And right now, if the Legislature were unhappy with the Commissioner, whether they have a term -- well, let's say -- if they don't have a term, if we are unhappy with a Commissioner, that Commissioner can be removed with a simple resolution of ten votes?

MR. NOLAN:

That's what the Charter says.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I just want to follow-up on Legislator Montano's point. What Legislator Cooper's resolution appears to do is to lock in Commissioners and deny the Legislature the opportunity to remove Commissioners that are not working well. If they're not term appointments, and I believe there's a few, the Personnel Officer, the Health Commissioner, the Social Service Commissioner, possibly one or two others, but right now the three that are covered by Mr. Cooper's bill can be removed at any time without cause with ten votes. If this resolution passes, Commissioners that are appointed will not be able to be removed except for cause and will serve a five-year term that will not be in line with the County Exec's term.

So theoretically, eventually, because their terms are longer, there will be a County Executive that won't have an appointment, or if they do it will be the last year of their term. And if these Commissioners don't work with the Legislature, they are insulated because right now they can simply be removed. Any Commissioner of Suffolk County, except those term ones, the three specifically that Legislator Cooper meant, can be removed if they don't respond. Now we're giving them a five-year term and we would have to do cause, and cause is a very slippery slope because you'd have to make a compelling legal case.

So that's something that, you know, I'm concerned about because it seems to be a diminution of Legislative powers. But thank you.

LEG. COOPER:

If I may respond. Legislator Romaine, in the 40-year history of the Legislature, if it's so easy to remove a Commissioner or Director with a simple vote of ten Legislators, in the past four decades, on how many occasions has the Legislature removed a Commissioner?

LEG. ROMAINE:

None that I'm aware of, but that speaks to the fact that probably many of these Commissioners were responsive to the Legislature in some degree as well as to the Executive. And if there is a Commissioner that is not responsive to the Legislature, we don't have to prefer charges, we don't have to use cause, we can simply gather ten votes. And believe me, I think that you understand the composition of this Legislature, there's probably ten votes here for some Commissioner that is not doing their job or have not been forthright with the Legislature, that those votes may be here today.

LEG. COOPER:

I -- if I can respond again. I disagree. I think that the reason that there has never been a case where the Legislature has terminated a Commissioner is because it's a lot -- it's a lot more difficult to vote affirmatively to fire someone than to take the action as happened just last year with Janet DeMarzo where, because she had a fixed term and she had clearly lost the confidence of the majority of Legislators, the County Executive had to bring her name back before us and it didn't even come to a vote. He realized he didn't have ten votes, he withdrew her name and came up with Greg Blass, who by the way I think is doing a great job. So I think that that's the main reason.

But I did want to -- George, even though I'll be recessing the public hearing, can you just take out a moment to explain -- give some examples of something that might rise to cause. I mean, for example, if there was a belief that a Commissioner was less than forthcoming with information on a timely basis, would that be enough for cause, something simple like that?

MR. NOLAN:

What I'd say about cause is in my mind, simple policy differences is not cause. I think it'd have to be some type of malfeasance or misfeasance of office, which would -- it would have to be fairly serious and substantial to remove a Commissioner for cause.

LEG. COOPER:

Can you give any examples?

MR. NOLAN:

You're putting me on the spot, Jon.

LEG. COOPER:

I don't want to make you uncomfortable.

LEG. D'AMARO:

How about a Felony; would a Felony be cause?

MR. NOLAN:

Well, obviously a criminal offense would be a perfect example, but it wouldn't have to rise to that level necessarily. It would have to be misfeasance, malfeasance, not performing their duties, something like that.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Yeah, I did have a motion; you didn't have a second on that.

P.O. LINDSAY:

To recess? Yes, we did.

MR. LAUBE:

That was when he made the motion to recess, he was on the original and I didn't have a second to that one.

P.O. LINDSAY:

No.

MR. LAUBE:

It'll be Legislator Nowick?

P.O. LINDSAY:

Legislator Losquadro and Legislator Nowick was the motion and the second to recess. And Legislator Cooper changed his resolution --

MR. LAUBE:

Okay.

P.O. LINDSAY:

-- from closed to recess.

MR. LAUBE:

So who do you want listed as the -- it doesn't matter.

P.O. LINDSAY:
Knock yourself out.

(*Laughter*)

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
All right.

IR 1037-10 - A Charter Law to expand the functions of the Council on Environmental Quality to include advising Suffolk County on bicycle routes (Schneiderman). And I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I need to recess it as I'm changing the bill slightly.

P.O. LINDSAY:
Okay.

D.P.O. VILORIA-FISHER:
I'll second it.

P.O. LINDSAY:
Motion to recess. Seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1054-10 - A Local Law to address the penalties for unsafe helicopter operation in Suffolk County (Romaine). And I don't have any cards on this subject.

LEG. ROMAINE:
Motion to close.

P.O. LINDSAY:
Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Romaine has made a motion close. I'll be happy to second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. ***IR 1078-10 - A Charter Law amending the membership of the County Fire, Rescue and Emergency Services Commission (Losquadro).*** And I have, yeah, tons of cards. John Carney is the first speaker. Mr. Carney, are you in the audience?

D.P.O. VILORIA-FISHER:
He already spoke; he was the first one to speak.

P.O. LINDSAY:

John Carney?

MR. CARNEY:

I believe that was a mistake, I already spoke on the Commissioner.

P.O. LINDSAY:

Oh, okay. You talked about the FRES -- Okay, I'm sorry. Michael Timo again; Michael?

D.P.O. VILORIA-FISHER:

He spoke on the Commissioner.

P.O. LINDSAY:

No, but do you want to speak on this subject as well?

MR. TIMO:

No, sir.

P.O. LINDSAY:

Okay. Thomas Baker, Thomas Baker? No? Okay.

Neil Metz, Neil Metz? No. There is no Neil Metz here? You don't want to speak?

MR. METZ:

No, sir.

P.O. LINDSAY:

Okay. Thomas Bury.

D.P.O. VILORIA-FISHER:

He wants to speak on 1153.

P.O. LINDSAY:

Okay. Okay, I'm sorry, I put you in the wrong pile. I'm sorry.

All right, I don't have any other cards on 1078. Is there anyone else in the audience who would like to speak on 1078? Seeing none, whose resolution is this? Who made this resolution?

LEG. ROMAINE:

Dan Losquadro.

P.O. LINDSAY:

The sponsor?

LEG. LOSQUADRO:

Oh, I'm sorry. Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands closed.

IR 1080-10 - A Local Law to recodify, strengthen and clarify the provisions for licensed occupations (County Executive). And I have some cards, my cards got out of hand here. I know Mario Mattera -- here they are. Mario Mattera? Hello, Mario. How are you?

MR. MATTERA:

How are you? Hello, everybody. The first thing I'd like to say is I just want to congratulate Dan on his new addition to your home; that's great. Hope everything's good, Mom's doing well and everything like that.

Thank you, Presiding Officer Lindsay and members of the Legislature.
I just want to say thank you very much for letting me speak here today.

My name is Mario Mattera, 2123 Fifth Avenue, Ronkonkoma, New York. I'm the Business Agent with Plumbers Local 200. I represent approximately 1,200 members and families and over 80 plumbing contractors on Long Island. And by the way, 80% of my membership lives in Suffolk County and I'm very proud of that and so am I.

This is actually about the law to help out to strengthen law 1080. Just to give a little bit -- I guess everybody's been -- sees what's going on and you guys have been having your discussions on this, I hope. Right now we had a problem with Bellport Village, with especially out-of-state contractors coming to work and contractors that are working without license -- licensing, plumbing licenses, electrical licenses. Just so everybody knows, you need to have a license to cut hair on Long Island or in Suffolk County.

Now, the problem we have here is that you have a plumbing contractor who goes into residential, commercial areas with no license. The consumer calls up and puts a complaint in and right now you cannot -- right now, the way the law stands, can go after this non-licensed plumber, electrician right now.

Just so everybody knows, we have 791 licensed master plumbers that are with Suffolk County Consumers Affairs that are paying a \$400 fee every two years. We have 641 restricted plumbing licenses with Consumers Affairs that pays -- they pay a \$200 fee every two years. I sat with the committee and I appreciate it. Legislator Montano, you had a lot of concern, you could not believe it, which I still can't believe it because Bellport Village brought this. And I commend Legislator Browning for showing interest in this.

It is a huge, huge problem. I'm not happy about it. We can't have this. We can't have out-of-state contractors coming here and this could actually perform work without having a license. How is that fair to the consumer and to the legitimate license holder that's proud of when he does get his license? A person is to get their plumbing license, goes for the test, takes it and is proud of it, has to have insurance, pays all their fees and the next thing you know they're not getting a job to a non-licensed person that's not doing any of this. It is not fair. This bill needs to be -- please, passed ASAP.

1080 is very important, not just to me, not just because I'm a union delegate, but this is the union/nonunion world. This is to every licensed, proud licensed plumbing holder. Thank you very much.

P.O. LINDSAY:

Mario, there's another problem that seems to be starting to proliferate itself throughout the County as well, and that's a lot of the towns are implementing their own licensing laws besides the Countywide licensing law. And it's disturbing to me and I've just written a letter to all the different Town Supervisors asking them to -- especially in this economic time, to refrain from this practice. Because it makes it much more difficult for a small businessman to operate in the County when you have to carry so many licenses and the added expense and it really dilutes the Countywide license. I would hope that your union, as well as the other trades, would join me in this appeal to the towns to refrain from doing this.

MR. MATTERA:

You know what I would like to say, Presiding Officer Lindsay? We need to fix this problem, there's other problems that could be fixed with -- what you're just saying. There's 64 plumbing licenses you need on Long Island; 64. Like what I said in front of the committee, I want this problem fixed. I don't want this to be tagged along with something else. Please. You know, I listen about laws getting tabled -- hear me out a second.

P.O. LINDSAY:

I'm not diminishing what this law would do, but the whole licensing thing has to be reigned in some more. At one time we pretty much had a Countywide license here, unlike Nassau, and it's getting diluted, and it's something we have to work on, you know.

MR. MATTERA:

Just so the board of Legislators understands something. In Suffolk County you have different licenses. Suffolk County covers Brookhaven, Smithtown, they cover Riverhead and the whole east end. Okay? Islip has their own license, Babylon has their own license, Huntington has their own license. Okay? And then Islip will reciprocate with Huntington. But the whole problem you have is that right now Suffolk County, we were embarrassed over in Bellport Village with a lot of things. Our inspectors couldn't go there, they could not put summonses out, they couldn't give any violations; that's an embarrassment and we need to fix this embarrassment, please. So please, please, I would appreciate it.

P.O. LINDSAY:

Okay. Legislator Montano has a question for you.

LEG. MONTANO:

Hi, Mario. And we did take up this issue in committee. One of the questions that was lingering was you had said that there's 64 different licensing jurisdictions in Nassau and Suffolk --

MR. MATTERA:

Yes, there is.

LEG. MONTANO:

-- for a plumber.

MR. MATTERA:

Yep; all the villages.

LEG. MONTANO:

Right. And I had asked you if you knew how much a plumber who wanted to practice throughout Suffolk and Nassau would have to pay on a yearly basis; do you have that?

MR. MATTERA:

I'm sorry. What I -- I just actually came up with the numbers just with Suffolk, just to give you a head's up, and they're pretty much all the same. But 700 -- like I said, you have 791 and 641, that's a \$400 fee every two years. Now to go for your application to take the test, that's another

\$200 just to take the test.

LEG. MONTANO:

In every jurisdiction, times 64?

MR. MATTERA:

They're pretty much all -- you know, give or take a couple dollars; yes.

LEG. MONTANO:

Right.

MR. MATTERA:

So this is every two years.

LEG. MONTANO:

All right. So wait, just 64 times 600, 200 for the application -- I'm sorry, 400 for the -- no, 200 for the application or 400?

MR. MATTERA:

It's 200 for the application.

LEG. MONTANO:

And 200 to take the test?

MR. MATTERA:

No, that's the same thing, I'm sorry. The 200 -- it's the application and taking the test, that's how much that costs.

P.O. LINDSAY:

And it's 400 for the license every two years.

MR. MATTERA:

Right.

P.O. LINDSAY:

Two hundred dollars a year.

MR. MATTERA:

Right, that's for the Master Plumber and then for the Restricted Plumber it's \$200. And that's -- the restricted is actually irrigation and that's one of the things we have the issue with, irrigation, small water main work.

LEG. MONTANO:

All right, we'll take this up in committee. Thanks, I appreciate it.

MR. MATTERA:

Just so everybody understands something, everybody knows what a plumber -- how important a plumber is. Okay. Thank you.

P.O. LINDSAY:

Wait, hold on, Mario.

MR. MATTERA:

I'm sorry.

P.O. LINDSAY:

Legislator Cilmi has a question.

LEG. CILMI:

I'm sorry.

MR. MATTERA:

Nice to meet you.

LEG. CILMI:

Nice to meet you as well. Thanks for coming down. What do you have to go through every two years, other than writing your check for \$400?

MR. MATTERA:

You need to come up with your insurance policy, which is important because, not for anything, a lot of these non-licensed plumbers obviously don't have insurance also. So, you know, we're talking about natural gas, we're talking about, you know, hookups from the gas piping, domestic water lines and your waste lines and everything like that, so.

LEG. CILMI:

So what's in the review process for the County every two years to charge you \$400; why are we charging you \$400 every two years?

MR. MATTERA:

To make sure that you're keeping up your license and -- you know what? That's a good question. I wouldn't even know that. I guess because it brings money and it keeps people working.

P.O. LINDSAY:

And the other thing, just to the jump in, is we have inspectors out there to make sure that people --

MR. MATTERA:

Exactly.

P.O. LINDSAY:

-- have their licenses to respond to consumer complaints.

MR. MATTERA:

You know what? I'm going to answer that. That's the reason why and you know why -- the Presiding Officer explained it. You have an inspector, a plumbing inspector, you have an electrical inspector that works for the County, he needs to get -- that person needs to get paid. So that's the answer.

LEG. CILMI:

Okay. Thanks.

MR. MATTERA:

Thank you.

P.O. LINDSAY:

Wait, Legislator Kennedy has a question.

MR. MATTERA:

Popular, huh?

LEG. KENNEDY:

Mario, a couple of things. One, there's another very important aspect associated with the licenses, as you know, and it's a protection that goes actually to your licensed mechanics. If, for whatever reason, if they're not made whole by the homeowner or the individual that procures the work, they can go ahead and put a mechanic's lien on it. As a matter of fact, if they're unlicensed, as you know well, that's an absolute and complete defense against any kind of a mechanic's lien. So there's a measure of protection that goes to your people, as matter of fact, as they go through their process.

But I remember our conversations about what went on down in Bellport and it was so egregious, as a matter of fact, that moved into a criminal type of a prosecution with what went on down there. Now, it wasn't just an element of an out-of-state contractor or an unlicensed contractor, this was a situation where individual employees and workers were being abused across the board with all kinds of violations of Fair Labor Standards Act, with OSHA standards, unsafe work conditions. This was -- my recollection was that it was terrible.

MR. MATTERA:

It was a total disaster. And that contractor would have been liable for this and we could have went with our Consumers Affairs and we could have shut the job down, but we couldn't do it. That's the problem. You know what? The prevailing wage laws and the workers being exploited, that's another issue that's being handled. We handled that with the DA's Office. But we need to handle this with Consumers Affairs so our inspectors that do get paid by that \$400 yearly could go down there and do their job properly, and they want to, trust me. I sit on the -- and I'm very proud of it, I sit on the Plumbing Licensing Board with Suffolk County and this is how pretty much this all came about.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. First of all, thank you for your warm wishes. And I certainly do know the importance of a good plumber, having just built a new home, you know, the foundations of your home, the mechanicals.

We were just having some side conversation. It was 400 --

MR. MATTERA:

It's 400 every --

LEG. LOSQUADRO:

-- per term, so for every two years.

MR. MATTERA:

Every two years it's a \$400 fee, yes.

LEG. LOSQUADRO:

So if you said per jurisdiction, say you were licensed in all 64 jurisdictions; I mean, theoretically that could be \$25,600.

MR. MATTERA:

Dan, we tried to do something, but it has to be done on a State level.

LEG. LOSQUADRO:

Right. I'm just saying, just to illustrate the absurdity of that, that would be \$12,800 a year for a small businessman to operate just for the privilege of going over one road or another just to be able to ply his trade, you know, across some arbitrary line. It's just -- it's so absurd.

MR. MATTERA:

Right. And taking the test with each one of these -- you know the small villages? There's a lot of small villages in Nassau County; those have to -- you have to go there and it's a mess.

LEG. LOSQUADRO:

It's certainly something that does need to be addressed and I thank you for bringing that to our attention. Because that's why I just wanted to illustrate that number, just for the sheer absurdity of the amount of it.

MR. MATTERA:

Yes.

LEG. LOSQUADRO:

So, thank you.

MR. MATTERA:

And so you could understand why my contractors are going crazy when they hear that you have somebody from out-of-state coming here and they, you know, they don't understand it, which I don't either.

LEG. LOSQUADRO:

Absolutely. Thank you.

MR. MATTERA:

All right? Thank you so much.

P.O. LINDSAY:

Thank you, Mario. Get out of here before somebody asks you a question. George Psillos.

MR. PSILLOS:

Good afternoon.

P.O. LINDSAY:

Hi, George.

MR. PSILLOS:

How are you, Bill? Thank you, Presiding Officer Lindsay and County Legislators for letting me speak right now. My name is George Psillos, I live at 73 Beechwood Street in Farmingdale in Suffolk County. I've been a resident for over 25 years.

I come here to -- in support of IR 1080. This licensing law is very important to the trades and to the residents of Suffolk County. Mario touched on it before and Mr. Lindsay touched on it; you have to understand that when a contractor comes into your house, you are -- you're counting on this person to do the right job, to do a job, especially in the electrical industry where he can cause a problem and your house would burn down, as with plumbing, with gas and whatnot.

Local 25 is in full support of this -- this law and we'd like to see it passed as soon as possible. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. I do not have any other cards on this subject. Is there anyone else in the audience that would like to address this subject? Seeing none, I'll make a motion to close.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Next is **1097-10 - A Local Law amending the membership of the Dredging Project Screening Committee (Schneiderman)**. I don't have any cards on this subject. Is there anyone that would like to address this subject? Seeing none; Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll make a motion to close, just as long as my colleagues are aware that I did change -- it has been amended recently to add not just one but two people, one from the County Executive and also the Chairman of Public Works or their designee.

P.O. LINDSAY:

Okay. We have a motion to close, second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Leg. Horsley not present).

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

P.O. LINDSAY:

Public Hearing on IR 1102-10 - Adopting Local Law No. -2010, A Local Law to ensure the timely removal of damaged utility polls on County-owned roadways (Eddington). And I have a number of cards. First, Patrick Lespinasse. Hi, Patrick.

MR. LESPINASSE:

Good afternoon, Mr. Presiding Officer and Members of the Legislature. My name is Patrick Lespinasse and I serve as Director of Government and External Affairs at Verizon. I am joined here this afternoon by my colleague Tracey Edwards, Vice-President of Telecom Regional Operations. We are based on Long Island at 741 Zeckendorf Boulevard, Garden City, NY, 11530.

We are present here today to provide comment on Introductory Resolution 1102, sponsored by Legislator Eddington, which we respectfully oppose. Verizon has taken measures to address the double-wood issue across the State, particularly in Suffolk County. Verizon works cooperatively with municipalities to address their concerns regarding double-wood, and since this measure was last discussed in this forum, Verizon has demonstrated gains in addressing the issue. In most cases, the second pole that creates the double-wood condition is placed by the power utility.

The New York State Public Service Commission has initiated the Standardized Facilities and Equipment Transfer Program Proceeding. This proceeding was implemented by the PSC to foster communication between pole owners and pole attachers and to implement a common system that will be used for the exchange of information between entities. The commission's order that established this proceeding acknowledged that a communication system was an integral tool needed to efficiently address the transfer of facilities from one pole to another and ultimately remove the original pole.

Verizon respectfully requests that the Legislature not act on Resolution 1102 at this time, as the Public Service Commission is working with all utilities to address the issue and as Verizon continues to be proactive in this area. I understand that members of the Legislature may have questions which we are prepared to answer. That said, with your permission and indulgence, and before such questions are posed, we would appreciate having our subject matter expert, Tracey Edwards, provide a few comments on Verizon's efforts in Suffolk County in how Verizon continues to focus on this issue in 2010. Thank you for your consideration of our position in this matter.

P.O. LINDSAY:

Patrick, why don't you stay right there and we'll call Tracey up and listen to her and then we'll talk.

*(*Laughter*)*

MS. EDWARDS:

Good afternoon. I first appeared before you in October, 2006 in Hauppauge when you asked me to put together a plan to address this very important issue. I have had correspondence with you, Presiding Officer Lindsay and Legislator Eddington and Legislator Browning among some of the rest of your staffs. And I have -- I hope you all agree when I give you the numbers, have kept my commitment and I will continue to do that and I am willing to make additional commitments. When we first appeared, the double-pole issue, we had over 8,000 double-polls that were created, in existence in 2006. Today we have 11,994, and the reason for that is that LIPA, another utility, has put in a tremendous amount of double-polls, as we have. We have placed 3,400 since 2006, LIPA has placed 11,923 polls. Verizon has removed, however, 12,085.

I had made a commitment to you that we were going to take down a 150 polls per month, we met that commitment, we have upped that in 2008 and 2009 and already this year we have taken down 700.

This is an ongoing effort that is going to continue to be addressed by us. I have also worked with your staffs, if they contact me in reference to anything that you see that is aesthetically displeasing, or you deem or your constituents deem as a safety issue, we respond to that immediately and we will continue to do that.

If you enact this legislation, what it's going to create is really a burden on Verizon for 90% of the time. Because of the safety and compliance to the national electric standards, we are the last utility that will be on the pole. So if you follow through with that, that will mean that the burden will be on us over 90% of the time and we have not created the problem over 90% of the time. So I would be willing to answer any questions that you have and we'll take it from there.

P.O. LINDSAY:

Okay. Tracey and Patrick, you think it's harder to put in a new pole or to take out the old one?

MS. EDWARDS:

It depends.

P.O. LINDSAY:

It depends, okay. Patrick, you said something that, you know, the power company is responsible for the double-polls. They don't put in a double-pole unless there's a reason; usually the pole is cracked, it's hit by a car or something like that, so they come along, put in a new pole, transfer the power, then the cable company comes along -- and isn't the last utility on the pole supposed to take out the old one?

MS. EDWARDS:

Well, I will respectfully disagree with you, sir.

P.O. LINDSAY:

Okay.

MS. EDWARDS:

Because LIPA has an infrastructure program that the majority of the time they are upgrading their facilities, they're doing that to place the pole. And I believe, I'm not sure, but they may have -- even have some economic dollars their way in order to do that. So they have a very robust program.

P.O. LINDSAY:

So why are they replacing the pole -- replacing a perfectly good pole?

MS. EDWARDS:

In some case it's good, in some cases it's not; they're upgrading their facilities.

P.O. LINDSAY:

Okay.

MS. EDWARDS:

So, I mean, I would suggest that there's 11,923 polls that LIPA has placed since 2006, we've placed 3,400; I would suggest that that is not for cracked polls and -- because of safety, if there's a cracked pole we try the best we can to remove that immediately.

P.O. LINDSAY:

When we first had our discussion, you know, a lot of the polls in my area, in my district were damaged; I mean, some of them were held together with rope. I mean, it was an obvious safety hazard, obvious. You know, I had a discussion with Patrick I guess a couple of months back. What really kind of bugged us is Verizon had, you know -- while this situation is going on, you've laid off quite an extent of your line crew out here, which really bothered us. You know, that we have potential safety as well as aesthetic problems around the County and the company is laying off people, local people, which bothered us.

MS. EDWARDS:

Well, you know, that's always a problem for anyone. We are a very large corporation, we have earnings and revenue commitments to make. No one wants to see anyone laid off.

P.O. LINDSAY:

Well, I think that boils it down to is the earning commitment is -- what did the company make, a billion last year?

MS. EDWARDS:

Sir, I don't have those figures.

P.O. LINDSAY:

Yeah. Okay. Legislator Romaine.

MS. EDWARDS:

What I want to say to you, though, is I did meet my commitment to you. I mean, I put together the plan, you held me to that plan. I have expedited and tried to do whatever we can to do that and I'll continue to do that.

P.O. LINDSAY:

Okay. I do not dispute that, Tracey. Since we had the meeting in 2006, there was an effort by your office to keep up with the program, for whatever reason it seemed to have been lagging again. We had some of the Council people from Riverhead here this morning, they said that they have 500 double-polls in Riverhead alone, which I have no way of knowing or disputing or whatever.

MS. EDWARDS:

That could very well possibly be.

P.O. LINDSAY:

Okay.

MS. EDWARDS:

On County roads there's about 2,700.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

I just would point out on behalf of Riverhead, I have met with Councilman Wooten who came here today, he's sponsoring the same bill -- I'm a cosponsor with Legislator Eddington -- he's sponsoring the same bill that Legislator Eddington is for the Town of Riverhead. We met on Friday and he went through a whole list of where these 500 polls were listed in the Town of Riverhead.

Yesterday, just so you should know, just before the Van Wetering Nursery in Laurel, just east of Manor Road, there is a pole, a large pole that is cracked totally in half. We watched it sway in the breeze and it's tied with rope to an adjoining pole which is about three feet away; so it's not even tied to the pole that's up, it's just there cracked right through. That was one of the things that we took a look at. You guys know the pole, you know what I'm talking about, you drive to the North Road, County Road 48 or whatever, Sound Avenue at that point.

This is a problem. Legislator Eddington's bill is a simple bill, it simply says if you have a cracked pole that's broken, within 60 days you're going to be removing that pole. I don't think that's an undue fair burden.

As far as the Public Service Commission, no one elected them. They elected the Riverhead Town Board, they elected this County Legislature, we're going to legislate. What the Public Service Commission does, they can promulgate rules and regulations, but we certainly will trump them with that. I've heard from complaints -- I mean, this sounds like a foolish thing, but a lot of people have complained to me. I mean, Councilman Wooten was showing me polls that were double, what he called double-wood polls there that existed where the first pole was cracked that was existing there for two years, in excess of two years. If there isn't a time line, and I think 60 days is plenty of time for you to remove a broken pole that could fall in the road or threaten disruption of electricity or other things that run from pole to pole, I think that's a fair bill. And if that's a problem meeting that standard, well, unfortunately that's something we have to decide. And unless you can convince me that 60 days is an unreasonable time, and I haven't heard anything to convince me otherwise --

MS. EDWARDS:

Can I continue?

LEG. ROMAINE:

I will, I'll just stop now then. Thank you.

MS. EDWARDS:

Okay. Because here's what I would say to you, sir. It's because you're going under the assumption that all of those polls are ours, and 60% of the time they are LIPA's polls. But your law would make it that 90, over 90% of the time it would be our responsible -- our responsibility to remove that pole. See, that's what I'm talking about from a fairness and equity perspective.

LEG. ROMAINE:

You know what I would suggest? And I'm sure Legislator Eddington would be interested in hearing that, too; how you would amend this bill without changing the 60 day requirement.

MS. EDWARDS:

Okay.

LEG. ROMAINE:

Okay?

MS. EDWARDS:

Yep.

LEG. ROMAINE:

Because, you know, I don't know my colleague, I haven't discussed with them, but I get a sense that I think this is very reasonable and this has a very good chance to pass.

MS. EDWARDS:

Okay. I understand that --

LEG. ROMAINE:

So if you're going to -- if you have an amendment, because these polls aren't yours or the way the law was written would put the burden on you when it really should be on LIPA or whatever, fine. I would make that recommendation to Legislator Eddington or myself as a cosponsor, I'm sure we'd be happy to consult and take a look at that. Thank you.

MS. EDWARDS:

Okay, I would like to have the opportunity to do that. Because in fairness, I'm not sure if LIPA is here, you know, to speak on their behalf; they do own 60% of the polls and we own 40% of the polls. But if your law is in that way, because of the safety and compliance of the National Electric Standards, we would incur the responsibility and the cost 90% of the time.

LEG. ROMAINE:

We'll await any amendments that you would suggest.

MS. EDWARDS:

Okay.

P.O. LINDSAY:

Legislator Eddington does have a question. Before you go, Jack, I just -- help me with this. It isn't the ownership of the pole, isn't it the last utility off the damaged pole has to remove the pole; isn't that --

MS. EDWARDS:

Well, it doesn't even have to be damaged. If there's a double-pole condition it has to be addressed. And because we are the last utility, if LIPA, because of the National Electric Standards and because of the way you have to place the pole, there's LIPA, there's Cablevision, there's Verizon; we would be, in most cases, responsible for pulling the pole.

P.O. LINDSAY:

Right.

MS. EDWARDS:

So but if you're not --

P.O. LINDSAY:

And in most cases you would be responsible for adding the double-pole.

MS. EDWARDS:

That's correct.

P.O. LINDSAY:

Right. Okay.

MS. EDWARDS:

That's correct.

P.O. LINDSAY:

So it doesn't make any difference who owns the pole, it's the last one off the pole.

MS. EDWARDS:

That's correct. And 11,000 versus 3,400 just since 2006.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes, in some informational thing. First of all, you obviously know, as I told you earlier, this is nothing personal, I just changed from AT&T to Verizon.

MS. EDWARDS:

Well, thank you for that.

*(*Laughter*)*

LEG. EDDINGTON:

But I don't want to be the double-wood Police.

MS. EDWARDS:

I understand.

LEG. EDDINGTON:

And my legislation doesn't say the last person on the pole, it says permit -- the responsibility is the permitting party, the permitted party. So whoever got the permit to put the pole up first, it could be LIPA or it could be you, but those are the people that would be fined, not necessarily you, it could be LIPA. But what I said to Patrick when I met with him, I said that will be -- at least there will be an incentive to communicate. Because right now LIPA could do the change and not call you and it could be your pole and you don't know.

MS. EDWARDS:

I understand that. But what I'm saying is I'd like to have an opportunity to share our opinion about that, because it does look like operationally it would be ours. And as far as communication, I'm very accountable to you, so you don't need to have a Local Law in order for, you know, me to come and give you my progress.

LEG. EDDINGTON:

Well, my comment on that is that you did meet in 2006 with me when I was proposing putting legislation in and I withdrew it, but the plan that we put together, as you stated, obviously was inadequate. Now, I wasn't running around checking the polls, but I would think somebody at Verizon must have known that it was inadequate. And so now we're back again where I'm coming forward saying, "Look, we have to do something." And my proposal is going to be this; that I want to close this today, but I would be willing to sit with you, the Presiding Officer and any of my colleagues to think -- if you can develop a plan, and this is what I said to Patrick, if you can come up with a plan to do this adequately, I'm okay with that.

MS. EDWARDS:

I'll certainly be glad to do that. You have my commitment to do that and I'll reach out to LIPA to see, because I'd like them to join me in this planning process since they're driving the issue, you know, at least 60% of the time.

LEG. EDDINGTON:

I guess just what I -- I'd rather educate than legislate and work it out. But I guess what I'm saying to you is if I have this sitting there, then I can watch what happens. And I can keep tabling it --

MS. EDWARDS:

Right.

LEG. EDDINGTON:

-- and tabling it and then just do away with it because I see that the plan is adequate this time.

MS. EDWARDS:

Okay. I think that's fair.

LEG. EDDINGTON:

And I would be willing to do that.

MS. EDWARDS:

That's fair, Sir.

P.O. LINDSAY:

Okay. Thank you, Tracey and Patrick. And I have one more card on this subject, Mike Gendron. And Michael, I'm sure, is going to give us a different perspective.

MR. GENDRON:

Good afternoon, Presiding Officer Lindsay and esteemed Legislators of the Suffolk County Legislature. Thank you for giving me the time to speak before you today.

I'm here to speak about bill number IR 1102. This bill would fine utility companies for leaving double-polls, broken polls on County Roads where permits have been granted. So, what is a double-pole?

As you've heard, it's two polls that stand together, it's one utility is left on the new pole while the other utility is left on the old ones. Unfortunately, all too many times, if not almost all the time, it's Verizon and cable that's left on the old pole. In fact, there are currently thousands of these double-polls and broken polls in Suffolk County. You would be hard-pressed to drive anywhere on a County Road and not see them all over. In fact, when you drive back to the County Legislature, on Vets Highway between the merge of Routes 454 and 347, there are nine of them in that small stretch of road. This did not happen over night. This is something that's been years in the making and it's something that needs to change.

***(*The following was taken by Lucia Braaten - Court Reporter
& transcribed by Kim Castiglione - Legislative Secretary*)***

This bill would not have been necessary twenty years ago. In fact, it wouldn't have been necessary ten years ago. Back then the Public Service Commission, or the PSC, had a mandate of protecting the public by ensuring that the service standards were met and safety standards were observed. Back then, when the telephone company heard the mere mention of the PSC, management and craft went into overdrive to satisfy the PSC and any complaints they had received. Back then you would read about fines that the PSC levered against the telephone company when they did not meet minimum service standards. When is the last time you heard of that happening? Back then the PSC ensured that our communities were safe by holding the telephone company accountable to make sure that old and broken polls were moved in a timely fashion. They made sure our children were safe from the dangers that a broken poll presented. They would never have allowed a broken poll to remain in place for months or years on end. They actually used to ride and inspect the plant conditions to make sure that they were kept at certain standards so as to ensure quality service. I do not know what happened. It seems that the PSC is more concerned with competition in the telecommunications industry and less concerned with the safety and wellbeing of the residents of

New York. Competition is important, but public safety needs to be included in that process.

What I do know is that because no one is watching, no one is holding the phone company accountable. They have gotten lax in making sure that double polls and broken polls do not remain a blight on our communities for an excessive period of time, putting our citizens in harm's way. Maybe it is to be expected that when no one is watching they are not inclined to do the right thing.

All too often you read in Sunday Newsday in the one section where, you know, residents can't get a broken poll removed from their street, Newsday has to get involved. Why did it take that paper to ensure that that poll gets removed? It shouldn't have to be that way. Verizon stated that they replaced the polls as they came through our towns installing FIOS. Well, that slowed the process too much and the executives at Verizon put an end to that. Those same executives have allowed these polls to remain, okay, and Verizon hasn't abandoned any thoughts of a FIOS build-out in Brookhaven and towns further east, so that plan is not going to work there.

You're going to hear -- you have heard they have a plan in place, but we've been down that road before and it's not working. How serious could they really be anyway when they just laid off 54 employees here in Suffolk County, most of whom did this exact form of line work? And to further show their lack of interest in this, they just sent 32 linemen and splicers to the Buffalo and Syracuse area for the next six to twelve months. It is because of this lack of oversight that it's become necessary for someone to keep our community safe. Let's not forget that telephone companies like Verizon are still a public utility and they should be responsible to keep that public out of harm's way with plant conditions that meet a minimum standard. We cannot count on them to self-regulate, so I implore you to do so with I.R. 1102. Thank you.

P.O. LINDSAY:

Thank you, Michael. Wait. Legislator Kennedy has a question for you.

LEG. KENNEDY:

Thank you for coming out on this. And, as a matter of fact, I recall that we have spoken about this before.

I'm trying to think of a way to ask this. Is there somebody besides CWA for personnel actually engaged at this point in taking out the existing polls? Are you seeing subcontracting, or are you seeing nonunion contractors that have been engaged?

MR. GENDRON:

Not that I'm aware of.

LEG. KENNEDY:

Okay.

MR. GENDRON:

And, you know, again, I guess to speak to that, LIPA is the one that goes out, and, you know, unfortunately, there is no plan in place up to now, and if they are going to put one, why is it taking this long? It should have happened back in 2006.

LEG. KENNEDY:

But then I guess I just don't understand the process. If it's a Verizon poll, LIPA's actually doing the removal process, or is it Verizon folks?

MR. GENDRON:

At times, because Verizon will not send their linemen out on a hit poll in the middle of the night, and so LIPA is left waiting and waiting, and then, finally, they'll replace a poll, yes. But what happens is that the poll gets abandoned to the utility that's left on it, and, like I said, almost 100% of the time the utility that's left on the old poll is Verizon and, I guess, cable.

LEG. KENNEDY:

Okay. All right. Thank you.

P.O. LINDSAY:

The sequence, John, is poll gets hit, the first one there is the power company. They put in a new poll. They move the electric wire, whether it be primary or secondary, for safety's sake. They leave the double-poll situation. Either cable comes along or Verizon to move their utilities to the new poll. The last utility is supposed to take out the poll.

LEG. KENNEDY:

Regardless of ownership.

P.O. LINDSAY:

Regardless of ownership.

MR. GENDRON:

If Verizon would send out their linemen with LIPA, and we do have a service that does take those phone calls, but all too often we don't, I guess to save money on overtime.

P.O. LINDSAY:

Okay. Thank you, Michael.

MR. GENDRON:

Thank you.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone in the audience that would like to address us on 1102 that hasn't spoken as yet? Seeing none, Legislator Eddington, what's your pleasure?

LEG. EDDINGTON:

Close.

P.O. LINDSAY:

Motion to close. Legislator Romaine, do you want to second that?

LEG. ROMAINE:

Yes. Thank you.

P.O. LINDSAY:

Seconded. All in favor? Opposed? Abstentions? The hearing stands closed.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

J.R. 1127, A Charter Law requiring sound budget practices to ensure fiscal responsibility. (Stern). And I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Stern.

LEG. STERN:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

J.R. 1129, A Local Law to ensure the integrity of prescription labels in Suffolk County. (Cooper). I have no cards on this subject. Anyone in the audience want to speak on the subject? Seeing none, Legislator Cooper.

LEG. COOPER:

I'd like to make a motion to recess this.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

J.R. 1163, A Local Law to streamline procedures for selecting the County Legislature's Presiding Officer and Deputy Presiding Officer. (Cooper). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

J.R. 1164, A Charter Law to guarantee continuity and stability in County Law Enforcement and ensure adequate resources for public safety. (Eddington). I have no cards on this subject. Is there anyone in the audience who would like address us on 1164? Seeing none, Legislator Eddington?

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

I.R. 1170, A Local Law amending the Suffolk County Empire Zone Boundaries to include Amneal Pharmaceuticals of New York, LLC. (Co. Exec.) I have no cards on this subject. Is there anyone in the audience that would like to talk to us about this subject? Seeing none, I'll make a motion to close. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

I.R. 1171, A Local Law amending the Suffolk County Empire Zone Boundaries to include A&Z Pharmaceuticals, Inc. (Co. Exec.) I have no cards on this subject. Anyone in the audience want to speak on this subject? Seeing none, I'll make a motion to close. Do I have a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay. ***I.R. 1173, A Charter Law repealing Article III of Chapter 294 of the Suffolk County Code and enacting strengthened and improved regulation of the installation and servicing of portable fire extinguishers and automatic fire extinguishing systems. (Co. Exec.)***

And let me see. I think I've got some cards on this. 1173, yes, I've got a lot of cards. They're mixed up. Okay. Tom Bury. Please come forward.

MR. BURY:

Good afternoon. I'd like to thank the Legislators for allowing me to speak. My name is Thomas Bury.

D.P.O. VILORIA-FISHER:

Lift the microphone up, please.

MR. BURY:

Thank you, Legislators, for allowing me to speak. My name is Thomas Bury. I am from William {Hurt} and Company, 255 40th Street, Brooklyn, New York. I'm here on behalf the New York Association of Fire Equipment Distributors with regard to 1173. Our New York Association requests that the Legislators table this legislation.

The legislation is poorly written and it needs the input from our industry. Our industry was not consulted on this subject matter, and our New York Association, the committee members alone have 200 plus years of experience with portable fire extinguishes and automatic fire suppression systems. We were not consulted by the Public Service Committee with regard to this legislation. And, again, I implore you to table this legislation. Thank you.

P.O. LINDSAY:

Thank you very much for coming.

MR. BURY:

You're welcome.

P.O. LINDSAY:

Next up is Donald Haosz.

MR. HAOSZ:

Good afternoon. I also would like to thank the Legislature for giving us the opportunity to speak on this issue. I, too, am here in reference to 1173, and also am a member of the New York Association of Fire Distributors from its inception, and do also believe that the Public Safety Committee and the legislation needs to be relooked at, and receive the input from members of the industry that are not only educated and versed on portable fire extinguishers, but also on fire suppression systems. Tom mentioned that we -- the Executive Committee has over 200 years of experience collectively. We have over 44 members in the Association and over 1,000 years of experience. And, you know, we would like to be given the opportunity to assist the committee and, you know, working with the fire marshals organizations to better the legislation in the future. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Haosz. Michael Matteo.

MR. MATTEO:

My name is Michael Matteo, 117 Remington Avenue, Selden, New York. Good afternoon, Presiding Officer, members of the Legislature. Thank you for this opportunity. I'm here today representing the Fire Marshals Association of Suffolk County as past president to speak in favor of I.R. 1173-10, A Local Law to repeal and add a new Article 3 of Chapter 3 of the Suffolk County Code. I have been a firefighter for 26 years; fire educator for five years; Code Enforcement Officer for 16 a Fire District Marshal in two jurisdictions in Long Island for 12 years, including the Towns of Huntington and Brookhaven.

In that time I've witnessed numerous incidents involving the use and activation of portable fire extinguishers and fire extinguishing systems. In some of these incidents the equipment works as designed limiting the hazard to life and property related to fire, and others have failed to activate when necessary or activated without reason.

The Fire Marshals Association of Suffolk County, with the help of Suffolk County Fire, Rescue and Emergency Services, formed a committee to explore creating a Local Law regulating servicing of portable extinguishers and automatic fire extinguishing systems. Chapter 294 was passed in 2004. The licensing business which services portable fire extinguishes and automatic fire extinguishing systems board, commonly known as FELD was created.

I was appointed by the Fire Marshals Association to this board. It soon became apparent that the code needed to be amended to strengthen and improve the regulation of the installation and servicing of portable fire extinguishers and automatic fire extinguishing systems. The board, with the help from the County Attorney's Office, worked tirelessly continuing the current licensing process

while determining what changes should be made to enhance public safety.

Before you is the culmination of this work. By expanding the legislation and licensing requirements for the installation of extinguishing systems, more emphasis can be placed on ensuring that qualified and responsible persons will be performing all phases of the fire protection systems.

Currently, a contractor can install a fire extinguishing system in Suffolk County whether or not they have a valid license to maintain the same system. Through licensing, local jurisdictions will have a database to reference during the permit process for the installation of individual systems, ultimately improving the ability to ensure greater fire protection to the business and consumer community.

Additionally, requiring technicians to be licensed, a more thorough investigation can take place as to the qualifications of those individuals to perform the functions of installing and maintaining fire protection equipment. Each licensed technician shall carry an identification card that will enable the local business owner to immediately determine that this individual has met the requirements to obtain a license and local jurisdictions will be able to refer information regarding unlicensed or potentially unqualified individuals to the board for investigation.

The servicing of extinguishers and systems takes place both at the location of installation and within the contractors facilities. The need for registering these facilities became evident. The information gathered by the Fire Marshal inspecting the facility will be made part of the final registration. Should follow-up inspections reveal insufficient equipment to perform the requisite functions, the registration can be reviewed for possible discontinuation. Under the current code, a contractor found performing extinguisher or systems inspections without a license or performing work not in compliance with the nationally accepted standards could be subject to civil remedies only. The text of the new code will allow for criminal proceedings and penalties, with the Fire Marshal having the ability to issue appearance tickets for contractors operating without a current license or registration. This will streamline enforcement of this section of the code by having it returnable to the Criminal Court within their jurisdiction. I hope this information I've provided will assist you in making a favorable decision and I thank you again for your time.

P.O. LINDSAY:

Mr. Matteo, Legislator Browning has a question for you.

LEG. BROWNING:

Good afternoon. I had a number of calls from some small local businesses in my district. One was a bar, one was a small deli-restaurant, and they reported having their fire extinguishers replaced or refilled, whatever it may be, to find out that they were not filled and basically all that happened was the tags were changed. So what does this bill do for them? They reported it to us. I mean, is this going to protect them that the next time if something comes in they have to have a license, they have to show certification?

And also, I know the first gentleman that spoke said no one from, I guess he saying no one from the industry was present in those meetings? I believe there was. Am I correct?

MR. MATTEO:

The board consists of five members, two of those members are appointed through the NAFED, which is the National Association of Fire Equipment Distributors. So it's a national association that equipment distributors belong to and the two names of the two members came from NAFED and they do sit on our board and were involved in the process of redefining this law.

As far as the local end user, the business owner, the mom and pop shop, they would be protected in that the person, actually the person who walks into their shop would have to have a license, would have to have identification card. Without that card, they are not supposed to be going into that business and soliciting business such as fire extinguisher inspection, installation or system inspection. If they walk into there without the card -- it's going to take a little bit of education on

our part to get the word out there, but if they working without the card they could be turned around very easily and that information can be forwarded to either the local Fire Marshal for a township and they will forward it to the board or directly to the board for enforcement. And it is a criminal -- through the law now, it would be a criminal complaint.

LEG. BROWNING:

Thank you.

MR. MATTEO:

You're welcome.

P.O. LINDSAY:

Thank you very much. My cards got shuffled a little here. I skipped over Thomas Baker. Thomas Baker.

MR. BAKER:

Good afternoon. I'm Thomas Baker, Town of East Hampton Fire Marshal. And the Town of East Hampton is in favor of 1173. In my position as a Fire Marshal I'm in charge of plan review as well as following up on inspections of public assembly spaces, including restaurants, delis, places that like that would have fire suppression systems, fixed fire suppression systems. In the past year we have noted several deficiencies. Through our office we do report that to the Suffolk County Board. There's been actions taken. We need more action to be taken and more stringent laws to be out there so that we can do our job.

Again, we're in the public service and the public safety business, and our number one goal is to get compliance out there, to get these contractors licensed, that they do the job properly, and there's plenty out there. There's plenty of good work out there but there's also plenty of shoddy work out there. And in enacting this 1173 it would enable us to do our job more effectively. Thank you.

P.O. LINDSAY:

Thank you very much. I have the other card was Neil Metz. Neil Metz.

MR. METZ:

Good afternoon, Ladies and Gentlemen. Thank you for the opportunity to speak here today. My name is Neil Metz. I'm the proprietor of Tri-County Fire Equipment at 110 Maple Avenue, Cedarhurst, New York. I have been in the fire and safety business for over 40 years. I am a past Nassau County Fire Commissioner, I am a past Nassau County Fire Department Commissioner, and presently I'm a sitting Chief in a rescue company. So I'm very well aware of the potentials of fire safety and what we require out there.

Our organization came today not to fight against this, but to ask to be -- have this law tabled so that we could sit down and go over some of the end issues that are at hand here. There are questions about how the law was written. Some of the things that were written into the law about responsibility, and I know as a proprietor that when we leave a premise and everything is done the proper way, we only can tell you that from the time that we -- when we leave. Nobody can say that someone's not going to come in afterwards and take a tag off an extinguisher, a safety seal or a ring, a neck ring, that says it's been serviced.

So we would like very much to have this tabled today so that the Legislator and maybe some representatives from our organization that are involved more deeply in -- yes, there are two representatives from Suffolk County that are supposedly representing the fire equipment industry. Neither one of them belong to the association, neither one of them do suppression systems, and that's a big item that's part of this law.

So I -- we request -- I would ask the Legislature to reconsider passing this today, possibly tabling it and opening it up to another meeting with ourselves, with the County Fire Marshals Offices and get a broader spectrum of what this law should say. Thank you.

P.O. LINDSAY:

Mr. Metz, Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Presiding Officer. You and one other person asked us to table this today and I just wanted to quickly mention that this is a public hearing so we're not voting on this today. We're just listening to the public. Even if we were to close this today, it would go to committee wherein people would have an opportunity to speak at the committee, and then if it were to pass at the committee it would go to the General Meeting. Are you aware of the process? I just wanted to outline it for you.

MR. METZ:

I am now, yes, completely. I was a little concerned because I didn't know if you closed it now if it was an ended issue.

D.P.O. VILORIA-FISHER:

No. If we closed it now then it would be eligible to go to be voted on at the committee and then it would be able to go to the General Meeting. So there are two more opportunities at the very least, if it were closed today, for you to come and speak to us.

MR. METZ:

Okay. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you for being here.

P.O. LINDSAY:

Richard Alexander.

MR. ALEXANDER:

Good afternoon. I want to thank you for the opportunity to speak this afternoon. I am a member of the New York -- my name is Richard Alexander. I'm a member of the New York Association of Fire Equipment Distributors. A lot of the issues that have already been brought up by other members I'm in full agreement with. Our organization is not in any attempt looking to have this new law disregarded or disposed of. We agree with a good portion of the law. However, we would like to have it enhanced so that additional features are in it so that it will be a clearer, more decisive law and easier for people to understand and interpret. If we are -- if we can have representation on the board or in some manner that we can speak the existing board in an organized fashion we believe that a law can come out of that will be much clear and provide life safety that will be much better for the residents of Suffolk County. Thank you.

P.O. LINDSAY:

Craig Zitek.

MR. ZITEK:

Good afternoon, Mr. Presiding Officer, members of the Legislature. My name is Craig Zitek. I'm a Fire Marshal with the Town of Riverhead. I'd just like to speak to you today in support of 1173. We have many minority businesses in the Town of Riverhead, and lately we've been hit with a number of unscrupulous as well as unlicensed companies doing business. I have three businesses that have paid between \$5,000 and \$7,000 for hood and duct as well as suppression systems that have either never been completed, or when completed did not work as -- and were not compliant with the fire code and the Fire Extinguishing Licensing Board.

In addition, I have companies going around that are doing inspections of portable fire extinguishers who were not licensed. They usually come in and demand cash and just place a tag on the extinguishers. They're hitting the minority companies, the Spanish markets, the Chinese restaurants, the Asian nail salons, the Polish delis, companies where the personnel and the owners do not speak English well.

We have been going around and trying to educate these people with a consumer alert as well as a list of the companies who are licensed in Suffolk County. I tell all these people if you have a question, if someone comes in, please call our office. We can tell you whether they're licensed to do the work that they're claiming that needs to be done. Last week alone I wrote 15 court appearance tickets for unlicensed as well as improper inspections of portable fire extinguishers in the Town of Riverhead.

A lot of times, and one of the complaints that I hear common from the business owners that I speak to is that these people have no identification, it's hard to tell who they are or if they are licensed, and they come in and usually tell them that if they don't allow them to do the inspections and pay them that they're going to have the Fire Marshal come and shut their businesses down. Again, this is why we've been going around trying to do a public education and having them call us. I would urge you please to support this bill. Thank you.

P.O. LINDSAY:

Thank you very much for coming today. Neil Crowley.

MR. CROWLEY:

My name is Neil Crowley and I'm the President of the New York Association --

LEG. LOSQUADRO:

Speak a little closer to the microphone, sir.

MR. CROWLEY:

My name is Neil Crowley and I'm the President of the New York State Association of Fire Equipment Distributors. I'd like to correct some of the misstatements that have been made here. Number one, as a group, we are extremely happy that there is a licensing law. We've supported licensing laws in every jurisdiction that we work in. We've helped write those licensing laws in every jurisdiction except this one. Where the licensing laws predated our association, we formed a Communications Committee and we've gone back to the authorities having jurisdiction to help them write the law so it's effective and it serves public safety. Most of what you heard today is from an enforcement point of view. An enforcement point of view does not write an effective law that regulates a technical thing like portable fire extinguishers or fire suppressions systems.

Now, there was a particular company that was prevalent in this area, all right, and they caused a lot of disruption in this area, and licensing laws were aimed at them. New York City was very successful dealing with that company without changing any of their existing laws. They simply got the cooperation of the industry and put those people out of business. Now, that doesn't happen every time, you always have smaller companies that are basically bad people, I mean, they're criminals.

The discussion that we just heard about having immigrants attacked by those companies is prevalent. In Freeport that was a very common item. It's not something that you can stop 100%, but it's something that you can control with an effective licensing law. We've reviewed some of this, not very much, because we didn't get a good shot at looking at this, and we find fatal flaws in the way it's written. We like an effective licensing law but one that's poorly written is not effective. Basically what happens is it puts all the pressure on people that have licenses and does very little with people that don't have a license. They're very hard to find without industry cooperation.

Now, we did not have a voice in this. There is some statement about two people from the national organization, they were endorsed by the national organization. I am the New York State representative of NAFED and we've had a number of discussions about the two people who did not communicate with the industry at all. There's an Executive Committee meeting in Las Vegas tomorrow morning to resolve that problem, and I'm pretty sure it's going to be resolved in our favor, and I'm pretty sure you are going to hear about new recommendations from the national organization.

Now, we're all for writing an effective licensing law, we're all for writing effective regulations. All of us have had a lot of experience doing that. When New York City passed a new fire code three or four of the board members sat on the certificate of Finance Committees. We wrote the rules on how the fire code was going to be enacted, what contractors had to do, and we wrote the testing for all the Certificates of Fitness that had to be made. The City was extremely pleased with it. I can get you recommendations up to the Chief of Fire Prevention that we helped them write an effective and enforceable law. That didn't happen here. And what we'd like to do is correct that. We'd like this to be tabled for a period of time so that we can -- I've already contacted the Fire Commissioner, Mr. Williams. He has agreed that we can have a meeting with all of the people that are involved in this and maybe make some effective changes to the law. And if there are some changes made, we'd be glad to support the law.

P.O. LINDSAY:

Mr. Crowley, Legislator Cilmi has a question for you.

LEG. CILMI:

Thank you very much. Mr. Crowley, have you had a chance to look at the fee schedule proposed in this legislation?

MR. CROWLEY:

The fee schedule? No, I haven't, but some of the people here have and they've had a problem with being a double jeopardy problem, where if you commit an offense in the Town of Riverhead, you would be charged with Riverhead and Suffolk County. You could easily pay twice for the same offense.

We've also had a number of people complain about the amount of the fee. Most of the people in the portable fire equipment business are small businesses. They're not big businesses. You have these people with \$25,000 fines, they're out of business and the two or three employees are gone. They have no job. What you'll end up doing with a poorly written law is you'll drive out most of the companies that are legitimate companies. I've been in business for over 40 years. Most of the people are on the Board of Directors of this Association have been in business for 35, 40 years and we've effectively run companies in numerous jurisdictions.

I don't know if you remember, I have never met Ed Stringer in person, but when you were having so much trouble with a fire equipment company, it was us who set up a communications network. We were in contact with the New Jersey State Fire Marshals Office with people I know there. We were in contact with the City Bureau of Fire Prevention, with their range hood unit, with their portable people and their Chief of Fire Prevention. We were in contact with Westchester County, Rockland County, Orange County, Nassau County and Suffolk County, and we effectively disseminated information about the particular person involved that allowed them to know what they were doing when they went after them. We held a symposium in the middle of 2008 up in the Westchester Fire Academy and we had 45 attendees, Fire Marshals, Police Officers and explained to them just how this company operated and what they could effectively do to put them out of business. It ended up with being our members who would see them operating and who would notify law enforcement where they could go and how they could find them.

Issuing an appearance ticket is fine, but if you can't find the guy that you want to issue the appearance ticket to, how does it work? I mean, how can you do that? And you'd be amazed at how many different companies they had. He had four or five names in 2008 alone.

LEG. CILMI:

How many members do you have in Suffolk County?

MR. CROWLEY:

An honest test answer is I don't know how many are actually located in Suffolk County, but the majority of the members work in Suffolk County.

LEG. CILMI:

Which is how many, roughly.

MR. CROWLEY:

I would say at least 30 of the members work in Suffolk County.

LEG. LEGISLATOR CILMI:

Okay. Thank you.

P.O. LINDSAY:

Thank you very much.

MR. CROWLEY:

Thank you, sir.

P.O. LINDSAY:

And then we have Bruce E. Johnson.

MR. JOHNSON:

Good afternoon, Presiding Officer Lindsay and members of the County Legislature. My name is Bruce Johnson and I reside at 263 Rabbit Run here in Riverhead, and I'm currently the Director of Fire Service Activities for the International Code Council. Formerly I was the Fire Marshal in the Town of Riverhead and the past President of the New York State Fire Marshals Association. I'm here today speaking in support of 1173.

There was a lot of good testimony, so I just want to make a few points for the Legislature to consider. The international Code Council, we're a model code organization that is membership based and we produce the model codes, building and fire codes, that are used throughout this country and the codes that are used here in New York State. But, you know, the codes only go so far, and there's a lot of detail offered today about, you know, these fire suppression systems. The codes require that they be installed and maintained for the life of the building and then the standards that are referenced in this licensing law that the County has been using and looking to improve with these -- this amendment, are really important to make sure that those systems are inspected, repaired and maintained for the life of the building as they were originally intended.

The codes, you know, create a balance of, you know, active and passive fire protection and these fixed extinguishing systems and even the fire extinguishers are very key ingredient, and that's why they're required in the codes. My experience as a fire marshal has shown that, you know, there's are a lot of disconnect, and some good points were brought up by industry today, but there's still a disconnect about really who is doing this repair work and certification. What I can tell you is that the ICC does a lot of support. Our mission is safety in the built environment. So we have training and certification programs and on fire extinguishers and fixed extinguishing systems we work with NAFED, the national association, because our codes are used nationally, and they're doing great training. We have an independent certification exam which is referenced in this. It's referenced in the NPFA standard for fire extinguishers to ensure that the people that are actually out and doing

the work on these systems, whether it's installing, repairing or inspecting them, have the knowledge and the skill set to do that job correctly and safely.

We never know when there's going to be a fire. When that happens, some of the passive and prevention components of the code have failed and now we have a fire in the building. If it's not controlled quickly the public is in danger and the first responders, the firefighters that have to go in when these systems don't operate properly, are in much greater danger because the fire has not been controlled. So there really is a lot of importance in that detail.

The other, you know, part. We understand, we're a consensus process is how we develop the model codes. They're updated every three years. There's a very elaborate national process that brings together experts from around the country from all areas, all disciplines, to look at all the issues that go into the codes and standards that are the model codes of this country. And the way that process works is anybody can submit a change for proposal, anybody can testify and offer information, but our process leaves that final decision about what goes in the codes to only governmental members; those public safety officials that have the best interest of public safety at heart. And that's not to take away anything from industry or other folks that might have a financial incentive. But just like we're talking here, this was put together by a licensing board. Yes, they are administrative or enforcement, the County Attorney and the County Fire Marshal's office, but who better to decide what is appropriate for public safety at the end of the day, because that's what their interest is.

So that part of the process, I think, is very important. I think -- I didn't hear any detail that I could talk about or rebut today about any of the issues in the licensing law, so I'm hoping that industry has some substantial things that they can identify as what they called flawed, but I think a lot of smart folks have already worked on this. There's been input, and the longer we delay, the more we have some of the problems that the Fire Marshals are bringing forward.

Yes, there are three E's to good code enforcement. One is engineering. That's the systems, but part of that is making sure that they are maintained properly. Education is a key component, but that last E is enforcement. If you don't have that last E, then you don't have a full system. You're missing a key component.

So I hope that you consider and move this bill forward as soon as possible. I think a lot of work has gone into it, and the longer we delay, the more we jeopardize public safety here in the County. And since I still live in the County, I like to know when I go to a restaurant or go to a retail store that I am going to be safe. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Johnson, for coming down. And the last card on this subject is John -- looks like Rankin. John, am I pronouncing your name probably? Rankin it looks like.

MR. RANKIN:

Rankin.

P.O. LINDSAY:

Rankin. Okay.

MR. RANKIN:

Good afternoon. My name is John Rankin. I work for the Town of Southampton Fire Marshal's Office. I've been a volunteer fireman for over 30 years. Been in the Town Fire Marshal's Office for over 20 years. I've seen a lot. This law, as it progresses through, is obviously going to go through changes, but one of the most important and key factors that needs to be considered is, number one, the competency of the individuals that are doing the work, not only the companies but also the installers and service people, that they are trained appropriately from the manufacturers of the products that they sell, as the manufacturers do require that these people go through training on their product. But also to turn around and protect the most important part of it, which is the mom

and pop store, the restaurant, the deli.

These people here depend on these companies to come in and say "Yeah, I can do it". They expect them to have the proper licensing, the proper training that they are required to have to do this. And I hope that this bill progresses as far as it can and puts this into effect, especially the part where the installers have to be licensed to do the suppression systems. These guys can come in and just slap stuff together and walk away and claim that it works and then all of a sudden it doesn't. They haven't been through the training from the manufacturer in order to install it properly and make sure that it works properly. So I just request that this goes through as quickly as possible and be enforced -- be brought into the County law. Thank you.

P.O. LINDSAY:

Thank you, John. Okay. I do not have any other cards on this subject. Let me make sure of that. Oh, no, I've got one more. I'm sorry. Scott Davonki.

MR. DAVONSKI:

Good afternoon, members of the Legislature. My name is Scott Davonki. I'm the Chief Fire Marshal for the Town of Riverhead. I won't you bore you because everybody else has pretty much said what I wanted to say already. But as Chief Fire Marshal I just want to express the town support of the legislation that is proposed. As Fire Marshal Zitek brought up, we have had a large problem in the town with unscrupulous vendors taking advantage of people, okay. And hopefully this law will help us fix that problem.

As Fire Marshal Rankin said from Southampton, one of the larger problems is fixed extinguishing systems. There is a current law regarding portable fire extinguishers. The current law does not address fixed extinguishing systems, okay, and the proposed new law in front of you will address those systems and will give us more of an enforcement action in regard to that matter. Thank you.

P.O. LINDSAY:

Thank you, Scott. I appreciate you coming. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us? Please come forward. Welcome, Warren.

MR. HORST:

Thank you. Good afternoon. My name is Warren Horst. I am the Chief of Fire Rescue Services in the Suffolk County Department of Fire, Rescue and Emergency Services. I'm also a member of the Fire Extinguisher Licensing Board. I'd like to start out by stating the Department of Fire, Rescue and Emergency Services as well as the Fire Extinguishing Licensing Board is in full support of I.R. 1173 and urges its passage.

As you've already heard, Article 2 of Chapter 294 of the Suffolk County Code was enacted in 2004. Since its passage, the department has experienced shortcomings with the law as it's presently written, which we believe need improvement. Rather than reiterating all of those items which I was going to do, you have heard testimony from Fire Marshal Matteo, and I would just ask that you review what he has said.

I want to add two points. One is a reiteration that the current law presently does not provide direct oversight of the technicians that actually go out and do the work in the field. We feel as a board and as a department that that's a very important part of the proposed legislation. Secondly, an item, I don't know if was spoken about prior to -- by the prior speakers, but the facilities is another important aspect of servicing portable fire extinguishers. There are companies out there that are operating without the necessary facilities to maintain service and recharge portable fire extinguishers. In some cases there are actually people out there trying to do the work from the trunk of their car. So we do believe as a board, and again as a department, that it's important to have a proper facility where all the equipment and all the supplies and materials that are necessary can be used as a base of the business.

As you've also heard previously, FRES and the Fire Extinguishing and the Fire Extinguishing Licensing Board have worked closely with the Department of Law to recraft this article of Chapter 294 into a more effective piece of legislation that will build upon what's already in place and deal with the shortcomings that have been identified. Again, I will not speak to the main items or principles that are being addressed in this new piece of legislation because previous speakers have done that, but I would like to make comments on the comments that have been made by the prior speakers.

One, in regard to the makeup of the Fire Extinguisher Licensing Board, and you have heard this also previously, there are representatives from the industry and the people are based -- and the companies I should say, and their representatives are based in Suffolk County. They were appointed by the National Association of Fire Equipment Distributors who were in place back in 2004 and made those appointments on behalf of the organization. They have attended all of the meetings since the board first met in December of 2005 and have been a significant contributing factor to the enforcement of the current legislation, as well as developing something that we believe would be -- this proposed legislation, which we believe will be an asset to enforcement.

I'd also like to point out that the Fire Extinguishing Licensing Boards are subject to the Open Meetings Law of the State of New York and are open to the public at all times. So those that have expressed an interest in working with the board, we welcome that. We would like to see people come down and give us their ideas as to how they think the law should be enforced. And it certainly would be helpful to have the industry on our side. And I do believe we do at this point in time, particularly, again, going back to the Fire Extinguishing Licensing Board and the industry representation that's there. They are working with us, they are working with Suffolk County to make this happen. We'd just like to, as stated earlier, enhance what's already in place and it make it work even better.

Then there was a reference also -- I believe a question about the fees. The fees are consistent with what's currently in place in terms of the dollar amount. What is not necessarily consistent is that the license in the proposed legislation would be held by the individual and what does not currently exist is a certificate of registration for the facility, which would be something new that does not presently exist either. However, in those dollar amounts some obviously might think those are too high, others might think it's not high enough, but I look at the occupational licensing requirements for a variety of different industries that are regulated by the Consumer Affairs in a similar fashion and I looked at their renewal application for particular licenses and many of them hold the same amount or call for the same amount in terms of an application and the renewal fee. So the fees are pretty consistent with what's already in place in Suffolk County.

I can also speak that they closely relate to what Nassau County also requires, although they call their -- they use different terminology. Their license, which we are looking for in terms of the individual, they call a Certificate of Fitness. The numbers are for annual licenses and annual Certificates of Fitness, whereas ours are for biannual license and a biannual registration of facilities. So when you double what Nassau County receives in a two-year period, they are comparable to what we also would be looking for in the fees relative to this proposal.

P.O. LINDSAY:

Warren, I have a couple of questions. So you're on the board, right?

MR. HORST:

Yes, I am, sir.

P.O. LINDSAY:

And you say there are association members represented on that board?

MR. HORST:

They are representatives from the National Association of Fire Equipment Distributors, which is what

the legislation -- the present law calls for.

P.O. LINDSAY:

And -- but the people that have been testifying here, they're from the local chapter of that organization?

MR. HORST:

As I understand, the New York metropolitan area as well as the New York State, which I believe is a chapter of the national association.

P.O. LINDSAY:

Okay. And being that this legislation is -- comes from the County Executive's Office, are you in a position to say you want this closed today, this hearing?

MR. HORST:

Yes.

P.O. LINDSAY:

You do want it closed. Okay. And do you know, has -- besides representation on the board, has anybody reached out to the industry for comments on this prior to today?

MR. HORST:

Relative to the proposed legislation?

P.O. LINDSAY:

Yeah.

MR. HORST:

Our reaching out consisted of the input that we received from the board members that represent NAFED.

P.O. LINDSAY:

Okay.

MR. HORST:

Having said that, I just want to qualify it a little further that this process started in -- I believe it was June of 2007, so the word has been out amongst those that do the servicing in the County that there has been movement to craft this piece of legislation over the last two years, so it's not something that was decided last week.

P.O. LINDSAY:

Okay. Okay. Does anybody else have any other questions for Warren? Thank you, Warren, for your comments and coming down. I'm going to -- okay. Thank you very much.

MR. HORST:

Thank you.

P.O. LINDSAY:

Is there anyone else that would like to address us on this subject that hasn't spoke? Haven't you spoke? Yes, you spoke already. All right? Seeing none, if there's nobody new, do I have a motion on this?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Romaine.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro. Before I take the vote, let me just comment to the industry is that like Legislator Vilorio-Fisher explained to you, this is really the first step in a three prong process. The bill, if it is closed and I assume it will be, will go back to committee, there'll be a public portion in committee so you can come out again and discuss it with the committee. If it does get approved out of committee it will come back to the general body for a final vote, and this bill would be in committee cycle in two weeks, and it will -- if it gets passed out it will be back before us -- when is our next meeting, March 23rd?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yeah, March 23rd. So that's the schedule for the whole thing. And to, you know, to Warren and the folks from FRES, it would be our hope that you reach out to the industry and make sure that -- because I haven't heard any specifics of what they object to within the bill. Maybe you can clarify that or look at or whatever. All right? We have a motion and a second to close. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen -- eighteen.

P.O. LINDSAY:

Okay. It stands closed, 1173. Next up is **1174, A Local Law amending Chapter 8 of the Suffolk County Code. (Co. Exec.)**. The first speaker is Richard Amper.

MR. AMPER:

Thank you, Mr. Presiding Officer, members of the Legislature, my name is Richard Amper. I'm Executive Director of the Long Island Pine Barrens Society. There is good news and there is bad news. The good news is that we don't have serious problems with what is contained in Article 8, the rules and regulations governing farming in Suffolk County.

The bad news is that we're concerned about what is not there and what we were assured would be there. We're distributing material at this point which will remind you, for those of you who have been in the Legislature for that long, that it was two-and-a-half years ago that the Pine Barrens Society and many environmental and civic groups and good government groups raised a question about what could be done on farmland from which the County had purchased development rights. They're a different animal. If you own a farm and you want to do something on that farm and it's consistent with the zoning, there's no problem with that at all.

But in 2007 the issue arose of what are called industrial greenhouses. If you can look at this packet it's the tan one that is just going around now. We sent a memo to the Legislature, to the Planning Director, Tom Isles. We met with him with Commissioner of the Environment, Carrie Gallagher, and said we don't think the public intended to buy the development rights at what is now close to 90% of the fee simple value of the property only to see it end up looking like the pictures you see at the back of this package. This is really not what the public had in mind. The public talking about preserving farmland and farming the soils, tourism, scenic vistas, those kinds of things when it voted to spend more than \$500 million to preserve these development rights.

Now, the Farm Bureau took the position at the time that they thought that they -- this is a right to farm state and that under Ag and Markets Law that greenhouses are an agricultural necessity, and they belong on it farms and they can put them on there without limitation. They suggested they ought to be able to cover at least 40% of the land with these things, and if they go back to the Farmland Select Committee they could get an exception and do 40% more.

In fact, some of these that we have pointed out, and they are in the minority, cover 95% or more of the property, and I don't think it's what government or the citizens intended when they voted to -- this was not an effort to subsidize farming. This is not agricultural welfare, it was a public program to protect farms as we know them. A guy wants to cover his lot with these buildings -- by the way, you should know the process is to remove all of the soil and then build foundations and pour foundations and build concrete builders and -- so it's sort of not what we had in mind. And after negotiations and back and forth and going to a half a dozen Farmland Select Committees, which I had never gone to, I though we had arrived at a consensus that we had no objection to hoop houses, the temporary things they put up to let you start early in the spring, that's traditional farming, but the permanent ones were a problem. We said if you spend -- if you cover no more than 15% of the land with hoop houses and you don't cover anymore that 10% of the land with permanent structures, that's probably within what it is the public might have intended, and if that's good for business that's all right by us.

Now we're looking at a document that sets up these rules. We were asked by the Commissioner of the Environment not to push the issue two years ago, but to wait until the Article 8 Laws were put in place. And so we thought when they came along this 15-10 formula would be there and this matter would be resolved, and contrary to popular opinion, we don't go out and have battles when we don't need to if everyone seems agreed. But it's not there and it needs to be there because we think the County actually can't take the public's money, make a gift of it, 90% of the value of the farm to the farmer, if the public is not getting the direct benefit that it sought.

And moreover, I think the farmers themselves, the 98% or 95%, 98 or 95% of them that are doing traditional farming, are going to be hurt if the public will no longer support PDR Programs, if they don't and vote the funds to do these things because it's not what they're intended.

So very, very simply, I think there's a fix for you folks that doesn't require going back to the Farmland Select Committee, because they just keep changing their position. Maybe they don't, maybe they just keep trying to get around the issue. We'd like you to amend Article 8 to put in the limitations, the lot coverage limitations for permanent and for temporary, seasonal hoop houses, which are far less objectionable, and finally, tell the public and the farmers what it is that they can reasonably and fairly expect on land, quite frankly, that the public owns the development rights on. These things don't look like farms, they look like industrial parks.

LEG. ROMAINE:

I have a quick question.

P.O. LINDSAY:

Hold on, Mr. Amper. Legislator Romaine has a question.

LEG. ROMAINE:

Just a quick question. You said that you thought that when they changed this law that there'd be some limitation such as you suggested. Was that ever committed to you by the Executive Branch or members of the Executive Branch?

MR. AMPER:

The Commissioner of the Environment said this would be addressed in this document and urged us to go to the Farmland Select Committee, which at that time was in the process, a long and arduous process, of trying to decide what the new rules and regulations would be. We thought when that came forward we'd find them and we'd all be on the same page. We find them missing all together,

which as I read it, when I look at the actual language of the covenants in the contracts that the County prepares when we transfer -- or when we purchase development rights, there's nothing that says they can't do exactly what these folks have done covering 98% of their land with industrial buildings.

We don't want to even waste our farmland, Legislator Romaine. We don't want to lose the soils. We don't want to take those lands out of -- if they want to do this, it's fine. If it's profitable, that's great. Do it in an area that's commercially zoned. My understand is what they do is they grow ornamentals, not in the ground, but on little trays and tables and so forth, and they sell these as houseplants to places like Home Depot. Home Depot would be a good place to grow them too, because if you don't need the soils, if you don't need the farms, if they can be grown on concrete then grow them someplace else. We don't want to compromise farming as we all appreciate it.

I know the farmers don't view this as a bailout or a subsidy thing. I think it's just an overreach and it -- it stretches the public's commitment to farmland preservation, I think, when they come out here to pick strawberries in the spring or pumpkins in the fall or to the vineyards and then they come back the next year and we see pictures like as you see here. I think they think they got rooked, and so do we.

LEG. ROMAINE:

I just would point out this is the County Executive's resolution. We don't have the power as Legislators to amend that resolution. Since it is his resolution that authority rests with him. So I would suggest that you speak with him about this.

Finally, I would ask Counsel one question. When these regulations, in whatever form they eventually get finalized, if they -- if it's -- a change is enacted, is that change from that date forward or does that apply to everything that we acquired from 1975 on?

MR. NOLAN:

I think it would be going forward.

LEG. ROMAINE:

It would be going forward. So it would not apply to anything that we have purchased up to this date; is that correct?

MR. NOLAN:

I think we already have those agreements in place with those people.

LEG. ROMAINE:

Right. Okay. Thank you.

MR. AMPER:

The only thing I would say if it is, in fact, the case, and I agree that it probably is, if the County Executive proposed it and the Legislature can't change it, I would ask the County Legislature not to approve these rules until this thing gets fixed.

LEG. SCHNEIDERMAN:

I'm not sure that issue is clear, frankly, from my read. Maybe when Commissioner Isles speaks we can get some clarification as well on that.

MR. AMPER:

Anyway, I think you for your understanding, and I did -- I'm sorry. Go ahead.

LEG. SCHNEIDERMAN:

I think it does apply to properties that have already been acquired for purchase of development rights.

MR. NOLAN:

Yes, I just reread. The law shall apply to all agricultural lands which the County has acquired rights in whole or in part under the program. So it looks like it looks backward.

LEG. ROMAINE:

So it looks backwards as well as forward, so it would apply to all lands that we had acquired from 1975. Let me ask just one last question. Let's say someone decided to cover a large portion of their property with greenhouses, because they decided that's a more profitable way they can grow things year round, whatever. There were no rules in place when they did this, there's no restrictions, will this law require them to dismantle those greenhouses if there's a certain set formula of how much they can have coverage? If you don't have the answer now, Counsel, if you could get to my office at some point in the next week I'd appreciate it. Thank you.

MR. AMPER:

Legislator Romaine, though, in that connection, and to be fair to the farmers and not to their organization necessarily, 98% of them don't have these green -- are not asking for this, and the Farm Bureau is quick to say what's the problem if only -- if fewer than 1% are doing it. And my answer to that would simply be if it's not really affecting the real farms whom we intended to be involved in this program, then why not put this in place?

LEG. ROMAINE:

Thank you again.

P.O. LINDSAY:

Wait. Legislator D'Amaro has a question.

LEG. D'AMARO:

Very quick. Hi. So you don't necessarily object to the construction of the greenhouse, just the percentage of lot coverage; is that correct?

MR. AMPER:

Yes, that's right. It's what changes the nature of the farm that the public thought they were protecting. In other words, at some point this constitutes development. We purchased the development rights. If the farmer owns his property he can do anything he darn well pleases, and if this is a lucrative way to make money, let him do that. But if it's land where we purchased the development rights, then he can't go out and what anybody else in the world besides the Farm Bureau would call development covering your property with buildings.

LEG. D'AMARO:

Are there any limitations on what type of activities or farming activities you can have within the greenhouses?

MR. AMPER:

I would not tell a farmer what he was or wasn't allowed to do.

LEG. D'AMARO:

So it's really just an issue of, in your mind, a 15% threshold. Once you pass that it changes the character of the farm itself, it's no longer preserved as a farm, it's something different.

MR. AMPER:

That's correct. It's an industrial park.

LEG. D'AMARO:

Yeah, okay. All right. Thank you.

P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
Yeah. Hi Dick, and again, thank you for you coming down this Saturday to Save Our Parks.

MR. AMPER:
By the way, no, congratulations to you people and all the members of this Legislator that have expressed concern about the closing of parks and the cutting of Open Space funds. I give you people a hard time when I think you are not doing the right thing; I am spending my life in Albany trying to prevent this and I thank you for your initiative about that. That was sensational.

LEG. HORSLEY:
Thank you, Dick. Just a quick question on this. You say that when they build these greenhouses that they strip the topsoil off the ground underneath the -- off the greenhouse?

MR. AMPER:
These invaluable soils, the lifeblood of farming is gone and they pour foundations as though --

LEG. HORSLEY:
And then they pour foundations. Now, the foundations, the footings, do you know how far they go down? I mean, are they like a house foundation?

MR. AMPER:
They're very much like an industrial building's foundation.

LEG. HORSLEY:
Like an industrial building, which would be much more substantial than a house foundation.

MR. AMPER:
That's what we're only asking us to fix. You're changing -- you're updating the rules. The rules are fine; you missed one, we'd like you to fix it if you can.

LEG. HORSLEY:
Got it. Okay. Thank you. Appreciate it.

MR. AMPER:
Thank you.

P.O. LINDSAY:
Wait, wait, Mr. Amper. Legislator Losquadro.

LEG. LOSQUADRO:
How are you?

MR. AMPER:
I couldn't figure out whether they were talking about that you have a new member of the family or you had added a sun room. What were they talking about earlier today about the addition to your household?

LEG. LOSQUADRO:
A baby boy, seven pounds, six ounces.

MR. AMPER:
Congratulations. That's better than a sun room any day.

MR. LOSQUADRO:

I think so.

LEG. SCHNEIDERMAN:

He needs room for a son, but not a sun room.

LEG. LOSQUADRO:

Yes, it is my son's room. I, too, I remember when I was on -- when we talked about this in Environment. We've been discussing lot coverage for some time, but there's another aspect of this bill that I've been talking about with the -- with planning that relates to a change in a single time of year in which applications will be received. It's something that is a great point of concern to me and I know that there are, you know, there are provisions for hardships and things in there, but I really feel that we were going to constantly run into situations.

I know I just had one in my district where someone just happened to come to me, they were looking to get out of a business and would like to entertain the County purchasing the property. If that happens to come outside of this timeframe, I know it's a laudable goal, we want to try to prioritize better, but we can't control people's circumstances. And I think we're just going to wind up bumping up against this constantly that every time one of the -- an issue like this comes forward, we're going to be allowing it in outside of this timeframe anyway. I think it will wind up being well intentioned, but a useless provision that we're going to constantly wind up violating because every one of us when someone -- when a landowner comes to us outside of this timeframe, we're going to be pushing it with Planning saying we need to look at this right knew. And I think it will be justified.

So that is an area that has been of concern to me. I know it's been something that's been overlooked a lot, but I think it's going to wind up being a provision that is going to be widely ignored and it's something that I think needs a lot more work.

MR. AMPER:

I just wish the Legislature would take a careful look at all of these things. I don't think it's the place of the Pine Barrens Society to tell the farmers how to run their farms. We don't have the expertise. I do think that we do have the obligation to limit our expression of concerns to the specific negotiation of once the public has bought the right to develop that property, can that land still be developed regardless of what you call it. That's all.

LEG. LOSQUADRO:

But -- all right. I'll phrase the question a little differently.

MR. AMPER:

What am I not understanding?

LEG. LOSQUADRO:

Do you think that having a single time of year in which applications will be reviewed --

MR. AMPER:

Applications for purchase of development rights?

LEG. LOSQUADRO:

Yes. Would help the process or hurt the process.

MR. AMPER:

It would hurt the process, because the County is constantly seeking willing sellers and the changing market changes -- right now there is an abundance of willing sellers, especially in the Open Space component. If you limited those applications to a single period of time you might miss opportunities to complete the laudable goals of the Farmland Program.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. Dick, how are you?

MR. AMPER:

Good. How are you?

LEG. STERN:

Good to see you. I was just wondering if you had any thoughts on structures that, that given the, you know, the nature of the particular farmland that we're talking about might be acceptable. You know, we're talking about temporary structures. Those are not covered, those are acceptable. Might there be some type of operation, might there be some unique piece of property that's doing some type of unique farming that has a permanent structure that might be more than the percentage that's chosen here, that might be suitable under the circumstances?

MR. AMPER:

It might be, and these particular rules actually are dealing with some of the energy things. They are dealing with the capacity to have a wind generator or solar -- so that we make the operation more efficient and more up to date. That's perfectly allowable, which is why when we debated this with Farm Bureau and with the Planning Department and with the environmental Commissioner, we said the only way probably really to get at this is to talk about the lot coverage. That's the way the towns have gone about trying to hold the line on some of this stuff town by town. They have not said you can build a barn but you can't build a stable or other hairsplitting kind of things. They've said the total lot coverage has to be limited. We get complaints every day from folks who say well, it started with a wine tasting room and then it went to a wine cellar and then it went to a catering establishment for weddings involving 400 people. At what point are we not preventing development but permitting it? That's our question.

LEG. STERN:

Okay.

MR. AMPER:

Did I answer your question satisfactorily? I mean, I don't want to say the farmers shouldn't be allowed to do this or that or the other thing and it shouldn't be built in rules because we don't know how the market will go, and we do want the number one agriculture producing in the County to remain that. So we don't -- we are not -- our purpose is not to tie the farmers hands, it's to liberate the public from having contributed these hundreds of millions of dollars to produce a result that's very different from what the Long Island Farm Bureau says is permissible, that's all.

LEG. STERN:

So as written right now, do you think that what's proposed goes to that? Is provision made for that?

MR. AMPER:

I think it specific allows things, it specifically disallows sand mining and other sorts of things that weren't contemplated. There's just something that was very, very big, very, very important to those of you who were sitting on the Legislature at the time, to the towns and to the environmental community and to the good government, the League of Women Voters and people who said we ought to be giving the public what it is they thought that they bought. And that just disappeared from this draft at some point. I know not when because I never heard another word about it. I never was told by the way, we're not going to do this anymore or it's going to be omitted, we'll do it at another day. When I saw it missing from here, I thought now is the time to fix it.

P.O. LINDSAY:

Legislator Viloría-Fisher. Mr. Amper.

MR. AMPER:

I'm sorry.

D.P.O. VILORIA-FISHER:

I think you've touched on a couple of other provisions of the legislation that's before us. And there is limitation on energy producing equipment that's put on a farm, and there's a prohibition of land mining -- sand mining and a number of other provisions that are very important here. And I believe that the intent here was to codify many of the practices that we believe should take place on a farm and those that shouldn't take place once we have bought the development rights.

And so my sense is that your objection is not so much, and I don't want to put words in your mouth, not so much the quality, but the quantity that there could be some greenhouses, but that you want to specifically say the type and the number. I believe what the department is saying is that each of these cases would be taken ad hoc, as they -- on a case by case basis, and I believe that's how they -- they see it. Am I painting the correct picture of what you're saying?

MR. AMPER:

First of all, you're characterizing two things very well. One, that the purpose of all of this is to codify it so it's not up for speculation or opinion. And doing this on a case-by-case basis in matters to be decided by the Farmland Select Committee itself, not by this Legislature, not by government, not by any code or regulation, what they proposed that we found unacceptable was that they would limit the total lot coverage of temporary and permanent structures to 40%, which was way over what I think anybody envisioned when they voted for this. But they also said, and anybody who wanted to appeal that could appeal that for another 40% coverage up to 80% coverage and who would they appeal that to but to the Farmland Select Committee, which is comprised, not wrongly, of the farmers who understand the business. So it doesn't seem likely that the interest of the public or even the intent of the Legislature when it created the PDR Program, is going to be defended if we leave the wolf to guard the henhouse.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay. Charles Scheer.

MR. SCHEER:

Good afternoon. I'd like to thank the Legislature for this opportunity to address the change in the Chapter 8. I was a wholesale nurseryman for the past 45 years. I've been involved in various segments of farm community and Long Island for the past 45 years. I'm presently a horticultural consultant, work mainly out of the Village of Laurel in the Town of Riverhead. I also serve on the Riverhead Farm Preservation Committee, and I also am a at large representative on the Suffolk County Farm Select Committee.

I would like to just here support this changes in the Chapter 8. They're very important changes. I think you really have got -- we've addressed some very, very important issues. I've watched how this has proceeded. There was some real loopholes in present law, and the lack of same. And there was problems, as Legislator Fisher just described, where windmills were not provided -- allowed on the farms and this has now been corrected in the present Chapter 8.

I think that I'd like to see the Legislature support the changes. I think it's a good step forward as it is presented, and it will be a move forward to project agriculture and keep agricultural viability on eastern Long Island. Thank you.

P.O. LINDSAY:

Hold on. Go ahead. Legislator Vioria-Fisher has a question.

D.P.O. VILORIA-FISHER:

Hi, Charlie.

MR. SCHEER:

Hi.

D.P.O. VILORIA-FISHER:

I know the commitment that you have toward -- to good management practices on farms because you've served on stewardship committees and worked on that. Can you please give us your view of what this -- these amendments are doing regarding greenhouses and those -- the effects that that would have.

MR. SCHEER:

Yes. Number one, presently of all the farmland produced -- preserved, and Riverhead being the largest preservation so far, the town with the largest preservation, less than 1% of the farmland is covered by any type of structure, be it a barn, a greenhouse or any type of structure.

If you'll notice in the legislation, the Farmland Committee that Mr. Amper was referring to is going to be changed somewhat by this piece of legislation. There will be some non-farm representatives being placed on that committee in addition to farm representatives such as myself and other farmers. So I think that leaving it so that we can make the decision based on the viability of the farm and having experts who can make that judgment -- now we've had regulations and a comment was made that the topsoil had to be stripped. That's not necessarily so in some issues, because it can be left.

And I think I would basically like to see this legislation move forward. I think it's I'd say a very important piece of legislation because we have had some problems sitting on the committee where we've had people who actually have purchased maybe the third down the row, you know, not the original person who sold the land, but the second and third owner who are unfamiliar with this and have gone ahead and done some things that aren't really viable agriculture. The County needs a method by which to control this and enforce the thing.

I think this present wording provides enforcement, it closes loopholes where somebody would buy a large piece of property and instead of putting farm on would put turf on it and have a 40 acre estate. I think this has been more of a problem in the South Fork and could happen other places. I think you have to at this point reign things in but still keep farming viable, and I think this legislation would do that. I've watched it proceed. There's been a lot of input into it. The department has reached out for plenty of opinions. I really think it's viable, so.

D.P.O. VILORIA-FISHER:

Thank you, Charlie.

P.O. LINDSAY:

Steven Searl.

MR. SEARL:

Good afternoon, members of the Legislature. My name is Steven Searl. I am Project Manager with Peconic Land Trust and just wanted to give some feedback on the Chapter 8. We, the Land Trust does support the Chapter 8 and the changes. We do have a couple of tweaks and a few concerns, but on the whole, we support the legislation. We applaud the Planning Director, Tom Isles, and the inclusiveness that he gave us at least, and we were -- we felt very much a part of the process, and are very appreciative of that.

I also think that this is a really, really important step in evolving the County's Purchase of Development Rights Program. It helps really clarify, I think, the intent. It helps clarify the administration of the program, and it really helps clarify the enforcement as well. Charlie Scheer spoke to that already, but that's clearly -- those are very, very important things that needed to be clarified and I think were.

One of the concerns that I just wanted to mention right here, Legislator Losquadro mentioned it already. I do -- I think one of the -- the biggest concern that we have is that annual review process. I do think it is going to, you know, working -- personally working with landowners quite a bit I do think it could stifle interest in the program am certainly concerned about that. As of now, the committee meets every other month, I believe, and there's sort of a rolling application process. I think that that's been very effective.

I just wanted to summarize, though, by saying that we'd be happy to talk about some of the other concerns that we have with the committee, the Environment, Planning and Agriculture Committee or individual Legislators, but on the whole, on the balance, we're very happy with the legislation. And again, very appreciative that we were included in the process, the amendment process. Thank you.

P.O. LINDSAY:

Wait, Steven, if you would. There's another question from Legislator Viloría-Fisher.

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

P.O. LINDSAY:

Wait, wait. Steven, there's another question from Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Do you see this, then, as an improvement with regards to structures on farmland?

MR. SEARL:

With regard to structures on farmland.

D.P.O. VILORIA-FISHER:

Is it an improvement over what had been in Article 8?

MR. SEARL:

There's certainly an improvement in terms of setting up an administration and a process for getting structures approved on farmland, understanding who's in authority for it. Over the old Chapter 8, yes, there is absolutely an improvement in that respect.

D.P.O. VILORIA-FISHER:

What did the old chapter eight do?

MR. SEARL:

I can't recite word for word.

D.P.O. VILORIA-FISHER:

Just in broad terms.

MR. SEARL:

Right. But now there is a development permit process that has to be followed that needs to go through -- and it lays out all of the different steps of the landowner. It actually will be helpful, I believe, to a landowner who upon which development rights are sold to go through that process, from the timing of when somebody needs to apply, how long -- you know, the fact that they actually need a site plan, the fact that there's a site plan that needs to be submitted to the committee, the

fact that there's a fee involved. There's -- it just lays out very clearly and concisely what the steps are in terms of getting a structure.

D.P.O. VILORIA-FISHER:

I've attended the Farmland Review Committee meetings and site plans are required now.

MR. SEARL:

That's correct. I'm not sure that the old --

D.P.O. VILORIA-FISHER:

So that's actually not going to change.

MR. SEARL:

Yeah, that's correct. I'm not sure if the old legislation actually referred to that. I think the committee had done a very good job of taking on some of those things that they felt would --

D.P.O. VILORIA-FISHER:

I see. So you said they were doing it in practice, but it was actually not --

MR. SEARL:

Correct.

D.P.O. VILORIA-FISHER:

-- codified. Okay, which is again what we needed to have codified.

MR. SEARL:

Correct, exactly.

D.P.O. VILORIA-FISHER:

I see.

MR. SEARL:

I think some folks can clarify that, but I believe that that was indeed part of the issue, that it wasn't actually written.

D.P.O. VILORIA-FISHER:

Thank you. Thank you.

LEG. GREGORY:

Mr. Chair?

P.O. LINDSAY:

Legislator Gregory, did you have a question for this gentleman?

LEG. GREGORY:

Yes. Yes, sir.

P.O. LINDSAY:

Go ahead.

LEG. GREGORY:

Just to get back to some of the questions that the Deputy Presiding Officer alluded to. So there's a process, there's a check list if you will, or some type of list?

MR. SEARL:

Yes.

LEG. GREGORY:

Now, what would be grounds for an application to be denied?

MR. SEARL:

I believe if it did not have to do with agricultural production, as defined by Ag & Markets 301, it would be denied.

LEG. GREGORY:

So it's a straight-out denial. How about if it did --

MR. SEARL:

That's correct.

LEG. GREGORY:

-- apply with the industry, that's off-hand just accepted?

MR. SEARL:

Not necessarily off-hand. There is some discretion of the committee, based my on my understanding of this and just based on my experience. You know, they may take into account siting and location, that's why the whole site plan comes before them. There is input as well from the Planning staff as well as from the committee. So again, Tom Isles can speak more directly to this, but it's a, I think -- again, it's something that the committee has already been doing, but this puts it in writing and clarifies in writing so that the committee is not working on such an informal basis but has something to draw from.

LEG. GREGORY:

Okay. And as Mr. Amper alluded to earlier, is it true that up to 80% of a track can be covered with permanent or a temporary structure?

MR. SEARL:

Right. Based on what it stands now -- well, I believe that a policy was adopted and guidelines were adopted by the Farmland Committee, if I'm not mistaken, regarding greenhouses, and the structure restrictions that Mr. Amper referred to were adopted as guidelines. They do not appear in the Chapter 8 as it's written now, those -- so they were not included in the Chapter 8 as it's written right now.

LEG. GREGORY:

So the 40% is not -- it's just a guideline, it can go far beyond that.

MR. SEARL:

Correct, I suppose it could in reality.

LEG. GREGORY:

Okay.

MR. SEARL:

We have -- I don't believe that the County has seen that, but I suppose it could. Again, though, it has, as far as I'm aware, adopted a policy of the restrictions that Mr. Amper was referring to, but it is not in the legislation, in this legislation.

LEG. GREGORY:

Okay, thank you.

P.O. LINDSAY:

Okay. Marie Tooken? Doken?

MS. TOOKEN:

Good afternoon. Marie Tooker of Calverton, of Abbess Farm. I would just like to ask a question about this resolution. Has it been approved or is it --

P.O. LINDSAY:

No, this is a Public Hearing about this resolution. If it's closed today it will go to the Environment Committee in two weeks and the Environment Committee will examine it, and if they approve it, it will go to the full body on the 23rd of March, it's a four o'clock meeting in Hauppauge.

MS. TOOKER:

How do you guys let other farmers know about this resolution? Are they -- since this is for past farms that have been preserved, don't you think that other farmers should be aware of these new laws that are going to take place?

LEG. ROMAINE:

Newsday has an article -- I believe Newsday has an article today in its newspaper, and I think other local newspapers have written articles on this matter.

MS. TOOKER:

So today it would definitely be very difficult for farmers to come, like I; I just found out about this a couple hours ago.

LEG. ROMAINE:

This is the County Exec's law this he's proposing.

MS. TOOKER:

Okay. So how do --

LEG. ROMAINE:

You should take it up possibly with the Executive.

MS. TOOKER:

Can we -- how would you then --

P.O. LINDSAY:

Amend it.

LEG. ROMAINE:

Amend it?

MS. TOOKER:

Adjourn this for another hearing so other farmers can be aware of this?

P.O. LINDSAY:

Today, as soon as we get done with the testimony, we will vote whether to close the hearing or to recess it. The recess, it will come up for a Public Hearing again on the 23rd. If it's closed, it will still be public portion at the committee, which is in two weeks, and again, if it gets out, on the 23rd, or subsequent meetings after that.

MS. TOOKER:

As a farmer, an owner of a farm that preserved in 2005, there are many inconsistencies of the farmland preservation. The laws do not -- are not for all the farmers. It's constantly inconsistent, some people get things, some people don't, it depends on your name and who you are. This farmland committee that makes a decisions really ties farmers' hands. I mean, we're here to preserve land for open space for our future for our children, right? This is about being green and keeping open space and having the land not built upon?

P.O. LINDSAY:

I think that's the point of this legislation is to codify some of the practices that have been exercised by the Farm Committee. And the purpose is that the County, with taxpayers money, have bought the development rights of this property for the purpose of farming. And we --

MS. TOOKER:

I think the public --

P.O. LINDSAY:

I assume we don't want to see this slip away and suddenly the property that was preserved become very similar to an industrial building.

MS. TOOKER:

Unfortunately there's too much inconsistencies. People are not treated equally; this is not an equal opportunity for all farmers. To preserve a farm today is really a heroic move to save the land, and this resolution is really tying the farmers' hands, it's about control and power. Have you ever been to one of these preservation committee meetings?

D.P.O. VILORIA-FISHER:

Yes.

MS. TOOKER:

People are not treated fairly. So I think you need to look at who is making them accountable, who is policing the people that are actually making these laws. Are you guys? I mean --

P.O. LINDSAY:

This bill was introduced by the County Executive staff, not by the Legislature. So I would suggest that you talk to the Executive Branch about the bill, and we certainly will be turning the bill over and poking it and looking at it in the coming weeks.

MS. TOOKER:

Well, I would like, as a person who preserved the farm, to have a recess on this bill at this time and really allow the other farmers who have preserved their farm to be notified of what actually is going on and see if they have an opinion on about this. Thank you very much.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Just before you leave, can you give one concrete example of one of the inequities that you talk about having taking place? Give us some ideas of what you're talking about.

MS. TOOKER:

Well, at this time it's not -- I really don't -- it's very well-known that Abbess Farm has not been treated fairly on every level. There's so many things that have been done. I'll give you an example; they raided me in December and used Town Police to come in without any paperwork, or they have violated my civil rights, they have banged on my doors, they have hurt my children. I have people on the farm that are being rehabilitated, they were very badly affected by a light show; a light show, a light show that you guys allowed to have on preserved land. And we were turning on the lights for charity and the Farmland Preservation Committee totally mistreated myself, and just things of that nature, unnecessary things in today's world.

You know, we talk about the economy and how we're in a recession, I think we're in a recession not because the people don't want to move forward and do well, I think local government puts a lot of restrictions on people and stops them. Including me, I'm one woman who preserved 90 acres, and

instead of being treated fairly, I was totally mistreated. I was not -- on a monetary level I was given half the value, my taxes tripled in value, there are many things that I don't want to speak about now that are probably going to be going through a legal issue at some time.

But at this point, my problem is that you change laws for things that were in the past and you don't give us time to understand it or even look into it to research what's going on. I think we need time to find out about what you're actually trying to do with farms and I think there needs to be some accountability. You know? And I'm going to bring something up because it's very important; when these four people came to my land and mistreated me horribly, and there's a lot of witnesses, all about environment and saving the land and cleaning up our country. There were four or five articles, and I brought them, of garbage and debris that they passed by on the road. They didn't even step -- put down and pick up the garbage that they passed and kicked in front of them. These are the people that you're leaving in charge of preserving land. Don't you think that they should have some morals and values about what's in front of them, to care that there's garbage in front of them, just to take a second to pick it up? It only took me five seconds to pick up these five articles. So I think we need to pay attention to stuff like this. This is very important.

Preserving land today is not -- it's not good for the farm, it's not good for the person, and I think people should pay attention. I think the public needs to know --

P.O. LINDSAY:

Okay.

MS. TOOKER:

-- and be more aware of many of this stuff.

P.O. LINDSAY:

Okay, Marie. Legislator Cooper asked a question, I think you more than answered it. Thank you.

MS. TOOKER:

Okay. Thank you very much.

P.O. LINDSAY:

Tom Sledjeski? Sledjeski? I'm sorry.

MR. SLEDJESKI:

Good afternoon. My name is Tom Sledjeski and I'm here to discuss Introductory Resolution No. 1174-2010 which amends Chapter 8 of the Suffolk County Code. I represent the interest of Tim and Jean Steel who are the owners of the Tandy Farm in Cutchogue, New York.

LEG. LOSQUADRO:

Sir, you have to speak closer to the mike.

MR. SLEDJESKI:

I'm trying. Is that better?

LEG. LOSQUADRO:

Yes.

MR. SLEDJESKI:

Okay. Their property is located on Oregon Road, and in 1998 they sold the development rights to approximately eleven acres of their property to Suffolk County for the amount of about \$80,000. They, like so many others, did this not to become wealthy -- and I think you can understand that \$80,000 is just not going to make anyone wealthy -- but because they believed it was the right thing to do. Certainly, had they chosen to do otherwise, they could have sold the land to some private developer or developed it themselves by subdivision and made a whole lot more money. However,

their interest was agricultural.

Mr. Steel and his wife run a nursery farm which essentially produces not just specimen plants but average local trees which are sold and dug regularly.

Currently they haven't expanded the operation to the entire eleven acres which were sold due to capital needs, but as they acquire more capital they do expand the farm as they go. When they learned about this proposed legislation, they were very taken aback. It appears that the legislation will be retroactive, as Mr. Romaine had pointed out earlier, which was a great concern. And they had made an agreement back in 1998 with certain restrictions, now we have a piece of legislation which contains a lot more restrictions and a lot of prohibitions which, quite frankly, don't be -- don't appear to be developmental in nature, with all due respect.

The restrictions that were placed upon them ten years ago -- well, actually over ten years ago -- have been expanded greatly by this legislation. The current chapter reflects a section which contains seven subsections to Chapter 8, this one contains 13. Some of them certainly are punitive in nature in so many ways with respect to the penalties which are being asked for, but others greatly expand upon the prohibitions which can be -- with all due respect, which can be used on the land.

There is also a permitting process which is described which seems a little bit strange for a farmland. In light of the fact that it not only requires permits for structures but for modification or alterations of structures. Included in that are fences and irrigation pumps. Irrigation pumps are probably one of the most important aspects to a farmer's life at certain times, and to require some type of a permitting process to alter or modify it, would that require them to come in for a situational repair as necessary in the middle of the summer when it broke down during a dry spell? Not quite known at this time, but it's not really addressed either.

There are other prohibitions in Section 8-12 including processing; I'm not sure exactly what that it is. Certainly it could include some things which are a part of the normal farmer's life and maybe not. Dumping; I'm assuming we know what some of that is, however Mr. Steel uses his land primarily for nursery stock and does get deliveries of fertilizer, mulch, things of that nature which are dumped on his land.

There is another concern of his regarding the excavation process which is listed. Unfortunately, a lot of his work deals with excavating land. Is that something that's going to come down upon him because he has to excavate to plant and transplant? It doesn't really say.

Another interesting prohibition is all-terrain vehicles. Only the smaller vehicles are prohibited. Snow mobiles are not prohibited, recreational uses of other nature are not prohibited, but a small all-terrain vehicle is prohibited. I'm not sure why, I don't know how that would damage or in any way affect the developmental rights which have been sold to the County.

The land that they sold, the Steels sold to the County, was really dealt with one set of obligations at the time. Quite frankly, now they feel that these obligations are being changed and the remedies that the County may seek to enforce them would be draconian in nature. They sold --

P.O. LINDSAY:

Tom, you're out of time, but I have a couple of Legislators that have questions for you so you'll get to say some more. First Legislator Losquadro.

LEG. LOSQUADRO:

Thanks, sir. I just want to clear this up, because we were having this conversation before about what was retroactive, what isn't. To me, this seems very similar to zoning. Laws cannot be put into place *expos facto* -- I mean, this is a basic Constitutional right of America -- but you can be existing non-conforming. Just as you have a house, you want to modify that house, the government since has changed the zoning requirements, they don't force you to change your house to meet that

zoning, but if you want to make an alteration to your home, you want to expand it --

LEG. ROMAINE:

If it burns down.

LEG. LOSQUADRO:

-- it burns down; well, you have to abide by the new building code, that's the way it work across municipalities across this country.

So yes, it does apply to properties that have been sold in the past, but not unless you want to make a change or an alteration in some way. At least that's -- I mean, this is basic --

D.P.O. VILORIA-FISHER:

That's my understanding as well, Dan.

LEG. LOSQUADRO:

-- zoning, the way it operates. If Counsel could --

MR. NOLAN:

Right, I think I agree with you. And in terms of the applicability, if somebody came in with a new permit to do something on their property, this law would govern in terms of -- there are new guidelines in the bill for permits.

LEG. LOSQUADRO:

The same as every building department in every municipality that holds zoning power.

MR. NOLAN:

Right. But if we have issued a permit previously, you know, I don't think it does that.

LEG. LOSQUADRO:

I don't think it can.

MR. NOLAN:

It doesn't affect the agreements that were made.

LEG. LOSQUADRO:

That violates the --

MR. NOLAN:

Right.

LEG. LOSQUADRO:

-- spirit of our Constitution of this country, you know, the Bill of Attainders and Expost Facto laws, this is -- this is the way we operate. So I don't really see that that is that much of a problem.

I think that people who are in this program should be held to the same standards that the average homeowners are. As building codes are changed and updated, they're expected that they want to modify their home or rebuild their home, that they have to abide by those new standards. So I don't really see that as that much of a problem here.

I have outlined some of the concerns I have with this, I don't think this is a final or a perfect version yet. But as far as the applicability portion or retroactive or moving forward, I think that's a pretty simple issue and one that has large precedent as it relates to building codes that are applied, whether it be here Home Rule through towns and villages or in other parts of the country where it's by County.

MR. SEARL:

Is there a question you would like me to address specifically?

LEG. LOSQUADRO:

Well, you seem to have a concern --

MR. SLEDJESKI:

Can I address one thing?

LEG. LOSQUADRO:

Yes, please.

MR. SLEDJESKI:

There is a new addition concerning screening, for example, okay, screening of the land by means of planting, you name it; Arborvities, trees, whatever it may be. The Steels, for example, have one side of their lot screened; what would you expect them to do, remove the screening? What does that have to do with the preservation of development rights, the lack of screening?

LEG. LOSQUADRO:

I think that just goes to the point that we made; if it's preexisting they can't be asked to remove it.

MR. SLEDJESKI:

Well, it doesn't say that, though, here and that's our concern. You know, I have -- I apologize, but I got called today --

LEG. LOSQUADRO:

I think that's the discussion that -- I just wanted to clear that up with Counsel. And I think that goes back to the fundamental point that I was discussing here, I want to put some of these concerns to rest. And certainly we want to clarify that, you know, with our Planning Department and before we move forward with the final version of this, but to me that would be unconstitutional. To me, that's fundamental.

MR. NOLAN:

If I could. I'm not sure, but I've received some information that there may be some ongoing litigation with your clients and the County.

MR. SLEDJESKI:

As a matter of fact, there is.

MR. NOLAN:

So I think, you know, it's --

MR. SLEDJESKI:

But it really isn't -- it isn't limited -- that's a limited issue.

MR. NOLAN:

No, I just wanted the Legislators to be aware of that because it may effect, you know, in terms of the questioning and so forth.

LEG. LOSQUADRO:

Yeah, I don't want to get into specific details. But if something was there that did conform to the prior standards, you know, I don't want to have to split hairs here, but if something was there that did conform to the prior standards, I don't see how something that moving forward could then change something that was already there, and that's the fundamental point I was trying to make.

MR. SLEDJESKI:

And I agree with you.

LEG. LOSQUADRO:

So, I mean, that's my position on it, I just wanted to make that clear. As I said, I have some other questions regarding this, but I think there are certainly a lot of areas of Article 8 that do need updating. And as many -- just as towns and villages update their building codes periodically, I think we need to address certain concerns and certain changes in technologies that take place and we need to keep current with these programs.

So I don't think that it is without merit; in fact, I think we need to make a lot of these changes, but I think there are certainly some areas that we need to make some changes on as far as this legislation goes. But I just wanted to make that point because I don't think it's very clear and it's something that we certainly do want to have iron-clad, but I believe that if something was there and it was previously conforming, that we cannot ask someone to change that simply because we changed our legislation. Unless they wanted to modify it in some way, I believe they would not be subject to the new rules, just as with zoning.

MR. SLEDJESKI:

And I agree with you. My concern, though, is it's not specific in here. And I just wanted to get that on the table, that's their greatest concern is that they're not faced -- and I think they probably feel that way and many of their friends would feel that way, that they're not faced with any additional obligations that they didn't have in light of what they may have undertaken already up until this point in time.

P.O. LINDSAY:

Okay, Tom, we got -- we hear what you said. This is the first time that we've really had a chance to examine this legislation and I'm sure the discussion will go on over the coming weeks, but there's a couple of other things. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Well, I initially had just wanted to address what Legislator Losquadro addressed which is my understanding of the changes. But there were a couple of other things that you mentioned, Mr. Sledjeski, that I think the definition was stretched. When you referred to dumping as receiving of material for the agricultural purpose, I don't think that that's what the County referred to as dumping, I think we're talking about dumping being garbage dumping. Excavation, the legislation refers to land mining and I think digging to plant your crops is a very different -- is not the kind of -- is not land mining, but I will ask for clarity of these definitions when these come before my committee.

ATV's; now, that was something which I thought was a real stretch because we have a problem in Suffolk County where we do have open space and when ATV use becomes rampant in open space, there are tremendous ruts that are run into the ground, there are tracks that are created and so ATV use is prohibited, and I think for good reason. But again, I'll ask that these be defined and refined when it comes before my committee, or in subsequent public hearings, if we have any, if it's not closed today. Okay, but is your understanding of ATV's and excavation very different from mine?

MR. SLEDJESKI:

No, I was just concerned because the definitions where they talked about what would be permitted with respect to, I believe, stripping of the soil or something of that nature; it says tilling and grading are permitted, it doesn't say anything about planting and transplanting. And unfortunately, with Mr. Steel's type of business, there is a large degree of soil removal at times, which he's concerned that it could constitute excavation or someone may think it is and may be subject to some type of an enforcement proceeding which is unnecessary. And I think if we could just --

D.P.O. VILORIA-FISHER:

Well, based on what Counsel said, I don't want to get into that kind of detail --

MR. SLEDJESKI:

No, no, no, no.

D.P.O. VILORIA-FISHER:

-- so I'll wait until we get to the committee with that.

MR. SLEDJESKI:

And that has -- I can assure you that has nothing to do with the litigation that's ongoing. But if we could just define some of the things a little better and a little more favorably for the --

P.O. LINDSAY:

Okay.

MR. SLEDJESKI:

For the farmers.

P.O. LINDSAY:

We hear you, Tom.

D.P.O. VILORIA-FISHER:

Thank you, Tom.

P.O. LINDSAY:

Legislator Kennedy, you have a question?

LEG. KENNEDY:

I pass.

P.O. LINDSAY:

You pass?

LEG. KENNEDY:

You know what, Mr. Chair? I'll make it real fast, if I can. You represented this family when they negotiated with the County?

MR. SLEDJESKI:

No, I did not.

LEG. KENNEDY:

You did not, but you familiarized yourself, you looked at all the documents? Are the covenants in place? What governs what is the use or not; is it specific to this family or is it just within the parameters of the program?

MR. SLEDJESKI:

No, no, I believe it's within the parameters of the program.

LEG. KENNEDY:

It is.

MR. SLEDJESKI:

As it was back in 1998, yes.

LEG. KENNEDY:

But is there specific covenants associated with the conveyance, are there writers, are there reverters? Is there anything that was specific to them or is it just associated with --

MR. SLEDJESKI:

I've seen no specific reverta or rider --

LEG. KENNEDY:

Okay.

MR. SLEDJESKI:

-- specific to them. It's a general one.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Thank you very much.

MR. SLEDJESKI:

Thank you, sir.

P.O. LINDSAY:

Lyle Wells.

MR. WELLS:

Good afternoon. My name is Lyle Wells, I'm an eleventh generation farmer in Riverhead, next year will be our 350th year on the same piece of land under the Wells stewardship.

After listening to my -- some of the people speak before me, there's a lot of issues at hand. One thing that I would like to say is in discussions of agriculture -- and your questions to Mr. Amper were perfect, he really proved that he was not an expert in agriculture.

*(*Laughter*)*

An expert in agriculture spends his life there, as I have. I also have served on and currently serve on first -- now Farm Credit East which is an association of the National Entity Farm Credit. We deal with the economics of farming, not only here in the northeast but throughout this country.

One of the comments that was made that real farmers don't farm in greenhouses. Now, it's funny but probably my grandfather would have thought that the crops that Charlie Shear grow, which are bushes and shrubs, wasn't real farming back when this program was an issue. Cauliflower was not considered real farming back in the 1940's, real farming was potatoes and grain. Thank goodness the founding fathers that put this program together didn't say, "This is how agriculture will exist in perpetuity," and I think that's what we're saying here, that we're trying to restrict what we perceive as agriculture now and what it will be in the future. Because my goal is that I am not the last generation Long Island farmer here; I have a 25-year old, I have a 13-year old that are very interested in digging dirt, and that's what we do.

It may come that the economics of agriculture here on Long Island force us into a 12-month a year operation. I'm very pleased to say that I grow vegetables and probably every single one of you has eaten my zucchini, my winter squash or my asparagus if you've ever shopped in a King Kullen or a Stop & Shop store on Long Island, because I supply them all. The incentive for me is that, supplying on a local basis products that consumers want here on Long Island. And guess what? We don't only want food, we're boomers, we want it all; we want flowers, we want wine, we want everything. Well, the best way to do it, and \$5 diesel fuel proved that spectacularly because I made good money when fuel was \$5, because the local was the thing to have. And when the founding fathers put this program together, it was not to create open space, it was not scenic vistas. Yeah, it's all mentioned in the legislation, but it was to preserve a resource for future generations, and it may mean growing cauliflower, it may mean growing bushes or sod or vegetables and it may mean 12-month a year

production. And to be honest with you, what this legislation does is restrict me as a vegetable grower.

There is a group right now, Ready-Pack, one of the major buyers on the east coast, that if a bird dropping hits the field, that field is condemned, they're not going to buy a thing. Well, how many times do you think a farmer can endure that type of rejection on the buyer level before he says, "Look, I've got to do something. I've got to enclose my crop somehow." My concern is that we're going a little too far, the pendulum always swings and it never really lands in the middle, it either goes to the right or to the left, and I think we've gone a little too far in regards to non-farmer interpretation of what agriculture should be here on Long Island.

Especially onerous for me was the question about foundations for greenhouses are now perceived to be even larger than foundations for residential use, and that is total nonsense. Nonsense. Again, I support the amendments to this, but as far as some of the provisions within this legislation, they're wrong. The make-up of the committee I think should be held in the hands of those who really understand and have the expertise to make those decisions. So I guess the main thing for me is let's keep this dialogue going, I think it's tremendous and I think agriculture and Long -- all of Long Islanders depend on us for their food source. Thank you.

P.O. LINDSAY:

Thank you, Mr. Wells. Christian Biaz?

MR. BAIS:

Baiz.

P.O. LINDSAY:

Baiz?

MR. BAIS:

Like Hampton.

P.O. LINDSAY:

Like Hampton?

MR. BAIS:

I've got the most difficult four-letter surname in the world to pronounce --

P.O. LINDSAY:

Okay.

MR. BAIS:

-- but I had an uncle who died at 97 and his name was Hampton Bais.

*(*Laughter*)*

This is one of the hats I'm wearing. I couldn't wear all three of them today, but thank you all very much, Ladies and Gentlemen of the Suffolk County Legislature, for allowing me to address you. My first hat today is the hat of the Southold Town Land Preservation Committee and our recommendations to the already amended recommendations for Chapter 8.

The Southold Town Land Preservation Committee wishes to acknowledge all of the hard work that went into drafting the revisions to Chapter 8 and to thank those who were involved in drafting for allowing the Land Preservation Committee of the Town of Southold to give comment throughout the process. The committee feels that the revisions were needed and will help to clarify the County's Farmland Acquisition Program.

While most of the Land Preservation Committee's comments were addressed during the process, there were several comments that the Southold Town Land Preservation Committee feels were not addressed adequately. Number one, Section 8-5, Paragraph A, Development Rights Annual Review; "The revisions make a change to the County's existing Farmland Preservation Program by designating an annual review period with one specific time for land owners to submit applications." And I'm going to submit for the record these written comments, but I will state our objection or concern. "The Southold Town Land Preservation Committee is not in favor of the proposed limit to the application submission period. The annual review process and very limited application submission period is a major change to the County's Farmland Preservation Program," and you will be able to read the rest of the comments when I submit the report.

In the Town of Southold, our Land Preservation Committee meets biweekly, that's once every two weeks, that means we meet 26 times a year and we take a constant flow of review and new applications into our process. Section 8-5B2, Development Rights Acquisition; The revision requires that to be considered for acquisition, the subject property shall be an active farm operation. The Southold Town Land Preservation Committee recommends that the requirement that a farm be active at the time of application be revised to allow for fallow farmland to be considered."

And this is perhaps my aside to that. The third hat I wear is Chair of the Southold Town Agricultural Advisory Committee to the Town Board. And in trying to have all of the committee members of that committee, and they are all farmers of all -- of a great diversity, hot-house growers, potato growers, has-been growers, grape growers, you name it, we've been through that. However, in trying to figure out why you've got fallow farmland, we've also had the discussion of how to provide inexpensive land for start-up farmers. And one of the members of our Agricultural Advisory Committee said, "Well, that's simple, they don't have to buy the land, they can rent it." Okay, if you can rent the land, that's fairly easy cost of entry into agricultural. On the other side of that question was, "Okay. Well, when was the last time you couldn't rent land," which would attest to the economic viability of farming. And so the young members of the committee said, "Well, the last time I remember we couldn't rent farmland because agriculture was doing so well," was 1980; that's 30 years ago, the last time that agriculture did well. And our historian on the committee, a gentleman by the name of Leander Glover, said, "Oh, no, it wasn't 1980, it was 1952 was the last time that ag -- where you couldn't rent land in the Town of Southold because agriculture did so well."

I've heard a lot this afternoon from all these other areas and I think we've really forgotten about the whole concept of economic viability. And I as a farmer, along with my wife and daughter right now and I'm sure many other farmers who aren't here, we do not like to have to pay ourselves to work. Nobody is paying us and we have to pay to farm.

The last point we had was on the alternative energy systems, we are concerned about several aspects there. We do not support the limiting of the consumption as proposed in the alternative energy systems and the committee does not support the requirement that the landowner disconnect from the utility grid once he's sold if the new landowner cannot use all of that energy. We believe that it should go into the grid for free. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Bais.

MR. BAIS:

You're very welcome.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

And our last card on this subject is Joe Gergela.

MR. GERGELA:

Good afternoon, everybody. Good afternoon, Mr. Lindsay, nice to see you and all the members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau.

Just regarding this, what I'd like to say to you guys is that the Suffolk County Legislature gets to determine policy. And sometimes Dick and I do a little battle on things, and he made some very good points and I'm going to address a couple of those, but it's up to you guys to determine the policy going forward of this program, along with the recommendations of the County Executive.

So we are counting on you to move this forward. It needs to be tweaked. A lot of the things raised this afternoon were accurate and things I have actually raised with Tom Isles and Cary Gallagher about simple things like about the permitting process; we want farmers to be able to operate without having to get a permit for normal accepted farming practices as well as simple things about fixing a barn door or a structure or what have you. So there are things that they know that have to be tweaked as part of the legislation and I'm sure that that will get taken care of.

Two years ago I had a meeting with John VM Klein, Steve Levy, Christine Malafi, Tom Isles and Cary Gallagher and myself regarding where we were with Chapter 8 and the Suffolk County Farmland Program. And I asked John Klein in front of them point blank, "Tell me what the point of the program was in the inception when you created the program," and he says, "Joe," he says, "Number one was protect the resource," meaning the land; number two, protect the business economics of farming; number three was the aesthetic value which the public also benefits, but that's not the main point, that's an extra benefit is open space.

We are not stupid, we understand that the public has an expectation that they want to see open space as much as possible across the Island. But the Farmland Program is different, it is a working landscape program, it is not purely an Open Space Program. We must balance that public interest with the interest of farming, and as Chris Bais just said, to make sure that we can have sustained viability in this industry. Agriculture is under siege, not only here but across our State and across the country. I just spent the last two days in Albany working on a whole bunch of public policy issues trying to keep the environment so that our guys can be profitable. The best way to preserve land is to have profitable farms, otherwise you're going to have open space and no farmers. So we have to balance these issues.

Now, Dick raised a couple of things. Number one, I agree with him as it relates to permanent-style greenhouses. We want this land -- and if somebody wants to do greenhouses that's fine, but we don't want the land torn up in a way that it cannot be used for row-crop farming, fifty or a hundred years from now. This is supposed to protect the land in perpetuity. So we agree that we have to be very careful with the erection of greenhouses, and he's talking about the more permanent type. However, as stated in Newsday this morning and I stated it before, we have 10,000 acres of preserved land, we're taking about 1% lot coverage in its entirety on structures; it's a non-issue. I know Dick is worried about that he doesn't want to lose public support for the Open Space and Farmland Program, neither do we. We agree absolutely with Dick Amper that we want the public to support this program going forward. We have 15,000 acres left out there that is not protected. If you limit what farmers are able to do on these farms, they're going to say you know what? My lawyers and everybody is telling me the hell with it, we're not going to be interested in putting easements on the remaining farmland. So again it goes back to balance. We need to work together with the Legislature, with the administration, the Planning Department, the Farmland Committee and outside interest to balance that on behalf of all of us and the people of Suffolk County.

You guys are the leaders in the United States, not only in New York State. Everywhere I go I am asked about this program, how does it work, how do we do it? They mimic us, they copy us. It's worked successfully for over 30 years now, we are the model in the United States for farmland

preservation. We have a super program, all of you have been supportive and your predecessors and the previous County Executives. So all I'm saying to you is that we're not quite done with this yet, it does need some tweaking. I'm sure it's going to be, you know, fixed to your satisfaction and answer your questions. But again, I have to remind you that we have to balance the public interest with the business of farming. So thank you for letting me comment and I will be happy to answer any of your questions.

P.O. LINDSAY:

Okay. Legislator Romaine has a question and then Legislator Viloría-Fisher.

LEG. ROMAINE:

Just by way of comment, the Town of Riverhead and the Town of Southold both issued responses to this proposed legislation which I believe I e-mailed to all my colleagues. So I know we forwarded it to the Clerk and I'm pretty sure that my staff e-mailed those comments to my colleagues and I will look to do so again.

Obviously this is a far-from-perfect piece of legislation. We're going to be looking at a lot of the comments that the farmers made, this is a critical piece of legislation because it will have tremendous implications in my district for the farming community and this is going to have a great impact. We want total make sure it's done right. I'm going to take all those comments, I want to invite the Farm Bureau, I want to invite anyone in the 1st Legislative District --

P.O. LINDSAY:

Ed, do you have a question for Joe?

LEG. ROMAINE:

Yes. My question is did you know that I was accepting comments so I could inform my colleagues?

*(*Laughter*)*

P.O. LINDSAY:

Oh, wonderful, Wonderful.

MR. GERGELA:

Thank you, Ed. I appreciate it.

P.O. LINDSAY:

And Legislator Viloría-Fisher, there's a question.

D.P.O. VILORIA-FISHER:

Having heard that we have so many comments to review and having heard your comments that we would be doing some tweaking, so you anticipate that there will be some changes made to this, we'll be working together all of us?

MR. GERGELA:

I believe so, because I think that, you know, the lawyers that asked some questions earlier about the definitions and all that, I think that some of that has to be sorted out and clarified. Again, you know, from my perspective, I had a discussion with Tom. You know, I want to make sure that people don't have to go through hell to do normal accepted farming practices by having to get a permit to do this or that. Certainly, certain activities you want to make sure people have to get a permit. Whether it's excavating that means moving land, that doesn't mean doing normal farming; that means when somebody is going to go in and rip up top soil or whatever and possibly do sand-mining activities and those kind of things. We've had some actors and one of the biggest points of this whole legislation is for the County to be able to enforce the easements and, you know, some of the things that you are allowed to do or not do are contained in the easements parcel by parcel. We have 250 different parcels in the program, each one has a different set of rules and regs

relative to that particular piece of property and some have more rights than others. Some people gave up their right to have greenhouses already, some did not; those are negotiations between the County and the land owner. So, you know, we want to be careful to make sure that we, again, are able to operate in a business manner for the farms without jeopardizing the public trust.

P.O. LINDSAY:

Okay. Thank you very much, Joe.

MR. GERGELA:

Thank you.

P.O. LINDSAY:

I don't have any other cards on this subject. Oh, wait, we have a couple of people raising their hands. Come on up.

MR. MOYER:

Good evening. My name is Dale Moyer, I'm with Cornell Cooperative Extension of Suffolk County. I've worked with Cornell Cooperative Extension for 30 years as a crop specialist and currently serve as the Ag Program Director.

I just want to reinforce -- excuse me, I'm also on the Farmland Select Committee also. I just want to reinforce that I believe it's important that we strengthen the regulations involving the Suffolk County purchase of development rights program and this legislation, at least in principle, does that and I am in favor of the resolution. The changes made in the sections on permits, permit conditions, alternative energy systems, the prohibition and especially the enforcement part I think is very important and will support agriculture in Suffolk County for moving into the next decade and beyond. And again, I just want to stress that I think that principals are very important and we must support some sort of legislation to move on to strengthen the Farmland Preservation Program. Thank you.

P.O. LINDSAY:

Thank you, Dale. I saw someone else raise their hand over here; please come forward.

MR. ANDERSON:

Good evening. My name is Rodney Anderson, I live here in Riverhead. My parents have a farm right here in town, I work with them.

Part of the reason I wanted to come up was to give you a -- be it a bit hairy, a different face to look at. A lot of the people that you hear talk that come up here, they are still older generation farms; my family is a couple generations, I'm third generation in it. But the idea that I wanted to bring up to you is as far as most of this goes, I'm in support of it, in support of the program and all of that. I wanted everybody to keep in mind the restrictions that would go to the future where someone like myself who does not own any land yet but is in the hopes to one day own land and be able to continue farming, I'll need the ability to do whatever crops it is I need to grow at that time to do it.

Just through the extension service, a few discussions, they did some seminars on something called haygrove high tunnels which is basically a form of temporary greenhouse. For example, I can have a crop growing through the summer, but if I want to get into October and November before it freezes, I can put up this little temporary unit that covers, gives me an extra month, extra two to get into things; it can't handle snow, it can't handle winter, it doesn't take heat. But at the same time, looking at some of the restrictions that we've heard discussed on how something, a structure should not be built, this would be one of the techniques that I would need to be able to survive and continue on in this business. Because you're going to get to the point there aren't going to be very many people that can do it anymore, especially with the crops, you're talking like your row-crops, your vegetables, things along that line when they want to look at something. We need the ability to still expand and grow, it's dynamic and it changes and I just want to make sure everybody keeps

that in mind for the future. Thank you.

P.O. LINDSAY:

Thank you very much. Is there anyone else? Tom Isles.

DIRECTOR ISLES:

I will try to be very brief. Thank you very much. We've heard the comments tonight, this has been a two-year or three-year process. We've actually changed this draft 69 times so far. We're happy to continue working on it, it's not easy, it's complicated.

LEG. ROMAINE:

Number 70.

DIRECTOR ISLES:

We will be happy to respond to the comments today and we'll also be happy to work with the Environment, Planning & Agriculture Committee. It's not a simple subject.

With that, I would just like to leave with you the committee guidelines on greenhouses that were discussed today for your reference. These were approved by the Farmland Committee two years ago, they do set standards. For example, for new greenhouses after July 1st of 2008, they're limited to 15%, 10% for the permanent ones. And also, for the first time ever the committee now requires a public hearing if somebody is going over those thresholds. So not to rehash everything today, we stand prepared to address the comments as best we can and to work with the committee as closely as possible.

P.O. LINDSAY:

Tom, Legislator Romaine has --

LEG. ROMAINE:

A quick question. You just indicated that the guidelines being handed out regarding greenhouses indicate 15% lot coverage. If that's the case, I think Mr. Amper raised the question how come that wasn't in the law. I'm just curious, you have guidelines but they're not in the law or --

DIRECTOR ISLES:

Right.

LEG. ROMAINE:

You know, maybe you can help me with that.

DIRECTOR ISLES:

Sure. It's similar, for example, to County Planning Commission's guidelines that they've had for many years that they update periodically based on --

LEG. ROMAINE:

But they're not codified.

DIRECTOR ISLES:

-- uses; exactly, they're not codified. There may be a time where we need to have guidelines on barns or irrigation systems or live stock and so forth; that is a question for you and the Executive.

LEG. ROMAINE:

Right. The only thing that concerns me, if I'm a farmer and I'm selling my development rights, you know, because I need the cash or something like that, I don't know what the regulations are, I don't know if they're going to change in the future, I don't know, you know -- I'm selling it under one set of assumptions, if you're going to be changing this. I think people would prefer, you know, what are the guidelines, these are going to be the guidelines, they're going to stay this way for a long time

and I'm not going to have to worry about it. I don't want to sell land when, you know, there's X guidelines and all of a sudden three years later there's Y guidelines and things I'm doing are no longer permitted and I can't make a business out of it. I think people prefer to have some degree of certainty in their lives. And to say that there's guidelines but it's not in the law, I'm confused, because I don't know what the story is and I don't know if I can get around those guidelines. I don't know if there's a gray area.

DIRECTOR ISLES:

Okay. Let me just make the point that the guidelines are very clear that existing greenhouses, structures, would be non-conforming uses. We've talked about a comparison to municipal zoning. So that is very clear, if they have something they don't have to tear it down.

In terms of the administrative position of whether to do guidelines or law, it was the feeling of the Farmland Committee, and they voted to adopt these guidelines, that the guidelines would be the best method of proceeding --

P.O. LINDSAY:

Can you hold the microphone closer?

DIRECTOR ISLES:

I'm sorry, I apologize. That the guidelines would be the best method of proceeding by having something that is available for the committee to guide in their decisions. Keep in mind, prior to this there was nothing, so the committee just said, "Have the authority to allow greenhouses over the entire property, a hundred percent if they wanted to." So this is -- this was a first step that we felt has worked very well.

It's now been in effect for over two years. We had the one case in Manorville, the Hamerly fine that became the big issue; that application was withdrawn. So we don't want to over-react to a problem either. Greenhouses, we feel, have a purpose, we've heard about the part-time ones and then the year-round ones. I think the Farmland Committee put in a ton of work to try to get to this point. From the department standpoint, we're happy to keep an open mind in terms of the changes before the Legislature today and we'll continue to sharpen the pencil and look at it again.

LEG. ROMAINE:

One last question.

DIRECTOR ISLES:

Sure.

LEG. ROMAINE:

Are we going to see the 70th draft?

DIRECTOR ISLES:

We probably are.

P.O. LINDSAY:

Okay.

DIRECTOR ISLES:

Thank you.

P.O. LINDSAY:

Okay. Thank you, Tom. Is there anyone else on this subject? All right. What would you like to do with this bill?

D.P.O. VILORIA-FISHER:

I'd like to make a motion to recess. If we're looking at making changes, we should keep the public hearing open, I think.

P.O. LINDSAY:

Okay. We have a motion to recess. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions? It stands recessed.

MR. LAUBE:

Eighteen. Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR 1175-10 - Adopting Local Law No. -2010, A Local Law expanding eligibility for County real property tax exemption to include disabled veterans (County Executive). Thankfully I don't have any cards on this subject.

(*Laughter*)

LEG. ROMAINE:

Move to close.

P.O. LINDSAY:

Is there anyone in the audience that would like to address us on this subject? Seeing none, I have a motion to close --

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

-- and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

LEG. LOSQUADRO:

Tim, cosponsor.

P.O. LINDSAY:

Public Hearing on IR 1176-10 - Adopting Local Law No. -2010, A Charter Law to repeal the Suffolk County Energy Tax via public referendum (Romaine). I have one card, George Kelly. Mr. Kelly?

MR. KELLY:

Good afternoon, or good evening, Presiding Officer Lindsay and Members of the Suffolk County Legislature. My name is George Kelly, I live in East Setauket. I am the Brookhaven Coordinator for the Conservative Society for Action. We are a grass-roots organization seeking to limit the reach of government at all levels.

We have spent the last year on street corners all over Long Island, in Washington, in Albany, in malls, at town board meetings, town hall meetings, school board meetings, trying to restore fiscal responsibility in governing. We are being heard. These are tough times and we are looking for

elected officials to make tough choices. I trust that you will make the choice to let the people be heard with respect to this issue.

You are asked to consider a resolution to adopt a law to repeal the Suffolk County Energy Tax via public referendum. Long Islanders can no longer bear the burden of the taxes imposed on us. We applaud any efforts to lessen that burden. A referendum would allow the citizens of Suffolk County to decide the fate of this repressive tax. Your tough choices would necessarily follow. Please, do as so many of us are doing, slash your spending, not modestly but significantly.

On behalf of the members of the Conservative Society for Action and the membership of the Suffolk County 912 Project, I urge you to pass Introductory Resolution 1176. As I said before, we are being heard. We will be silent no more. Thank you, gentlemen and ladies.

P.O. LINDSAY:

Thank you. Is there anyone else in the audience? Please come forward.

MR. McGOWAN:

Good afternoon. My name is Gene McGowan, I live in Hauppauge. I, too, am a member of the CSA on the Executive Board and I echo everything George just told you.

I would add that from what I understand, this 2 1/2% tax equals roughly \$54 million. Out of a \$2.8 billion dollar budget, that's under 2%, I believe. Certainly we can find the cuts needed to make up that shortfall. Because if you're think to allow this to go to a referendum and it passes and then find another tax to replace the 54 million, you're not getting the message. The message is the most important special interest group in this County are the taxpayers; without the taxpayers, you can forget about funding all your pet projects. We have to learn how to tighten our belts, how we can do less. Government is not the answer to all.

I would just wrap it up with one more thing, and this is from Ben Franklin. Ben said whenever the government robs Peter to pay Paul, Paul is going to always vote for more government. We have to stop that madness. Thank you for your time.

P.O. LINDSAY:

Anyone else on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Public Hearing on IR 1190-10 - Adopting Local Law No. -2010, A Local Law to strengthen tourism promotion in Suffolk County (Schneiderman). And I have one, two cards. Barbara Ransome.

MS. RANSOME:

I was going to start my comments with good afternoon but we've rolled into good evening, so good evening, Presiding Officer Lindsay and the Legislators. My name is Barbara Ransome and I'm the owner of the Ransome Inn Bed & Breakfast in the Village of Port Jefferson. I'm also a member in good standing on the Board of Directors of the Long Island Convention & Visitor's Bureau and I have been a member for the past six years. I'm here today to voice my opposition to Introductory Resolution No. 1190.

As has been previously stated by my colleagues earlier, this legislation would violate a board member's duty of loyalty, fiduciary responsibilities and duty of care. My fellow board members from the Nassau County have an obligation to make sure that all the funds of the LICVB are properly spent. This legislation would prevent them from voting on surplus Suffolk County funds dedicated to the Suffolk Specialty Tourism Marketing Program and exercising their oversight and responsibilities.

Two years ago the board was asked to authorize the use of \$200,000 from the Bureau's cash reserves to increase Suffolk County's consumer advertising in order to meet the LICVB's contractual obligations to the County. This expenditure was in addition to that which had been planned and budgeted, an approved annual marketing plan following discussions regarding the Bureau's financial posture and the need to spend these funds appropriately, the board as a whole, consisting of Nassau and Suffolk County members, voted unanimously to authorize this expenditure. On numerous occasions the board has demonstrated its ability and desire to look after the collective interests of tourism industry as a whole, regardless of the County's interests.

In a very real sense, this legislation would require that the LICVB become two individual organizations with different missions, different by bylaws and different governing bodies. It would require an organization that currently represents the collective interests of Long Island's Tourism Industry in the marketplace to fractionize and represent only constituent interests. With this in mind and for previous mentioned objections, as a board member of the LICVB, I oppose the passage of this legislation.

P.O. LINDSAY:

Thank you.

MS. RANSOME:

Thank you and good night.

P.O. LINDSAY:

Laraine Creegan.

MS. CREEGAN:

I bring you greetings from Montauk. I've been here for about three and a half hours, but I want to say hello to everyone. And I guess it's good evening.

I am Laraine Creegan, I'm the Executive Director for the Montauk Chamber of Commerce and I represent approximately 300 business members of Montauk. The Motel/Hotel Tax increase has -- this year has really -- is really four-fold. Montauk alone is going to contribute \$1.3 million to the County in tax that you'll collect. The designated tourism organization, the LICVB, is designated to promote tourism for all of Long Island. Recently, Montauk and other east end organizations requested promotional funds from the LICVB to promote our area as a destination, that was denied.

The bill that has been introduced by Legislator Schneiderman makes much sense and I am in favor of it because it does give Suffolk County members of the LICVB representing Suffolk County the ability to vote on money and decide on how that money is to be spent. The bottom line is I am sure that Nassau County representatives want to vote for Nassau county money, as do Suffolk County for Suffolk County money. I am sure that Nassau County reps would disagree, however of the Suffolk County vote, really we should be voting for our own dollars. I feel it's critical that our resources be

managed effectively and should not be subjected to the whims of Nassau representatives who do not understand how to promote Suffolk County region. Thank you.

P.O. LINDSAY:

Thank you, Ms. Creegan. Next we have -- I can't make out the name, DanHeschen? Van Heshen? I'm sorry, I'm having trouble with your handwriting. I can't make out your first name, forgive me.

MR. BISCHOFF:

Good evening, Members of the Legislature, Presiding Officer. I'm John Bischoff and I'm Secretary Treasurer for the North Fork Promotion Council. I appeared before you a couple of weeks ago on a similar issue. Tonight we are here for a new issue concerning the people from Suffolk and their ability to vote within the LICVB on funds that are in a specialty fund for Suffolk County.

It is an honor to be here on behalf of the 350 businesses of the north fork that our organization represents in the North Fork Promotion Council. Our kind of organization is run by volunteers with jobs, many more representatives are here in spirit but could not attend in person and I represent them today before you and this room would be full if they were not in their businesses working.

The east end -- this is a funny story. I grew up in The Neverlands and I always had trouble understanding the fable of the Goose with the Golden Eggs. I could never understand how anybody could ever be so stupid as to try and slaughter that geese, that goose. And yet we find ourselves that on the east end where we're so lucky to have a golden egg-laying geese, goose, that it's being slaughtered. Only yesterday I found myself alongside Legislator Romaine fighting the proposed closing Orient State Park. A few days earlier we were fighting the MTA's decision to curtail service to Orient -- to Greenport. Months after the hotel -- this was only months after the Hotel Tax was unexpectedly, and with lightening speed, raised to 3% and only months after a new Suffolk County MTA payroll tax was instituted on us. It all makes no sense. Where is the common sense in all this?

During my previous appearance before the Legislature, we handed out a package with information explaining what the Counsel has done for the past 24 years -- 25 years. The Council has worked together with the Hampton Visitors' Council on many occasions, including participation in the New York Time Boston Globe Travel Shows for the past years. We've seen cooperation in our region much closer than ever before between all our organizations on the east end. As a group we can do what individual businesses and local business organizations cannot, in budget as well as in know-how. Our region heavily depends on tourism. Tourism promotion is the gasoline that runs that motor because not everybody knows that we exist and we need more people to come to our region to support this economy of tourism and make it sustainable.

Facing an unprecedented economic crisis, we are called upon to come up with bolder initiatives and even more cooperation within our region to generate tourism dollars, and help small businesses especially. I do not have to remind the Legislature that tourism is one of the few bright spots in our economy and that small business will be the driving force in job creation if we allow it to do so, normally providing well over 60% of new jobs in any recovery. Your support of small business is thus well warranted.

I'm here in support of this proposed resolution. The LICVB is the beneficiary of the Hotel Tax tourism promotion dollars, up to \$2 million. The LICVB will see an increase in their budget stemming from the increase in the Hotel Tax which came as a very unpleasant surprise to all our small business members in our communities. The increase in the tax has exacerbated the inequity the east end faces in terms of the taxes generated in the east end and benefits we perceive we received from the efforts of the LICVB which existed even before the tax increase. Especially, funds earmarked to benefit Suffolk County have not benefitted our east end tourism region to sufficient degree.

This is not to say that the LICVB has not done good work. In a way, we find ourselves in an uncomfortable situation. As a Council that relies on some of the help that the LICVB gives us, we're kind of criticizing the hand that feeds us here. Nevertheless, the original mission of the LICVB may have limited the LICVB's ability to help us promote the kind of tourism promotion, in particular with respect to day-trippers, an important part of what we also need in our region with its fragile tourism infrastructure. Times have changed and the needs of our region for tourism are distinctly different today than they were when the LICVB came into existence and this Legislative body decided to distribute the monies for tourism promotion through that agency.

We are concerned about an adversary relationship that has ensued between the LICVB and other organizations. We're concerned that despite our efforts to negotiate in good faith with the LICVB, the deck seems unfairly stacked against us in the LICVB. We need your help to convince an organization that seems wrapped in a shroud of mystery in how it is put together in terms of board members with a disturbing lack of transparency and accountability in its functioning and budget process.

P.O. LINDSAY:

Your time is up. Could you wrap up, please?

MR. BISCHOFF:

Yes. Mr. Schneiderman's proposal would allow the representatives on the board of the LICVB who are from the east end to determine the best way to promote the east end, which is the feather in the crown of tourism in Long Island with its very own needs and opportunities.

The proposal actually strengthens the effectiveness of the LICVB, it is just common sense. We ask urgently for your support of Mr. Schneiderman's proposal. Thank you.

P.O. LINDSAY:

Thank you.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

We'll make it very quick.

MR. BISCHOFF:

Yes, sir.

LEG. ROMAINE:

Legislator Schneiderman's proposal is simply saying since the Long Island Convention Tourist Bureau represents Nassau and Suffolk, the overwhelming majority of money for that organization to disperse comes from Suffolk County from the Hotel/Motel Tax, and yet when the decision is made on how to spend that money, I think your point is --

MR. BISCHOFF:

We have no say.

LEG. ROMAINE:

Our say is muted because it's not Suffolk people voting on that.

MR. BISCHOFF:

Correct.

LEG. ROMAINE:

And the second point I think you want to make is tourism --

*(*Laughter*)*

MR. BISCHOFF:

Thank you.

LEG. ROMAINE:

And I just want to ask that one question, tourism is not simply heads and beds. A lot of the north fork, for example --

MR. BISCHOFF:

I touched on that.

LEG. ROMAINE:

-- represents day-trippers which the Convention Bureau doesn't promote per se because they don't get their revenue from day-trippers, that's more a promotion of sales tax.

P.O. LINDSAY:

Legislator Romaine, he answered the question before you asked it.

*(*Laughter*)*

Legislator Schneiderman, a question.

LEG. SCHNEIDERMAN:

I actually just wanted to clarify what was just said, saying what my bill is doing, so I think it's important. So Suffolk County contracts with LICVB to promote tourism, so does Nassau County; they both fund through LICVB through hotel taxes. Nassau provides about 700,000, Suffolk about a million seven. Under the contract, LICVB will match Nassau's contribution, and the remaining money, about a million dollars, must only be used to promote Suffolk. Unfortunately, the decisions on how to promote Suffolk are being affected largely by those members from Nassau County, even though these tax dollars may only be spent promoting Suffolk. And it's been very frustrating for the Suffolk members who can't seem to be able to get these funds to promote Suffolk in the way they believe would be the best way to promote Suffolk. So it makes sense. Just the way Nassau wouldn't want Suffolk County telling them how to spend their tax dollars --

P.O. LINDSAY:

Question.

LEG. SCHNEIDERMAN:

-- this is the same thing. It basically limits the decisions on Suffolk-only money to Suffolk members.

LEG. ROMAINE:

So that's the question; isn't that so?

LEG. SCHNEIDERMAN:

Isn't that so?

MR. BISCHOFF:

That's so.

LEG. BARRAGA:

Through him, you made some very good points.

*(*Laughter*)*

P.O. LINDSAY:

Bryan DeLuca.

MR. DeLUCA:

I'm hoping Legislator Romaine can answer my question, too, before I ask it. My name is Bryan DeLuca, I am the General Manager of Atlantis Marine World, the Long Island Aquarium right here in Riverhead. I also sit on several boards; I am on the Executive Committee for the LICVB, I'm the Treasurer; I'm also the Chairperson of the LICVB Marketing Committee. I also am the Executive Director of the East End Tourism Alliance which is a newly-formed organization for the five east end towns, working cooperatively with Montauk Chamber, working with North Fork Promotional Council and the Hamptons Visitor's Council. We've created one umbrella website for us to work collectively together. I've been on the CVB for the past four years, I believe. And for those lacrosse fans, I'm also the Director of the Patchogue Lacrosse Program, the PAL Youth Lacrosse.

I am very active with CVB and working very close with Mokey McGowan. And the make up of the CVB Board is, of course, Nassau and Suffolk County representatives. And this makes absolute sense to me and to those involved with making decisions on Long Island and what we do on Long Island in promoting heads and beds for the tourism efforts for Long Island. So the composition of the board being Nassau and Suffolk makes absolute sense. However, in my opinion, where Jay has just pointed out, the Suffolk centric dollars, this is dollars above and beyond what is generated, which Nassau generates, Suffolk matches, we make all the decisions on that. Suffolk centric dollars, close to a million dollars, in my opinion and in support of this bill, this legislation, is that the Suffolk members of the board should make the decisions only on Suffolk centric dollars. Again, these are dollars above and beyond what we do entirely for Long Island, but Suffolk centric dollars should be decided upon by Suffolk board members. I've been to a few meetings, it's frustrating when Nassau County, not really paying attention to what the efforts are on the east end, vote down things that we want to do and it's frustrating, and we go back to the drawing board and we lose time and it's painful. So if you guys could take into consideration this legislation to support Suffolk centric dollars being managed by Suffolk members of the LICVB board, it would be greatly appreciated.

P.O. LINDSAY:

Mr. DeLuca, that was so clear and precise that nobody has a question for you, all right? Thank you very much for your comments.

MR. DeLUCA:

I hope that was not sarcastic because it's late and you've been here all day.

P.O. LINDSAY:

No, no, no, it wasn't sarcastic at all. Thank you.

LEG. SCHNEIDERMAN:

Thank you.

MR. DeLUCA:

Thank you.

P.O. LINDSAY:

Steven Bate.

MR. BATE:

Thank you very much, and good evening to everyone. My name is Steven Bate, I'm Executive Director of the Long Island Wine Council. And if I had known --

P.O. LINDSAY:

Did you bring a bottle with you?

*(*Laughter*)*

MR. BATE:

I was going to say, if I had known you were going to be here so late, I would have brought enough for everyone, but alas I didn't. I'm also on the Board of the Long Island Convention & Visitor's Bureau and I'm a board member of the East End Tourism Alliance and I'm a board member of the North Fork Promotion Council.

I just wanted to start by giving you the sense of how important tourism is to the Long Island Wine country, the Long Island wine region which, in effect, could really be called the Suffolk County wine region, because as you know, virtually all of our wineries are located in Suffolk County. But of all of the wine that's produced in Suffolk County, 84% is sold in the County. And while a lot of that is at restaurants and retail stores, in fact, most of that, a vast majority is sold out of tasting rooms. And that was particularly the case last year and during the economic downturn. So tourism is essential to the viability of the wine industry on Long Island right now.

And we have adjusted our own marketing campaign to focus on the New York Metropolitan area because we believe that that's where most of our visitor traffic is going to be coming from, again, under these economic circumstances. And we've been relatively successful. The wine region has seen sales increases of about 20% on average last year, despite the downturn, compared to decreases virtually around the world, California saw the first decrease in sales in 16 years.

I raise this because it's not -- you know, we've been relatively successful in our advertising focusing on the New York Metropolitan area, but we haven't done it alone; Suffolk County Executive -- the Office of Economic Development & Workforce Housing has played a role, Legislator Romaine has played a role. And the reason why I'm saying this is that the LICVB has played a very important role, and I refer specifically to the example of the winter fest which is going on right now. This is a very successful program. In the last three years we've seen traffic increase -- to the north fork in particular, but even to the east end -- about 400%. We have seen sales at the wineries increase by up to 150%. And more importantly, we've seen that's coming to the wineries, it's been -- up to 50% has been new people who have never been to the wine region before and most of them have been coming out of New York City. So this has been a very successful program.

Now, last year we had two very, you know, good size State grants to use to market the program, but this year and the first year the only resources we had to actually put into advertising were from the LICVB, and they designed a program and implemented a program, with my input, that was very successful under the circumstances of the relatively limited resources, but it was still a very successful program. And I'm raising this, again, because I think that -- I know that my colleagues on the east end have been very frustrated with the LICVB in the advertising campaigns not really reflecting their specific interests, especially given the amount of funds that are going to the LICVB from the hotel tax on the east end. However, and I'm just saying this as a concern, I am concerned about this bill taking money out of the LICVB's budget which could be used together for a larger campaign. It is very expensive to advertise in the New York, metropolitan market, but that is a very important market for all of us. And I think by keeping the money together and having a greater say in how that campaign could be designed and used I think really should be the objective here.

And while I think Jay's legislation or his proposal could be one way to address it, another way was a task force that was set up by the LICVB. At the last board meeting, we had the first meeting last week and it's only made up of Suffolk County representatives and the idea is to develop a campaign that's better tailored to the needs of the east end. I would prefer to see that committee or that task force proceed with its work before we pass new rules that could end up reallocating the funds. Thank you.

P.O. LINDSAY:

Thank you very much for your comments.

LEG. SCHNEIDERMAN:

Just one question.

P.O. LINDSAY:

Jay.

LEG. SCHNEIDERMAN:

Because you had mentioned that this could be --

P.O. LINDSAY:

Jay, a question, a question? We're getting, you know --

LEG. SCHNEIDERMAN:

I want to make -- the question is are you aware that the bill does not take any money away from LICVB? It only takes the money that can only be spent for Suffolk promotion and allows those decisions be made by those members from Suffolk County.

MR. BATE:

Yes.

LEG. SCHNEIDERMAN:

Okay.

MR. BATE:

I note the use of the word allocate in the proposal, which suggests to me that it could be used to disperse the money using grants.

LEG. SCHNEIDERMAN:

LICVB already has a grant program, does it not?

MR. BATE:

Correct.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Thank you very much, Mr Bate. Jim Zaborski?

MR. ZABORSKI:

Thank you, Legislator Lindsay, for the opportunity to speak this evening, and to the Legislature. I'm here to speak in favor of Mr. Schneiderman's proposed legislation. My name is Jim Zaborski, I am the President and owner of Dune Management Company, we operate eleven resorts.

P.O. LINDSAY:

Pick up the mike. Thank you, Jim.

MR. ZABORSKI:

I'm sorry. We operate eleven resorts on the east end of Long Island. We have been severely impacted by the -- or we anticipate we will be severely impacted by the Hotel Tax that was enacted last year and we hope that --

LEG. SCHNEIDERMAN:

Could you speak a little louder, please.

MR. ZABORSKI:

We hope that Legislator Schneiderman's proposed legislation will help ease the burden that that tax will cause. The -- as many of the earlier speakers identified, the sources of the revenue to the LICVB and the disposition of those revenues are determined by the LICVB Board of Directors. I am a member of the Board of Director, have been for 20 years. I'm also a member of the Montauk Chamber of Commerce, one of the proposed recipients of the funds. And as a business man, I evaluate the performance of both of these organizations in terms of their benefit to my business and their effectiveness in terms of promoting tourism on Long Island. And my own evaluation has directed me to support Legislator Schneiderman's proposed legislation because I think it will eventually -- it will result in superior returns to the participating businesses that it's ultimately supposed to assist.

And I think that that's, at the end of the line, important to the overall County, because if the taxes that are raised are -- end up as a negative impact to the -- to the businesses that they are collected from, then the tax revenue will be reduced over time. If they are directed appropriately to entities that can best promote tourism on Long Island and in Suffolk County, then they will be most effectively used. And so in that regard, I support Legislator Schneiderman's legislation, I hope that the rest of the Legislature does as well. Thank you for the opportunity to speak this evening.

P.O. LINDSAY:

Jay has a question for you.

LEG. SCHNEIDERMAN:

Jim, I know you've been on the board for some time. Recently the LICVB considered a proposal to increase a grant program that they have for advertising, and this was going to be matched dollar-for-dollar, right, so it would stretch advertising dollars twice as far. And it was out of new money because the Hotel Tax is giving LICVB an additional half of million dollars, as you know since you sit on the board. And of that half of million, I believe first there was a 6% increase in LICVB salaries, which already over 50% of the organization's expenditures. But some money was going into advertising, an additional \$140,000 were going into advertising. And I believe the proposal was to take a thousand of that and double it through a matching grant program, yet it was rejected by LICVB, and I believe largely on Nassau County votes.

So could you explain -- I was not in the room, you were in that room. What happened? Why was that rejected? And is it true, basically, that it was rejected because of those members from Nassau deciding how Suffolk should spend its money, it's taxpayer money?

MR. ZABORSKI:

Well, certainly I don't believe any of the Nassau representatives voted in favor of the legislation, that's for certain. There were certainly a handful of Suffolk representatives that voted in favor -- not legislation but voted in favor of the proposed change or to defeat the change that we had requested. And certainly I think the influence of Nassau County and their representatives in a room where there's roughly equal membership from both counties was -- had an impact on the decision at that time. And I think that the -- there again, the money that would have been raised and would have been available to the -- to entities within Suffolk County to promote Suffolk County with monies collected from Suffolk County would have been the more appropriate way to go and I think it would have been -- it was supported by the majority of Suffolk County representatives at the CVB meeting.

P.O. LINDSAY:

Thank you very much.

MR. ZABORSKI:

Thank you.

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone else in the audience that would like to talk to us about this subject? Seeing none, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll make a motion to close, please.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Muratore, Montano & Barraga).

P.O. LINDSAY:

Okay, 1190 stands closed.

And our last *Public Hearing* of the night is **1197-10 - Adopting Local Law No. -2010, A Local Law amending Chapter 424 (Sewers) to waive sewer connection fees for economic revitalization in urban renewal areas (County Executive)**. I had one card, and I apologize, it was the Supervisor of the Town of Babylon, Steve Ballone. I don't know whether he has --

D.P.O. VILORIA-FISHER:

I think he's here.

P.O. LINDSAY:

Is he still here. No, he left. Okay. So I'm going to say is there anybody else that wants to speak on this subject? And I recognize Charlie Bartha. So Charlie, would you step up, and whoever -- I don't know, whoever is going to be talking to the Supervisor, please apologize for me that he came all the way out here and didn't get a chance to talk; it was out of my control, it was the last hearing and I couldn't recognize that hearing out of order. Charlie, go ahead.

MR. BARTHA:

Thank you. And the Supervisor asked me to extend his apologies that he had to leave.

LEG. LOSQUADRO:

Charlie, lift that mike up.

P.O. LINDSAY:

There you go.

MR. BARTHA:

Okay. The Supervisor --

LEG. LOSQUADRO:

Just point it at you.

MR. BARTHA:

Oh, okay. Everybody else did so well with this.

P.O. LINDSAY:

There you go, now you're good.

LEG. COOPER:

Don't move.

MR. BARTHA:

All right, thank you. I will be speaking to the Supervisor shortly and he did extend his apologies for having to leave before his opportunity. So he did leave me his statement that I'd like to read into the record and maybe insert a couple of my remarks along the way.

"Thank you very much for the opportunity to speak today about the proposed Local Law that is the subject of today's public hearing. This Local Law would allow for the creation of a partnership between Suffolk County and the Town of Babylon in the revitalization of Wyandanch, the most economically distressed community on Long Island According to a report issued by the Suffolk County Planning Commission in 2000."

"At the heart of this partnership is an agreement between the County and the town that makes sense for the Southwest Sewer District. The town will build and pay for the sewer infrastructure and build it with significant additional capacity in lieu of connection fees on the Wyandanch Revitalization Project for up to 380,000 gallons per day. We have designed the sewers in such a way that there would be an additional 75,000 gallons per day for the Central Business District, and at least 430,000 gallons per day further south along Straight Path that would be available to the County. This infrastructure will be dedicated to the County so that they may collect connection fees in the future as a result of the oversized construction that is being provided now by the Town of Babylon."

"When Legislator D'Amato, with the support of Legislators Barraga, Gregory, Horsley and Stern, put in a bill to consider expansion of the Southwest Sewer District, we spoke about coordinating our efforts, and our engineering team of {Bown} Engineering and H2M have worked on a design that if in ten or twenty years from now, more capacity is needed in the Central Business District, it can be installed as easily and cost effectively as possible. This is an agreement that makes sense for the sewer districts."

"Beyond the primary benefit to the district, the fact that this investment is the catalyst of the Wyandanch Revitalization Project is what makes this partnership so compelling. The revitalization of Wyandanch will bring tangible benefits to Suffolk County. The Wyandanch Rising Project is a \$500 million transit-oriented development that will create 3,025 construction jobs and 825 permanent jobs. It will create new, affordable housing and more diverse housing choices, dramatically expand the tax base, help clean up Carls River Watershed and create new recreational opportunities."

"There are significant direct benefits to Suffolk County from the Wyandanch Revitalization as well. Properties that currently produce virtually zero in sales tax revenue will, according to the National Development Council, produce 6.7 million in sales tax annually. And while currently these properties produce around 800,000 in property tax revenue, that number will rise to \$ millionannually."

"In addition, the revitalization of Wyandanch will potentially produce significant long-term budgetary savings to the County in the delivery of health services, social services and in the provision of Police protection."

I will make two additional points. Many of you have been champions of open space preservation. The Town of Babylon is least likely to benefit directly from open space preservation dollars simply because we have built out for many years. However, our town does place great value on these investments because we believe that the preservation of open space on the east end and throughout the County is part of the quality of life of our residents. Moving forward, if we are going to be able to preserve more open space in a way that will allow us to grow as a region, to create new jobs and economic opportunities, it means that we have to be willing to build more densely in certain areas of the County. You have a town here that is ready to do just that.

My final point is that we have all talked about the importance of investing in sewer infrastructure, not only for environmental purposes but for economic as well. The question is, however, where will the money come from to make these investments? I think this partnership potentially becomes a model for how to get these projects moving.

To close, this Local Law would enable a partnership to be created between Suffolk County and the Town of Babylon and would provide a real asset to the Southwest Sewer District and significant direct and indirect benefits to Suffolk County from the Wyandanch revitalization. But perhaps more important than all the benefits and statistics I have cited is the fact that we, all of us, have the opportunity to help revitalize a community that has suffered from decades of environmental degradation and economic isolation. With the Local Law that you consider today, you have the power to help make that revitalization happen. Thank you again for this opportunity. I look forward to answering any questions you may have. I also would welcome the opportunity to meet with any member of the Legislature who is interested in more details about the sewer project or the Wyandanch Revitalization Project itself.

P.O. LINDSAY:

Thank you, Charlie. I think Legislator Gregory has a question for you.

LEG. GREGORY:

I can't get used to this mike. All right, thank you, Mr. Chair. And thank you, Charlie, for being here today. I will certainly reach out to the Supervisor myself.

I have one question about one section of the law, it's paragraph four and it talks about that, "All individual or residential, commercial, industrial facilities within the area described as subparagraphs one, two and three, Paragraph 1 of Subdivision B of Subsection 424-38 to be included in the fee waiver shall have applied to the Sewer District for formal approval to connect to the sewer district within five years of the date that the collection system is deemed operational by the Sewer District"; what does that mean?

*(*Laughter*)*

MR. BARTHA:

That actually, the town had been hoping that that would be ten years rather than five years in order to -- a project of this magnitude, to get all the approvals and the developers in tact in five years is a very difficult task. However, that's the way it has been drafted and presented to you. Timing is critical on this. The town, in order to ensure it receives the grant monies that are available through the State and Federal governments, needs to be in contract by June 16th. If we were to ask the County Executive to change this resolution at this point, we would be in jeopardy of being able to meet that deadline. So what the Supervisor has decided would be best is to proceed with this resolution and Local Law, hopefully that you will find it acceptable, and then if necessary return to the Legislature at some time in the future in order to extend that period.

LEG. GREGORY:

Okay, thank you.

MR. BARTHA:

Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Charlie, I think you just answered our question. We're just -- the four of us are sitting here going should we close it today, you know, are there going to be amendments in the future and the like. It sounds like the preference would be from the Supervisor that we close this hearing today.

MR. BARTHA:

That's correct.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

I have to agree that a five-year build-out for a project of this magnitude seems a bit short. What I was going to ask, I certainly agree, you know, we don't want to miss an opportunity for something that truly defines smart growth, you know, in stark contrast to some of the other proposals we've heard in recent years. If we close this today, just to Counsel, if we change this to -- is it something we would have to take back up to change 10, or if it changed to ten, would it necessitate a new public hearing?

MR. NOLAN:

I was asked that question earlier today and, you know, the issue is is that a substantial change to the law, and my answer earlier today was I believe it would be a substantial change to the law. So that if we close the public hearing and it was amended, we'd have to reopen the public hearing later.

LEG. LOSQUADRO:

So we would just have to seek to amend the Local Law once it was in place.

MR. NOLAN:

Right.

LEG. LOSQUADRO:

Okay.

LEG. HORSLEY:

We have five years.

LEG. LOSQUADRO:

Yeah. I mean, we certainly -- as I said, I certainly don't want to hold this process up, I was just wondering if we could actually make the change after it was closed. But if that's -- you know, if that's the legal situation that we're in, we'll just have to seek to amend it as we move forward.

MR. NOLAN:

I would also say, I think it's a pretty close call whether or not it's a substantial change, so I'll give that more thought. I know they're going to close the public hearing today and maybe make more definitive determination on that question.

LEG. LOSQUADRO:

Okay, thank you.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want to address Legislator Losquadro's question to George, the substantial change threshold that we have there. When I thought about it I wasn't convinced, you said it's a close call.

MR. NOLAN:

It is. And by the way, it's a question for the Legislature, ultimately.

LEG. D'AMARO:

That's my question, who finally determines --

MR. NOLAN:

It's up to this body, ultimately.

LEG. D'AMARO:

So if we close the public hearing, there was a revision, it would be up to us ultimately to decide whether or not it was a substantial change.

MR. NOLAN:

Right.

LEG. D'AMARO:

Okay. Thank you.

LEG. LOSQUADRO:

If I could just add to that, because that's what I was thinking, Legislator D'Amaro. The policy is essentially the same, it's just the term that this body determines would be reasonable in allowing the development to take place. So it's a conversation we can have further with Counsel, but I think it's something that I would certainly be willing to consider.

P.O. LINDSAY:

Okay. Do I have a motion to close then?

LEG. GREGORY:

Motion, Mr. Chair.

P.O. LINDSAY:

Motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

Okay.

MR. BARTHA:

Thank you very much.

P.O. LINDSAY:

That concludes the public hearings.

D.P.O. VILORIA-FISHER:

Hallelujah.

P.O. LINDSAY:

I'm going to make a motion to set the date for the following public hearings for March 23, 2010, 6:30 P.M. at the Rose Caracappa Auditorium, Hauppauge, New York; IR 1200, a Charter Law to establish common sense policy for Special Meetings of the Legislature; IR 1219, a Local Law to increase the property tax exemption for Cold War Veterans; IR 1222, a Local Law requiring advisory boards to conduct open meetings; IR 1228, a Local Law to expand Suffolk County's Law against bias acts; IR 1229, a Local Law prohibiting the sale of aerosol dusting products to minors; IR 1230, a Local Law banning the sale of drinking games to minors; IR 1231, a Local Law requiring owners of private residential communities to ensure emergency access to roads after snow fall; and IR 1276, a Local Law to expand opportunities to create housing under 72-h Transfer Program. I made the motion. Do I have second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Schneiderman).

P.O. LINDSAY:

Going back to the agenda, we skipped over -- what page is the tabled reso?

D.P.O. VILORIA-FISHER:

Nine.

P.O. LINDSAY:

Tabled, page nine, we skipped over 1047.

D.P.O. VILORIA-FISHER:

Greg Blass was here.

P.O. LINDSAY:

And Commissioner Blass was here earlier. I don't know, is he still in the building?

LEG. ROMAINE:

He went home.

LEG. LOSQUADRO:

What did we go back to?

D.P.O. VILORIA-FISHER:

Page nine.

P.O. LINDSAY:

Page nine, 1047. And we asked --

MR. ZWIRN:

He should be here any minute.

P.O. LINDSAY:

All right. Then I'm going to just put that in abeyance and go back to page eleven and **1007-10 - *Appoint member to the Equestrian Task Force (Denise Speizio)(Eddington)***.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Do I have a -- a motion by Legislator Eddington, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

10 --

LEG. COOPER:

Excuse me, Bill? Bill, I think you skipped over 1157.

P.O. LINDSAY:

Oh, yes, I'm sorry. Thank you very much. Ms. McMahon, was she here? Okay, okay. So **1157-10 - *Appointing Patricia McMahon to the Suffolk County Community College Board of Trustees (D'Amaro)***.

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. And Legislator Horsley, she did appear before your committee and was approved?

LEG. HORSLEY:

She was approved. We approved her during last meeting without recommendation, we just interviewed her at today's meeting.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

Cosponsor.

LEG. ROMAINE:

Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

You got the one abstention?

MR. LAUBE:

Yes.

P.O. LINDSAY:

Okay. *1027-10 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Long Island Beagle Club property – Town of Riverhead) (SCTM NO. 0600-078.00-01.00-002.000) (Romaine).*

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Losquadro.
Any comments? These are planning steps, right?

D.P.O. VILORIA-FISHER:

Right.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1134-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Rubenstein and Tanguturi property - Peconic River Greenbelt addition - Town of Riverhead (SCTM No. 0600-125.00-02.00-037.001) (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Viloría-Fisher.
Does somebody have the purchase price on this?

D.P.O. VILORIA-FISHER:

Two hundred forty thousand.

P.O. LINDSAY:

Okay. Any other questions? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

LEG. ROMAINE:

List me as a cosponsor.

P.O. LINDSAY:

1135-10- Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the J. Florence, R. Florence and Hallinen property - Patchogue River wetlands addition - Town of Brookhaven (SCTM No. 0200-865.00-04.00-066.000) (County Executive).

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

This is a very tiny piece, point two acres.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1136-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Porter property - Sagaponack Woods - Town of Southampton (SCTM No. 0900-041.00-01.00-023.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Viloría-Fisher. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1137-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Rubenstein property Reeves Bay - Town of Southampton (SCTM No. 0900-147.00-02.00-023.000) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

And it's one-and-a-half acres for \$325,000.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1138-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the DeAngelis property - Long Pond greenbelt - Town of Southampton -(SCTM No. 0900-053.00-01.00-071.001) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This piece, if I recall when I was going through the packet, is less than an acre and I think it is about 500, 550,000?

D.P.O. VILORIA-FISHER:

Point eight acres and it's 525.

LEG. KENNEDY:

Five hundred and twenty-five?

LEG. MONTANO:

And how many acres?

D.P.O. VILORIA-FISHER:

Point eight acres.

LEG. KENNEDY:

Point eight. I --

LEG. HORSLEY:

What was the rating on that?

LEG. KENNEDY:

I don't know. Is there any reason -- I mean, I know we buy a lot of property in a lot of areas, but this sounds like it's --

D.P.O. VILORIA-FISHER:

We just got to the resolution.

LEG. SCHNEIDERMAN:

It's part of a greenbelt area, it's contiguous massive open space.

D.P.O. VILORIA-FISHER:

It's on the Master List.

LEG. SCHNEIDERMAN:

It's just shy of an acre and it's about a half of million dollars. Welcome to my neighborhood.

*(*Laughter*)*

LEG. ROMAINE:

Expensive.

LEG. HORSLEY:

You want trailers for it?

LEG. SCHNEIDERMAN:

You want to bring the land value down? There you go.

P.O. LINDSAY:

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

LEG. KENNEDY:

Opposed.

LEG. BROWNING:

Opposed.

("Opposed" said in unison*)*

P.O. LINDSAY:

Okay, roll call.

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

LEG. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Romaine? Oh, excuse me, Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Nope.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:
No.

MR. LAUBE:
Eleven.

P.O. LINDSAY:
1139-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Delalio Sod Farm, Inc. Property - Peconic River Greenbelt addition - Town of Riverhead (SCTM No. 0600-137.00-02.00-002.001) (County Executive).

LEG. ROMAINE:
That's the Town of Riverhead; motion.

LEG. LOSQUADRO:
Second, Mr. Chairman.

P.O. LINDSAY:
Motion and a second. And this -- this isn't --

D.P.O. VILORIA-FISHER:
Two point three acres for 230,000.

LEG. LOSQUADRO:
It's not an active sod farm, it's just going by the family.

P.O. LINDSAY:
Okay.

D.P.O. VILORIA-FISHER:
And it's 2.3 acres, 230,000 for passive recreation.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Cosponsor.

P.O. LINDSAY:
1166-10 - Reappointing member to the Council on Environmental Quality (Thomas C. Gulbransen) (Presiding Officer Lindsay).

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

P.O. LINDSAY:
Motion by Legislator Viloría-Fisher. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Tim, would you list me as a cosponsor on the three from Southampton?

MR. LAUBE:

Will do.

LEG. SCHNEIDERMAN:

If I'm not already.

P.O. LINDSAY:

Oh, Jay, we wouldn't forget to leave you off that; Jesus.

LEG. SCHNEIDERMAN:

It happened before.

P.O. LINDSAY:

1164-10 - Adopting Local Law No. -2010, A Charter Law to guarantee continuity and stability in County Law Enforcement and ensure adequate resources for public safety (Eddington), and I'll make that motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1168-10 - Reappointing member to the Council on Environmental Quality (Gloria G. Russo) (Presiding Officer Lindsay). And again, I will make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Mr. Presiding Officer, may I just mention that these three members of CEQ are very hard-working. I've never seen them miss a meeting and they really add a great deal of value to that committee.

P.O. LINDSAY:

And the last two are constituents. 1169 --

D.P.O. VILORIA-FISHER:

No they're not. Oh, your constituents?

P.O. LINDSAY:
Yeah.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:
No, his constituents, not mine.

P.O. LINDSAY:
1169-10 - To reestablish the Lake Ronkonkoma Advisory Board (Kennedy).

LEG. KENNEDY:
I will make the motion to approve, Mr. Chair.

LEG. LOSQUADRO:
Second.

LEG. CILMI:
Second.

P.O. LINDSAY:
Motion by Legislator Kennedy, second by Legislator Cilmi.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1185-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Rolle Estate and Bruno J. Rolle Trust property – Saw Mill Creek – Town of Riverhead – (SCTM No. 0600-084.00-01.00-007.000 and 0600-084.00-01.00-018.002) (County Executive).

LEG. ROMAINE:
Motion.

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

P.O. LINDSAY:
Motion by Legislator Romaine, second by Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:
And it's twenty-five and a half acres, 5.8 million.

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

LEG. BARRAGA:
Opposed.

P.O. LINDSAY:
I'm going to oppose that, too.

MR. LAUBE:

Sixteen.

LEG. CILMI:

List me as an opposed as well, please.

MR. LAUBE:

Anyone else?

LEG. ROMAINE:

Please list me as a cosponsor.

MR. LAUBE:

Fifteen.

D.P.O. VILORIA-FISHER:

I thought you were going to oppose, you got me nervous.

P.O. LINDSAY:

1187-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection for Land Acquisitions (CP 8712) (County Executive).

LEG. COOPER:

Motion.

LEG. VILORIA-FISHER,

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Viloría-Fisher. Legislator Montano wants an explanation.

D.P.O. VILORIA-FISHER:

I'll let you explain it, George.

MR. NOLAN:

Well, this is on the new Drinking Water protection Program. Cary Meek-Gallagher came into committee and said this is \$21 million they're going to borrow for a number of different acquisitions. This is a periodic borrowing that's done under the new Drinking Water Program.

LEG. MONTANO:

For a specific property?

D.P.O. VILORIA-FISHER:

No.

LEG. BARRAGA:

The interest associated with this is almost \$10 million?

D.P.O. VILORIA-FISHER:

It's not for specific properties.

LEG. BARRAGA:

What's the interest associated with the borrowing? I understand it's close to \$10 million over 20 years?

MR. NOLAN:

Budget Review.

MS. VIZZINI:

Correct.

LEG. BARRAGA:

Thank you.

D.P.O. VILORIA-FISHER:

Greg Blass is here, if you want him to come up.

P.O. LINDSAY:

Okay. Does environmental -- Environment want to speak on this; no?

COMMISSIONER MEEK-GALLAGHER:

If there are any questions. I also have a backup sheet, if you'd like, that specifies the -- although it's not necessarily directly linked to these properties, we did -- in order to come up with the 21 million, we've identified the properties that have authorizing resolutions already or two that were laid on the table today that account for the 21 million, so you know how we get to that number.

*(*The following was taken & transcribed by
Diana Flesher - Court Reporter*)*

LEG. MONTANO:

If I may?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Did you say you had a back up sheet with you now?

COMMISSIONER MEEK-GALLAGHER:

Yes, I do.

LEG. MONTANO:

Okay. Could you pass it out? And just explain it. We're authorizing the money but we're not designating what properties we're going to purchase; is that correct, Carrie?

COMMISSIONER MEEK-GALLAGHER:

Yes, because you've already previously authorized all of these parcels including a number that you just voted on.

LEG. MONTANO:

So we have already authorized these you said?

COMMISSIONER MEEK GALLAGHER:

Yes. So in order for to us to proceed with the acquisitions we now need to appropriate the funds and then go to bonding in the spring --

LEG. MONTANO:

All right. Got you.

COMMISSIONER MEEK-GALLAGHER:

-- so we have the funds available

P.O. LINDSAY:

And this is part of the program that was authorized by the voters a couple of years ago to borrow against future revenues?

COMMISSIONER MEEK-GALLAGHER:

Correct.

P.O. LINDSAY:

-- to purchase property now?

COMMISSIONER MEEK GALLAGHER:

That's correct.

D.P.O. VILORIA-FISHER:

Okay, we have a motion and a second on this.

P.O. LINDSAY:

Is there any other questions? Okay, we have a motion and a second. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

I'm opposed as well.

MR. LAUBE:

15. (Opposed: Legislators Lindsay, Barraga and Cilmi)

LEG. SCHNEIDERMAN:

Cosponsor please.

LEG. MONTANO:

List me as opposed as well.

MR. LAUBE:

14. (Opposed: Legislators Lindsay, Barraga, Cilmi and Montano)

P.O. LINDSAY:

Accompanying bond resolution 1187 A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$21,000,000 bonds to finance a part of the cost of acquisition of land and/or development rights under the Suffolk County 1/4% Drinking Water Protection Program for environmental protection land acquisitions -CP8712.210)
same motion, same second, roll call.

ROLL CALL BY MR. LAUBE, CLERK OF THE LEGISLATURE

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

14.

P.O. LINDSAY:

1189, Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to West Meadow Creek (CP 8240.324) (County Exec)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. We have Commissioner Blass here now in the room so let's go back to tabled resolutions. I believe it's page nine, **1047 (increasing the petty cash fund in the Department of Social Services)** Commissioner, I know that you have been hanging around here for hours. I saw you walk in the room before. I apologize profusely but I couldn't do anything about it, you know.

COMMISSIONER BLASS:

I understand. I've been through what you've been through. I clearly appreciate it.

P.O. LINDSAY:

All right. This morning we had a discussion about the petty cash issue, the voucher system, the sexless home -- the sexless?

LAUGHTER

The homeless sex offenders. I guess if they were sexless it wouldn't be a problem, right?

COMMISSIONER BLASS:

As a matter of fact we did get a regulation about sexless home offenders. We haven't placed them yet.

LAUGHTER

P.O. LINDSAY:

It's been a long day. At any rate there was some questions that weren't clear and unfortunately you're the only one that can really answer them. And I see they just passed out one of the answers in front of me. And that's where -- where they're located.

COMMISSIONER BLASS:

Right. Well, the hand-out, Mr. Chairman, is reflective -- reflects the figures for the towns when it comes to the total sex offender population in the first column. The second column are -- consists of the homeless only sex offenders who happen to be housed on a particular night. The second column is really a snapshot. It varies from night to night.

We for the past week have been in the range of about 20 to 25. This shows 17 on January the 10th of this year. That's the best we could do to show you what the population distribution looked like on a given night. But the first column is about accurate for the whole County. It's unfortunate to note that we have almost doubled the number of what Nassau has and Westchester. They're in the 400 range.

But I have taken note of the comment made by a number of Legislators that Suffolk has so many because they don't come from Suffolk. We've investigated that with Parole, with the State Corrections Commission, with OTDA. We do not really find -- maybe two or three who have previous addresses only in Nassau County, but the overwhelming majority and percentage of the sex offenders registered in Suffolk County do have origin in Suffolk County unfortunately.

P.O. LINDSAY:

Really, it just confounds me, I mean I think we have probably some of the strictest laws as far as where these folks can live. And yet our population doesn't seem to discourage them from leaving the County in anyway.

COMMISSIONER BLASS:

That's correct.

P.O. LINDSAY:

Yeah. The question I had, first of all, I thought -- I thought it was in the 400's but is that level two and three that's --

COMMISSIONER BLASS:

If you eliminated the ones, it would go down substantially.

P.O. LINDSAY:

Okay.

COMMISSIONER BLASS:

Again the 400's is the figure for the two neighboring counties outside of the City.

P.O. LINDSAY:

Something else was said this morning that these folks can be identified where they're living by a website, either the state website or Megan's Law website.

COMMISSIONER BLASS:

That's correct, within ten days --

P.O. LINDSAY:

Within ten days.

COMMISSIONER BLASS:

-- they have to register --

P.O. LINDSAY:

Okay. So the folks there that are living in motels night to night aren't registered at that address?

COMMISSIONER BLASS:

Unless they stay there ten nights in a row.

P.O. LINDSAY:

Ten nights in a row.

COMMISSIONER BLASS:

Some do but most do not. Actually we have for the past few months now since I've been here in this position, we have been really highlighting the requirement that they show a log where they have been making contact with permanent housing, phone numbers and landlords and proprietors. And we have had, and even since we've -- the modest start we've had with the voucher program, which I know we're going to get into in a moment, we have had one or two of the five to six that we've had in the voucher program have already transitioned into permanent housing.

One more thing I wanted to say before you go on with the next question, there's a suggestion that we're giving some kind of boondoggled stipend of \$90 only for sex offenders. This \$90 cash/voucher amount is for all homeless who are put on their own to find housing. It is not something special for sex offenders. Sure, there are many people on fixed incomes as I've heard said who don't get that kind of money every night. But homeless in general are able to earn or receive more benefits than Social Security benefits.

P.O. LINDSAY:

Well, it's the same problem we've had from the beginning, is that it's -- regardless of what -- any homeless people, it's more expensive to keep them in motels than it is in any kind of permanent housing.

COMMISSIONER BLASS:

Definitely.

P.O. LINDSAY:

We've learned that over the years.

COMMISSIONER BLASS:

Yes, That's correct.

P.O. LINDSAY:

You said there's 25 at the moment.

COMMISSIONER BLASS:

20.

P.O. LINDSAY:

20? Okay. Of that 20, how many are currently on vouchers?

COMMISSIONER BLASS:

About five; five to six.

P.O. LINDSAY:

About five so we're --

COMMISSIONER BLASS:

And it's been very gradual because our petty cash needs are much more than for the sex offender homeless voucher program.

P.O. LINDSAY:

What is your petty cash fund now?

COMMISSIONER BLASS:

8500.

P.O. LINDSAY:

How often can that be renewed?

COMMISSIONER BLASS:

It's renewed as it depletes. It's renewed by the state sometimes on a weekly basis. But it's much -- a much slower process to do this for this transition to the voucher program because the -- there are other needs, over two dozen other major purposes.

P.O. LINDSAY:

Why can't you renew this every other day?

COMMISSIONER BLASS:

Because the State -- I wish we could but the State doesn't work that fast for us.

P.O. LINDSAY:

Okay.

COMMISSIONER BLASS:

But I think it's important to note that it's unfortunate, and I take the blame for it, that there was a perception that this petty cash resolution is for the purpose of homeless sex offender housing. That's not really true. And I recognize that from your perspective, it's a very complicated issue. Here we have -- from the DSS perspective we have a whole set of complications of a practical nature. And from your perspective there are a whole set of complications from a political nature which I greatly appreciate. But I think you can address those political considerations by understanding that the petty cash resolutions that's before you has only a small part of it as far as this homeless sex offender housing voucher cash system goes. It has much more to do with the other needs of the department. And, therefore, deserves, I think, your careful consideration.

Because if you're concerned that some may try to couch it as being a benefit or an endorsement of any kind of homeless sex offender housing, I would urge you to consider the fact that there are many other needs that the department devotes this to. And the use of it for homeless sex offender housing allowances will be upfront and brief and a very small part of what that cash -- petty cash system would be used for.

P.O. LINDSAY:

Okay. So we have approximately 20 homeless sex offenders at the moment?

COMMISSIONER BLASS:

Correct.

P.O. LINDSAY:

Of which five are on vouchers now. Where are the other 15?

COMMISSIONER BLASS:

The other 15 are at the trailers.

P.O. LINDSAY:

Are at the trailers. Okay.

COMMISSIONER BLASS:

There used to be more; and that will gradually be less.

P.O. LINDSAY:

Okay.

COMMISSIONER BLASS:

As we're able to use the 8500, but it's going to take a much longer time.

P.O. LINDSAY:

When do you anticipate being able to close the trailers?

COMMISSIONER BLASS:

I don't have a date certain. I do know that that is a subject of litigation. I really would not want to get with all due respect --

P.O. LINDSAY:

Okay.

COMMISSIONER BLASS:

-- into it in too much detail, but it is a target that we're aiming for.

P.O. LINDSAY:

Okay. And I don't mean to hog the mike and I'll turn it over to some of my colleagues in a minute. But we've had this discussion, and I don't know whether we've ever definitively resolved it. A couple of years ago when we were in motels very heavily with the homeless population in general, and it was costing us a fortune and causing all kinds of problems in every community, we gradually got out of motels. And I was told the reason for it was the use of congregate shelters. Have we approached the congregate shelter providers to have some kind of facility to solve this problem? And the reason why I ask that is because the congregate shelters have 24/7 supervision, they have housing placement, they have training programs. They provide a lot more services than just a motel room.

COMMISSIONER BLASS:

We are concerned about the location of the congregate shelter operations as they are presently located today. And the problem is that there are so many restrictions that when you put one concentric circle over another, over another to comply with the restrictions on where homeless sex offenders can be housed, the congregate shelters, all of them, all of our shelters are off limits. Most of the motels are off limits in Suffolk County for homeless sex offenders.

So the point you alluded to before, Mr. Chairman, that it's amazing that we have so many in Suffolk County with all the restrictions, that applies here. The restrictions certainly are playing a role in creating homelessness amongst sex offenders and also making it difficult for the congregate shelter operators to legally house them.

But we haven't given up on that point. It's a point well taken and we will continue to pursue it; because not only has it come from the policy making body as a suggestion, but it's also common sense. It's a sensible thing to try to do. But so far we haven't had much luck with locations.

P.O. LINDSAY:

So we built a perfect mousetrap. We passed so many restrictions we don't know where to put them anymore. And there are few places where we can put them.

COMMISSIONER BLASS:

(Shaking head yes)

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher had a question. Okay.

D.P.O. VILORIA-FISHER:

Hi, Greg. Thanks for hanging around.

COMMISSIONER BLASS:

Sure.

D.P.O. VILORIA-FISHER:

I have a couple of questions. One of them is about the debit card system. I'm a little confused about that. And the other one is, getting back to the math of it, if we have 20 people and it costs \$90 a night, that's \$1800 a day. So \$25,000 is only going to take us a couple of weeks. How quickly -- and I don't know how quickly we're being reimbursed because you say that the state is slow. So I'm -- can you just walk us through that again and explain the debit card system again for us?

COMMISSIONER BLASS:

Sure. Legislator Viloría-Fisher, the homeless sex offenders who -- just on the voucher system now, who access the centers and have no income or cash of their own will be provided a \$90 cash advance the first time. Am I getting across?

D.P.O. VILORIA-FISHER:

Just speak closer to the mike.

COMMISSIONER BLASS:

All right. The homeless sex offenders who are -- for the first night approach the center are provided a \$90 cash advance to obtain temporary housing on their own. On their return to the center, upon their return to the center, they provide a receipt that establishes where they've been and how much they spent. In that event we then bring down the amount of \$90 to what they actually spent if they go to that same place the next night.

So we adjust the \$90 to -- because that's the max for Suffolk's motel space. And we adjust it eventually to meet what they use. Eventually they will be put on a debit card system where they are able to use a debit card to go to an ATM machine to get the cash that will be limited in the debit card programming to the amount that they will need for where they stay. But, again, never going above \$90. And then the petty cash is no longer needed for that.

D.P.O. VILORIA-FISHER:

How long does it take before they get to that debit card system? I think that's what I was asking.

COMMISSIONER BLASS:

Approximately a week.

D.P.O. VILORIA-FISHER:

I'm sorry?

COMMISSIONER BLASS:

A week. About five to seven days.

D.P.O. VILORIA-FISHER:

All right.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Thank you. Good afternoon. Good evening, Commissioner.

COMMISSIONER BLASS:

Good evening.

LEG. MONTANO:

I have this, what was handed out earlier and it has two columns. Well, three columns. One is a township. The other one is a number of registered sex offenders. And the third column is a number

of registered homeless sex offenders. You saw this earlier, right? This is from your office?

COMMISSIONER BLASS:

Yes, sir.

LEG. MONTANO:

I'm just a little confused. The people on the trailers, where are they listed on this form? Are they in the number of registered sex offenders or are they in the homeless category or is that a separate category?

COMMISSIONER BLASS:

No. The homeless sex offender category is the total count for a given night. We can't really give you every night because it fluctuates. The number changes from night to night. So that number you see there is actually the count and the towns they came from for the night of 10 January.

P.O. LINDSAY:

It's not where they're staying now.

LEG. MONTANO:

All right, exactly. That's not where the trailer's located; that's where they're coming from?

COMMISSIONER BLASS:

Oh, yes, I'm sorry. That's the town of origin where they called or where the center was. And that's where they originally came from. Many of them, interestingly, come from residences of family or friends where they can't stay overnight because those residences of their families or friends are within prohibited or restricted areas that have been added on by state and local and federal rules.

LEG. MONTANO:

Right. So once they have this voucher, where are they going?

COMMISSIONER BLASS:

They will probably go in a motel -- to a motel that is nearer to where they come from. Now, the problem --

LEG. MONTANO:

Well, the problem --

COMMISSIONER BLASS:

The problem is that we don't have that many motels.

LEG. MONTANO:

Well, you're right. That's the problem.

I'm looking at these figures. And just, for example, in the township of Islip, out of 887 there are 228 within the Town. That's what these numbers tell me.

COMMISSIONER BLASS:

Yes, who are registered sex offenders who are not homeless.

LEG. MONTANO:

Right. But when you do a breakdown by zip code within the Town of Islip, according to the numbers we have, in three zip codes, which is Bay Shore, Brentwood and Central Islip, we have 170 of the 228. And if you do the math, that's a little more than 19 percent of the entire number of registered sex offenders in three zip codes.

And if you move these people from the trailers, I'm just trying to figure out where they're going to go. And it seems to me a total unequal distribution in terms of the population and in terms of the areas because you've got 20 percent located right within three zip codes here in Suffolk County. How do you solve that problem?

COMMISSIONER BLASS:

Well, remember we're only dealing with the homeless ones. The Department has no connection and no mandate and no requirements or concerns that require us to address the needs of those registered sex offenders who are not homeless unless they are applicants for other programs.

LEG. MONTANO:

Well, you may not have a concern or the Department may not have a concern, but I have a concern.

COMMISSIONER BLASS:

Well, I didn't mean it in a -

LEG. MONTANO:

I know you didn't mean it that way.

COMMISSIONER BLASS:

What I'm saying is that we --

LEG. MONTANO:

I hope you didn't mean it that way, Greg.

COMMISSIONER BLASS:

No, of course not. We are -- we are not addressing them unless they are homeless or unless they are clients. Otherwise there is no -- there's no reason for the Department to have a connection with them. "Connection" is the better term to use than "concern".

LEG. MONTANO:

All right. You have to excuse me, I'm losing my voice. And this petty cash, how does that solve your problem again? Just so I'm clear.

COMMISSIONER BLASS:

The petty cash solves the problem so that we can transition from the trailers to a system of providing homeless sex offenders with housing until they are transitioned into permanent housing. And I think it's an achievement of this administration that we are still at the level of 30 to 40 families per month -- families now, and almost reasonably close number of singles transitioning into permanent housing from homelessness. And an interesting statistic just from the voucher figure we have now, of the five to six that have been in the voucher program that we've gradually been using for homeless sex offenders going into the voucher program from the trailers, we have one who just transitioned into permanent housing.

Because we require homeless persons to make every effort to get the services that they're supposed to get, to get the housing that they're supposed to get, but also to make an individual initiative search for permanent housing. And that's been a reasonably successful policy in this Department and in this County.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Commissioner, good evening.

COMMISSIONER BLASS:

How are you?

LEG. D'AMARO:

Good. Couple quick questions.

So I understand the petty cash, what we're voting on here and what's been tabled here, if this resolution is approved, will that accelerate the policy of closing the trailers?

COMMISSIONER BLASS:

Yes.

LEG. D'AMARO:

Okay. So when you talk about the petty cash fund, a majority of it is used for non-homeless sex offenders. And I understand that. I think I have a policy difference with you and with the County Executive over whether or not we should keep the trailers or whether or not we should go to the voucher system. I don't want to not support petty cash for other legitimate purposes. But when we talk about using this petty cash to accelerate a policy of taking the sex offenders -- the homeless sex offenders out of the trailers and putting them back into neighborhoods, that's something I can't support. Is there any way we can increase the petty cash amount without addressing the homeless sex offenders? Is there any way to do that?

COMMISSIONER BLASS:

I don't know if there is, because when we have more petty cash available, we will use it in part to transition out of the trailers, not simply because we don't like that position and prefer another; it's because the trailers aren't working. They're destined to fail. They're destined to fail because of OTDA. They're destined to fail because of the litigation that's been instituted on behalf of the occupants of the trailers. They lack the facilities. We really -- it's not really a matter of choice as much as it's a matter of necessity.

LEG. D'AMARO:

Well, you know, that's the problem with this resolution. It always leads to the larger question and debate about the trailers and whether or not they are destined to fail or how come they haven't failed yet? If they're so pre-determined to fail, why are we still using them?

COMMISSIONER BLASS:

Well if I can address --

LEG. D'AMARO:

We talked earlier about fairness. We heard a lot of testimony this morning about fairness from one town to the next. We heard other comments that it's a political decision that's being made. And I really take issue with that. I think it's really about -- more about public safety. It's a small number of people, but this is taxpayer money that we're spending. And if you go up to a taxpayer and say "I'll give you a choice. We have certain number of homeless sex offenders in Suffolk County. We can either house them at the facility we have now, the trailers, or we can give them a voucher where they can come perhaps closer into your neighborhood, what would you choose?" I would fathom to guess that 100 percent of the time even a Riverhead taxpayer would rather not have the homeless sex offender in the neighborhood as opposed to in the trailer.

COMMISSIONER BLASS:

If you couch it in those -- in that uncomplicated way, I think that's the inevitable conclusion. But there's more to it than that. In fact, we are transporting them to a remote location day in and day out, morning and night at very high and increasing costs. And I would also point out that two-thirds

of the homeless sex offenders are on parole and have parole supervision. And we're working closely with them in the voucher program. And the Parole Officers monitor them very closely when they are, as you say, in the neighborhoods. But remember these homeless sex offenders have not been the subject of a recidivism issue for years. And that's been the experience of our other counties as well.

So I don't know if -- I agree with you, that the conclusion that would be reached in the question as you posed it, is that we'd rather have the trailers. But when you add the cost factor that's hitting our housing budget rather hard, and the litigation that is raising uncertainties and the practicality of dealing with it, and then you also compare it to the safety issue, I think that we're meeting the safety issues as well. They're coming back to us every day and we're working -- we work in partnership with the Parole Officers as well.

LEG. D'AMARO:

Well, I appreciate that answer. But, you know, I do remember back when we did Sense Resolutions, that I had put in a resolution supporting the State's policy which was being debated at the state level at the time for civil confinement of, I think, level three sex offenders, the most egregious offenders. And I recall the statistics back then showing that there was, in fact, a fairly high recidivism rate for sex offenders. So I differ on that with you.

Also, as far as the cost of transporting all that, those are legitimate arguments and we need to look at that. Certainly the numbers that were thrown out at the last meeting, it's a million dollars a year in transportation costs, they're too high. But, you know, are we going to look at bringing those costs down as opposed to saying, *well, because those costs are too high, let's just go to this alternate voucher system that puts the homeless sex offender closer to neighborhoods as opposed to the correctional facility?*

So, you know, again, I have a problem with this resolution to the extent that it funds the homeless sex offenders and accelerates the closure of those trailers, but I don't have a problem with respect to the other purposes that it would be put to.

COMMISSIONER BLASS:

I understand.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

We have Legislator Romaine.

LEG. ROMAINE:

Greg, I'm going to ask you some questions. Do you understand the frustration? When Janet DeMarzo called me up, I was just leaving Phil Nolan's father's wake, I took the call, she said *we have a new program regarding housing homeless sex offenders. We'll put them in a trailer, but we're going to move this trailer all around the County.*

Okay? I didn't support it. Didn't think it was the best policy, but I didn't object. Then the trailers came to rest. One in Westhampton and one in Riverhead or Riverside, if you wish to use that term. And they stayed there.

We have a list. I want you to look at this. I want you to look at every zip code. One zip code's going to stand out. It's not a big zip code. 11901. Riverhead. There are 94 sex offenders that live in that zip code more than any other zip code on this list. And yet into this community, this trailer came with the promise that it would be circulated, that all would share. Of the 20, 21 sex offenders that live there, only three come from the East End.

I understand your concerns for your community. Understand mine. Understand a community that is upset. Understand a community that has had protest after protest. Understand a community that watched another Legislator sitting across from me have a protest in East Farmingdale. And after that protest, the policy was changed. But we've yelled and screamed for two years, almost three now. I believe it was May of 2007. And nothing has changed.

Do I think we need a change of policy? Yes. Do I think the trailers are the answer? No. Do I think that the voucher program is the answer? No, but others who are homeless are using it until we get a more comprehensive solution, a solution that we can look at. Look at these numbers. These numbers show you all the people that you have to deal with that you may not even know about because they're not homeless. The County doesn't have to worry about them. But your constituents do and my constituents do. We have 94 sex offenders in Riverhead and yet this is where the trailer ends. That's an injustice. That's an injustice and you know it because you would be screaming the same for your communities.

The policy about housing homeless sex offenders have failed in this County. This Commissioner is trying to provide some degree of housing for people that can't be housed. I'm going to support the increase because it's for people who are not only sex offenders but people who just unfortunately are homeless. Thank you.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Okay. I looked at this list myself. And the list itself is incorrect in the numbers. Because it does says Mastic has 15. They really have 18. Mastic Beach 16. They really have 23. I think the number was 9 for Shirley. The actual number is 26 based on Parents for Megan's Law. When we look at 94 sex offenders in Riverhead, that also includes the people who are incarcerated in the Riverhead Jail. So we're not really given correct numbers here.

LEG. SCHNEIDERMAN:
(Inaudible)

LEG. BROWNING:
Right, I know it's from not from DSS. However, 94 sex offenders in Riverhead does include the ones who are currently residing in the Riverhead Jail. So you have to take them out, how many are actually there. Parolees. That's one of my major issues. You said two thirds of them are on parole.

COMMISSIONER BLASS:
Approximately.

LEG. BROWNING:
I know that Parole has lost funding. And so I know they're not monitoring their six offenders the way they need to be. And tell me if I'm correct but when someone comes out of prison and goes on parole, the place that they resided in for a minimum 30 days is now considered their last residence.

COMMISSIONER BLASS:
Prior to their sentence being served, that's correct.

LEG. BROWNING:
So they've only had to spend 30 days. And I understand also according to Parole when I spoke with them myself, that even where they last committed their crime can be considered the last -- their last residence, which I think is unbelievable.

COMMISSIONER BLASS:

That's correct. It's a very unacceptable standard. But we have found that most of ours in Suffolk County don't have their Suffolk County residency established by that method. Only some do; that their crime was committed in Suffolk.

LEG. BROWNING:

So there's a possibility in DuWayne Gregory's district and my district that a sex offender committed the crime in Shirley or Wyandanch or Amityville or Central Islip and that's where they committed their crime and they can actually wind up back there because they consider that home.

COMMISSIONER BLASS:

Well, the point is that while they had committed their crime in a particular place, they had also come from Suffolk County. It's a combination. The ones who did not come from Suffolk County who committed a crime here are very rare and we attribute that to the fact that Suffolk is a relatively remote place for people to get to commit a crime and then leave.

LEG. BROWNING:

Right. And I'm looking at the numbers. Town of Brookhaven 332 sex offenders. Town of Brookhaven has more sex offenders than any other township. Yes, it's a larger township; however, it is a large number of sex offenders in Brookhaven.

The one thing that I'm trying to understand is, when somebody's homeless and they come to you, you're not using petty cash. So what I'm trying to understand is, if a homeless sex offender comes and says *I'm homeless* and you're helping them to find shelter on a daily basis, why aren't we using the same kind of money from them as we're using for other homeless people?

COMMISSIONER BLASS:

A good question. The reason that we use petty cash is that we are required to use it for all homeless in their initial housing request when they are unable -- when we are unable to place them in a shelter; in one of the County operated or contract agency shelters, namely motels. We are fortunately down to about 40 families now in motels. Only a few weeks ago we were in the 60's, as you know, as you and I frequently exchange these figures.

But the petty cash voucher or petty cash payment system is for all homeless including those we're transitioning now on a regular basis but in a gradual way. We use this petty cash for all homeless when they can't be placed in one of our 52 shelters that we operate.

LEG. BROWNING:

Well, again, I'm going to have a very hard time trying to support something like this because I don't get a warm fuzzy that these parolees are going to be monitored properly, because I know they're not. I don't trust our parole system right now in what they're doing.

COMMISSIONER BLASS:

Forgive my interruption. We haven't found Parole to be lax in the sex offender monitoring. They may be lax in the monitoring of others, but with our homeless population, I would point out to you that we've kept in touch with Erie County. They actually have a facility where -- it's a congregate shelter for homeless sex offenders where Parole actually has an office and several desks where they work with some other service providers. And we think that the -- if Parole is going to become budget impacted in their operations, I think they're giving homeless sex offenders a priority over, say, other types of parolees. So I don't think you'll see the laxity hit that population and that function of Parole as quickly as it might in other populations. We haven't seen that. And I would -- believe me, if we found Parole to be dropping the ball with us, I would disclose that to you.

LEG. BROWNING:

Well, I can tell you they are. I know they are.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Thank you. Over the years I've had the opportunity to attend many community hearings with reference to this particular subject, especially as we in the state Legislature established the registry for sex offenders. I supported the increase in the petty cash fund because of words that you had announced the last time we spoke because you felt that sooner rather than later the State of New York was going to come and tell Suffolk County *you've got to close these trailers down*.

So what you were trying to do was put a plan B in operation where you'd have an increase in the petty cash fund; so besides going to a lot of different other areas you'd have adequate funding to do something with these homeless sex offenders. And that's why -- that's the reason I supported it. Because I think it's inevitable that the State of New York will come in make you shut them down.

By the same token, you know, we all listened this morning to people who live in Southampton or Riverhead. Here's the problem: They drive by that County Jail. I don't give a damn if it's barb wired and has Marines around it, they know in that trailer are sex offenders. They don't want them in there. They want them gone. You know something? I don't really think they care what you do with them. They just don't want to pass there, look in and see those trailers.

Now I look at it from my vantage point. If I go back home to West Islip or Bay Shore and I'm going down Udall Road, what would my reaction be if I saw that trailer in my district with 17 people? All hell would break loose. I'd be all over you. I'd be down here yelling and screaming *I want them gone. I don't give a damn what you do with them, I want them out of here*. That's what those people are saying. It has a psychological effect on an entire community. And they're right to say *you've got to move them out*.

Now, there are 887 sex offenders somewhere that are not homeless; another 20, now you're up to about 917 or something like that. And you don't have any contact with most of those 887. They're out there. They're living some place. They got jobs. And what we're not saying is that how many hundreds more are home every night, never been convicted of anything, that are on the web trolling for 11, 12 and 13 year old boys and girls to have sex with them? And we all know that most of these sex offenses, when they do happen, it's usually somebody we know. It's a neighbor or a friend or a relative.

I've supported the increase in petty cash because it makes sense because inevitably you're going to have to shut this place down and you've got to have a plan in place. You know, there is no adequate solution that's going to satisfy anybody. You know some communities have more than others but the reality is they're out there. They are out there. You can't ship them off to an island. You can't do a damn thing with them.

So I would hope that at this point, you know, with the inevitable actually happening maybe in a month or so where the State of New York is going to come down on you or some other action takes place, at least increase the petty cash to 25,000 so you can operate a little more uniformly and put your plans into place. Do you want to make any comments?

COMMISSIONER BLASS:

Do I?

LEG. BARRAGA:

Yeah.

COMMISSIONER BLASS:

I think you made excellent comments.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. First --

COMMISSIONER BLASS:

Excuse me, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Okay, go ahead.

COMMISSIONER BLASS:

Legislator Barraga, I wasn't intended to be flip when I said that. I very much appreciate what you said. The difficulty -- and when I said -- you focussed upon the point I was trying to make that there's a political issue to this. I don't mean that in a pejorative way at all. Political is a good word. It actually gives it a description of what the body politic, namely the community, feels, reacts to and desires. And our mandate is to try to implement the policies that they're asking us to do in the best way possible, taking public safety into consideration.

But it is an unwieldy problem. And the practical ones that we have to deal with are coupled with the political and emotional ones that elected people have to deal with. I fully appreciate that. I was behind that horseshoe and dealt with the same kind of problems. I don't think I ever dealt with one quite as complicated as this one.

As I said before, a fascinating Social Services problem from an intellectual perspective. But when you add in all of the issues that have to be juggled in order to make something happen, it's really impossible and yet nobody, no town, no village and no other county department and certainly not the state, has the responsibility that a local Social Services district has when people of any background including the sordid ones that these people have become homeless. We have to deal with it. And we are dealing with it now with a house of cards that, as pointed out, is about to fall.

I'm sorry, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. First I want to go back to Legislator Browning's comments because she was commenting on a list that was not from your Department. This is a list that I distributed. It was put together based on the computerized registry results by zip code for level two and three by zip code. And that's what Legislator Browning was referring to.

Okay. First to the trailers themselves, I want to get one thing on the record that's perfectly clear. These individuals, can they leave -- if they want to walk out of that trailer at any point, midnight, three in the morning, can they go out?

COMMISSIONER BLASS:

Yes, affirmative, they can.

LEG. SCHNEIDERMAN:

Okay.

COMMISSIONER BLASS:

And it highlights a more generally significant point, which is that the Jail has absolutely nothing to do with the operation of the trailers. In fact, the Corrections Officers and Deputy Sheriffs' unions have

made it very clear they don't want anything to do with it.

LEG. SCHNEIDERMAN:

Can they walk out into the community of Riverhead? Downtown Riverhead?

COMMISSIONER BLASS:

Yes.

LEG. SCHNEIDERMAN:

They can, okay. Now in your --

COMMISSIONER BLASS:

And, again, that's because they're homeless. They're not being held pursuant to sentence. They're being held with security there.

LEG. SCHNEIDERMAN:

Yes, I understand that. I wanted to get that on the record. Now, in your capacity, you house the homeless. That's one of your responsibilities. And New York State promulgates the rules under which the homeless may be housed, homeless shelters. I believe those considerations, there are many hygiene considerations, there are square footage considerations; is that correct?

COMMISSIONER BLASS:

Yes, that's correct.

LEG. SCHNEIDERMAN:

In your mind do the trailers meet New York State's requirements for sheltering homeless?

COMMISSIONER BLASS:

If I were to reply to that, Legislator Schneiderman, I would be interfering with the County's position in litigation. I would urge you to refer that question to the County Attorney.

LEG. SCHNEIDERMAN:

Okay, fair enough. So now, when you've housed individuals -- I believe 20 can be housed in the facility, right, a stone's throw from here? 21?

COMMISSIONER BLASS:

The one located at the Jail has 18 beds. And the one located in Westhampton has 8.

LEG. SCHNEIDERMAN:

Okay. So now when an individual on a cold night is asked -- is provided a homeless shelter who is a sex offender told, *here is your shelter*, they are entering now this facility with potentially 17, 18 violent felons, right, people who have been convicted of violent sexual crimes, there is potential liability. Let's say the square footage were not proper, let's say there was not proper ingress and egress, and let's say there was a fight over who got what bed, a fight broke out, somebody got hurt, is there liability on the County's behalf?

COMMISSIONER BLASS:

I would again refer that question to the --

LEG. SCHNEIDERMAN:

And would that liability be increased if the County knew that the trailer didn't comply with the state regulations?

COMMISSIONER BLASS:

Again, that's for County Attorney Malafi who's very --

LEG. SCHNEIDERMAN:

Right, and I expected that. Mr. Blass --

COMMISSIONER BLASS:

We do have security there.

LEG. SCHNEIDERMAN:

I understand that. And I expect that you couldn't answer these questions. Have you received any written notification from the State regarding whether these trailers comply or do not comply with the State regulations?

COMMISSIONER BLASS:

We have received a number of verbal communications by telephone with inquiries and expressions of concern, warnings and like.

LEG. SCHNEIDERMAN:

Anything written, e-mail or otherwise?

COMMISSIONER BLASS:

Not really, that I can identify.

LEG. SCHNEIDERMAN:

Not really or -- and I'm sorry to grill you but "not really" or "no"?

COMMISSIONER BLASS:

No, I don't believe so. I don't think it's come to that yet, although we did have a decision in a Fair Hearing that found the trailers to be inadequate in that they required us in this Fair Hearing, which was brought on behalf of some of the occupants, that shower facilities be provided, which we can't do at the County Jail because there's not adequate water and sewage there for the trailers to be hooked up in a practical way. And also Individual Living Plan counseling, ILP counseling, that they found inadequate with the trailers. The trailers -- you see the problem with the trailers is that I can talk about outside of the litigation factor the issue is that they -- in order for us to do it right, we have to provide the same kind of shelter with the same kind of facilities and the same kinds of services that all our other shelters have. And the issue that's presented, that I'm not going to comment on whether we're right or wrong about, is that the issue presented is whether we are doing that with these trailers. And I'll leave it at that.

LEG. SCHNEIDERMAN:

But the County's position is -- your Department's position -- I'm assuming the County Executive's position is not to try to make these trailers comply by adding shower facilities or whatever, increasing the square footage, etcetera, but to eliminate this program in favor of the voucher program?

COMMISSIONER BLASS:

Well, that's just -- we see that as the tip of the iceberg. That's not -- the Fair Hearings and the conclusion reached in those -- on behalf of those particular occupants are not the be all and end all of the issue. It's just the beginning of some challenges that we know are in the pipeline. When I've been here before, I referred to this -- to the whole body and to committee, that litigation of that nature was forthcoming and more is forthcoming.

LEG. SCHNEIDERMAN:

Let me ask you another question regarding playgrounds. And apparently there's no playground within a quarter mile of this particular facility here. I'm not sure exactly how the law defines a playground, but if a playground were to go up tomorrow and there's lots of parks in Southampton and Riverhead within a quarter mile, how do you view that in terms of the trailers' compliance? Is it now out of compliance? Or do you believe it's grandfathered?

COMMISSIONER BLASS:

That's like asking if pigs had wings would they fly? I would suggest that there are a lot of hypotheticals that could be clearly defined as liability for the County; that they would be inadequate according to OTDA regulations and State Law, Social Services Law. We are on that tight rope now. And that's the extent of my --

LEG. SCHNEIDERMAN:

I only say that because I've heard it argued somehow that it's grandfathered; yet a house that's next to a playground, even though that house may have been there long before the setback requirements were put in place, if the sex offender moves into that house, it's the sex offender that is in violation. So my read of Megan's Law would say that any new sex offender moving in, even though the playground, let's say, were constructed tomorrow, a sex offender moving in the following day would then be -- would be in violation of that setback requirement. Not the facility itself. You cannot grandfather a facility. It is the individual.

COMMISSIONER BLASS:

The use of the facility.

LEG. SCHNEIDERMAN:

That's right. If an individual has been living there prior to that playground going up, that individual would be grandfathered. But when New York State releases from their jails the new person who comes in, that person would not be grandfathered.

P.O. LINDSAY:

Jay, I'm not going to appropriate money for a playground either.

LAUGHTER

LEG. SCHNEIDERMAN:

I'm not asking you to. But the Town of Riverhead and the Town of Southampton might consider it.

COMMISSIONER BLASS:

Well, you present a cogent point and I will certainly take it into consideration.

LEG. SCHNEIDERMAN:

My point is that these trailers are going to go one way or another. And the County's going to have to come up with another way to solve it, whether it's through litigation, whether it's through action by the Town of Southampton or through East Hampton. And this body -- and it's unfortunate it's coming to this body because I do believe this is an Executive issue, this is an administrative issue that should be resolved. And I know you were looking for ways to put the money in place other than going through this Legislature. And if you have more information in that regard, I'd love to hear that. But I think my colleagues have to understand that, as you said, you know, it is basically inevitable that these trailers will close. And the question is when; obviously I would like to see that happen as quick as possible.

COMMISSIONER BLASS:

Well, the petty cash system is the prescribed way. And we've sought alternatives to free you of what we know what you prefer not to have to vote on. I certainly appreciate it. As I said before that an alternative would be most welcome. We can't -- in fact, we've been advised that there's none available. It has to be from petty cash.

LEG. SCHNEIDERMAN:

And, Greg, I understand, too, that this was not your concept. You didn't put this program together. You've inherited this program and I appreciate your efforts in trying to solve this. And the sooner it gets solved, the better for certainly the people of the East End and I think better for the County itself.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. And thank you, Commissioner, for being here and answering our questions and my colleagues for their questions. And I certainly appreciate Legislator Romaine and Schneiderman's concerns about the trailers and the voucher program.

This whole -- I won't say problem but this whole discussion came about because of the facility that you were looking to place in my district, an industrial park. An argument at the time was -- not too long ago, six weeks or so ago was that we're having a huge increase in homelessness, homeless sex offenders. At the time we were in the neighborhood of, I think, 30, 31 homeless sex offenders. In looking at this list now today, we are at 17. So it looks like the number's going down. That doesn't include the five that you said they're in hotels. So we're down, I guess, in the neighborhood of 22. Where are these sex offenders being located? Have we shut down the Westhampton site and they're all located here? Or is it --

COMMISSIONER BLASS:

No. The two sites are still in operation. And they still -- one in Westhampton is more or less a spillover for when the one in Riverhead is full.

LEG. GREGORY:

Okay. Now, the voucher program, how would the voucher program help these people find permanent housing? How can they use it to find permanent housing if at all?

COMMISSIONER BLASS:

When they come back to the center with their receipt establishing how much they've spent, we will do two things: First we will provide them with the -- if they request it, if they still need housing, that we will provide them with the cash voucher and eventually debit card for the amount that they're actually spending at the particular motel which is invariably less than \$90. Most of them range in the 70's.

And the second thing we do is to put them through the routine that homeless are required to meet, specifically to make contact with permanent housing operators, owners, landlords and whatever to reach at least 30 contacts a week; and to show that, where they did that and what log they have to show for it. Parole has actually assisted in that regard for those who are on parole as well. And the result -- end result is usually that we can reduce the population that way. But, again, it's not the best way to do it. When they're in one of our shelters, that's the best way. But we haven't been able to establish a shelter.

LEG. GREGORY:

Okay. And that brings several questions to mind. Are these -- what's the make up of those homeless sex offenders that are employed, unemployed?

COMMISSIONER BLASS:

We have, I'd say, about half are working but have no where to live. And that changes, too. And others are in -- we put them right into our Employment Unit Assessment for employability. And in cooperation with the Department of Labor, whom we've just enhanced our partnership with between our departments as never before, we're working together to get people only on benefits for housing and food stamps on a temporary basis until they get employment. And that's applying to our homeless sex offender population as well.

LEG. GREGORY:

Okay. Now you keep referring to motels. Now, the vouchers, they're only eligible to be used in motels. But if someone has, say, a rooming house, would they be able to use it for that?

COMMISSIONER BLASS:

Yeah, if the rooming house is --

LEG. GREGORY:

If the rooming house is legal.

COMMISSIONER BLASS:

If it's not off limits. But invariably it's been motels.

LEG. GREGORY:

Okay.

COMMISSIONER BLASS:

Actually we haven't been able to find rooming houses and boarding houses that are -- that are within a legitimate or authorized location.

LEG. GREGORY:

Now what measures will your department put in place to ensure that motels that are being used are in compliance with the current restrictions?

COMMISSIONER BLASS:

Absolutely. That's been -- that was a mandate I gave to our staff -- excuse me -- our housing division at the very outset. That under no circumstances can -- it has to be very clear that they cannot go to an off limits location; that the motels that they can use have to be free of any restrictions like that.

LEG. GREGORY:

Okay. And the last question. Now there's a bill that the County Executive, I think it's going to be laid on the table today to establish a task force to look for sites. Each Legislator is being asked to find appropriate locations within their legislative districts to find a site for homeless sex offenders. Now how does that bill, if you're aware of it, I'm sure you probably have some knowledge of it, jibe with the voucher program? Will that be necessary if we follow through with the voucher program?

COMMISSIONER BLASS:

If we obtain -- the voucher program will be necessary until we achieve the ideal. The ideal would be to have something along the lines that Legislator Romaine referred to in his conversation with my predecessor, namely, several locations where they could be rotated and no one community would have them housed in that location for more than, say, a several week period. And then it would move to another and then to another. I don't know if that's going to be practical when we add up the cost of utilities and hookups to put these places in operation. But that's --

LEG. ROMAINE:

Civil confinement.

COMMISSIONER BLASS:

Well, civil confinement has been a failure on the part of the State as far as we're concerned. We are lobbying them constantly. I was just on the phone with someone about that in OTDA today. Civil confinement really needs to be used and the State has to be made aware of that. Unfortunately the disfunction in Albany has made it very difficult to get certain programs moving. I don't really want to get into that too much but I will say that, yes, the voucher program will be needed until such time as we have maybe a series of locations that are distributed fairly equitably.

LEG. GREGORY:

Okay. And I'll leave the majority of my questions to the bill about the task force because I have a series of questions about that legislation because it's my estimation that the County Executive has misled the public about the establishment or finding locations throughout Suffolk County when he

admitted publically that the only locations that can be found that are appropriate, that meet the guidelines are within my district. Now he wants to set up a task force, all 18 legislators to find locations and presumably they've already then, you know, 17 of the legislators' areas, districts have been already ruled out due to legal restrictions. But I'll hold that argument to another time.

COMMISSIONER BLASS:

I mean I do want to say, though, that the County Executive is as committed as anybody to find a solution to this problem. He sincerely is.

LEG. GREGORY:

Oh, I'm sure he is. In my district, but that's okay.

LAUGHTER

COMMISSIONER BLASS:

No, I don't think that's correct.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Hi, Greg.

COMMISSIONER BLASS:

Yes.

LEG. CILMI:

Thanks, Mr. Chairman. Could you just -- in as much as you've explained that only a very small portion of the need for this bill has anything to do at all with housing homeless sex offenders, could you explain to us again why the need for this bill; the bulk of it anyway?

COMMISSIONER BLASS:

Yes. If I were to just give you a brief historical perspective, we haven't had an increase in the petty cash amount for the departments since the mid 1990's. Our activities not only with homeless but with emergency food for clients, transportation allowances, emergency clothing for CPS, postage, photographs, there are so many other reasons that we use petty cash now. Just photograph, for instance, we finally have -- through a donation, not through tax money, we finally have a camera for every CPS worker so they can use photographic evidence more in cases in family court. And that has led to the settlement of a vast number of cases that would otherwise have gone to trial because the respondents' attorneys see that the photographic evidence does them in. And as a result of that we have a petty cash need to develop the photograph.

So all of this comes down to the fact that some of it will be used at the up front part of the voucher program. But it is minor compared to why we need this otherwise. True, the discussion is centered on the issue of the homeless sex offenders' allowances. That is because of the nature of the issue. But it pales in comparison to what we would otherwise use it for.

LEG. CILMI:

Is it true that regardless of what we do with this resolution today, that at some point more than likely in the not too distant future we're going to be using this voucher system to deal with these homeless sex offenders anyway?

COMMISSIONER BLASS:

Yes, that's correct. This is not a vote for a voucher system. It's a vote to enable the department to use petty cash for a variety of purposes; and part of which at the outset of the voucher system petty cash would be used. But eventually it wouldn't be. It would have nothing do with the homeless sex

offenders program.

LEG. CILMI:

Could you put any quantity on the number of your clients that the passage of this bill would help serve that much quicker?

COMMISSIONER BLASS:

Oh, it comes -- I don't exaggerate. It comes to the thousands. We're talking about thousands of clients for all kinds of purposes whether they're adults or children. Because of the variety of the -- I might have given them out at the last meeting. Maybe it was the Committee meeting the list of reasons that we use petty cash for. And I can give them again if you want.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

All right. Thank you, again. You know, couple of points have been made or a couple times it's been said that it's inevitable that the trailers are going to close. The only thing making it inevitable is if we pass this resolution. The County has a program in place. The trailers are being used. They have not been closed down. There is some litigation pending which the County has an obligation to defend and to win that litigation.

Legislator Barraga said that he supported it only because it's inevitable. We need a plan B. Commissioner Blass said the same thing. You know, Legislator Cilmi, I think, just made that point also that, you know -- he asked the question, is it going to happen? Will the trailers inevitably be closed? I don't think it's inevitable. I don't think it's inevitable at all. This policy has been in effect for a lengthy period of time. There are lawsuits that are being defended right now to keep the trailers open.

And I think that ultimately we're going to prevail in our position because we are providing temporary short term housing for homeless sex offenders. And we're doing it in a responsible way where there's security overnight and keeping these predators from going back into our local communities overnight. I mean is it a perfect fix? No. Can they leave at three o'clock in the morning? Of course they can. But, does that justify then just giving them the taxpayer funds and say, *well, then go out, we don't know where you are, there's no security, and just go ahead and take residence somewhere that's even smack in the middle of a neighborhood.*

So I don't see anything that's inevitable here. I think that that has to still play out in all fairness. But I think the County will probably be successful in defending the policing of using the trailers in Riverhead.

The other point I wanted to make is that we've had this debate a couple of times. I've suggested to the Commissioner that perhaps there's a way to fund the petty cash account without having to fund this aspect of it. That's what I would like to see done so we don't accelerate the closure of the trailers. That's the only thing making it inevitable, is if we provide the voucher funding for the homeless sex offenders to go back into communities. And on that basis I think what we should do at this point is table this bill subject to call. And I'd like to make that motion so that we can then ask the administration to come back with a new bill to have the petty cash amount raised for other purposes.

P.O. LINDSAY:

Okay. There's a motion to table subject to call. Is there a second?

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. We still have people who want to talk on this subject.

LEG. KENNEDY:

Mr. Chair? I want to remind the Chair that we also have a motion to table with a second and a motion to approve with a second since we started this debacle ten hours ago. So we have three motions before us.

P.O. LINDSAY:

I thank you for reminding me of that because I forget.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

There is a few more Legislators that do want to comment that haven't talked as yet. Legislator Nowick, do you want to talk?

LEG. NOWICK:

Let's take a vote.

P.O. LINDSAY:

Okay. Legislator Cooper, do you want to say anything?

LEG. COOPER:

Legislator D'Amaro raised my exact point. Thank you.

P.O. LINDSAY:

Okay. We have three motions before us. And subject to call comes first. Roll call.

ROLL CALL BY MR. LAUBE, CLERK OF THE LEGISLATURE

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Doesn't matter. Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay. The motion to table, roll call.

LEG. MONTANO:

The motion to table?

MR. NOLAN:

That's up now.

ROLL CALL BY MR. LAUBE, CLERK OF THE LEGISLATURE

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. It's tabled. I thank -- I thank Commissioner Blass for spending so much time with us.

I have a couple of orders of business that I have to take out of order because of people that have been waiting around here for a long, long time. And one is in the CN pile. It's **CN 1038**, it's in the red packet. It should be the first one on top. **It's a local law amending the Suffolk County Empire Zone boundaries to include Bren-tronics Incorporated.** And I believe the folks from Bren-tronics are here. I will make a motion to approve, second by Legislator Horsley. Does anybody have any questions for these folks or -- yes?

LEG. ROMAINE:

I have a question for Carolyn, if I may?

P.O. LINDSAY:

Go right ahead.

LEG. ROMAINE:

This is -- we have one Empire Zone; is that correct? Or we have multiple Empire Zones?

MS. FAHEY:

Suffolk County Town of Riverhead have one Empire Zone. Brookhaven Town has an Empire Zone and the Town of Islip has an Empire Zone.

LEG. ROMAINE:

And which Empire Zone are we putting Bren-tronics under?

MS. FAHEY:

Bren-tronics is a regionally significant project out of the Suffolk County Town of Riverhead Zone.

LEG. ROMAINE:

So the Town of Riverhead Zone has been expanded, expanded, expanded. How many times can you -- because I mean Commack is nowhere near Riverhead. How many times can you expand that zone without people raising questions like --

MS. FAHEY:

It's unlimited.

LEG. ROMAINE:

It's unlimited? Okay.

MS. FAHEY:

The regionally significant project designation can be used as many times as you can define it and defend it and apply for it. It doesn't affect the zone proper acreage that is in Riverhead. It has nothing to do with that zone proper acreage. It's additional designations on top of the proper.

LEG. ROMAINE:

And you've had discussions with the Town of Riverhead officials about this?

MS. FAHEY:

They passed concurring resolutions, yes.

LEG. ROMAINE:

Yes. Okay. Thank you.

P.O. LINDSAY:

Anybody else? Okay. Seeing nobody I will -- we have a motion and a second. All in favor? Opposed? Abstentions? Carolyn, are you done?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Is that the only reason you were hanging around?

MS. FAHEY:

No, I have two others, but I want to be -- the company representative to be able to go home to his baby.

P.O. LINDSAY:

Okay. If you would allow me -- I'm looking for one under public -- okay. I'd like to take 1133 out of order because I see the Sheriff's representatives here and I apologize to you guys profusely. I know you wanted to see what would happen with this resolution. But I'm going to make a modification to it so I'm going to ask that it be tabled. So if -- I wish I saw you earlier. I would have done it earlier. I know you guys have been sitting around the back. It's **1133** on page 14. I want to make a motion to take it out of order. **(Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security (OHS) in the amount of \$50,000 for "Creation of Explosive Detection Canine Team" under Homeland Security Explosive Detection Canine Team Grant Program to be administered by the Suffolk County Sheriff's Office in partnership with the Nassau County Sheriff's Office) (Lindsay)**

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. It's before us now and I'm going to make a motion to table.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. D'AMARO:

Just, does the -- this is accepting and -- what is that?

P.O. LINDSAY:

This was the issue that we argued over profusely in the December meeting. And I had attempted to make a compromise here so we wouldn't give up the money and now jeopardize the agreement with the PBA; and at the same time get the tools for the Sheriff. But I made a mistake in drafting this and I have to tweak it before I bring it back.

LEG. D'AMARO:

All right. That's fine. My only question was whether or not the delay would put the grant at risk?

P.O. LINDSAY:

Well, I don't think any more at risk than it already is now because some time has transpired. But --

LEG. ROMAINE:

Is this still valid? I mean --

P.O. LINDSAY:

From what -- early discussions today it is still valid.

LEG. ROMAINE:

And waiting two weeks, three weeks --

P.O. LINDSAY:

I don't think it will jeopardize it any more than it's jeopardized already.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

You're saying no?

MR. NOLAN:

It won't jeopardize it.

P.O. LINDSAY:

It won't jeopardize it. Okay. So I have a motion and a second to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Thank you for your patience fellows. I apologize.

All right. Let's get back to the regular agenda and just plow through this. We're on page 13, **1053, 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.** I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the question anybody? All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1177, amending the 2010 Capital Budget and Program and appropriating funds for the Health Services Electronic Medical Record Program (CP 4036) (County Executive)

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion about Legislator Cooper. Do I have a second? Second by Legislator Browning.

LEG. KENNEDY:

I'm going to make a motion to table, Mr. Chair.

LEG. LOSQUADRO:

Second motion to table.

P.O. LINDSAY:

Okay. We have a motion to table by Legislator Kennedy and second by Legislator Losquadro.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Well, before we take a roll call, I'd like to find out why you're tabling it.

LEG. KENNEDY:

On the tabling, Mr. Chair, as a matter of fact we talked at length in Health and Human Services Committee about it. I know that this is something that the Department has talked about at length. I think, Mr. Chair, it's a reflection at this point of starting to look at some of the costs that we're incurring as we go forward. Dr. Mermelstein did speak about the fact that this would enhance the ability to go ahead and move records. However, we have a remote mandate as far as it was related to us 2015 or 2016, actually. It is a mandate that has no funding associated with it. And quite candidly, Mr. Chair, it's \$1.8 million over the life of the bond in order to go ahead and do this. And at a time when we're talking about availability of funds here and there for a variety of different things, an electronic medical record doesn't cure a child's diabetes.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Can I say something, please?

P.O. LINDSAY:

Legislator Montano and then Viloría-Fisher.

LEG. MONTANO:

Just to Gail. Gail, the capital project 4036, what is that exactly? Because we're amending here. We're not appropriating. Well, we're doing both but what is 4063? I'm trying to find it here and -- 4036.

MS. VIZZINI:

It provides money for electronic medical records for the health delivery system run by the clinics.

LEG. MONTANO:

So what are we amending then? What part is the amendment? In other words, this was a capital project for this particular item. Is that what we're saying?

MS. VIZZINI:

Some money is going from construction to planning. You know, the total estimated cost of the project is still 1.2 million but they needed a little bit more money in planning and design.

LEG. MONTANO:

So we're moving the money within the project?

MS. VIZZINI:

Correct.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chairman.

Dr. Mermelstein strongly supported and encouraged us and urged us to support this. For years we have sat and asked our health services and social services to have a network among the different centers. This will allow that kind of connectivity. If someone goes to one health center, their information is electronically available if they go to another health center. I spoke about this further with Dr. Mermelstein. And she said the delivery of service will be greatly enhanced by this, by having this up to date and really important service and way of recording patient care. And she said one lawsuit that could come from not having the kind of delivery of service that you need and the record keeping that you need -- that you need more than pays for this kind of investment. And we will have to have this up and running by 2015.

So I urge my colleagues, please, not to table this, to support this. The money is there. It's just being moved around. And we need to get this up and running. Otherwise we'll be behind and fall further behind than we already are.

Oh, by the way we already have a system like this in the jail. And I believe we have a system like this in a couple other --

P.O. LINDSAY:

In the nursing home.

D.P.O. VILORIA-FISHER:

In the nursing home. So this will provide a seamless record keeping system for the County.

P.O. LINDSAY:

Did you want to comment?

MR. ZWIRN:

Mr. Presiding Officer, I would just say that this is a one that really is a no-brainer. I think Legislator Viloría-Fisher really has hit the high points. The acting Health Commissioner was at the Committee and strongly urged for this to be passed. As Legislator Viloría-Fisher said, you go from health center to health center. Now people's records will be able to travel with them. And the diagnosis can be much better. The medical care can be much better. We have negotiated much lower costs with respect with this with the providers of the data that we need, has come down dramatically since January 2007. This is really an excellent program and the time is right for this thing to be passed today.

P.O. LINDSAY:

Thank you. Legislator Cooper, you wanted to comment?

LEG. COOPER:

Yes. Maybe now that Ben is up there, my understanding was that in addition to enhancing delivery of service, if this resolution is approved it would actually save the County money in the long run.

MR. ZWIRN:

That's what the Health Commissioner -- acting Health Commissioner --

LEG. COOPER:

Do you have a number as to how much could be saved?

MR. ZWIRN:

I don't think we had an actual dollar amount, but they said ultimately this will save the County -- just the record keeping alone will be a lot easier because it'll all be done computerized.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Cilmi, and then Kennedy.

LEG. CILMI:

Thanks, Mr. Chairman. Ben, can you tell us are we using an outside contractor to perform this work? And if so where are they from? Tell us a little bit about the company.

MR. KOVESDY:

Good evening. This was bid out with an RFP. And it was won by the parent company's GE. GE is the leader in this. And it went for an RFP and they won this particular bid. Right now it was negotiated -- price wise, they want to get in, they want to use this as a model for other health centers and using it as a model will reduce the cost for us by two thirds.

LEG. CILMI:

Can you tell us a little bit -- I don't know if you can legally, can you tell us a little bit about the other respondents to the RFP? Were there any local respondents?

MR. KOVESDY:

No. GE system is currently used for the billing within the health centers now. So being they're using it for the billing and that, it's seamless. It's compatible. Just to give you another point, we also bid out for the jail and GE did bid for the Jail but they weren't the lowest one with the most experience so we took another company, which was significantly lower for the Jail program. So we weren't -- and federal law requires all systems to talk to each other.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Allen, this is a \$2.2 million bid associated with GE to go ahead and do the service. You and I are probably, only a handful of people in this room who recall that more than ten years ago this County purchased a Multifaceted Program for the Health Department to go ahead and do exactly what we're spending another \$1.2 million to do now. And unfortunately at that point either the department wasn't able to or just couldn't implement what in fact we had purchased for. We have some imaging at this point that goes on, I believe, with prescriptions; is that the case?

MR. KOVESDY:

Once again, I'm not -- we can say that originally we were going to do all three steps. We were going to do billing, records keeping and we were going to do even some kind of education for -- to help us with diagnosis. This is all going -- and the back room. It was all originally in the first bid that was done many, many years ago. What happened was they weren't ready to do it and we only did the back room, medical records and scheduling. So we've done scheduling, billing and all the back room. As far as the medical records and the diagnostic pieces, we never got that far to do it.

P.O. LINDSAY:

You know, just to weigh in, John, I don't think this technology was available ten years ago.

LEG. KENNEDY:

No --

P.O. LINDSAY:

The system that they have in the nursing home --

LEG. KENNEDY:

Yeah.

P.O. LINDSAY:

I viewed how that operates. It's just phenomenal. I mean there is no more paper charts. The nurse goes in, gives a med to a patient, punches in some numbers on a key board, automatically it's recorded on the patient's chart. If there's any reimbursement from the med it's automatically billed to Medicare or Medicaid. It's a system that I don't believe was available ten years ago.

LEG. KENNEDY:

You know what, Mr. Chair? I don't disagree with you. And as a matter of fact I've seen what the portable units are right now. And as a matter of fact when we were recently over at St. Catherine's we had medical records that were automated then. But I also tell you -- and this is not only my own personal experience, but back when I used to be able to practice I went through hundreds and hundreds of pages of hand written medical records. And a hand written medical record still today suffices in order to go ahead and treat patients. We have 55,000 patients in our health care system. We have 1.5 million people in our County and we have many of them who show up here every meeting and who are screaming about how they're bleeding costs and bleeding money and going into foreclosure and losing their homes and all the other things. And I think some of what we need to talk about at some point is, is just like our County Executive tells us. There's things that we want and things that we need. I don't know at this point -- as a matter of fact let me rephrase that. Let me take that back. I remain unconvinced at this point that this is something that we absolutely need right now. That's why I made the motion to go ahead and table.

P.O. LINDSAY:

And, again, just my experience from the nursing home, we've -- first of all, the system out there we didn't purchase. We got it -- we got federal aid to purchase that one, or state aid. Allen? State aid. And we've as a result of that system, we've already recaptured money that would have been lost in billing records or was that being lost? I mean the system is just phenomenal. And I would expect that we'd have the same type of experience in the health centers.

LEG. KENNEDY:

Well, you know what, Mr. Chair? I'll even go one further with you. I see that we have the federally health care center application that will be before us. And we're being asked to go ahead and support that. And I very much want to support that. And you go to an excellent point, Mr. Chair. I think that as we try to progress this complex of centers, we may very well be eligible for further state or federal assistance. But we have none of that before us right now. We're talking about 1.8 Suffolk County dollars. And that's where I think we need to go ahead and take some pause to see what we can do to try to at least bolster some of that.

P.O. LINDSAY:

Okay. Anybody else? All right, we have a motion to approve and a motion to table. Tabling motion takes precedence. Roll call.

ROLL CALL BY MR. LAUBE, CLERK OF THE LEGISLATURE

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Pass.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. GREGORY:

No to table.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. MONTANO:

No.

P.O. LINDSAY:

Tabling fails. Motion to approve. Roll call.

MR. LAUBE:

Seven on the last one.

P.O. LINDSAY:

Seven. The tabling failed.

MR. LAUBE:

Yes.

P.O. LINDSAY:

So we're taking a vote on approve.

MR. LAUBE:

Now I'm doing the approval.

ROLL CALL BY MR. LAUBE, CLERK OF THE LEGISLATURE

LEG. COOPER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

You had ten. Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay. The accompanying bond resolution, **(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,218,500 bonds to finance the cost of planning, design, development, software, hardware and equipment for the Health Services Electronic Medical Record Program - CP 4036.110 and .510)** same motion, same second. Roll call.

ROLL CALL BY MR. LAUBE, CLERK OF THE LEGISLATURE

LEG. COOPER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

The bond fails. **1186 (Amending the 2010 Adopted Operating Budget to reallocate funding for a new initiative, the Heroin Treatment Program for Young Adults, to Peconic Bay Medical Center, Electronic Medical Records implementation, the Health Center Network and Health Center Operations) (County Executive)**

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. LOSQUADRO:

Mr. Chairman, I'd like to --

P.O. LINDSAY:

Second by Legislator Browning.

LEG. LOSQUADRO:

I'd like to make a motion to table.

LEG. KENNEDY:

I'll second that motion.

LEG. LOSQUADRO:

On the motion.

P.O. LINDSAY:

Motion to table by Legislator Losquadro, second by Legislator Kennedy. On the motion.

LEG. LOSQUADRO:

This I have some very specific concerns. I would like to hold this for a short period of time. While certainly very laudable, the goals with some of the new treatment options such as Suboxone I've been contacted by a number of people in the medical field professionals and even representatives of the drug companies who are concerned that the implementation of this program is being moved forward without real and clear thought as to what the impacts might be and not necessarily being moved forward in a manner that is going to have the best possible effect for putting a drug such as Suboxone into our treatment arsenal.

This is something that I think has great, great potential. And I would not want to see this -- I think we really have one-shot at getting this right before this winds up being something that just goes out on the street, winds up becoming another black market drug that helps addicts get from one fix to another. You know, we don't want to see a methadone situation which is basically legalized addiction. And a lot of people in the medical profession have expressed great concern to me and I have some meetings scheduled with them. And I really -- everyone has such high hopes for this treatment option but a lot of people who are professionals in this field really remain unconvinced that the manner that is being proposed is necessarily the best option for this. So I would like to see us hold off on this a little bit and I'd like to work with the Health Department and people, professionals in the field to make sure we get this absolutely right.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yes. Legislator Losquadro, I think it would be -- if in fact this body decides to table it, I think it would be a very good idea if we could bring some testimony here because God knows we are not the experts. If you ask any of us, we've heard of Suboxone but we really don't know if that's the right way to go. So if maybe you can follow up with that sort of thing, I think it would help all of us.

P.O. LINDSAY:

Okay, Legislator Montano.

LEG. MONTANO:

Yeah. I'm going to support the tabling. But I had a couple of questions on the bill. Gail, this was the money that was appropriated for the Central Islip Health Center; correct?

MS. VIZZINI:

Correct.

LEG. MONTANO:

And during the omnibus process, the -- it was stated that if the money that was cobbled together for the CI Health Center was not spent on the Health Center, it would go back to from where it came from?

MS. VIZZINI:

That was one of the stated options along with it could be used as an offset for other priorities, or it could just fall to fund balance. I think all those options were discussed.

LEG. MONTANO:

All right. My understanding was that it would go back from where it came from. But in any event, with respect to the Third Resolve Clause, I'm going to switch this to Counsel, would you explain how that works? It says that the County Executive is hereby authorized to execute a contract agreement and any contracts for legal and financial services, blah, blah, blah as selected through the RFP process. Does that mean that we're not going to have any say in what RFP's come in? How does -- could you just interpret that for me?

MR. NOLAN:

Well, I think that basically means that this is our bite at the apple and the County Executive can go ahead and execute the agreements.

LEG. MONTANO:

We're giving carte blanche to an RFP process; is that what we're doing? In other words, whatever comes back from the RFP, we're not going to get to vote on that?

MR. NOLAN:

That's correct.

LEG. MONTANO:

Is that normally how we do it?

MS. VIZZINI:

Yes.

MR. NOLAN:

Normally it is, yes.

LEG. MONTANO:

She said yes.

MR. NOLAN:

We don't normally vote on contracts that result from an RFP. Only if there's only one respondent, that's -- those are the ones that come to us.

LEG. MONTANO:

Okay.

*(*The following was taken by Alison Mahoney &
Transcribed by Donna Catalano - Court Reporters*)*

LEG. KENNEDY:

Mr. Chair, I seconded Legislator Losquadro's motion because similar to him -- as a matter of fact, as I've sat here for the last two and a half hours, I was supposed to be in class, in the KSAC Program that I'm involved with with my wife. I am at by no means an expert on this at all, but I do know that heroin changes the brain chemistry of an addict of any age. And I have made efforts to contact the Health Department and have spoken with them. Unfortunately, the configuration right now has no mental health component with it whatsoever.

As much as anybody around this horseshoe, I want to see us be able to go ahead and implement a good program, not just a program. I don't want to just throw money down a black hole, Mr. Chair. I think one tabling on this is not something that's unreasonable. According to the Health Department, they're not in a position to go ahead and to have something up and running until probably at the earliest sometime mid summer. There are some other aspects associated with this resolution, as Legislator Montano eluded to; it's a multi-purpose resolution, there's money associated within imaging in this as well.

With this one I personally need some time to go ahead and ascertain some specifics about the program, about the population targeted, about the method that the department will use to direct or deliver the services, about the cost. There's \$150,000 associated with fee for service with this program which may, in fact, only operate for six months, Mr. Chair. So that's why I seconded Legislator Losquadro's motion, that's what my intention would be between now and the next cycle.

P.O. LINDSAY:

I think I'm prepared to go along with the tabling with this one proviso; if Legislator Losquadro could work our Health Chair and let's get some people in at that next Health Committee Meeting. And I would --

LEG. LOSQUADRO:

I'm just doing an e-mail.

P.O. LINDSAY:

And I would -- if the arrangements are made, would you please notify all the other Legislators that they can avail themselves of that committee meeting to get the information before we go ahead with the long end of the project.

LEG. LOSQUADRO:

Will do.

P.O. LINDSAY:

We have a motion and a second to table, and we have a motion and a second to approve; am I correct?

MR. LAUBE:

You are correct, but I didn't catch the motion and second for approval.

P.O. LINDSAY:

Did we have a motion and a second to approve or just to table?

MR. LAUBE:

You did. There was just a lot of talking going on around here.

P.O. LINDSAY:

All right. We just had the tabling. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands tabled.

1188-10 - Amending the 2010 Adopted Operating Budget by transferring 100% State Aid funding specific to clinic services from Clinic Plus Contracts to Family Service League East End Program, Federation Employment Guidance Services and Pederson Krag Center Clinic Contracts (County Executive). Do I have a motion?

LEG. COOPER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1062-10 - Establishing a policy barring the release of home address information of law enforcement personnel (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second. Mr. Chairman, but on the motion.

P.O. LINDSAY:

Who made the second? Legislator Eddington. Okay. Go ahead, on the motion.

LEG. LOSQUADRO:

I'm fully supportive of this, but I thought this was already the policy and the law.

LEG. CILMI:

Policy.

P.O. LINDSAY:

As far as I know it doesn't exist.

LEG. LOSQUADRO:

That's very interesting. So this was the practice. I know we had obviously --

P.O. LINDSAY:

I don't know whether it was the practice, but there was probably a loophole in the law. I don't want to go into the circumstances --

LEG. LOSQUADRO:

Absolutely.

P.O. LINDSAY:

Of how the loophole came about.

LEG. LOSQUADRO:

I know where the issue came up.

P.O. LINDSAY:

But I feel very strongly that we should protect our public safety officers' addresses.

LEG. LOSQUADRO:

Absolutely. I just thought it might be duplicative. But if further research has indicated that there was a gap in that coverage, I'm totally supportive of closing it.

P.O. LINDSAY:

Let me ask Counsel. Do you know of anything that currently exists that prevents this from happening?

MR. NOLAN:

Yeah. Under the Freedom of Information Law, I believe we don't have to give home address information. We certainly don't have to do that, but this makes it the policy of the County that we will not give out that information in request to a FOIL request.

LEG. NOWICK:

We don't have to.

P.O. LINDSAY:

Okay.

MR. NOLAN:

Conceivably it could happen, so this just --

LEG. D'AMARO:

Could I ask a question on that?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Just to Counsel. But isn't it also governed -- are you referring to the State law?

MR. NOLAN:

I'm talking about the State Freedom of Information Law.

LEG. D'AMARO:

But isn't there an overriding or superseding State law that says that these addresses could not be given out?

MR. NOLAN:

I'm not aware of that.

LEG. D'AMARO:

You're not?

MR. NOLAN:

There may be, but I'm not aware of it.

LEG. CILMI:

If I may. I believe it gives us the ability to prevent them from being given out, but it doesn't tell us that we can't give them out. So this is just, as Counsel said, codifying our policy.

LEG. D'AMARO:

I see Dennis. Dennis, you have anything to add?

MR. BROWN:

Yeah. Section -- New York Civil Rights Law Section 50(A), that has a restriction on the release of home address information on law enforcement officers.

LEG. D'AMARO:

Is it a restriction or is it something we can opt in.

MR. BROWN:

It's a restriction. You are talking about -- the option you're talking about refers to the FOIL. There is an unwanted invasion of privacy FOIL option, we can exercise that and not do the release of information. And there is an unnecessary risk to the safety of a person, and you could opt out from a FOIL disclosure for that reason. But the Civil Rights Law, it's a restriction, but that restriction is a release of home addresses in connection with employment issues and personnel issues. That's Civil Rights Law Section 50(A).

LEG. D'AMARO:

So as I understand it, if you got a home address not in connection with an employment issue, there is -- the County can deny release, but there's no express prohibition?

MR. BROWN:

Correct.

LEG. D'AMARO:

We could give the information if we wanted to?

MR. BROWN:

Yes. Under FOIL, yes.

LEG. D'AMARO:

Okay. That's good enough for me.

LEG. NOWICK:

Let's go do it.

LEG. MONTANO:

Just do.

LEG. CILMI:

Can I be listed as a cosponsor for this.

P.O. LINDSAY:

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

LEG. KENNEDY:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1074-10 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing Purposes (County Executive).

Do I have a motion? Motion by Legislator Browning, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1225A-2010 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of infrastructure improvements under the Suffolk County Affordable Housing Opportunities Program (Columbia Street Development - Huntington Station) (CP 6411).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper. Do I have second?

LEG. D'AMARO:

I'll second for discussion. I also had a question on the motion.

P.O. LINDSAY:

Second by Legislator D'Amaro. I recognize Legislator D'Amaro for purposes of a question.

LEG. D'AMARO:

Yes. Thank you, Mr. Presiding Officer. I just wanted to know, we're spending a hundred thousand dollars here for the cost of infrastructure improvements, are they detailed in the bill? Maybe to Counsel, George, do you know if -- what exactly the -- what the improvements are?

MR. NOLAN:

This is the bond resolution. I don't know that it is set forth in here exactly what they entail.

LEG. D'AMARO:

Why is it only a bond resolution and no accompanying resolution?

MR. NOLAN:

I was actually asking Budget Review Office that question earlier. Apparently we did the appropriating resolution late last year for -- I'm not sure why we didn't get the bond at that point. I see Dennis Brown from the County Attorney's Office, maybe he remembers.

MR. BROWN:

There were two appropriating resolutions last year for workforce housing. Carolyn might be able to help with that. But one was for -- they were both in excess of \$300,000; one was relating to Columbia Street properties in Huntington; the other was related to art space in Patchogue. But in both of those cases, it was only for acquisition, and what was missing was funding for infrastructure improvements. So in one of the bonds, I think it's with respect to the 1225A, that's a hundred thousand dollars in infrastructure improvements for Columbia Street. And the other one is art space. But they both do same thing, infrastructure improvements.

LEG. D'AMARO:

I don't understand that. So in other words, we already passed the underlying resolution; is that what you're saying.

MR. BROWN:

Correct. That's correct.

LEG. D'AMARO:

No. No. That's okay. But I just want to understand. Is this hundred thousand in addition to what was authorized under the underlying resolution?

MR. BROWN:

Yes.

LEG. D'AMARO:

It is?

MS. VIZZINI:

No.

MR. BROWN:

Yes.

P.O. LINDSAY:

One is yes and one is no. Gail is saying no. Ms. Vizzini, could you weigh in on this?

MS. VIZZINI:

Sure. Resolution 1421 of 2005 authorized \$5 million for workforce housing infrastructure. There was no accompanying bonding resolution for the 5 million. Now that we're ready to move on the Patchogue lots and the other properties that Dennis mentioned, in 2009, we authorized Resolution 885 and Resolution 884 that specifically identified the Patchogue area and the other area. We reauthorized one point five million and another hundred thousand. For some reason there was no accompanying bond resolution when we did that. So now the bond resolutions are catching up with those two authorizations. But it's all part of the original five million.

LEG. D'AMARO:

It's part of the five million and it's part of a large capital project.

MS. VIZZINI:

It's part of sewer improvement infrastructure for the affordable housing in the Patchogue area. And what was the other one?

MR. BROWN:

Art space in Patchogue and Columbia Street in Huntington.

LEG. D'AMARO:

This is providing funding for a decision we had made in the past.

MS. VIZZINI:

It's providing the bond --

LEG. D'AMARO:

The bond.

MS. VIZZINI:

-- for the authorizations we have done in the past.

LEG. D'AMARO:

Okay, that's fine. That's all I need. Okay. Thank you.

P.O. LINDSAY:

Everybody else all right with it?

LEG. CILMI:

I have a question.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Just a quick question. So were the resolutions that were passed last year in 2009 then passed under the pretense that there was no bonding necessary?

MS. VIZZINI:

Oh, no. Occasionally it takes bonding resolutions a little while to catch up.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Okay. We have a motion and a second. It's a bond. Roll call.

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

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yep.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1226A-2010 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,575,916 bonds to finance the cost of infrastructure improvements under Suffolk County Affordable Housing Opportunities Program (Artspace Patchogue Lofts - Patchogue Village) (CP 6411). Motion by Legislator Eddington, second by Legislator

Viloria-Fisher. Any questions? Same program. Roll call.

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

LEG. EDDINGTON:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

LEG. EDDINGTON:

Cosponsor.

P.O. LINDSAY:

1084-10 - Amending Resolution No. 61-2009 to authorize additional time for the Long Island Maritime Museum to utilize the Carriage House in the West Sayville Park (Presiding Officer Lindsay). I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1112-10 - Approving a license agreement for Patrick Boyles to reside in the Isaac Mills House, St. James (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

By Legislator Browning, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1113-10 - Approving a license agreement for Susan Greer to reside at Robert Cushman Murphy County Park, Manorville (County Executive). Same motion, same second, same vote all right with everybody?

LEG. BROWNING:

Yeah.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1114-10 - Authorizing use of Blydenburgh County Park by the Care Center for its annual Walkathon Fundraiser (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1115-10 - Authorizing use of Southaven County Park by Contractors for Kids for their Family Fun Day and Picnic Fundraiser (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1116-10 - Authorizing use of Cathedral Pines County Park by Babylon Breast Cancer Coalition for its Mountain Bike Ride Fundraiser (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Babylon guys? Motion by Legislator Horsley, seconded by D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1152-10 - Authorizing use of Makamah Preserve in Northport by Northport Running Club (Cooper).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1165-10 - Authorizing a further extension of Soccer Field Agreement with the Mastic Sports Club (Browning). Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1002-10 - Naming the new Fourth Precinct building after Cyril J. Donnelly (Kennedy).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Nowick.

Did you want to comment?

MR. ZWIRN:

If I might, Mr. Presiding Officer. This bill has not gone through the Naming Committee.

P.O. LINDSAY:

I believe it has.

MR. ZWIRN:

There was a bill filed last year that expired at the end of the year, and this bill was refiled. It's a different bill number. And the time period is not quite passed where the Siting committee, the Naming Committee -- it would have expired.

LEG. KENNEDY:

Mr. Chair, I'm going to ask Counsel to go ahead and comment on it.

MR. NOLAN:

Under the -- Chapter 674, the Naming Committee has 90 days from the date it's referred to it a request for a naming, to offer a recommendation. And it's my understanding that 90 day period has passed. It's really irrelevant when a resolution was introduced or refiled. They have 90 days. There's been no recommendation forthcoming. So it's my opinion that the Legislature can, if it chooses to, act at this point without a recommendation.

P.O. LINDSAY:

Mr. Brown, do you want to --

MR. BROWN:

We have a section in the Code, Section 674-3(A), and it says that no resolution authorizing the naming of County facilities shall be considered by the Suffolk County Legislature unless and until a recommendation has been received by the committee. So because the committee has not acted on the request made to it for approval of the naming of the 4th Precinct, it should be deemed actually a denial of the request.

P.O. LINDSAY:

This is like Survivor, you know, the battle of the attorneys.

*(*Laughter*)*

MR. NOLAN:

Brown is wrong.

Applause

MR. BROWN:

Nolan thinks so.

LEG. D'AMARO:

George, is there a 90 day provision, an express provision in the law?

MR. NOLAN:

They have 90 days to offer their recommendation. That's what the statute says. You know, it's an advisory committee. And if they never make a recommendation, if you take Mr. Brown's logic out, we would never be able to act, because this advisory committee did not give us a recommendation.

LEG. D'AMARO:

Well, what he's saying is that the lack of a recommendation constitutes denial.

MR. NOLAN:

Which we can ignore. It's an advisory body.

LEG. D'AMARO:

Okay. So we can still act?

MR. NOLAN:

Sure.

LEG. ROMAINE:

Silence implies consent, if I'm not mistaken.

MR. BROWN:

If I may, Legislator D'Amaro? If I may, Legislator D'Amaro. The statute specifically says that no resolution shall be considered by the County Legislature unless and until a recommendation has been received.

LEG. MONTANO:

Which statute is that?

LEG. EDDINGTON:

Let's change that.

LEG. NOWICK:

Wait.

P.O. LINDSAY:

Legislator Nowick and then Montano.

LEG. NOWICK:

Technically, what you said Mr. Brown, was since they didn't act on it, it was denial. So that a decision. We choose to ignore the decision and vote.

LEG. GREGORY:

I like the way you think.

LEG. ROMAINE:

All right, there you go.

Applause

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'm speechless. I'm actually going to admittedly stall for time for Legislator Cilmi to get back. What statute were you referring to, Dennis?

MR. BROWN:

Sure; it's Chapter 674 of the Code.

LEG. MONTANO:

And our Counsel, what section or what chapter were you referring?

MR. NOLAN:

It's in the same chapter.

MR. BROWN:

George is referring to 674-2, I was referring to 674-3. And this is probably written by Paul, so.

LEG. MONTANO:

So we can ignore it altogether.

MR. BROWN:

It has internal inconsistencies.

LEG. MONTANO:

I'm waiting for Tom to come back.

LEG. KENNEDY:

You know, Mr. Chair, it occurs to me that I can tell everybody how we started this, as a matter of fact.

LEG. MONTANO:

By the way --

LEG. KENNEDY:

Back on November 9th back in 2009, and you will recall at that time, the body convened, and as a matter of fact, it was a tabling. Subsequently at our first Organizational Meeting, we had a resolution immediately filed so we had continuity. As a matter of fact, we had an opportunity to be before the Siting Committee, and my colleague Legislators -- oh, here we go. Worked out well.

LEG. MONTANO:

I did the best I could.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Move the question.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

I just don't understand why there would even be a discussion. I mean, this seems like a man that is certainly qualified; our first Police Commissioner. We've had other Commissioners come and say he was a great person. And I don't understand why it would even be, you know, a controversy. It just

seems like a no-brainer to me. And yet, we spend all this time discussing it. I just don't get it. I mean, you know, there's like war going on, and we're talking about a building.

D.P.O. VILORIA-FISHER:

Why don't we just vote.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Cosponsor all around.

MR. LAUBE:

Eighteen.

LEG. COOPER:

Tim, you got me?

P.O. LINDSAY:

1120-10 - Approving an increase in fleet for the Suffolk County Police Department (County Executive).

LEG. KENNEDY:

Mr. Chair, on this one I am going to make a motion to table based on a meeting, as a matter of fact, Monday afternoon. Deputy County Executive Cranell, Chief Weber and some other support staff were at my office. I do not want to be a part of not providing the funding for important emergency equipment for our Police Department, nevertheless I'll also -- I know this body, as a matter of fact, has been very mindful that Legislator Nowick and have I have brought this issue forward for ten months. I -- this is the furniture, isn't it?

P.O. LINDSAY:

No.

LEG. KENNEDY:

Sorry.

D.P.O. VILORIA-FISHER:

Never mind.

P.O. LINDSAY:

It's the fleet.

LEG. KENNEDY:

It's late. Sorry about that.

P.O. LINDSAY:

Okay. So you are not tabling it?

LEG. KENNEDY:

No.

P.O. LINDSAY:

Do we have a motion to approve?

MR. LAUBE:

No.

P.O. LINDSAY:

We have a motion to approve by Eddington and a second by Legislator Browning. I thought you were going to say, "What's the sense of buying cars, we don't have any cops?"

LEG. KENNEDY:

That's true. And we have no furniture.

D.P.O. VILORIA-FISHER:

We have a motion and a second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1121-10 - Accepting and appropriating a grant in the amount of \$30,000 from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement and Education Program with 86.78% support (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1122-10 - Accepting and appropriating a grant in the amount of \$111,195 from the State of New York Governor's Traffic Safety Committee, to target speeding, aggressive and distracted driving, and commercial vehicle safety with 85.81% support (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1124-10 - Accepting and appropriating a grant in the amount of \$127,400 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department's Operation Hot Wheels VI Program with 85.87% support (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We already addressed 1133.

1151-10 - Directing the Suffolk County Police Department to enhance the "Text-A-Tip" Program (Horsley).

LEG. HORSLEY:

Yep, motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Text a Tip. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1195-10 - Amending the 2010 Operating Budget by transferring funds within the Probation Department to enter into Contractual Agreements with the Long Island Advocacy Center, Inc. To provide educational advocacy, assessment and resource services for the Alternatives For Youth, PINS Diversion and JD Educational Advocacy Programs (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1196-10 - Amending the 2010 Capital Program and Budget and appropriating funds for the purchase of furniture and equipment for the new Fourth Precinct (CP 3184) (Kennedy).

LEG. KENNEDY:

Mr. Chair, I'll make a motion and everything I said before. Have the Clerk attribute those comments to this. How's that?

P.O. LINDSAY:

Okay. It's a motion to table. Second by Legislator Losquadro. Just to, you know, catch up the rest of us. We don't need the furniture now? What's the story?

LEG. LOSQUADRO:

Oh no.

LEG. KENNEDY:

No. As a matter of fact, Mr. Chair, we have -- we're coming out of a 17,000 square foot building,

we're going into a 38,000 square foot building, the first LEEDs building, mind you, in all of Suffolk County. And as a matter of fact, our Vice-Presiding Officer was instrumental in making that.

P.O. LINDSAY:

I'm aware of that.

LEG. KENNEDY:

The furniture, we're being told, Mr. Chair, is -- the administration is looking into acquisition. The last time I bought furniture, I went to the store and I wrote a check. Maybe there's another way of getting furniture now. I don't know. But what I am told is that the Commissioner is saying that the offset that we have for emergency service vehicle is taking precedence over the furniture. Everybody in the committee saw what the category was. And all kidding aside, I am going to say one thing, and I want everybody around this horseshoe to hear this, the furniture that's in that precinct at this point right now is not just ugly, horrendous, it is unsafe, absolutely unsafe. And God help us if some personnel falls out of the back of it. They're going to be injured and eligible for disability retirement. So it's incumbent on the administration to go ahead and get the money someplace. I'm told we budgeted 12 million in additional salary this year for two new classes. They're not starting for another couple of months beforehand. There is money in a \$435 million budget to buy furniture. I don't know where it's going to come from, but I'm not going to advance an emergency services vehicle.

P.O. LINDSAY:

The only thing, and maybe, Ben, you could comment on this, is when this resolution was first discussed, the end of last year, we were assured that the money was in the budget and that it would be purchased in a timely manner before the building opened, am I wrong?

LEG. EDDINGTON:

The answer is yes.

LEG. LOSQUADRO:

The answer is yes.

P.O. LINDSAY:

I think you said that, Ben.

MR. ZWIRN:

I'm just trying to ask the Commissioner if he recalls exactly. I don't recall saying that, but very likely I probably said something along those lines.

*(*Laughter*)*

But I think what the County Executive is doing is that because we have less personnel in the County today than we had, you know, a year ago, two years ago, that there is excess furniture throughout the County and in good shape. So he's taking a look. DPW is conducting a search of excess furniture throughout so we can put it in this building. You know, you can make -- you can snicker and everything, but, you know, we just wouldn't pass a bond resolution for electronic medical records and we're going to spend an hour now debating furniture. You know, we have money for furniture -- you're looking to find money for furniture, but we didn't have money for medical records.

P.O. LINDSAY:

But, Ben, I think what's confusing me is the story keeps changing. I mean, originally you told us we didn't need to do a separate appropriation because it was already included in the project that we wouldn't get the furniture before the place opened. You can't open that building without furniture.

MR. ZWIRN:

Well, as I said, DPW is looking around for surplus furniture before they go out and buy any.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Just to address the comment you just made. I thought we had more people on Precinct Patrol, which means more people in the precincts. I thought if there's any buildings that we want to make sure we have adequate furniture and supplies in, I think those would be the local precincts.

MR. ZWIRN:
Most of the Police Officers --

LEG. LOSQUADRO:
The logical extrapolation of your argument would be why don't we take the --

MR. ZWIRN:
The logical extrapolation would be the Police are on the streets in cars patrolling and not at desks in buildings.

LEG. KENNEDY:
Mr. Chair, let me weigh in here. Ben, that building is double the size of what's being retired. The new 4th Precinct is a 36,000 square foot multi-level building with 12 cells in it, 10 of which are for female. All female arrests throughout the district are coming to the 4th Precinct. They're coming out of an abysmal rat hole that's 16,000 square feet. So guess what? Even if we took all the crap across the parking lot, you still wouldn't fill half the building.

MR. ZWIRN:
As I said, DPW is looking for excess furniture. Look, you said it yourself, the County's in hard financial shape. You don't want to spend money on electronic medical records and other things, which was in the Capital budget, that's a fair comment. But the County Executive will -- if this bill passes in this form, I know he'll veto this bill. But they're looking for furniture right now in the County.

LEG. KENNEDY:
As I said, we had a meeting on Monday afternoon, I took the County Executive's representative's word at good faith. When you say you are that you are looking for an alternative, I believe that means something before the next millennium. The building is slated to open in April, that's what I'm told. So I'm hopeful that there's an earnest effort going on either to find some swag or to go ahead and buy some furniture.

P.O. LINDSAY:
Okay. We have a motion to table; am I correct? Legislator Kennedy.

LEG. KENNEDY:
Yes, Mr. Chair.

P.O. LINDSAY:
Is there a second to the motion?

MR. LAUBE:
Yes.

P.O. LINDSAY:
Okay. We have a motion -- the only motion before us is to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 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). Motion? Motion by myself, second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1111-10 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 – Selden with the owner of Seeley Subdivision (BR-1567).
Do I have a motion?

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Muratore?

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. ***1128-10 - To rename the intersection of CR 4, Commack Road and CR 67, Vanderbilt (Motor) Parkway, as "Glen Ciano Place" (Stern).***
Legislator Stern makes a motion.

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi.

LEG. CILMI:

Cosponsor.

P.O. LINDSAY:

On the motion, Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. As we all heard earlier today, Inspector Brady of the 2nd Precinct spoke to us about this resolution. Just to let everybody know, Officer Ciano's wife and mother had appeared before the Sitings Committee as well as the the Public Works Committee. And Inspector Brady, of course, came to speak to us earlier in support of the resolution.

Officer Ciano died about a year ago in the line of duty protecting all of us here in Suffolk County. He was a highly decorated officer, served for many years in the 2nd Precinct. For anybody who's familiar with the corner of Commack Road and Vanderbilt Motor Parkway, everybody knows it is a busy intersection between the Northern State and the Long Island Expressway, heavily trafficked area, which will provide a very important location for all of us who use that area of roadway frequently.

Certainly in the 2nd Precinct, to remember Officer Ciano, his legacy and how he went above and beyond in the line of duty protecting all of us, passed away in the line of duty. And I think as important is that Officer Ciano was killed in drunk driving accident. And it gives all of us an opportunity not just to remember him and his legacy, but to continue to use that incident as a teaching. I certainly do when I pass by that corner when I have my young children in the car talking about the dangers of drinking and driving for all of us here.

LEG. CILMI:

Amen.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. HORSLEY:

Cosponsor around.

LEG. COOPER:

Cosponsor.

P.O. LINDSAY:

1143-10 - Authorizing the purchase of up to 22 paratransit vans for Suffolk Transit and accepting and appropriating Federal Aid and State Aid and County funds (CP 5658) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. All in favor? Opposed?

LEG. BARRAGA:

What's the paratransit.

P.O. LINDSAY:

It's a bus.

LEG. SCHNEIDERMAN:

It's a SCAT van.

LEG. BARRAGA:

The small buses.

LEG. SCHNEIDERMAN:

For handicapped.

P.O. LINDSAY:

It's usually for the SCAT service. We have a motion and a second. All in favor? Opposed?
Abstentions.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On accompanying Bond Resolution ***1143A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$147,500 bonds to finance the County's share of the cost of the purchase of paratransit vans (CP 5658.546)***. Same motion, same second. Roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Me? Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1055-10 - Calling for a public hearing for the consent to the acquisition of additional land at Marinold Way, Town of Southampton, County of Suffolk, State of New York, by the Quogue Cemetery Association, Inc. For cemetery expansion purposes (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second by Browning.

P.O. LINDSAY:

Second by Browning. All in in favor? Opposed? Abstention?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1068-10 - Sale of County-owned real estate pursuant to Section 72-h Of the General Municipal Law Town of Smithtown (SCTM No. 0800-052.00-03.00-002.000)

(County Executive).

LEG. NOWICK:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Motion by Legislator Nowick and a second by Legislator Kennedy.
Is that for affordable housing in Smithtown?

LEG. KENNEDY:

No.

LEG. BROWNING:

No, it's not.

LEG. KENNEDY:

It would be for transportation purposes, Mr. Chair.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1069-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Huntington (SCTM No. 0400-145.00-01.00-069.001) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1075-10- Sale of County-owned real estate pursuant to Local Law No. 13-1976 Rod Staten Corp. (SCTM No. 0100-170.00-02.00-053.000) (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1098-10 - Directing the Department of Information Technology to perform a feasibility study in relation to the creation of a phone application for finding automated external defibrillators in Suffolk County (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Tim, cosponsor.

P.O. LINDSAY:

1119-10 - Requesting legislative approval of a contract award for a financial printer for the Department of Audit and Control (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1141-10 - Authorizing payment of certain closing costs incurred relative to the acquisition of the Cohalan Court Complex (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

I'll second it, but I would like an explanation.

P.O. LINDSAY:

Seconded by Legislator Montano.

LEG. KENNEDY:

Mr. Chair, my recollection from the committee is that these were expenses that were authorized for the capital advisor -- I'm trying to think of the letters, CMA or whomever it was -- for services that were furnished associated with retiring the existing debt instruments, I believe, and issuing new debt instruments resulting in somewhere between an eight to nine million dollar net gain to the County. And it was a service predicated on the percentage of bond retired, I believe. And it amounted to about 80,000 in total for the two issues that were retired.

P.O. LINDSAY:

Okay, Ms. Vizzini, you agree with that explanation?

MS. VIZZINI:

That's basically correct, yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1160-10 - Approving the appointment of a relative of a County Court Judge in the Suffolk County Legislature (Lauren Auerbach) (Muratore).

LEG. LOSQUADRO:

Motion.

LEG. KENNEDY:

Second.

LEG. LOSQUADRO:

No.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We have the ***Home Rule Message HR No. 03-2010 - Home Rule Message requesting the State of New York to grant retroactive Tier I Membership in the New York State and Local Employees' Retirement System to Maria Williams (Assembly Bill A.7292, Senate (Losquadro).***

LEG. LOSQUADRO:

Motion, Mr. Chairman.

P.O. LINDSAY:

Motion by Legislator Losquadro, seconded by Legislator Eddington. I mean, I don't know Ms. Williams and I don't have really have anything against it, but we've talked about fiscal things here today, and it's going to cost the County another \$55,000.

LEG. LOSQUADRO:

On the motion. This was, you know, obviously brought to me by the State. Ms. Williams began in February of 1973, but through the delay in the process, she didn't -- they didn't get her on to the system until September of '73, and that small gap was when the system changed. It was through no fault of her own. We're not talking a lengthy period of time here, it's from February to September. So when the State brought this forward to me, I agreed to move forward with it. It seemed like it was through -- you know, again, I know it's, you know, boiler plate language, but seriously through no fault of her own.

P.O. LINDSAY:

But the problem is that was 35 years ago. So now we owe her over \$50,000.

LEG. LOSQUADRO:

I'm sure at the time, it didn't seem like a big deal.

P.O. LINDSAY:

It is now.

LEG. LOSQUADRO:

With them failing to get her onto the system in that time period. Now, you know, there's a retroactive portion to that. You know, at the time, the delay in the process didn't seem like that big of deal. Now, that seven months makes a world of difference.

P.O. LINDSAY:

But why did it take 37 years to come back us to?

LEG. LOSQUADRO:

That I cannot answer.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Just through the Chair, is this individual getting credit for any time where she didn't serve as an employee? Dan, do you know?

LEG. LOSQUADRO:

I do not believe so, no. It was -- the difference is the time period from when she was hired to when she actually got on the system, it's from February to September.

P.O. LINDSAY:

I don't think that's the issue. And it's a small amount of money per month that increases her pension. But because there's 37 years transpired, the backpay is over \$50,000.

LEG. D'AMARO:

Right, I understand that.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

My point is that she is -- would otherwise be entitled to it, but for the delay in getting her into the system, which wasn't the norm back then. It does add up, there's no question, but it's something she did earn.

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

LEG. KENNEDY:

The error, if I can add, Mr. Chair, was fairly routine, as a matter of fact, particularly for part-time employees in school districts, libraries and things such as that. And the retirement system subsequently made changes so that it was mandatory for a new hire to go ahead and actually either choose or renounce membership in the retirement system, and then the responsibility fell on the individual. But back in the '70's, it was not uncommon at all for the employer to specifically not advise a new-hire of their rights for enrollment because it kept the contribution down on behalf of the employer, so it worked a hardship on a member.

LEG. EDDINGTON:

Mr. Presiding Officer? Over here.

P.O. LINDSAY:

Yes, Legislator Eddington.

LEG. EDDINGTON:

The same thing happened to me because I worked for Creedmor State Hospital in '70, beginning of '73, and then at the end I got a teaching job and they reenrolled me in the system but they counted it as the day I started with teaching. They found -- we found it out, I guess, after 20 years, before I retired, so there was no back-pay or anything, but it meant a significant difference in retirement.

LEG. ROMAINE:

In your pension, Tier I.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

In other words, when they found it out, Jack, after 20 years, they recalculated and prospectively at that point you started -- you were in a different Tier system.

LEG. EDDINGTON:

Right.

LEG. BARRAGA:

You didn't get any back-pay for 20 years, did you?

LEG. BARRAGA:

No, no, no. And I think --

LEG. BARRAGA:

She's getting back-pay for 35 years.

LEG. EDDINGTON:

Well, I thought my understanding was -- no, she retired --

LEG. BARRAGA:

No, the pension system is predicated on Tier I, so whatever -- that 55,000 goes back over a 35-year period. It isn't as if we're putting a bill in and saying, "Look, you know, there was a mistake made. You may be retired now, but prospectively we're going to recalculate you on Tier I so that the monthly pension you get will be more than you would have gotten say under Tier II.

LEG. EDDINGTON:

Correct. She's getting what she --

LEG. BARRAGA:

We're going to give her 55,000.

LEG. LOSQUADRO:

Well, that's what she's entitled to.

LEG. BARRAGA:

Well, you say she's entitled to it. He never got it. You never got it, a back situation.

LEG. EDDINGTON:

No, because I hadn't retired.

LEG. BARRAGA:

Right.

LEG. EDDINGTON:

We found it before I retired, this was found after she retired.
It doesn't make the mistake any different.

LEG. BARRAGA:

I've seen bills like this before where someone has retired but they changed the Tier System, but from that moment on, now they get more money per month but they don't wind up getting, you know, what they supposedly deserve, unquote/unquote, for the last 35 years.

LEG. NOWICK:

Bill?

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I know very often there were mistakes like this, but perhaps you would get -- I don't know where we got the answers from to go ahead with this legislation, but maybe this is a letter that should come from the New York State Comptroller's Office since we --

LEG. LOSQUADRO:

The language comes from the State.

LEG. NOWICK:

You have --

LEG. LOSQUADRO:

The Home Rule Message is presented by the State and she's my constituent, so I put --

LEG. NOWICK:

So this is a Home Rule Message --

LEG. LOSQUADRO:

Yes.

LEG. NOWICK:

-- that the State has already -- Assembly person has put out?

LEG. LOSQUADRO:

Assembly and Senate, we have bills, bill numbers.

LEG. NOWICK:

And the State Comptroller advised them.

LEG. LOSQUADRO:

Correct.

LEG. NOWICK:

Sounds like we are forced to do that, then. No, we're not?

LEG. LOSQUADRO:

We have to approve it, but this is -- you know, they're the companion bills, this came through the State, she happens to be my constituent. I reviewed it, there's a seven month -- you know, approximately a seven month discrepancy there which given that timeframe, from the Tier I to Tier II, you know, creates the disparity in the pension calculation.

LEG. NOWICK:

So she would have gotten more money had they found this error earlier.

LEG. KENNEDY:

Through the Chair? Dan, was she a Suffolk County employee in '73, Or was it she was someplace else?

LEG. LOSQUADRO:

She's part of the New York State Retirement System.

LEG. KENNEDY:

Because that would go to whose error in the first instance it might have been.

LEG. LOSQUADRO:

I believe it's Suffolk County.

LEG. KENNEDY:

Yeah. In that respect, we're really remedying what was an error at an earlier time, if that's the case.

LEG. LOSQUADRO:

Yeah, she's an employee of the County of Suffolk. There is no indication that there was a break in employment, you know, as an employee of the State or a school district, there's no indication that she was ever an employee of an entity other than the County of Suffolk.

LEG. HORSLEY:

She's retired from Suffolk.

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

When did she retire?

LEG. LOSQUADRO:

It's too late for me to get the information from my office, I just have what's here included in the bill and I don't have that date.

P.O. LINDSAY:

She didn't retire 35 years ago.

LEG. LOSQUADRO:

No.

D.P.O. VILORIA-FISHER:

No. She just got hired --

LEG. LOSQUADRO:

No, she began her employment in '73; that's when she began her employment and the window was the disparity from Tier I to Tier II.

P.O. LINDSAY:

Okay. But if it only makes a difference of \$900 a year, I'm confused, where did the \$55,000 come from?

D.P.O. VILORIA-FISHER:

That's what I'm confused about.

LEG. EDDINGTON:

Well, I imagine it's a significant change. Because from Tier I to Tier II, for Tier I you can add in to your final average salary all your sick days that get paid for.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

The explanation -- I'm certainly not an expert on this, there are people with far greater expertise than me, but I believe that's our contribution to the State Pension System; is that correct? I know Legislator Kennedy is very knowledgeable on this.

MR. REINHEIMER:

That would be correct.

P.O. LINDSAY:

Lance?

MR. REINHEIMER:

I have trouble talking today, but that's correct. The employer contribution plus associated interest over that period of time.

P.O. LINDSAY:

So --

LEG. ROMAINE:

She doesn't get the money.

MR. REINHEIMER:

This is not money for the individual, this is what we paid to the retirement system.

P.O. LINDSAY:

I see. Okay, so she doesn't get the 55,000, the retirement system gets the 55,000.

MR. REINHEIMER:

Correct.

P.O. LINDSAY:

And she gets another \$900 dollars.

MR. REINHEIMER:

Right.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Okay, then it makes a little bit more sense. You know, I'm not looking to hurt anybody or anything like that, but we just had a discussion about electronic monitoring, that we can't do that; we just had a discussion about buying furniture for a building that cost us, you know, many millions of dollars that we can't furnish, and then we're going to give away \$55,000 on a mistake.

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

MR. LAUBE:

Eighteen.

LEG. LOSQUADRO:

That was the last one, I believe.

P.O. LINDSAY:

Okay, let's go to the manilla folder before we go into the CN's.

We already did McMahon, right?

LEG. HORSLEY:

Yep.

P.O. LINDSAY:

Procedural Motion No. 4-2010 - Procedural Resolution authorizing funding for Community Support Initiatives (Phase I) (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

MR. NOLAN:

The County Executive asked us to do this one today, this Home Rule Message.

P.O. LINDSAY:

Okay. *Home Rule Message No. 5-2010 - Requesting the State of New York to amend Chapter 311 of the Laws of 1920, constituting the Suffolk County Tax Act, in relation to the sale of delinquent tax liens on Brownfields property (Senate Bills.5995/Assembly Bill A.8772) (County Executive).*

LEG. LOSQUADRO:

Explanation.

P.O. LINDSAY:

Let me get a motion and a second.

LEG. LOSQUADRO:

I'll second for the purposes -- I mean motion for the purpose of discussion.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Okay, motion by Legislator Losquadro, second by Legislator Viloría-Fisher. And go ahead, explanation, Counsel.

MR. NOLAN:

Right. This is a -- we did this Home Rule Message last year. The County Executive has asked us to try to move this along at the -- I think the Assembly sponsor wanted us to pass this today. But it would amend the Tax Act to authorize the County to sell or dispose of tax liens on Brownfields for less than the outstanding tax due on the liens. We need State authority to do that.

D.P.O. VILORIA-FISHER:

We sell it for less than what the tax liens are, because we don't want it, they're Brownfields.

LEG. CILMI:

Through the Chair?

P.O. LINDSAY:

Go ahead.

LEG. CILMI:

Isn't there something in here that stipulates that the purchaser has to do the clean-up on the properties?

P.O. LINDSAY:

Most of the Brownfields --

LEG. CILMI:

Yeah, that's what it is?

P.O. LINDSAY:

-- when we sell them, that's how the condition is usually sold at.

LEG. CILMI:

Thanks.

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Romaine and then Losquadro.

LEG. LOSQUADRO:

Oh, I was going to --

LEG. ROMAINE:

Yes, thank you for kind of --

LEG. LOSQUADRO:

I was going to ask the question.

LEG. ROMAINE:

Right, asking that issue because that was an issue when I served on the committees, I brought it up and I was assured by the then County -- Deputy County Attorney that that was the case and as you know, that proved not to be the case. She indicated she had never said that; the record reflected otherwise. And at that point, I believe you adjourned for lunch, because it was quite clear that we were being snowed.

We have no requirement, that I'm aware of, that would force the purchaser of a Brownfields lien to clean up that property. Right down the road from me, my little office across the river on Griffin Avenue, at the corner of Griffin and Polaski, is such a Brownfields property where there was no requirement for clean-up that was sold to Mr. Toussie. So I have to tell you right now, I'd love to sponsor a resolution to require any Brownfields properties that we sell or any liens to those properties that we sell to have an absolute requirement that clean-up takes place or initiate clean-up after a certain period of time, and I'm happy to write that. I think I'll be adding that to the packet for next month, our next meeting.

P.O. LINDSAY:

It sounds like you talked yourself into it.

LEG. ROMAINE:

Absolutely.

P.O. LINDSAY:

Legislator Montano. Oh, Losquadro, I'm sorry, and then Montano.

LEG. LOSQUADRO:

I was actually going to bring up Legislator Romaine's point. I know that's something we had talked about, the duration that they had for the clean-up, so asked and answered.

P.O. LINDSAY:

Okay. I kind of forgot that, but he just jogged my memory.
Legislator Montano.

LEG. MONTANO:

Legislator Romaine, if I may?

LEG. ROMAINE:

Yes.

LEG. MONTANO:

Are you referring to Section B that says, "The County shall set the terms and conditions of the contract of sale and no prior contracts of sale shall be deemed valid and shall be enforced under this act," and the County -- and that the County "may require" --

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. MONTANO:

As opposed to "shall require"?

LEG. ROMAINE:

Absolutely.

LEG. MONTANO:

Yeah, this really is not binding. The way I read it, it's not binding on the purchaser to remediate the property.

LEG. ROMAINE:

Nor has anyone that has purchased any Brownfield liens, to the best of my knowledge, initiated clean-up.

LEG. MONTANO:

I'd table it.

P.O. LINDSAY:

Does any -- I mean, does the County Executive's Office want to -- which one of you guys wants to handle this one?

LEG. GREGORY:

Mr. Chair, if I may. I kind of remember the conversation that Legislator Romaine had with Lynne Bizzarro. And from my recollection, I wasn't a Legislator at the time, I was an Aide, but my recollection -- and Lynne Bizzarro is a constituent of mine, so I listen to her words very carefully. The Legislator had asked about having a requirement in the brochure and Deputy County Attorney had said no, that there is no requirement in the brochure for any properties that are auctioned, that they work that out during the contract negotiations. That's my recollection.

D.P.O. VILORIA-FISHER:

That's my recollection as well.

P.O. LINDSAY:

Okay. I really don't want to re -- go over that again, I'd like to deal with this Home Rule Message. Make your case, guys, why we need to do this.

MR. BROWN:

As far as the Brownfield is concerned -- and I know, Legislator Romaine, what you're alluding to, it occurred a few years ago.

I don't have a strong recollection of it and I know it involved --

P.O. LINDSAY:

Okay, but let's just get back to the issue. The issue here is not on the specific property and it's not about cleaning it up, it gives us the ability to sell this Brownfields at less than appraised value of the land if it was clean, right, or less than the tax lien.

MR. BROWN:

The Tax Act currently prohibits the County from accepting less --

P.O. LINDSAY:

Okay. Okay.

MR. BROWN:

-- than the amount that's owed for taxes and penalties and interest.

P.O. LINDSAY:

Okay. So the issue of whether the buyer is going to be mandated to clean up the property isn't something that's addressed in this legislation.

MR. BROWN:

That's correct, this only seeks to amend the Suffolk County Tax Act.

P.O. LINDSAY:

Okay. But if I could just say something, especially after Legislator Romaine's experience on this whole issue. If you bring back any Brownfields to be sold, part of the sale agreement is going to have to be that those folks are going to have to clean up the property, otherwise we're not going to approve it here.

LEG. ROMAINE:

Thank you, Mr. Presiding Officer. I have no problem with the Home Rule Message. I would only ask Counsel to draft legislation to make that a requirement of any sale of any property or lien of Brownfields property so that that will be resolved.

P.O. LINDSAY:

Okay. We have a motion and a second on the Home Rule Message, right?

LEG. D'AMARO:

Just on that motion, just very quickly.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

And maybe Counsel can correct me. But if we sell a tax lien and you're the purchaser of the tax lien and you don't foreclose the lien, I don't think you have the standing to perform the clean-up at that point, frankly.

LEG. ROMAINE:

You are probably correct.

LEG. MONTANO:

What do you mean you --

LEG. D'AMARO:

I'm not -- I guess we'll have the debate if and when we ever get one of these bills.

LEG. ROMAINE:

No, thank you very -- Lou, you've been very helpful because he can add that right into the bill; unless you don't foreclose on the lien.

LEG. D'AMARO:

Oh, so we would require that and maybe then discourage the sale of the tax liens and the revenue to the County, so it's just a debate that we'll have at a later time.

LEG. KENNEDY:

Mr. Chair, on this, can I ask one question of the administration? Have they asked the sponsors, the Senate and Assembly sponsors, if they would change that one word on line 16 and move it from "permissive" to "mandatory"?

MR. BROWN:

Legislator Kennedy, I'll let Ben answer that question, but I wanted to address something that Legislator D'Amaro has said, and I think that might be -- if I'm correct, might be a misconception. It's not the sale of the tax liens, it's the sale of the property. So we can't accept at auction less than a consideration which does include all the penalties, interest and --

LEG. D'AMARO:

So this is for Brownfields properties that we took title to?

LEG. ROMAINE:

Right.

MR. BROWN:

No. Well, ordinarily we don't -- well, yes, that would be correct, yes.

LEG. D'AMARO:

How many of those do we have?

MR. BROWN:

Well, I think from a couple of years ago, I think it was about seventeen or eighteen parcels that we had.

LEG. D'AMARO:

Oh. So right now we're required to take the full value plus the taxes, penalties, interest and all of that?

MR. BROWN:

That's correct.

LEG. D'AMARO:

This would authorize us to take something less.

MR. BROWN:

That's correct.

P.O. LINDSAY:

Okay.

MR. BROWN:

Yeah, because ordinarily it's the Treasurer that purchases the liens at the sale.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

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

LEG. KENNEDY:

I'm opposed.

LEG. LOSQUADRO:

I'm opposed.

LEG. CILMI:

I'm opposed as well.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Fourteen.

LEG. MURATORE:

Opposed.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay, to the red packet, CN's:

1101-10 - Amending the 2010 Operating Budget and transferring funds to Parents for Megan's Law Crime Victims Center (Eddington). This is the CN that, Legislator Eddington, you were looking for earlier; the Crime Victims Program?

D.P.O. VILORIA-FISHER:

You'll make a motion.

LEG. EDDINGTON:

Yeah, I'll make a motion.

LEG. MONTANO:

Give me a number again?

LEG. CILMI:

It's 1101.

P.O. LINDSAY:

In the red packet.

LEG. MONTANO:

Yeah, I've got the red packet, I just can't find that bill.

P.O. LINDSAY:

1101, it should be the second one.

MR. ZWIRN:

1101.

LEG. MONTANO:

Yep, I got it.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

We have a motion by Legislator Eddington and a second by Legislator Viloría-Fisher. On the motion, Legislator Eddington.

LEG. EDDINGTON:

I will say that a Legislator did reach out to me and is going to try to add some more funding; only one, though.

LEG. NOWICK:

I'm going to try also.

LEG. EDDINGTON:

Okay, good. So we're going to try to get every cent we can from the County Executive, right, the 22-5, so good. Thank you.

P.O. LINDSAY:

Okay. We have --

D.P.O. VILORIA-FISHER:

Cosponsor.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. EDDINGTON:

Thank you.

LEG. GREGORY:

Tim? Cosponsor.

P.O. LINDSAY:

1285-10 - Accepting and appropriating \$8,836 in sub-granted funds from the Suffolk County Coalition Against Domestic Violence, Inc. For the Stop Violence American Recovery and Reinvestment Act (ARRA) Suffolk County Coalition Against Domestic Violence (SCCADV) 09 Program with 100% support (County Executive).

LEG. GREGORY:

Mr. Chair? I'll make a motion. And on the purpose of the motion, I'd like to make a statement.

P.O. LINDSAY:

Okay. Motion to approve?

LEG. GREGORY:

Yes.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. You have the floor, Legislator Gregory.

LEG. GREGORY:

This is, again, one of the organizations that came out and spoke against my domestic violence registry. But if you look at this, and I would just ask my colleagues the question why we're getting this in the form of a CN when there's a letter in here that the group that's receiving the funds got the approval back in October of last year, four months later we're getting it in the form of a CN instead of through the committee process.

LEG. MONTANO:

Well, let me ask him a question.

LEG. ROMAINE:

They wanted to hold out until they voted against you.

LEG. GREGORY:

I know that.

P.O. LINDSAY:

Legislator Montano, did you --

LEG. MONTANO:

Yeah. Is that exactly what you're implying, that there's a --

LEG. GREGORY:

I'm not implying, I'm stating that.

LEG. MONTANO:

You're stating it, you're not implying it.

LEG. GREGORY:

I've stated it before. I made my point.

LEG. MONTANO:

That would seem to me to be more than just a violation, that would seem to be a very serious accusation. And if it were true and if it were proven, I think it would go beyond just administrative. George, you want to comment on that?

MR. NOLAN:

No.

*(*Laughter*)*

LEG. MONTANO:

That answers my question.

P.O. LINDSAY:

Let's add a little fuel to his fire; Paul would have commented.

*(*Laughter*)*

LEG. MONTANO:

Well, then the obvious need not be said. You're making a motion to approve this, though?

LEG. GREGORY:

Yes.

P.O. LINDSAY:

That's what the motion is.

D.P.O. VILORIA-FISHER:

And the letter was written October 26th.

LEG. GREGORY:

October 26th.

LEG. MONTANO:

Forget it.

P.O. LINDSAY:

Okay. We have a motion and a second to accept the eighty-eight hundred dollars. All in favor? Opposed? Abstentions?

MR. ZWIRN:

Mr. Presiding Officer? This money is going to the Police Department for recording purposes, it's not going to the organization per se.

P.O. LINDSAY:

We get that. We get that.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1286-10 - Authorizing an amendment to the lease agreement with Rechler at Gabreski LLC, for use of property at Francis S. Gabreski Airport (County Executive). Wow.

D.P.O. VILORIA-FISHER:

I thought we did this.

LEG. LOSQUADRO:

This is quite a thick little package.

LEG. KENNEDY:

Yeah, what is this?

LEG. LOSQUADRO:

It's got some weight to it.

P.O. LINDSAY:

Give me some -- help me with my memory. We approved the lease with the Rechler Organization out there in the past. So why --

LEG. NOWICK:

This is an amendment.

P.O. LINDSAY:

Oh, this is -- go ahead.

MS. FAHEY:

This is an amendment to the original lease that you approved back in April of '09. Typically, the County leases allow the County Executive to amend the lease with non, you know, major components to it. The original lease required Rechler to prepare a site plan, grading plans, all of that, and since the County Executive didn't have that authorization to amend it, we came back with a CN. You'll see back in the third RESOLVED you're giving the County Executive to do those minor negotiations in the future. The CN allows them to keep moving along and at the pace that they're moving, which is pretty quick.

P.O. LINDSAY:

Okay. Legislator Romaine?

LEG. ROMAINE:

I'm happy the third RESOLVED was pointed out, I want to read it very carefully. Third RESOLVED, "That the County Executive be and hereby is authorized to execute future amendments of the lease," means we don't get a shot at that. This is a cart blanche, however he wants to amend this

lease he can and we're giving him permission to do this now. If people are good with that, that's great. I'm not good with that because I would want any changes in that lease to that substantial piece of property to at least come back for review for us, it's called checks and balances. Call me a cynic, but I just would like, you know, to be consulted if there's changes in the lease. I don't want to turn that authority that I have over to the Executive. I'm voting no on this.

LEG. MONTANO:

Why don't we just -- if I may?

P.O. LINDSAY:

You're not a very trusting person, you know that.

MS. FAHEY:

If I could?

LEG. MONTANO:

Bill?

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

To follow-up on that one, the construction work that Rechler was doing on that, I know there were some labor issues; was that resolved?

P.O. LINDSAY:

I don't believe the problems out there were with the Rechler job.

LEG. ROMAINE:

No, that's another job.

P.O. LINDSAY:

There was a hangar being built there or something.

LEG. BROWNING:

Oh, I thought that was Rechler who was doing that.

P.O. LINDSAY:

No, I don't think the Rechler project started yet.

LEG. ROMAINE:

No.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Carolyn, I'm looking at your C of N here and the reason that you need consideration is because the property description, site plans and other related plans have been updated and refined; that to me is not a reason why you need a C of N. Why do you need a C of N; why can't this go to committee like every other bill?

MS. FAHEY:

Because they're in such a -- they're doing the progress that they have to do, they've started to spend the money, they're ready to go to the town with the site plans.

LEG. MONTANO:

We're going to be here in three weeks.

MS. FAHEY:

It just allows them to continue with the progress that they're making now and not stop and wait for approval on items that the original lease required them to provide.

LEG. MONTANO:

Right, but it also has a clause in there, as Legislator Romaine pointed out, that future --

MS. FAHEY:

If I could, if I could address that.

LEG. MONTANO:

Well, address it.

MS. FAHEY:

If you continue to read that RESOLVED, it says "Execute future amendments of the lease in accordance with such terms and conditions negotiated by the County Attorney's Office and Rechler at Gabreski, LLC, necessary to facilitate the development and use of the property other than material terms relating to the rent and other amounts payable to the County or termination of the agreement," and the County Attorney is telling me that anything major is going to have to come back here by law anyhow. This is just minor amendments to the lease that you're authorizing the County Executive to agree to and sign amendments for like you do with all the other leases that come before you. This clause is typically in every lease resolution, it just was left out of this when we did the last lease by accident; that's all.

LEG. MONTANO:

I'd still send it to committee. Is anybody making a motion on this?

LEG. SCHNEIDERMAN:

I make a motion to commit.

LEG. MONTANO:

Second.

P.O. LINDSAY:

What motions do we have before us now?

MR. LAUBE:

That's the first motion.

P.O. LINDSAY:

Okay, motion to commit and a second. Is there any other motions?

LEG. COOPER:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Cooper and seconded by Legislator D'Amaro. Okay. Motion to commit goes first; roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay, it's committed.

1297-10 - Appropriating and accepting grant funds and amending the 2010 Adopted Capital Budget and Program in connection with the pavement management rehabilitation at Gabreski Airport (CP 5739) (County Executive).

LEG. LOSQUADRO:

I'll make a motion for purposes of discussion.

P.O. LINDSAY:

Motion by Legislator Losquadro, I'll second it. It's appropriating and accepting grant funds and amending the 2010 Adopted Capital Budget and Program in connection with the pavement management rehabilitation program.

LEG. LOSQUADRO:

Three million dollars?

D.P.O. VILORIA-FISHER:

Yeah, \$3 million from the FAA. I'll second that motion. Do you have a second?

LEG. LOSQUADRO:

Yeah.

P.O. LINDSAY:

We already have a second.

MR. NOLAN:

Our match is 2%.

P.O. LINDSAY:

Okay, our match is 2%. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We have a Bond Resolution for the 2%, accompanying Bond Resolution ***1297A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$3,156,735 bonds to finance a part of the cost of engineering and construction of the Pavement Management Rehabilitation at Gabreski Airport (CP 5739.110 and .311)***

LEG. LOSQUADRO:

First instance?

P.O. LINDSAY:

Yes, I believe so. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator -- same motion, same second, that's fine; roll call.

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

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, the last thing we have is Late Starters. I'm going to make a motion to waive the rules and lay on the table the following resolutions; 1287 is assigned to Public Works; 1288 to Public Works; 1289 to Parks; 1290 to Public Works; 1291 to Public Works; 1292 to Public Works; 1293 to Ways & Means; 1294 to Economic Development, Education & Energy; 1295 to Ways & Means; 1296 to Ways & Means; 1298 to Parks and set the following Public Hearing for 3/23/10, 6:30 PM in Hauppauge; 1299 to Public Works; 1300 to Health & Human Services; 1301 to Public Safety; 1302 to Ways & Means; Procedural Motion No. 5 to Parks, and that's it. Do I have a second to that motion?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

With that, I'll accept a motion to adjourn --

LEG. ROMAINE:

Motion to adjourn.

P.O. LINDSAY:

-- by Legislator Romaine, second by Legislator Barraga.
All in favor? Opposed? Abstentions? We stand adjourned.

MR. LAUBE:

Eighteen.

*(*The meeting was adjourned at 9:43 PM*)*

{ } - Denotes Spelled Phonetically