

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FIFTH DAY

March 23, 2010

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE

ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Verbatim Minutes Taken By:

Alison Mahoney & Donna Catalano - Court Reporters

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

*(*The meeting was called to order at 4:08 P.M. *)*

P.O. LINDSAY:

Okay. Mr. Clerk, you want to call the roll?

MR. LAUBE:

Good evening, Presiding Officer.

P.O. LINDSAY:

Good evening.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Present.

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:

(Not present).

D.P.O. VILORIA-FISHER:

I'm right behind you.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Could everyone rise for the salute to the flag, please, led by Legislator Horsley.

Salutation

This is the time usually when I introduce visiting Clergy, but he isn't here yet. So we're going to reverse things a little bit and when he arrives then we'll have the prayer, okay? So everybody can be seated for now.

And first up under proclamations is myself. Oh, I just saw the Clergy come in. Is that our clergy?

LEG. COOPER:

Yes.

P.O. LINDSAY:

Bring him up. Our Clergy just walked in, so I'd like the Legislator Cooper to come forward to introduce our visiting Clergy.

LEG. COOPER:

Good afternoon, everyone. **Monsignor Peter Ryan** has been the **Pastor of Our Lady Queen of Martyrs Roman Catholic Church in Centerport** since 1991. He was born in New York City and attended school in Nassau County. Monsignor Ryan studied for the Priesthood at Cathedral Preparatory School in Brooklyn and completed his seminary studies at the Seminary of the Immaculate Conception in Lloyd Harbor. He was ordained in 1962.

Before being assigned to Our Lady Queen of Martyrs, Monsignor Ryan served at several parishes. He has long worked tirelessly as an advocate for the less fortunate. Monsignor Ryan served as a member of the Suffolk County Human Rights Commission for ten years and was the first Catholic Priest assigned to the Smithaven Ministries. He plays a pivotal role with the Huntington Interfaith Homeless Initiative and has been a vocal supporter of affordable housing.

Under Monsignor Ryan's leadership, his congregation works hard to address social issues outside of their community. Several years ago, he started a relief program in Nicaragua. Each year, Monsignor Ryan and members of his church travel there to help local residents build their church, construct homes and educate their children. In 2008, The Times of Huntington named Monsignor Ryan Man of the Year in the religious category.

As he contemplates retirement, it is my distinct honor and privilege to introduce Monsignor Ryan to provide us with some much needed inspiration and blessings.

Applause

MONSIGNOR RYAN:

Thank you very much, Mr. Cooper. It's been a number of years since I've been here in the Legislature, but I used to be here to pester people for money, which I think probably still happens actually, doesn't it.

LEG. COOPER:

Yes.

MONSIGNOR RYAN:

So let's just take a moment, all of us, to sort of place ourselves in God's presence.

At this time in our country's history, when terrorism still darkens our skies and young men and women are in harm's way, when Federal, State and local governments still reel from the downturn in the economy, and unemployment and foreclosures haunt our neighborhoods, when violence and street crimes make daily news, and we can seem so politically divided, then help us, God, not to lose hope nor be discouraged. Rather, help us, God, to see how blessed we are.

We live on a beautiful Island, from Long Island Sound to the Atlantic Ocean, from Red Hook to Montauk Point, among people from every walk of life and almost every nationality and profession. How wonderful, gifted and talented our communities are. Forgive us, God, for the times take all of this for granted, for the times we fail to say thank you.

Today we pray for guidance and direction. Our Island home is your gift to us, we know it does not come without a price. We are charged to govern wisely, justly, with concern for our environment and respect for the common good and each other's rights. It is a taunting puzzle, a heavy burden. And so, Dear God, we need your help, your guidance, your inspiration and your love. Accept our prayer and our commitment, in all humility we give you ours. Ours may be a troubled time, but we are never without hope. Amen.

"Amen" Said in Unison

P.O. LINDSAY:

If everyone could remain standing for a moment of silence to keep in mind our young men and women that are in harm's way as we speak, and our young men and women who have given so many sacrifices that we can keep our freedoms.

Moment of Silence Observed

D.P.O. VILORIA-FISHER:

The first proclamation is being presented by Presiding Officer Bill Lindsay who will present a **Hometown Hero Award to Charles Russo** for his tireless efforts with many charities, especially his biggest gift to the community, *Christmas Magic*, where he makes sure children of families in crisis receive gifts to make their Christmas magical. Okay. Presiding Officer?

P.O. LINDSAY:

Charlie, could you join me? Thank you. I'm very pleased to have with us Charlie Russo today. Charlie is a very prominent attorney in our community. He's founded the firm of Russo, Karl, Widmaier and Cordano, and he's also a very distinguished member of the Suffolk County Bar Association, the Village Justice for the Village of Belle Terre for the past 20 years, and an Adjunct Professor of Criminal Justice for Suffolk Community College as well as CW Post College. But that isn't why Charlie is here.

Charlie is probably the most giving man I've ever met. Charlie has truly dedicated himself to community service over the years serving as the Chairman of the Board of Hope House Ministries for the past 29 years, as well as providing legal services for its residents and often pro bono counsel for those less fortunate. He is the Chair of the Nassau-Suffolk Homeless Coalition, The Giving Tree Camp, Every Child's Dream and Christmas Magic. And the last one, Christmas Magic, is where I've come into contact with Charlie. Every year, for how many years now?

MR. RUSSO:

Twenty-five.

P.O. LINDSAY:

For 25 years, he gives out toys to 5,000 kids every Christmas for the last 25 years. I'm not a mathematician, but if you add that up, that's an awful lot of toys. And Charlie, we're -- our communities appreciate what you do for us, but like so many times, we so very often don't take the time to say thank you. And that's what today is all about, is to recognize this incredible accomplishment over the last 25 years and to thank you for everything that you do for our communities.

Applause

MR. RUSSO:

Thank you very much.

D.P.O. VILORIA-FISHER:

Mr. Chair, I'm so proud of having Charlie as one of my constituents. And I've seen the gratitude of our community for Charlie's leadership. I've been to events in Port Jefferson and the surrounding communities where people have come out by the hundreds when Charlie has been the person that we've honored in the community. He's acknowledged as a true leader in all things that are good and that serve the public need. Thank you, Charlie, for all you do.

Applause

MR. RUSSO:

I just want to thank everybody. Obviously there's a large contingent of people that should be here today that help us both at Hope House and with our Magic Program. I guess all of our challenge in this special time is -- unfortunately, as Chair of the Homeless Coalition and as Chair of Hope House, we've never seen the problems that we have today. So I join in that challenge with you because it's not just yours as politicians. Our homeless situation is horrific. I spend far too many nights with parents and kids reaching out for help with the drug issues in our communities, and as Father just said, the violence on the streets.

It's a phenomenal challenge and I know that this group has many challenges before it and I respect it, I respect what you do. I know you'll be here to the wee hours of the morning trying to figure them out. But we're out there every day trying to figure it out also, and anything we can do to help, we're there. And I really thank you for this honor. And on behalf of all the people at both Hope House and our Magic Foundation, I thank you very much.

P.O. LINDSAY:

Thank you. Thank you very much.

Applause

Next, I'd like to call on Legislator D'Amaro who will present a [proclamation to Ashley Barker](#).

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. And to my colleagues and to the ladies and gentlemen present here today, it's my pleasure to be up here today to introduce you to Ashley Barker and her family who's attending with her today, including her mother Olga, her step-father Ismael Nieves, her sister Stephanie who's 10-years old and her brother Ismael who's just 10-months old joining the family today, and also joined by the Assistant Principal of Ashley's school, the Birchwood Intermediate school, is Mr. Steven Toto.

As we move into the summer months, one of the concerns that we have is about mosquitoes and mosquito-borne illnesses. And as we all know, mosquitoes tend to multiply quite rapidly in standing water. So what the Suffolk County Legislature has done since 2000 is instituted a "Dump the Water Campaign" as a way to educate children about the risks of mosquito-borne illnesses and ways that they can go around the house and in their neighborhoods and try and dump the stagnant water to prevent the mosquitoes from breeding, thereby carrying the illnesses into their homes and into their neighborhoods.

Mosquitoes can carry some very severe types of diseases, very noxious diseases, including West Nile Virus, Encephalitis, Malaria and Yellow Fever, so that's why it's really important that we educate young children about the dangers of stagnant water and also that we should dump the water. So to meet that challenge, what we do is we run a contest every year where students in various grade levels are asked to come up with a poster, and we go through a process where each of the students submits a poster and eventually we come down to one winner, one poster that is selected in order to fulfill our campaign, the County's campaign to encourage people to dump the water.

Now, Ashley, who's joining us here today, is a third-grade student at Birchwood Intermediate School in Melville, she participated in the 2010 Dump The Water Poster Contest, along with 78 other students in the South Huntington School District, which is a district that I happen to represent, and her poster was selected as *my Legislative District's 1st place winner*. And by being selected as 1st in my district, of course it moved into the County-wide competition. And I'm pleased to tell you and announce here today that Ashley's poster was selected in the County-wide competition as the *poster to promote the "Dump The Water Campaign" for 2010*.

So Ashley, on behalf of myself, all of my colleagues on the Legislature, and all the residents in Suffolk County, I just want to say, one, we appreciate your contribution to the safety and well being of all of us here in Suffolk County, especially with respect to mosquito-borne illnesses. And second, I want to offer you my sincerest congratulations for coming up with such a great poster that's going to be used by Suffolk County now to promote "Dump The Water" and keep those mosquitoes away from us and our families. Ashley, congratulations.

Applause

LEG. D'AMARO:

Thank you.

P.O. LINDSAY:

Okay, next up is Legislator Cooper. And Jon, why don't we do the Police Officers first, okay?

LEG. COOPER:

Oh, sure.

P.O. LINDSAY:

Just so they can get back to their business.

LEG. COOPER:

Thank you all. If you could you come -- officers, if you could come forward, please? Thank you. We're going to go a little out of order. Thank you.

On February 11th -- rather, on February 19th, a 911 operator fielded an emergency call about a 49-year old man who was not breathing, had no pulse and was unconscious on the floor of the Wachovia Bank in Huntington Village. The victim, Brian Lynch, a retired NYC Police Officer, was working at the bank when he apparently suffered a heart attack. Four Suffolk County Police Officers from the 2nd Precinct quickly responded to the scene. The officers brought in all the equipment and the rescue just fell into place. **Police Officer Anthony Lee** who worked on chest compressions, **Officer Steven Indelicato and Charles Messina** worked the ventilation bags, and **Officer David Waymouth** employed the automatic external defibrillator. After several shocks from the defibrillator, they were able to detect a faint pulse. They continued CPR and assisted in ventilations until Mr. Lynch was able to breath on his own. The ambulance arrived and rushed Mr. Lynch to the hospital and we understand that he is now recovering well. Mr. Lynch is alive today thanks to the efforts of these four brave, calm and well-trained Police Officers. It is my great pleasure and honor to award each of you a proclamation for your heroism and service to the residents of Suffolk County. Thank you all very much.

Applause

LEG. COOPER:

I'm sorry. And I also want to invite up Legislator Jack Eddington, the Chair of the Public Safety Committee.

Actually, I was just informed that Brian Lynch is in the audience. Brian, would you like to come up and say a few words?

MR. LYNCH:

I really have no words.

This is actually the first time that Mr. Lynch had an opportunity to say thank you.

Applause & Standing Ovation

LEG. COOPER:

I did want to take this opportunity to thank my colleagues in the Legislature for approving funding for AED's. It's devices such as this throughout Suffolk County that have already saved countless lives and will undoubtedly save countless additional lives in the future. So thank you.

Applause

P.O. LINDSAY:

Jon, you want to stay there, or do you want to take a picture and come back or do you want to do the poster? You want to come back and do the poster?

LEG. COOPER:

Yeah, if I could, if someone else could go.

P.O. LINDSAY:

Yeah, no problem. No problem. Next up is Legislator Nowick who will present a proclamation to her constituent, Judy Bishop.

LEG. NOWICK:

Hello, Judy. Judy, I'm going to ask your family to come up also. You trekked out in this weather. Dr. Agruso? Where's Mom?

MS. BISHOP:

She won't get up.

LEG. NOWICK:

Come on, I need you. Come on, come on. Carol, get her up.

*(*Laughter*)*

Who could be more important? Sorry, Judy, but Mom is --

MS. BISHOP:

Of course.

LEG. NOWICK:

You know. Today it's my pleasure to introduce *Judy Bishop* from Smithtown who I'm recognizing as the 20 -- *2010 Woman of Distinction* for my Legislative District.

Judy has been an integral part of her community where she's always helped and her desire to help has been legendary. In addition to working full-time at the Kings Park School District and raising her three children -- they're all here, right?

MS. BISHOP:

Yes.

LEG. NOWICK:

Judy is always busy doing something to help neighbors, organizing a blood drive for children with Leukemia, coordinating pasta dinners for people who are sick, managing the American Cancer Society's Relay-For-Life, and many more projects. Judy is around -- everybody knows Judy. She's helped to develop the Kings Park Heritage Museum where she remains, still remains a dedicated volunteer and donates a lot of her time and energy to many school related activities. Her Mom is here with us today who I thank and I got her up, and of course members of her family, and I think it's Jack's birthday today?

MS. BISHOP:

Yes.

LEG. NOWICK:

Happy birthday to her son Jack. And just quickly, I want to tell you Judy does it all. Judy is around, does it all, everybody in Kings Park knows her, and it's evidenced by the fact that Dr. Susan Agruso, the Superintendent of Kings Park School, actually took the time to come here. Thank you, Dr. Agruso. But the most impressive thing -- and I don't think I've ever told you, Judy -- is that when she was honored at the Kings Park Chamber of Commerce one year, her children did the introduction; do you remember that? And it was so wonderful to hear her children speak of her the way they did. It was -- it's a true testament to what she's done, not only for the community, because they certainly are proud of you and appreciated, but my goodness, you have done your job in community and in family. Congratulations to you, Judy.

MS. BISHOP:

Thank you.

LEG. NOWICK:

It's my pleasure to have you as the Woman of Distinction.

MS. BISHOP:

Thank you.

Applause

P.O. LINDSAY:

Okay, next up is Legislator Losquadro. Thank you.

LEG. LOSQUADRO:

Thank you. If I could ask all the representatives and the students from the Madrid Exchange Program from Shoreham-Wading River to please come up. I would like everyone to give a nice welcome to our students and the parent chaperones who are with us here today from Madrid, Spain.

Applause

D.P.O. VILORIA-FISHER:

Dan, if I might? "Bienvenidos a todas".

LEG. LOSQUADRO:

And you see we do have a couple of Spanish-speaking Legislators with us here today. But I want to say a special thank you to the parents and the chaperones who make this happen.

Shoreham-Wading River School District has had an exchange program in place for over 30 years now. And during difficult times that we're in, this program has not been funded by the school for some time, and it is really a testament to parents and dedicated teachers that this program continues. We have students who really learn the value of raising money and doing something that truly benefits the community. Our students recently returned from their exchange time in Spain, in Madrid, and in the spirit of this multi-culturalism, I am actually wearing a gift, my European union pin under my American Flag pin. Because when our students were there, they were exposed to the political workings in Europe, in Spain.

So I'm very pleased that they came here today to see our American political system in action. Hopefully nothing goes too wrong today. But I want to say thank you to all of them and a special thank you to the parents. I have certificates for all the students and proclamations as a special thank you for parents and chaperones who really have worked so hard to keep this wonderful program alive. So thank you.

Applause

P.O. LINDSAY:

I'm going to ask Legislator Cooper to go back to the podium to give his second award.

LEG. COOPER:

Come on down. Thank you again. Thanks to Legislator D'Amaro, I had to rip up about half of my speech since you've already learned enough about mosquito-borne viruses and stagnant water. But my student, Dayna Peters, is a 5th-grade student at Dickinson Avenue School in East Northport. And along with many of her classmates, Dayna also entered the 2010 "Dump The Water Campaign Poster Contest".

As you can see, Dayna's poster was creative, clear, colorful and clever, and it was selected as the 2nd place winner from hundreds of really terrific entries from all across Suffolk County. So it gives me great pride and pleasure to welcome Dayna, joined by her parents, her siblings and her grandparents, as well as her teacher, Mr. {Scherzer}, to the Suffolk County Legislature to be recognized for her outstanding achievement. Congratulations, Dayna.

Applause

Thank you very much.

MISS PETERS:

Thank you.

P.O. LINDSAY:

Okay. Next is Legislator Viloría-Fisher to present a proclamation to seven students from Ward Melville High School.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Presiding Officer. I'd like my former colleague and friend, Dr. George Baldo, to join me at the podium. Because Dr. Baldo, in his leadership of the In-Tel Program -- well, it's more than the In-Tel Program at Ward Melville, it's the Science In-Star Program, it's the Science Research Program -- has really helped so many young people learn the value of research, help to guide them and mentor them as they've worked for years through the summer on their programs, and the results have been nothing less than extraordinary.

This year we are honoring seven young people who were *In-Tel Semi-finalists*, and two of the seven were finalists and went to Washington to compete. Our first honoree is honor -- *Conor Bodkin Diviney* and the name of his project is *The Synthesis of Compounds as Inhibitors of the Menaquinone Biosynthetic Pathway in Mycobacterium tuberculosis*. Conor, can you come up here, please? Thank you. Thank you, Conor. Can you just tell me, who was your mentor, where did you work?

MR. DIVINEY:

Dr. Peter Tong at Stony Brook.

D.P.O. VILORIA-FISHER:

You worked at Stony Brook, okay. Did you enjoy it or was it drudgery? A little bit of both?

MR. DIVINEY:

It was enjoyable.

D.P.O. VILORIA-FISHER:

It was enjoyable. Well, congratulations. We're really proud of you,

MR. DIVINEY:

Thank you.

D.P.O. VILORIA-FISHER:

And I'm sure that the work that you have done on this will have ramifications in the future.

MR. DIVINEY:

I hope so.

D.P.O. VILORIA-FISHER:

I hope so, too. Thank you so much.

Applause

You can stay up here. Okay, next I would like to invite *Nimali Ayanthi Weerasooriva* who worked on *Inhibition of Fatty Acid Biosynthesis in Mycobacterium tuberculosis: Towards a Novel Tuberculosis Chemotherapeutic*. Now it says chemotherapeutic, but that's an adjective; you need a noun after that, right? Chemotherapeutic --

DR. BALDO:

It's also a noun.

D.P.O. VILORIA-FISHER:

Chemotherapeutic used as a noun, oh; scientists that play fast and loose with the English language.

DR. BALDO:

We're saving words.

D.P.O. VILORIA-FISHER:

Okay. And again, more, really, it seems, work that would have application in saving lives.

MISS WEERASOORIVA:

Yeah, definitely.

D.P.O. VILORIA-FISHER:

So congratulations. Thank you for your work. And where did you work?

MISS WEERASOORIVA:

The same lab as Connor.

D.P.O. VILORIA-FISHER:

You worked the same lab as Connor, again, at Stony Brook University, which is such a wonderful research center and of really great importance to all of us in Suffolk County. Thank you, and congratulations to you.

Applause

Next I'd like to invite [Rashmi Rao](#) to join me. And Rashmi worked on -- did I say it wrong? Rashmi, right? Okay -- *Pattern Classification of fMRI Data for Understanding Brain Activity in Drug Users*, boy, we've been talking a lot about this in Suffolk County lately where we had been looking at the work of Dr. Dewey who worked at BNL. Where did you do your research.

MISS RAO:

Stony Brook university.

D.P.O. VILORIA-FISHER:

At Stony Brook also. Well, great work. And this certainly has, again, very important ramifications for future studies. Thank you. And congratulations to you.

Applause

Next I'd like to invite [Pooja Mysore](#). Pooja? And Pooja worked on the *effects of Algorithmically Derived Calcitonin Receptor Peptide on the Formation of Bone Matrix*. Congratulations to you. And again, health related and certainly very important and interesting work. And did you work at Stony Brook as well?

MISS MYSORE:

Yes.

D.P.O. VILORIA-FISHER:

Okay, that's great. Congratulations to you. We're very proud of you.

Applause

[Andrew Li](#), can you join me, please? Hi, Andrew.

MR. LI:

Hi.

D.P.O. VILORIA-FISHER:

I'm glad you made it, I was getting worried. Okay, Andrew worked on an *Estimate of the Viscosity of the Quark-Gluon Plasma via Anisotropic Flow Measured in --* I'm saying gold plus gold because it says Au + Au; is that how you say it?

MR. LI:

Yeah, or gold collisions.

D.P.O. VILORIA-FISHER:

Collisions at the Relativistic Heavy Ion Collider. Many of us know that as RIC out at BNL, so I guess you worked at BNL?

MR. LI:

No.

D.P.O. VILORIA-FISHER:

No?

MR. LI:

I worked at Stony Brook.

D.P.O. VILORIA-FISHER:

But did you work with the collider at RIC at all?

MR. LI:

They passed the data over to Stony Brook.

D.P.O. VILORIA-FISHER:

Come on closer.

MR. LI:

They passed the data on to Stony Brook.

D.P.O. VILORIA-FISHER:

Oh, so BNL passed the data to Stony Brook and you worked with it there.

MR. LI:

Yes.

D.P.O. VILORIA-FISHER:

Have you seen RIC, though?

MR. LI:

Yeah, we went there over the summer.

D.P.O. VILORIA-FISHER:

It's an amazing contraption. Congratulations, Andrew. I have no idea what this means, but I'm sure it's wonderful. Congratulations.

Applause

Well, I know when I was first introduced to the Collider it was because, you know, doing research on the Bing Bang Theory and how it all begin. Are you working toward that end?

MR. LI:
Not quite.

D.P.O. VILORIA-FISHER:

Not quite, okay. Some day we'll sit down. Okay. Uval Calev? Now, Uval was a finalist, he went to Washington D.C., and his project was something that we can all pronounce. Okay, he worked on. *Language Perception, Production, and Memory: A Comparison of Older and Younger Adults*. Well, we have some people in the Legislature who can help you out with that. Thank you very much for your good work.

MR. CALEV:
Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Congratulations. And congratulations for representing us in Washington.

Applause

And I'd like Roy Jiang to join me please. Roy? Roy -- congratulations.

MR. JIANG:
Thank you.

D.P.O. VILORIA-FISHER:

And Roy worked on the -- *Targeting Loop Dynamics in BETAI/BETAIII Isotype Tubulin: The Application of in silico Techniques in Combating Chemotherapy Drug Resistance*. And I'll have you know that not only was Roy a finalist in the In-Tel Competition, but he was a winner in the Seaman's Competition, and I think that he's the first youngster in history to win -- to reach those levels in both competitions. So congratulations to you, Roy.

Applause

And you know, all of these young people are involved in many other activities in their schools, at Ward Melville, besides what they're doing. Is anybody here involved in anything else at school? What else do you do, orchestra or anything? Hang out?

(*Laughter*)

I'm not going to put you on the spot. Thank you very much for your work. You know, we have a tremendous brain trust here in Suffolk County and here we're exemplifying it beautifully in you young people. Thank you for coming.

Applause

P.O. LINDSAY:

Thank you very much, Legislator Vilorina-Fisher. Legislator Kennedy?

LEG. KENNEDY:

Right here, Mr. Chair. Legislator Muratore is going to join me.

Thank you, Mr. Chair, for this opportunity. And I'm going to ask the Sachus North Varsity Cheerleading team to join us, please.

Applause

Mr. Chair, you know directly, having a section of the school district in your Legislative District, and many of our members around the horseshoe know firsthand of the outstanding academic excellence

with Sachem School District. And as you can see before you, we have a wonderful team full of young ladies who have competed mightily on behalf of their school district, starting here at a local level and progressing all the way to National Cheerleading Championships in Orlando, Florida where they placed at the highest level of any school district in all of New York State. Good job.

Applause

Again, as we've had the privilege to say so many times over, Mr. Chair, we see the best and the brightest of our students here in Suffolk County. It gives each and every one of us great honor and great privilege to recognize them. Ladies, each and every one of you and your coaches, and all the parents that are here, this is a milestone of achievement for you, something you will carry with you all your lives. Take this drive for competition, apply it to your scholastics and you will succeed beyond your dreams. We commend you. And Legislator Muratore, who I have the great privilege of sharing the district with, wants to share his regards as well.

LEG. MURATORE:

Ladies, congratulations. You know, I really feel attached to Sachem. My nephew teaches up there and my niece is up at North also as a guidance counselor. And I found out just now that my nephew did graduate with your coach, so I am really attached to this team. God bless you all and keep up the great work and thank you for all you've done for sachem. Thank you.

Applause

P.O. LINDSAY:

Congratulations, Ladies.

"Thank you" said in unison

Last year I was in Florida and I was -- I think we were coming back and you were on the plane.

(*Laughter*)

And they made you -- the stewardess made you give a little demonstration on the plane; do you remember that?

LEG. SCHNEIDERMAN:

Are you looking for a demonstration now?

P.O. LINDSAY:

Yeah.

UNKNOWN AUDIENCE MEMBER:

Come on, girls, gave a cheer.

Applause & Encouragement

Cheer performed by Sachem North Varsity Cheerleading Team

Applause

P.O. LINDSAY:

Very good. Very good.

The last proclamation, Legislator DuWayne Gregory.

LEG. GREGORY:

Thank you, Mr. Chair, and my colleagues on the Legislature. We've heard so many wonderful stories and accomplishments today. I bring before you today four officers who were in the news recently, actually just two days ago. They ran into a burning home, a smoke-filled home and saved three children in a Wyandanch community, ages of two, six and seven. I wanted to congratulate them and thank them for their bravery and heroism and all the efforts that you do on a day-to-day basis.

We see our officers and we don't realize how they put their lives on the line, but every single day their lives are in jeopardy and we want to recognize their efforts for saving not only our property and protecting us, but protecting our children and going beyond the call of duty. So we wanted to give them a proclamation in recognition of their efforts and say, gratefully, thank you for your efforts and we're glad that you were there at that moment to save those children's lives. Thank you.

Applause & Standing Ovation

P.O. LINDSAY:

DuWayne, if you could make it quick, because I'm going to take a motion -- a resolution out of order.

We have with us tonight the approval of a resolution to approve Dr. Tomarken who is our proposed new Health Commissioner. And Dr. Tomarken, rather than make you wait around until we can get to your resolution on the agenda, I'm going to ask my colleagues if they'll take your resolution out of order so you can go home with your family tonight. We're not usually that kind, there will be future nights where you'll be asked to stay. I'm going to make a motion to take 1257 out of order.

LEG. BARRAGA:

Second.

LEG. BROWNING:

I'll make a second.

P.O. LINDSAY:

It's on page eight. I'm just going to wait a minute.

LEG. BROWNING:

Second, Bill.

P.O. LINDSAY:

Yeah, I have the second, I have the second. I'm just waiting for everybody to catch up. I know Legislator Gregory is out in the hallway and he should be back in a minute.

Okay, we have a motion and a second to take IR 1257 out of order.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Thirteen (Not Present: Legislators Romaine, Muratore, Montano, Kennedy & Gregory).

P.O. LINDSAY:

Okay. ***1257-10 - Confirming appointment of James L. Tomarken, MD, as Commissioner of Health Services (County Executive).***

Dr. Tomarken, would you please just come up here? The doctor appeared before the Health Committee the other day and spent a quite a bit of time with us answering questions and so forth, but I asked him to come today in case anybody would have any questions, anyone that couldn't attend the Health Committee meeting the other day. Does anybody have any questions? Seeing none, I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. All in favor? Opposed? Abstentions? Congratulations, Dr. Tomarken.

MR. LAUBE:

Sixteen (Not Present: Legislators Romaine & Montano).

P.O. LINDSAY:

Very good.

Applause

DR. TOMARKEN:

Thank you. I look forward to working with the Legislature, the County Executive and the Department of Health in a constructive, progressive manner. Thank you again.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

I should note for anyone who wasn't at the committee the other day, this is a little bit different assignment than his last assignment. He spent two-and-a-half years working for the Clinton Foundation in a hospital in Liberia, right.

DR. TOMARKEN:

Correct.

P.O. LINDSAY:

So this -- challenges are here, but not maybe quite as much as you were faced over there. Thank you.

DR. TOMARKEN:

Thank you.

P.O. LINDSAY:

All right, Public Portion. Oh, wait, I should -- I have an announcement. Today in the lobby, you may have noticed, we have an information table with representatives from the New York State Comptroller's Office. If you visit the table today, you can have the Comptroller's Office check the unclaimed funds database to see if a past check owed to you was never cashed. New York State is in possession of \$9.9 billion in unclaimed funds owed to more than 23 million accounts. In 2008, an individual claimed the largest personal unclaimed fund in New York's history amounting to \$4 million. Most unclaimed funds discovered are \$100 or less. This is a free service offered by the Comptroller's Office, they'll be in the lobby until 5:30. And believe it or not, a member of my staff checked and they were on it, they're getting some money coming to them.

All right, Public Portion. First up, Mike Caplice from the Comptroller's Office.

MR. CAPLICE:

Thanks very much for having me today. I'm honored to be here on behalf of State Comptroller Tom DiNapoli. Many of you know that I'm the Long Island representative from the Comptroller's Office,

and one of our priorities is the Unclaimed Funds Program which, as Legislator Lindsay mentioned, is a \$9.9 billion fund which in Suffolk County alone there's currently 286,947 claims, so that's totaling over \$123 million.

It's a free governmental service provided by New York State Law.

It's not a scam, and I hope that everyone here will check not only themselves, but their family, their friends and their relatives.

It only takes a few seconds and you never know if you have something. So it could be a paycheck you never cashed, a bank account you forgot about, a utility refund check you never received and so on. So if you don't feel like talking to me today, you can do the same search on our website at any time which is www.osc.state.ny.us.

And I also, while I'm here, just wanted to make sure that all the Legislators know that I'm available for programs in your districts. If you go to senior centers or you have a health fair or office hours, anything like that, please contact me, you know, I'd love to work with you.

And in addition, if you have any questions, concerns, pension issues, constituent issues, anything else that pertains to our office, please feel free to reach out to me. I'll give everyone my phone number, it's 631-952-6433. So thanks again for letting me speak and for having me today, and I look forward to continuing to work with all of you.

Thanks a lot.

P.O. LINDSAY:

Thank you, Michael. Marvin Eugene Henley followed by Patrick Hannigan. Hannigan? Hannigan? Hannigan, okay.

MR. HENLEY:

Good afternoon. Thank you for the opportunity to present testimony today. My name is Marvin Eugene Henley.

LEG. LOSQUADRO:

Sir, just pull the microphone down a little?

MR. HENLEY:

I reside at 60 Lloyd Avenue, North Babylon, New York. I was asked to testify on behalf of William Matthew Groh, founding and Acting Chairperson of Concerned Citizens for Sewers. He could not be here today.

Concerned Citizens for Sewers is a civic association created to advocate sewer district hook-ups for homeowners in North Babylon, Deer Park, West Babylon, West Islip and Wyandanch. Concerned Citizens for Sewers was started because our Legislators have failed to sufficiently represent the interests of homeowners.

The Legislature has failed us as follows; one, has the Legislature stopped numerous contractees from hooking up to the Southwest Sewer District, bypassing homeowners that have been waiting for more than 30 years to hook-up? No. The list is appalling. It includes the Walt Whitman Mall in Huntington, Pilgrim State, the Brentwood Campus of Suffolk County Community College and Entemann's. More recently, the Belmont Lake Villas, the Deer Park Avenue Villas, the Windgate Hotel on Crooked Hill Road in Brentwood, the Tanger Outlet Center in Deer Park and Providence-on-the-Park Project in Islip Terrace have all been permitted to hook-up. Had these contractors utilized gravity pipes instead of forced mains, we would have had most of the infrastructure in place to hook-up residential areas. The approach that the Legislature has taken is unacceptable.

Two; regarding the connection fees that are paid by contractees, has the Legislature allocated these monies to a dedicated fund for the specific purpose of installing pipes in residential areas? No.

Three; has the Legislature allocated usage fees paid by contractees to a dedicated fund to be used to install pipes in residential areas? No.

Four; has the Legislature dedicated a percentage of the Quarter Cent Sales Tax to fund installations of pipes in irrelevant, residential areas? No.

Five; has the Legislature passed legislation requiring all contractees who wish to benefit from hooking up to the Southwest Sewer District to contribute to a special fund to be used to install pipes in residential areas? No.

Item six; has the Legislature pushed for the creation of public benefit plans to fund infrastructure improvements for the benefit of our residents? No. The Tanger Outlet Center in Deer Park is a prime example of failure in this area.

Seven; has the Legislature sufficiently advocated to the Environmental Facilities Corporation that a scoring system does not adequately recognize the need to address the area failing cesspool infrastructure?

P.O. LINDSAY:

Mr. Henley, you're out of time.

MR. HENLEY:

Thank you.

P.O. LINDSAY:

Thank you.

MR. HENLEY:

Respectfully submitted, Marvin Eugene Henley for William Matthew Groh. Thank you.

P.O. LINDSAY:

Patrick Hannigan followed by Tim Morris.

MR. HANNIGAN:

Good afternoon. I'll apologize ahead of time if I lose my voice halfway through, I'm fighting a little bit of laryngitis. However, this matter is important enough that I felt it was necessary to be here.

My name is Pat Henagan and I represent the Ridge Civic Association in Ridge, New York. On behalf of the Ridge Civic Association, the citizens of the community of Ridge in regards to IR 1263-10, we wish to make it known that we are adamantly opposed to the passage of this bill which is before you tonight. It is appalling that in this time of financial crisis, the County is considering spending nearly half of a million dollars in taxpayer money in support of a development project that has yet to have legislature approval to go forward. The County Executive is considering raising the sales rate -- sales tax rate to make up for budget shortfalls in this time, yet is seeking approval to waste taxpayer money on a project that may never happen and that is not supported by any members of the communities affected except for Mr. Levy and the developer of the project.

The EIS is the developer's responsibility, not the seller's, and especially not the taxpayer's. Should the EIS show that the land is unsuitable for development, the developers decide not to pursue the project or the Legislature votes that the land is not surplus, we, the taxpayers of Suffolk County, will be out \$411,000 plus which could have been used for many other purposes for the public good.

Time and time again, Mr. Levy has touted that this project is to stem the flow of people off of Long Island. His claims that people are leaving because of the lack of affordable housing here; this is not the case. What drives people away from Long Island is the high taxes and lack of job diversity and opportunity. Wasting the taxpayer's money on proposals such as this one is one of the reasons our taxes are so high. This project does not benefit the taxpayer. It is a quick flow of cash to try and balance the County's budget shortfalls and it's only in the best interest of the developer and a handful of short-term construction jobs.

In the long run, there is no doubt that this will increase our taxes, decrease our quality of life and negatively influence our school system. We implore you to listen to the voice of the people and vote no on IR 16 -- 1263-10. Any more money spent on this should come from the developer. Stop making the residents fund a product -- project that the County Executive has no right to pursue currently. Thank you very much.

Applause

P.O. LINDSAY:

Tim Morris followed by --

LEG. LOSQUADRO:

Thanks, Pat.

P.O. LINDSAY:

-- Johann McDonnell.

MR. MORRIS:

Good afternoon. My name is Tim Morris, I'm 1st Vice-President of the Suffolk Police Superior Officers. Thank you for allowing me to address you today.

Last week the Public Safety meeting -- at the Public Safety meeting, civilianization within the Police Department was addressed and discussed. One of the areas that the Police Department is looking to civilianize is in our Aviation Section. They plan to replace trained Police pilots with Emergency Medical Technicians. Those EMT's will perform all the tasks that the Police Officers did, but not necessarily EMT functions. They will perform all the tasks but one and that is landing the aircraft or taking over in an emergency, they will not be able to do that. The County thinks this is smart, we think it is plain foolish. The Suffolk County Police Aviation Unit has one of the safest flying records in the country; let's keep it that way.

The department would further like to civilianize the eleven Duty Officers that hold the rank of Sergeant in our Communications Section. Removing those sworn Police Officers from their jobs will be removing the last sworn Police Officers in Communications. In post 9/11 atmosphere, most places are looking to enhance security, especially at public safety buildings, but here in Suffolk County we're systematically dismantling our security.

Over the last number of years, the number of sworn personnel in the Headquarters building has swindled to the point where if this plan is implemented, we will not have one sworn Police Officer in the building between 0100 hours and 0700. The building not only handles all of the Emergency Complaint System for our County, but also contains sensitive records, computers and equipment. The public has an expectation when they see a Police facility that they will be able to get assistance at any time, but what our citizens get now is a locked door and a phone they can use outside the Headquarters building to call 911 inside; sounds like a comedy sketch, but sadly it's not.

Our Duty Officers come with years of patrol experience and are there to supervise and maintain control over all operations of the department 24-hours a day. The services are especially critical on evening and overnight tours when less supervision and Police Officers are available in the street. The Communications Section is the lifeline of this department and to leave this area without sworn

Police Officers is foolish.

Our Duty Officers are there to assist with Police pursuits, large-scale incidents and crimes. Sworn Police Officers have the working knowledge and institutional knowledge of the street necessary for the overall supervision of this most vital function of the Police Department. There are many functions that we believe only a sworn Police Officer should do in Communications. Telephone tracers are routinely necessary to trace calls from suicidal persons and domestic incidents; those numbers are only given to sworn Police Officers. The Duty Officers are responsible to record blood warrants and are involved in the warrant application process. How do you bring --

P.O. LINDSAY:

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

MR. MORRIS:

Okay. All right. As you consider IR 1164, don't allow those who -- those persons in the media who would have you believe that passing the bill would handcuff the Police Department; it's not true. This only talks of policy, policy changes in the department. We still would be able to turn on the dime, as the Commissioner has said. Thank you very much.

Applause

P.O. LINDSAY:

Johann McConnell followed by John McConnell.

MS. McCONNELL:

Good afternoon. My name is Johan McConnell, I'm President of the South Yaphank Civic Association. The Civic Association is opposed to IR 1263-10 for the following reasons. The taxpayers of Suffolk should not have to pay the cost of conducting an Environmental Impact Statement without a signed commitment from the developer. In this time of fiscal concerns, with County workers being asked to accept a lag payroll, with a decrease in the number of candidates for the Police Department, and with cuts proposed to the State and town budget, how can you ask the taxpayers to fund this study?

An Environmental Impact Study should have been prepared before the RFP was sent out, not afterwards. It actually should have been prepared when County Executive Levy first suggested the sale of the County property in Yaphank several years ago. The need for an Environmental Impact Study was discussed by both committees formed to study the property, both the RFEI and the RFP. And at the committee, we were always told that it would be the responsibility of the developer, not the County and not the taxpayers.

The only reason we are even here today is because the environmental community and the community of Yaphank spoke before the Council on Environmental Quality expressing our concerns about the proposed development of the property. Left to County Executive Levy, this proposed development would have moved forward without an environmental impact statement. I ask you to please vote no for IR 1263-10.
Thank you.

Applause

P.O. LINDSAY:

John McConnell followed by Pat Rowlings.

MR. McCONNELL:

Good afternoon. John McConnell, member of the South Yaphank Civic. Also talking about this resolution, IR 1263-10, it should be voted down. There's a bunch of reasons. I was just reading this -- I'm sorry. I was just reading this today, Wildlife Magazine here, it has -- there's an old saying that money speaks and politicians listen; hopefully that's not the case. Anyway, that's a noble express here.

*(*Laughter*)*

The sale of this land as surplus is illegal, according to some experts; this is legal experts, by the way. Legacy Village, or "Levy World", would have a devastating effect upon the environment in many ways. To have a sports arena next to the Carmen's River, practically on the banks of the river, is ludicrous. This arena would also be a financial burden on the taxpayer. County Executive Steve Levy said at Bethpage about two or three weeks ago, State park -- Bethpage State Park, that we must preserve open space, this must be one of our top priorities; this is what he said. Why, then, is he willing to sell this land which was taken by eminent domain, as you all know. The Carmen's River must be protected at all costs, as most of our rivers are polluted, whatever, in many ways. This project will certainly harm this river, if not kill the river, because it's right next -- it's in the watershed, it's right next to the river. Again, I think it's worth repeating, Carmen's River must be protected at all costs.

The South Yaphank is strongly opposed to this project. Many other civics and other environmental groups also strongly oppose Legacy Village, for a whole bunch of reasons, I'm going to keep it short on here. As Suffolk County Executive Steve Levy has enraged many different groups, not just South Yaphank, a whole bunch of groups, not just civics and whatever, environmental groups. We actually at South Yaphank have suffered enough under Steve Levy. Please vote against this resolution. Thank you.

Applause

P.O. LINDSAY:

Pat Rowlings followed by Chad Trusnovac?

MS. ROWLINGS:

Good afternoon. I'm Pat Rowlings, I work at John J. Foley.

LEG. LOSQUADRO:

You have to hold the button down, ma'am.

MR. LAUBE:

There's a button.

MS. ROWLINGS:

Hold it while I speak?

P.O. LINDSAY:

Yep, that's it.

MS. ROWLINGS:

Sorry. Good afternoon, I'm Pat Rowlings, I work at John J. Foley. I'm here once again fighting for our jobs, fighting for our livelihoods, fighting for our lives. Thank you again for taking the time to listen to us and thank you all for your past support.

I've been a dedicated CNA at John J. Foley for 22 years. I've spoken with you before about our residents, our staff and what a special place our facility is. We are a family. As a matter of fact, my mother is currently rehabbing on the 5th floor. She looks better in the last two weeks than she has in the last two years. But also, there are many children in our family. Many are being raised by single mothers. While the bankers on Wall Street, once again, are enjoying bonuses, it's our children that bear the burden of their selfish actions. Please remember how many of our children are depending upon our jobs and health insurance for their futures.

There's been many rumors that Mr. Levy wants us to make concessions at John J. Foley? We have been recently given back -- we have recently given back 3 to 4% of our wages. This percentage was given to us by the County years ago so we would give up having two consecutive days off. We split our days so the County could save on overtime and stretch our nursing staff further. Because our staffing is at an all-time low, it is near impossible to get any time off. About half of our staff could not get any pre-approved vacation time for all of 2010. We weren't even allowed to change days off during the holiday, so therefore, hardly anybody got to spend time with their families for Christmas.

Many of us have been working continuously attending union and Legislative meetings, writing letters, getting petitions signed and even marching in a parade to get our message out there. So in reality, we have given back quite a lot, wages, we've participated in the lag payroll, we've done without Christmas with our family, without vacations, we've given up our free time and many sleepless nights worrying about our jobs. We're all doing our best knowing that Mr. Levy will do anything possible to drop an axe on our heads at any moment. We are slowly being bled to death. Please don't let Mr. Levy force you to drop that axe.

For over a year we have worked hard in many ways to turn our financial liability around, and in a short time, much has gotten accomplished. Something as simple as being conscientious and turning off lights has dropped our electric costs significantly. Please don't let all of our hard work be for nothing. And why would anybody want to buy us if we didn't have the potential to make money? We can turn a profit. Surely they must see the same potential that we have seen all along.

And lastly, imagine the panic our staff went through recently when not once but twice businessmen were shown around our building and all of our assets being pointed out. All that was missing was an open house or a for sale sign by owner. Well, John J. Foley Nursing Facility does not belong to Mr. Levy, it belongs to our residents and to the people of Suffolk County, it belongs to the taxpayers that will need us in the future. Selling our facility will not solve our County's budget problems, it will leave many families on unemployment --

P.O. LINDSAY:

Pat? You're out of time, Pat.

MS. ROWLINGS:

Thank you.

Applause

P.O. LINDSAY:

Chad is up followed by Chris Destio.

MR. TRUSNOVEC:

Good afternoon. Briefly, before my statement, as a Lieutenant in the New York City Fire Department, and also as an ex-chief of the Yaphank Fire Department, and maybe even more importantly as a taxpayer in Suffolk County, I'd like to congratulate the Police Officers that were awarded here tonight, if they're still in hearing distance. And it's not very often that you hear a fireman congratulating a cop, certainly not in public.

*(*Laughter*)*

My name is Chad Trusnovec, I am the President of the Yaphank Civic Association. I've addressed you before and as you all well know, I am adamantly opposed to this project called Legacy Village. But I come before you today as a taxpayer and I implore you to not use taxpayer money to fund the Environmental Impact Study.

At a time when our entire nation is in a recession, State and local governments are strapped for cash to carry on every day business. It makes no sense to spend almost a half of million dollars on a project that is, by the County Executive's own words, only a concept. At a time when our children are being gunned down in the streets due to increased gang activity and other violence, when the County Executive fights to not fund proper Police protection, this hardly seems to be a valid use of taxpayer money.

I believe the developer, the one that stands to make the profit in this project, should be funding this project, not the taxpayers. If the taxpayers fund this and the project never happens, this money will be totally wasted. How many taxpayer dollars have already been wasted on this ill-conceived idea? How many taxpayer funded work hours have been wasted over the last five years on a project that hopefully will not even happen, and on a project that may not even be legal, and on a project that taxpayers clearly don't want and have not been adequately informed.

I understand that the County Executive is seeking to divert money from a road project. How can you justify taking money from improving infrastructure? I believe this would be a complete misuse of taxpayer funds. Thank you.

Applause

P.O. LINDSAY:

We've got Chris and them Jimmy Castellane.

MR. DESTIO:

Good afternoon. My name is Chris Destio, I'm a resident of Suffolk County for years. I hope I'm talking nice and easy today. Okay?

First of all, I would like to thank every Legislator here that has supported us in the past, and I would like to thank them for the respect and the concern they showed for the residents of our facility and the concern that they showed for the employees of the nursing home. I wish I can say that's the same for the County Executive, Steve Levy.

The proposal today that is being brought to you, I hope also would also have the assessed value of our facility. I hope also it will include the beds, the cost of the beds, the land, the equipment and the building. One thing I have a hard time with is that I don't know how you put the value on a resident's head. Maybe the County Executive, Steve Levy, can answer that question. How do you put a price on a human life and the care that they receive? I honestly in my heart can't answer that question. But one thing I do understand is that by this April coming, we've been at bed-hold for one year, and County Executive Steve Levy said it was impossible to happen. Well, County Executive Steve Levy, you're wrong once again.

One thing that I do know is that if this facility is ever sold, I believe the County is still responsible for the \$16 million bond which still comes off the sale price. And I also believe that the County is still responsible for some of the retirees after the nursing home is sold. If my numbers are correct, and they could be wrong, that's a tune to two to \$3 million a year. And I also believe that anyone who does buy the facility is not buying it to lose money, they're buying it to make a ton of cash. And five years down the road when the economy does pick up and Foley -- what will Foley be worth then?

For the last year and a half, the Legislators here have brought the numbers down at Foley by millions, and before that we are failing under the County Executive's leadership. And I have a quick story to tell you, while I'm up here today. We have a CNA at our facility who had a grant, a County grant to go to school as an LPN. She finished up school, she went to school on County time, but the County refused to hire her because the County reneged on her contract. So you know that what they did in replace? They turned around, they hired ABC nurses over her and per diem nurses. And do you know what it costs to put this young lady to school? Thirty-eight thousand taxpayer dollars. And you've got to ask yourself a question; who is responsible for releasing the SCINS in Suffolk County? Do I have to say anymore? Once again, I thank you for your time.

Applause

P.O. LINDSAY:

Jim Castellane, followed by Nancy Dallaire.

MR. CASTELLANE:

Good afternoon. I want to thank you for the opportunity again to speak before Suffolk County Leg, I appreciate it. I want to say hello to all my good friends from labor that are here. I would just like to let you know that nothing has changed, I haven't been here for a while, but the unemployment is still the same, we're at 35%. It's tough, we've got a lot of guys out of work, things are not moving. I would also like to say that I respect everybody here from Yaphank that's here tonight, all the civic leaders that came in, I understand what they're talking about. But I need to get the point across of what I'm talking about and that is the building and construction trades, when there's 35% unemployment, that's a lot. That is a tremendous amount of people to be out of work. It's not like a lot of the Civil Service positions that have problems and they jockey people around. When my men are out of work, there's no pay coming in, they're out. So I have to support, every project that comes along I will support, but this particular project is needed. If I could only explain to you how many nights I'm out and how many Legislators I do speak before and how many projects are being held up on Long Island, sooner or later we're going to have to sit together and realize we're going to have to build. We have to make room, we have to get moving.

So naturally, I'm here today again before you to ask you to support this project, to get it moving. If the County Executive is at fault, then we need to speak to the County Exec. If the Legislators are at fault, oh, we need to speak with the Legislators. We will work closely with the people that are in Yaphank. It's a good thing, it will create jobs and it will create jobs for the people that are out there, too, long-lasting, good jobs. So again, I'm here before you to plea. We need the work, we need the jobs, it's not getting better out there. Don't believe what you're reading in the newspapers, the construction industry is still suffering just as much as it was a year ago. Thank you.

Applause

P.O. LINDSAY:

Thank you, Jim. Nancy, followed by Linda Ognio.

MS. DALLAIRE:

Hello. Thank you for having me. I come here today for our concern for John J. Foley. I'm honored to serve the residents who call John J. Foley home. They've been counting on the skilled staff, whom I have come to admire, for their quality care 24-hours a day, seven days a week, 365 days a year for decades. This is what makes John J. Foley so special, the dedication of employees who make every holiday, birthday, barbecue and the quality of life for all the residents the best that it can be. That's Suffolk County's work force, we do make a difference. Our feelings are valid, our fears are real. Especially in uncertain times, we need this Skilled Nursing Facility, we do not need a sports and recreation center.

The residents at John J. Foley have contributed to our County, they deserve to have their future secure. The County will provide for the criminals who live right next door and their future is secure. So on behalf of the residents and coworkers who I respect, I appeal to you, please help secure our future in Suffolk County. Thank .

Applause

P.O. LINDSAY:

Thank you, Nancy. Next up is the Ognos; Linda, Dominick and Chris.

(*Laughter*)

MS. OGNO:

I'm the mother of them, so I get to talk first. Hi. I'm Linda Ogno and I work at John J. Foley Skilled Nursing Facility. With this whole health care debate, I had listened to one of the representatives from Ohio, and he had said, "Government provides service for the people," and that's what I always thought I did at John J. Foley.

As my two sons will come up and speak, I've had them in John J. Foley since probably they can walk, and that's what I taught them. As I watch this health care debate, I seen a man with Parkinson's Disease and I seen -- it reminded me of a resident we have at John J. Foley, and people were so angry, throwing dollars at him. I taught my family, are we not our brother's keeper? And this is why I chose -- I could have made -- took a job, make more money, so could have my children. They're some of the brightest children and I would put their minds against anyone, but I said to them, "A person has to be a whole person. It's what leads in the heart," and that's why I come to you today.

Foley is not just money, which I think is important for all of us to have. We have to watch our pennies, but we have to go to a higher standard. That's what I've tried to live my life and that's what I've taught my family. I am called to a higher standard, and that's why I am my brother's keeper. Thank you.

Applause

P.O. LINDSAY:

Dominick? Dominick, and then Chris on deck.

MR. DOMINICK OGNO:

Good afternoon, everyone. My name is Dominick Ogno and I've been a County employee for four years and a volunteer at John J. Foley Skilled Nursing Facility for 15. I know that health care is such a crucial issue, especially at this time with the passing of Obama's health care bill just the other night. But the question that should be raised here today is why is a health care facility under fire at this time? Why don't you the Legislatures stand up to the County Executive just like the past Legislatures have done? I'm asking for you to kill the proposal, 1337, which is being laid on the table today.

And I would like to leave some words of wisdom, as I like to call them, which I always do. And I know that the budget is crazy, confusing, and at times it's hard to handle, especially at these troubling times, but if you can't handle it at its worst, then, man, you surely don't deserve to be here when it's at its best. Thank you.

Applause

P.O. LINDSAY:

Chris?

MR. CHRIS OGNO:

Hi. My name is Chris Ogno, I'm from John J. Foley. I actually had the intention of coming up here and forfeiting my time, because many of my coworkers are up here addressing the same concerns that I am. I don't know what to say. We've given up so much. I hear the word give up, but we haven't, we've sacrificed, through two years we've sacrificed. No matter how you put it on paper, you'll never know until you come into our lives and see what's going on. We've sacrificed so much. Our Federal government is selling out our children's children; we're spending their money. And now because the economy is bad, we're going to point the finger at the sick and the elderly and the poor and say that they're the problem? They're the burden on society? I beg to differ. Thank you.

Applause

P.O. LINDSAY:

Maria Prepscins (sic), followed by Richard Amper.

MS. PREPSCIUS:

Maria Prepscius and I'm a nurse at John J. Foley. Thank you for having me. The preamble to the Constitution starts, "We the people." President Obama has just signed the Health Care Reform Bill placing We The People first, instead of ambition and special interest. That gives me hope and that gives them hope; hope that you, our Legislators, will continue to remain with us.

I believe I and all my coworkers speak for those who cannot speak. We're not just a bunch of people looking to save our jobs, although that is a consideration. But we truly believe a facility such as John J. Foley, which began I believe almost a hundred years ago, is -- to -- it's needed to serve the poor and indigent, and it is still necessary and it's a valuable asset to the community.

We have value, our residents have value. We're not pawns, we're not chess pieces moved at the whim of ambition and vanity. We have value, our residents have value. We are not nothing, we mean something. If we can subsidize Madonna with millions to purchase land, if we can find thousands of dollars for dog parks, if we can think about funding environmental studies, why can't we find the funds to save John J. Foley? Come to our facility and see for yourself, our hard-to-place residents have found a sanctuary, a home. They range in age from the early 20's to the late 90's. We care for those in a vegetative state, traumatic brain injury, MS, Alzheimer's, various degenerative diseases, the violent with dementia. We also have rehab and day-care. And for the most part, our residents are able to enjoy visits from family, close by or within, you know, easy traveling reach. If they -- this would not be the case if they were dispersed to other facilities far and wide, no more home.

We the people, the employees at John J. Foley, continue to work short. Overtime is the norm, low on needed supplies.

P.O. LINDSAY:

Maria, you're out of time.

MS. PREPSCIUS:

We use many agency workers --

P.O. LINDSAY:

You're out of time, Maria.

MS. PREPSCIUS:

Okay. Well, could I just leave you with a few words?

P.O. LINDSAY:

Go ahead.

MS. PREPSCIUS:

From the late John F -- from the late Tom -- Ted Kennedy? "The work goes on, the cause endures, the hope still lives and the dream shall never die." Keep John J. Foley.

Applause

P.O. LINDSAY:

Richard Amper followed by Dot Kerrigan.

MR. AMPER:

Good evening, everybody. I am Richard Amper, I'm the Executive Director of the Long Island Pine Barrens Society. I'll be brief.

We have been arguing that the County Executive is having -- has been trying to railroad through this Legacy Village Project, and we have been trying to urge this Legislature to properly take control of the process. This is your process to make these decisions, and I urge us not to rush them. This project is so big, so controversial and so difficult to do in terms of its environmental impact statement and all of the rest, that if it ever happens, and I don't hear a lot of clamoring for it, it is likely to take three to five years. So trying to railroad this thing through at the taxpayers' expense and without the proper review by the Legislature is uncalled for. We're all concerned about the construction people that are out of work. They're out of work because of the recession, not because of civic leaders or environmentalists. The Pine Barrens Society does not raise any questions about even 1% of the proposals that are made on Long Island, that's not slowing them down. I want to talk to that at some future point.

But we have to determine whether you can legally excess this property. I don't know whether all of you know, some of it was obtained by Eminent Domain. Can you do this with this land when it was acquired that way? Does it make sense to do that? That hasn't been resolved. We need to understand -- the Supervisor of Brookhaven tells me there's no application there, it hasn't even begun.

What we need to do, I think, is decide what's going -- is it real, is it going to happen, does the Legislature want it to happen, are there other needs for this property, when is it going to happen? And I don't think moving this swiftly past the committee that recommended taking a harder look at this is a good idea, but if you're going to do it, then I think you ought to say, "No, slow down." Even if the developer agrees that he will ultimately reimburse the County, it's only going to be if the transfer was legal and the Legislature wanted to do it and the town will approve. We have time to do this. We want an Environment Impact Statement, but we want an Environmental Impact Statement for a project that's real and that this Legislature fully supports. It's not going to help the folks who are out of work today because it's going to take a long time to do it.

The second thing is I'm a friend of John Cameron's, I've worked with him on boards, I have nothing against the man, but there does seem to be a conflict between awarding the Chairman of the Regional Planning Council, appointed by the County Executive, this kind of contract. He has recused himself in the past, but he's done it several times and he's always asked this Executive Director or somebody else from the Council to point out that he is recusing himself, but the projects move ahead and they're being promoted by the Council to the advantage of his and his company. And the Legislature ought to look at that and see if you are comfortable with that from a standpoint of ethics.

And then finally, with respect to the union gentleman's conversation, that is a wise thing he's saying that we need the work to put these people back to work. And there's so much that needs to be, housing that can be restored and put back into the work pool, as opposed to the projects that aren't real. He said only one thing I disagree with and that is he is obliged to fight for everything and I think we need to be more selective. I think we ought to find out the projects that are going to put people back to work today and help expedite those projects, and the ones that are pie-in-the-sky and are not likely to happen, we ought not to push ahead with so fast. Thank you very much.

Applause

P.O. LINDSAY:

Dot Kerrigan, Patricia O'Connor.

MS. KERRIGAN:

Good afternoon, Ladies and Gentlemen. Thanks for listening to me. And as I -- I'm not going to bore you, I don't have a written speech today. I'm just so proud to be here amongst the people that I work with at John J. Foley. I know you're going to be hearing a lot more from them because there's a bill being laid on the table today, 1337, which is a proposal to have public hearings to sell Foley. We've already gone through this. I'm going to say something, I believe in government of the people, by the people, for the people. And the people have spoken, this Legislature has listened,

we've been down this road before. I feel sorry for the poor people who live at Foley and their families who are, again, very, very concerned that their family members may lose their homes and they may be placed in areas where they won't be able to visit them.

I've been told over and over again that the definition of insanity is to do the same thing again and again and to expect different results. The people have stood by John J. Foley, it's been in the community for over a hundred years. It's been necessary in the 1870's and it's necessary now; some things never change.

And as far as proposal 1337, the resolution calls for public hearings on a plan that has not been made public, based on approvals that no one has seen and a certification that must be done in the dark. No one knows who bid on this, what the bid is and they're calling for public hearings. Once again, you know, we need your support. Thank you very much for listening.

Applause

P.O. LINDSAY:

Patricia O'Connor, followed by -- I think Fred Gorman left; I think he gave us his statement to be read into the record. So Mary Finnin is after Patricia O'Connor.

MS. O'CONNOR:

Hi. Yes, my name is Patricia O'Connor, I'm from John J. Foley, I'm a CNA.

P.O. LINDSAY:

Patricia, just hold your hand on the button. There you go.

MS. O'CONNOR:

Hi. My name is Patricia O'Connor, I'm a CNA at John J. Foley and I can only speak on a personal note. The sale of John J. Foley will be devastating to my family. I'm a married mother of three and guardian of a handicapped sister. My husband and I have come from low income families and have worked very hard to give our children a stable, solid childhood --

(Emotional Pause)

I'm sorry -- and not have to move from home to home, district to district like we have. We accomplished our dreams and became homeowners in 2000 in Kate Browning's district --

(Emotional Pause)

I apologize. And now with these hard times, my husband has been laid off after 15 years of service at his job and now I'm in jeopardy after 12 at mine.

(Emotional Pause)

And I've seen the good that we all do at John J. Foley on a daily basis. I work in the short-term rehab and I see the desperation in the families that are looking for somewhere to care for their loved ones and how happy they are to find a home. Thank you.

Applause

P.O. LINDSAY:

Thank you. Mary Finnin and then Thomas Dean.

MS. FINNIN:

Good afternoon. My name is Mary Finnin, I'm a Registered Nurse and I live in Central Islip. I'm here today with the New York State Nurses Association and we are interested in what the County's

going to do with regard to the Federally Qualified Health Centers.

I attended the hearing today and I would first like to request that you have public hearings on that. The meetings were not open, the committee meetings. I do thank Legislator Browning for giving me a copy of materials today, because prior to this they were not available. We would like to review them and to comment on them.

And I want to say that with regard to the resolution before you to move money out of the Division of Patient Care for other things, I think it's ludicrous to list that the Division of Patient Care has a \$37 million deficit, and then when there's over a million dollars, quote/unquote, in savings because you closed the Central Islip Center, you're now using that money for other things, from other divisions and departments. That money should stay in the Division of Patient Care. And I request that you table that resolution today, I think it's 1186, until we look at the finances for all of these.

The Division of Patient Care separated out the Bureau of Public Health Nursing a couple of years ago, so they're just sort of out there attached to some other program in the department. There are clinics run by the division of -- well, I'll use the Huntington Clinic is a health center that gets funding from the Legislature, but no revenue to the County because it's owned and operated by Huntington Hospital. Could that be a separate Federally Qualified Health Center? Possibly, because it's already owned and operated, even though it gets funding from the County.

So I think there are many areas of the financing of the health centers and what services are or are not going to be included that need to be discussed with we the public. Thank you.

Applause

P.O. LINDSAY:

We've got Thomas Dean followed by, it looks like Lanora Bray (sic).

MS. BRAY

Leondra.

P.O. LINDSAY:

Go ahead, Thomas.

MR. DEAN:

Hi. Thank you for allowing me to speak. Here we are again, two years later. Once again, you's have to come out and see the place for yourselves. Many have come, some have not, you need to see the residents, see for yourself. The place is definitely a gem. The reason somebody would want to buy it is because it's a state-of-the-art building, there's not a place within 500 miles like this. The residents are a special need, they can't be placed anywhere else. I don't care what anybody tells you, that can't be done. All right? And if they say it can be done, they're not telling you the truth; I'm a nurse and I know what I speak. A lot of these residents have needs that just go beyond, you know, medical needs, psychological; there's all kinds of needs that need to be addressed.

John J. Foley has made a huge turn financially, and if allowed to, we can go further. That place can make money. There's no reason why it should not make money. You have nurses that are licensed that aren't working as nurses. They've been paid from the County, paid to educate them, not moving them forward, costing the County and the taxpayers thousands of dollars. These are issues that have to be looked at. They're being pushed to the side and being totally ignored. Please come out and I'll give you a tour, I'll come on my day off. Thank you.

Applause

P.O. LINDSAY:

Leondra Bray followed by Greg Fischer.

MS. BRAY:

Hi. I'm Leondra Bray, I've been a nurse at John J. Foley for over ten years. I've worked with so many of these people for so long. I can't even touch their heartfelt stories they've come out with this evening. But what I'd like to say is that 84% of our employees are women, and many of us, as myself, are also single, head-of-household families. And my children rely on me to feed them and to pay the mortgage and just to make sure that they can live. And over 40% of our employees are also minorities and Steve Levy has made it -- he hasn't made it a secret from the public that he doesn't have our best interest at heart, and I just want you to know that. We're here to beg you that we need our jobs, we need to feed our children, we need to live, and I think you could end the proposal here today and don't let it go any further. Thank you.

Applause

P.O. LINDSAY:

Greg Fischer followed by Margaret Bolton.

MR. FISCHER:

Hi. Greg Fischer, Calverton. I want to thank Ed Romaine for proposing 1301 which is a bill to mandate Police Officers to report child abductions.

There is a Federal Law that says that these child abductions are supposed to be reported within two hours and put into the NCIC system, the Federal NCIC system, but often it's not being done; I'm not sure why. So this is required legislation, this is not just feel-good legislation. We need to underscore that these abductions need to be reported.

It's an important first step in preventing child abduction and parental abduction overall. Later on I'll ask for additional legislation to actually hold the abductors accountable, but for right now there is a significant under reporting, children are being heart. My children, Clark and Anna, were abducted for 25 months. Riverhead Town never, never put it in the Federal NCIC System, they were required to do so within two hours, they refused. Over 25 months, many requests, many different officers, every one of them in violation of Federal law. So maybe this will do it, I don't know.

But these children were actually in harm's way for 25 months. They were in a trailer in Wyoming on a toxic industrial site with a sex predator. As much as we're talking about where to put the sex predator trailers in Suffolk County, my children were actually put in a trailer with a sex predator for a long period of time, and over that time the Police refused to do their job here. So thank you, Ed Romaine, for proposing this legislation, and hopefully the Police Officers will follow the Federal Law. Thank you.

Applause

P.O. LINDSAY:

Margaret Bolton followed by Malasyid (sic) Muhammad.

MS. BOLTON:

Hello. My name is Margaret Bolton, I'm a single mom of three due to a divorce that I'm currently going through. I have been employed at John J. Foley for 14 years, which happens to be five minutes from my home in Bellport. I feel that we have a major issue going on here. A lot of negative statements have been made by County Executive Steve Levy about minorities; is that why I'm in jeopardy of losing my job, or is Steve joking again? The same job that I jumped out of my window to get to during an abusive marriage. What about the black eye that I iced at night to get the swelling down so I could put cover--up on it to get to John J. Foley in the morning? Well, guess what. If I lose my job, I lose my house. I'll go on Social Service, and the example that I will be setting for my children will be to strive for nothing, because as minorities we can never achieve. Oh, wait, I have a solution. My 16-year old daughter can join me on Social Service. My son? How about prison? Three free meals per day, free health care and no bills. And as for my youngest

daughter, I'll just have to change her name to Shaniqua so at least one of us will have a chance.

Applause

MS. MUHAMMAD:

Hi. My name is Malasyia, the daughter of Margaret Bolton, a former CNA at John J. Foley for about 14 years now. You're probably wondering why I'm standing up here. Well, the reason why I'm here today is because I want to explain to you how I would feel if John J. Foley were to close.

I'm attending Brookhaven Technical BOCES to become a CNA. I'm in Honor Society in both BOCES and Bellport High School. I will be graduating from BOCES in June as a Certified Nurse Assistant. After I get my -- after I get certified, I was looking forward to making John J. Foley as my first nursing job, because just being a volunteer at John J. Foley is just not enough for me anymore. The residents at John J. Foley make me feel as if I'm family or a best friend. And if John J. Foley were to close down, where would the residents go? Who is going to take care of them if they don't have any family? You're probably saying, "Yeah, whatever, go sit down," but how would you feel if your parents -- if you had one parent that had to raise you all alone with no father around to help? And to me, my Mom -- and to me and my Mom, this job means a lot because if she loses her job, then what will we have? We'll lose everything and we wouldn't have nothing. I won't even get a chance to have a job at John J. Foley and my sister and my brother will be failures because my mother wouldn't be able to set an example for them because of the loss of her. Thank you.

P.O. LINDSAY:

Peter Mastando?

MR. MASTANDO:

I can't find the button. Thank you. Good evening. I'm happy to be here and I'm not happy to be here. I'm Peter Mastando, I work at John J. Foley and I'm 67 years old. I turned down Mr. Levy's incentive to retire to be here to support the residents at John J. Foley.

Everybody needs a hero, and we are their heroes. We are their cousins, we're their uncles, we're their friends. I was at a coffee truck today buying lunch. A resident came up to me. As a matter of fact, he didn't come up to me, he told the owner of the truck, he says, "I'm paying for Pete." And I said, "No, no, no. Thank you very much," I said, "But that's not necessary. If you want, a soda will be fine." He paid for my whole lunch. I was really like astounded. It really made me feel good inside, not that I got a free lunch.

I came to work at Suffolk County in 1995. I was losing my home. I don't want to go out in Suffolk County losing my home again, because this is what it will amount to, losing my home. I supported three children at John J. Foley, it did me a world of good. Don't stop now. We need leaders like you to help us stay alive, stay awake and keep these residents going and keep them alive. Thank you.

Applause

P.O. LINDSAY:

That concludes all of the cards. Is there anyone else in the audience that would like to address the Legislature? Seeing none, I'll take a motion to close the public hearing.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Seconded by Legislator --

D.P.O. VILORIA-FISHER:

Wait, somebody is raising her hand.

LEG. BROWNING:

Bill, can I ask a question?

P.O. LINDSAY:

You want to speak? Come forward.

LEG. BROWNING:

Bill, could I ask you a question? I'm very curious. As many people have come up today from John J. Foley, I'd like to see how many of them actually live in the 3rd Legislative District. There were so many of them. Could I ask them to stand up and say thank you?

LEG. SCHNEIDERMAN:

Your district, right?

LEG. BROWNING:

Yes, my district.

*(*Various audience members stood up*)*

Applause

P.O. LINDSAY:

Please introduce yourself, ma'am. Could we have your name for the record,

MS. GARREL:

My name is Maxine Garrel, I'm a Certified Nurses Aide and I have visited some people that work at John J. Foley and patients there. They need to expand their nursing facility, make it bigger. There are so many people that need that facility, there's a waiting list. I also had worked there for a short time in recreation and they are right, these patients are special. They have psychological problems as well as physical problems, they need to expand it and make it more available for more people to come there, not get rid of the facility.

And the other thing I want to make -- everybody aware, Suffolk County needs to regulate how many nurses aides per patients; every other state has that. The -- they need to make it where seven or eight Nursing Aides work with the patients, seven patients per one Nurse's Aide. Because a lot of people, they get -- they're very overworked and they need -- this is something that's needed more. That facility in Kings Park, that is the only nurses-home that facility, the only one there for miles around and they really need to expand it because of the waiting list, because of the shortages. And that's why I think they should keep it and expand it, because it is a marketable earning facility. And the other -- and that's all I wanted to say.

Applause

P.O. LINDSAY:

Thank you very much.

Okay, we have a motion and a second to close the public hearing.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fifteen. I'm sorry, sixteen (Not Present: Legislators Muratore & Montano).

P.O. LINDSAY:

Okay. Go to page three, I'll accept a motion on the *Consent Calendar*.

LEG. ROMAINE:

Motion.

LEG. BARRAGA:

Motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Muratore & Montano).

P.O. LINDSAY:

Okay. Page six, *Resolutions Tabled to March 23rd, 2010:*

0011-2010 - To designate local newspapers in which County notices may be published (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore & Montano)

P.O. LINDSAY:

1047-10 - Increasing the Petty Cash Fund in the Department of Social Services (County Executive). I'm going to make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. I would ask that my colleagues support this tabling. We're trying to work out some kind of a more --

LEG. LOSQUADRO:

Hold on.

P.O. LINDSAY:

-- logical way of housing these people than just letting them out into the public. So we have a motion to table and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR LAUBE:

Seventeen.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1133-10 - 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 (Presiding Officer Lindsay).

I'm going to make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. LOSQUADRO:

Mr. Chairman, a question.

P.O. LINDSAY:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I know when we had tabled this last time you had said you were just making a few more changes. If you could just give an explanation of what the final terms were?

P.O. LINDSAY:

Well, what we tried to do is to work out some kind of language that we had asked the parties to do initially and they didn't do so it. So the resolution before us today calls for that the purpose of the dog is to have a dog at the second jail facility and that it incorporates language that the Sheriff had agreed to about not doing anything to jeopardize the PBA agreement, which seemed to be the major concern here. Is there any other questions on this?

D.P.O. VILORIA-FISHER:

No, let's vote.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1186-10 - Amending the 2010 Adopted Operating Budget to reallocate funding for a new initiative, the Heroin Treatment Program for Young Adults (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to table for one cycle, if I can.

P.O. LINDSAY:

Okay. Motion by Legislator Kennedy to table. Seconded by Legislator Muratore. Just on the issue, we -- I don't know whether you were here the other day, Legislator Kennedy, we had an extensive report on this new program. I found it very informative, it sounded like a good thing for us to do.

LEG. KENNEDY:

Mr. Chair, as a matter of fact, I commend the Health Department, it's an outstanding program. And as a matter of fact, as you know, we will be unique in the whole State of New York with the commencement of this program. And despite my initial concerns that there was a need for us as an entity to step into this forum, it became clear that the expertise that our staff have through our methadone clinics really is critical to working with our young addicted teens.

My request to table, Mr. Chair, has really very little to do with the concept of the program at all. As a matter of fact, I'm a hundred percent convinced of its merit. I am somewhat unconvinced about the amount that the department has brought forward, but I also am constrained. When I checked with Budget Review, I have no ability or we have no ability as Legislators to amend the budget until I believe the next cycle. And what my intention would be is to bring forward a resolution that addresses the Suboxone Program only. As you know, this bill is an Omnibus bill, if you will, that entails a total of \$850,000 spread across a number of different initiatives. And quite candidly, I do not feel as strongly in support of some of those other initiatives that the department has brought forward. As a matter of fact, I oppose implementation at this time with the electronic medical records portion which would create and fill two Office Systems Analyst positions at a time when we have rampant vacancies throughout our departments.

So that's the reason that I offer the tabling. It is absolutely not to go ahead and suppress or delay this program other than one brief cycle for the purposes of introducing an initiative to fund the Suboxone initiative only.

P.O. LINDSAY:

Before I recognize you, Legislator Vilorio-Fisher, I just want to ask Budget Review something, and take me back to the genesis of this resolution. Originally this goes back to the Central Islip Health Center where, at Legislator Montano's request, we funded it in the budget subject to the closing order from the State. And I think we all agreed that the money would go back to the original lines that we took the offsets from, and there was one deviation is the inclusion of what's before us now for this drug treatment program; am I correct on this or not correct?

MS. VIZZINI:

Well, not exactly, Mr. Presiding Officer. You're right in terms of the genesis was the standalone amendment to continue funding for Central Islip through 2010. There were several options that were discussed when that resolution was passed in terms of what if we don't need the money. One of the options was to return the money to where the offsets came from, which was primarily from personnel lines and Social Security. Another option was to let it fall to fund balance and not spend it, and the third option was to use it for offsets based on other priorities.

Your resolution, which you actually withdrew, would have returned most of the money to where we took it from. This resolution addresses priorities as determined by the Health Department and the Presiding -- and the County Executive. It includes allowing an additional \$182,000 to stay in the Southside Hospital line more than what was initially recommended. It includes \$275,000 for Peconic Bay Medical Center based on additional births and additional services that are expected to be provided.

As Legislator Kennedy indicated, funds are transferred to Patient Care to allow for the filling of two vacant Office Systems Analysts for the electronic medical records. One hundred and fifty thousand dollars is for treatment services in Patient Care to be determined by RFP. The other areas are \$150,000 in permanent salaries in Mental Health to fill at least -- at least two, if not three Drug Counselors; 21,500 for the Suboxone supplies; 28,500 for urine tests to subsidize the Medical Examiner, and \$150,000 for other than urine tests and per diem medical staff such as psychiatrists related to the Suboxone Program.

P.O. LINDSAY:

I got you.

LEG. MONTANO:

Oh, I'm sorry.

MS. VIZZINI:

That sums up what the resolution does.

P.O. LINDSAY:

Well, just did any of the money go back to the lines that we took it from initially?

MS. VIZZINI:

No.

P.O. LINDSAY:

No. Okay. Okay, Legislator Vilorio-Fisher.

***[THE FOLLOWING TESTIMONY WAS TAKEN & TRANSCRIBED BY
DONNA CATALANO - COURT STENOGRAPHER]***

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I didn't bring my notes with me from the meeting because I thought that this was a slam dunk, so I'm just working from memory. Gail, if I recall, Dr. Mermelstein had said that the electronic medical records implementation, which is in-patient care, would be paying for itself within two years because of the cost savings. Do you have those numbers?

MS. VIZZINI:

Actually, we don't have that, no. There certainly would be productivity enhancements.

D.P.O. VILORIA-FISHER:

Okay. Mr. Chair, I would like to suggest that until we have somebody from the Health Department to answer some of these questions, that we pass over this?

P.O. LINDSAY:

I'll do that, but Legislator Montano wants to speak on the subject --

D.P.O. VILORIA-FISHER:

Right, I understand.

P.O. LINDSAY:

-- and I'm going to let him speak. I don't know whether there's anyone from the Health Department here; If you're in the building and you hear me, please come forward. Legislator Montano.

D.P.O. VILORIA-FISHER:

Thank you.

LEG. MONTANO:

Yes. Gail, I have to be direct. When -- since I sponsored the resolution to take the money from the categories that were used to put this money for the Central Islip Health Center, contingent upon the State approving the closure, and when we debated the bill, my recollection is very clear. And having been asked the question by some of my colleagues in terms of what would happen if the State did grant the permission to close the center, my recollection is that it was clear that the money would go back from where it came.

I don't recall -- I don't have the record here. I don't recall any other option other than to put it back where it came from, because I think we were talking close to a million dollars. Now, what you do with the money -- what this Legislature does with the money is its business, but the arrangement at the time that the money was laid aside for the CI Health Center for a specific purpose was that if it's not used for that purpose, it would go back into those categories. And what we're doing here, whether it has merit or not, is not following what we discussed when we did the Omnibus; what we're doing is we're diverting it somewhere else. And I just want to be very clear on that. Unless I was -- unless I was asleep during part of the conversation, I have no -- I have no recollection of any arrangement other than to go back from where it came.

MS. VIZZINI:

I'm not suggesting there was an arrangement, Legislator Montano. I'm saying that it's a policy decision before you. There is no resolution right now putting the money back where it came from --

LEG. MONTANO:

Right. Okay, okay. So that --

MS. VIZZINI:

-- which would be those personnel lines and the Social Security lines.

LEG. MONTANO:

All right. Just so that I'm clear, what I thought you were saying was that we had various options before us at the time. And at the time, the only option that we discussed was to send it back from where it came. Now, if you want to change that or if the Legislature wants to change that, I guess that, you know, we do have the ability to do so. But under no circumstances should the impression be left that we discussed any option other than to send it back from where it came. And what I would say is send it back from where it came, and then if you want to take money out from other categories to fund programs, that would be the more appropriate way to do things rather than divert this money at this time. This money is supposed to go back from where it came.

P.O. LINDSAY:

I'm going to recognize Legislator Romaine. But just in the way of an explanation, Legislator Montano, I really thought most of this was going back to the lines it came from.

LEG. MONTANO:

That was the understanding.

P.O. LINDSAY:

But I realize we had to do a separate resolution, it wasn't an automatic thing.

LEG. MONTANO:

Right.

P.O. LINDSAY:

And when we presented it, I was contacted by Southside and they explained to us that with the merger of the two facilities, which they're the provider for, they got shortchanged over \$100,000. So I thought it was the right thing to make that adjustment so they would remain whole so that they could provide the services that we need in the co-mingled center.

And then it went beyond that. The next thing you know, this Suboxone Program came up, and one thing got added on to another. And I'm as shocked as you that nothing of the original intent is left.

LEG. MONTANO:

Right. What we were talking about, I just want to be clear, is that we were talking about over a million dollars that this Legislature funded to maintain the health center because State Health Department approval had not been neither sought nor granted. So I understand the issue of \$100,000, but I think this resolution is all inclusive. How much is the full amount of money that we're diverting, Gail?

MS. VIZZINI:

Eight hundred and fifty thousand.

LEG. MONTANO:

Yeah. So we've gone from an issue of 100,000 to Southside now to 800 dollars (sic). Everybody seems to have their little hand in, you know, the little till here, and I think that's not the intent. And quite frankly, the money came out of my district, and I don't see anything in this allocation going back into my district. So I would send it, you know, right back where it came from. And then if you want to dip into the kitty, then do it that way.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I don't disagree with Legislator Montano, but I would like to ask Gail one question. I kind of look at this resolution and it's kind of a bouillabaisse of everything thrown in there. Shouldn't this resolution have been broken out and been at least two separate resolutions, because it seems to mix and match two disparate items? And it's just seems odd for me. I mean, I'm obviously supportive of Peconic Bay Medical Center, but the rest of the items in there I'm not so sure of. Could you comment on why these disparate items were thrown together in one bill?

MS. VIZZINI:

Again, it's the County Executive's resolution, but all of these pertain to the Health Department.

LEG. ROMAINE:

Well, a lot of things pertain to the Health Department that you throw in this mixed bag of items. But to throw it all together really doesn't make good Legislative sense in the sense that you are putting in issues that are not in any way coherent. You know, I support Peconic Bay Medical Center, but the rest of it I'm not so sure of, particularly after listening to Mr. Kennedy and listening to Mr. Montano. So I have my doubts. Maybe we should table this for one cycle and suggest a better Legislative draftmanship of our Executive.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Chairman. Just a question maybe for the County Executive's Office if somebody is here. Thanks, Ben. The question is, Ben, do you know if the County Executive would be willing to separate each of these three items into separate resolutions?

MR. ZWIRN:

I don't think that would be a problem, but I think what happened -- if I might add a little bit to the history of it. There was a bill that the Presiding Officer put in. I think what happened was when this money no longer needing for the Central Islip Health Center because it merged with Brentwood, I think the Health Department said, "Look, we have additional expenses and we have the program for heroin treatment, which we have -- we could use some of this money to accomplish that."

There was also \$182,000 that went to Southside because of closure of Central Islip because they has the additional work. So it was about 182,000 out of the 850. About 350 was going for the heroin Treatment Program to try to get our young people off of heroin which was a worthwhile program. And the \$275,000 was going to the Peconic Bay Medical Center because they had an uptick in births. And this was to go to permanent salaries to help with their Obstetrics Unit there.

So all worthwhile causes. There was money available, that's why we put this in. It wasn't meant to be a bouillabaisse, but it was to use some of the million -- over the million dollars that was in the Central Islip Health Center and to use it for good causes. They are good causes by any stretch of the imagination. And, you know, back to your question, could we go out and do three separate resolutions for this. Yes, but didn't see the point at least until now.

LEG. CILMI:

It just seems to me that, you know, you do have three probably good causes here. And each one of us may support each one of them individually and some may not. Certainly as good as these causes are, there may be issues as to the, you know, given our current funding issues, our budget issues as to priorities. So it might just be better for each of these individual projects if they come to us individually.

P.O. LINDSAY:

Ben, here's what -- and truthfully, I got caught behind of curve here. I still thought most of the money was going back to the lines that they came from. I mean, that wasn't excess money. The million dollars, you know, we counted that savings when we put the budget together. And we appropriated, after we passed the budget, on the plea of Legislator Montano in case the closure didn't come down. I mean, are those the lines that we took the money from? And I don't disagree with any of the funding thing here, but I mean, can we afford to take this money out of Social Security and some of the other lines that they came from?

MR. REINHEIMER:

The original resolution reduced social Security \$491,000. With the County Executive's plan to restrict hiring this year, these appropriations also cut permanent salaries in this original resolution, Budget Amending Resolution Number 8 by 500,000. There should be Suffolk funds in Social Security. This was a broad reduction of many permanent salary lines across many departments, over 130 lines were reduced in order to provide the million dollars. It's a broad-based resolution that took a little bit from each department.

With the County Executive's policy to restrict hiring, I don't know. I mean, he can speak to whether this is going to hurt his ability to hire positions or not. But I don't think it will. We didn't think that when we originally did the resolution because it was just a little bit from each department.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

You know, Mr. Zwirn, the BRO Office worked very hard with me to put together a package to save a vital health center, because the County Executive's Office had not gotten the necessary approval from the State. We had public hearings. And they did an excellent job, and I'm very grateful to them. But I must say, we had to fight like heck to get this money into the budget and get it approved through the Legislature during the Omnibus process. We encountered a lot of resistance because we had this big looming financial crisis. And I yielded -- and I was very grateful for my -- you know, to my colleagues for saying, "We will allocate this money in this time of extreme financial crisis, but if the health officer is allowed to be closed by the Health Department, we're going to put the money back." And I said absolutely, no -- unequivocally that I would support that. And that's not what we're doing.

What we are doing is that first you fight like heck to stop me from getting the money for my community, the Legislature comes in bails us out and says, "We'll do it on a contingent basis," and now you're coming and saying, "Well, guess what? We don't really need that money in the first place. Let's just spend it somewhere else." And I find that to be inconsistent. And I find that not to be the appropriate way to deal with this issue. I'm going to support the tabling. I wish it would go further and just basically send this back tabling -- you know, so that it comes back as separate appropriating resolutions so that we can deal with them individually.

And as far as the money coming from, you know, the CI Health Center, I would like to see some of those funds allocated for some of the projects and some of the concerns in my district, and that's going being done here. So I have a number of issues with this, but I'll let the Legislature decide what they want to do with it. I just want to make sure that on the record, we're very clear as to what happened here. And this is 180 degree reversal.

MR. ZWIRN:

If I might, Mr. Presiding -- just to respond quickly. I don't disagree with just about everything you said, Legislator Montano.

LEG. MONTANO:

What part do you disagree with?

MR. ZWIRN:

I don't. The only thing I disagree is that --

LEG. MONTANO:

Well, you said you don't disagree with -- about anything.

MR. ZWIRN:

-- when you say to come back with a new resolution, which is a piecemeal resolution, first of all, there's still about almost \$300,000 that's not being appropriated out of that original money. I think there's about \$280,000 that's not being used. But these projects are certainly worthwhile in the County. They're not -- they're not pork barrel, they're not anything but, I mean, to help the people of this County where there is a need. And the money happened to be available -- you are right, the County Executive did fight you on that.

LEG. MONTANO:

Ben.

MR. ZWIRN:

There's no question. But once the closure came through from the State, then we had this money available. Instead of putting it back into the different departments, the Health Department recommended these different uses for the money, and we thought they were worthwhile. And we brought it to the Legislature for their review.

LEG. MONTANO:

Ben, we always go through this. And every Legislator in this -- on this body has a list of programs that are very worthwhile and needy and solve problems in their district, but this is not the mechanism to do that. It should be done as was -- as was discussed and as was agreed to. We're somehow making a left turn, and that's my point. And you can't justify -- it's a good program, when you propose it. It's Legislative, you know, drunken sailor business when we propose program. And that's the dichotomy that we're dealing with.

But what I am saying is that a deal is a deal, and the deal was to send this money back, and the if you want to take it out in some other resolution, we should do that. We do that with the Omnibus, we all got our Omnibus money. There's a budget process, there's a Legislative process. And every time I turn around, it seems that the process or the commitment seems to change with the, you

know, the blowing winds. And I'm going to support the tabling. And I would go even further and get rid of this resolution and send the money back, because it did come and it was intended for expenditure in my community for health care services, and we're not getting that.

MR. ZWIRN:

We did follow the process, Mr. Presiding Officer. We came back, we put the resolution in, it went through committee, we discussed it at committee, we brought it back to the full Legislature at the last meeting, it was debated then and it was debated again in committee. This particular time it passed out because I believe that the members of the committee thought that these were very worthwhile programs that the Health Department recommended. So we have -- we have followed the process.

LEG. MONTANO:

Before we continue, may I have the last word or do you want the last word?

MR. ZWIRN:

Do I get the choice?

LEG. MONTANO:

No, you don't. That's my point, Ben. You're in my house today. When I go to your house, I let you have the last word. This is being hijacked, this money, and I don't approve of it. I think we should table it. I think that this should be broken up. And I think that, you know, at least from my position, a deal is a deal is a deal. And this is a deal breaker.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have to thank you and the rest of my colleagues, when we were in Riverhead the last time around, because of the questions that I raised at that late hour and everybody respected, I think, the fact that we wanted to -- I wanted to get more information. I know that many of us had the chance; Madam Chair on the Health Committee, Madam Vice-Chair, we all got to sit in on the teleconference with a physician from OASAS who spoke in great praise actually of the department and the Suboxone Program itself, of the protocol. They went into great explanation about how the program would be tailored. And we had many Health Department treatment personnel come forward.

And as I have said previously, I have no question whatsoever anymore that not only is this a well-tailored program, but that atypically we in government are better suited to do this now than pretty much anybody else. My concerns go to the fact that once again I'm being forced to make a choice for a worthy and meritorious item, one out of five, and that's no choice at all, Mr. Chair. I've indicated I would be more than happy within the confines of my power as a Legislator to come forward.

As late as yesterday afternoon, Gail Vizzini and I were still trying to get some information about the specifics associated with the appropriations. The validity and the merit of the program was more than made, the cost factors associated with the program still haven't hit the bar, Mr. Chair, because we're being presented with two drug counselors being hired at 41,000 per head for a full year when the earliest that somebody can come on is probably June, and then we found that there's an effort to fund a third vacant drug counselor that's not revealed in the resolution. And there's still no explanation about why there's 150,000 in fee for services to go toward physicians. If we're paying a private doc 100 bucks an hour, that would be 1500 hours. It's a virtual impossibility, Mr. Chair.

So once again, the merits add up phenomenally, but the numbers don't jive. So that's why I've asked for the tabling until we can get something that's reflective of a 300 million dollar budget hole and spending that we're going to go ahead and appropriate towards sick kids. That's my reason for

tabling.

P.O. LINDSAY:

Okay. Everybody talked out? All right. We have a motion to table, takes precedent over the motion to approve. Roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. KENNEDY:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

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:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

It stands tabled.

1196 - 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:

On that one, Mr. Chair, I'm going to make a motion to approve, although I had asked for an amendment on the offset, but I see we still have the same offset from when I last introduced.

MS. VIZZINI:

Legislator Kennedy.

LEG. KENNEDY:

Yes.

MS. VIZZINI:

There was an amended copy 3/15 where the offset is the split between Carlton Avenue and Hauppauge Tower.

LEG. KENNEDY:

Okay. That was done at the request of the administration, Mr. Chair. So I presume that the administration is in support of those two offsets now.

P.O. LINDSAY:

So we have a motion to approve and a second. And we don't have to take Renee Ortiz's chairs.

MR. LAUBE:

I'm sorry. Who was the second on that one?

LEG. LOSQUADRO:

I'll second.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

I'm not going to support this resolution, especially -- I just want to make a point that we just tabled the prior bill where we're not funding methadone clinics, heroin treatment programs, and now we're going to go ahead and fund the furniture purchase. And I just want to make that point. So I'm not going to support this.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:

Yeah. Legislator D'Amaro, my request to table for the previous resolution was only one cycle. And as a matter of fact, I think I specifically said that I will put forward a resolution to fund the Suboxone Program. The methadone clinic or methadone operations at \$5.5 million annually continues to go on. The furniture issue is an issue that my colleague Legislator Nowick and I began a somewhat jaded saga over a year ago in an effort to get our personnel something fit for them to sit on. And as a matter of fact, the administration even made a field trip to the 4th Precinct, and I believe their comments were that it wasn't fit for use for anything.

So at the point where we met on it, I had become some what discouraged and I was contemplating calling Oakwood dairy for milk crates. At this point, the fact that the administration itself has acknowledged some some full year later that there actually is a need to put something in a \$23 million building, I'll happy to go ahead and put forward despite the fact that it has nothing to do with other than my responsibility as a Legislator to provide tools for our personnel.

LEG. D'AMARO:

If I may, Mr. Presiding Officer. You know, one of the arguments, Legislator Kennedy, that you made against the medical records bill was the severe economic crisis that the County was facing. Okay. So what we did was we then -- you made a motion to table that bill, which would actually save the County money. And I think universally people believe and the medical profession will tell you that we need to go -- move towards electronic medical records for a lot of reasons. So I'm just having difficulty understanding how we're not going ahead with medical records, we're not going ahead with funding heroin treatment programs, but we're going ahead with buying furniture. That's my dilemma here.

LEG. KENNEDY:

Again, Mr. Chair, you know, I'd be happy to continue to try to explain. As I said, the Suboxone Program I will go ahead to reach out to the Exec to see if he is of the mind to go ahead and bring forward an individual resolution. If not, I will on the Suboxone. As far as the electronic medical records, at the Health Committee, Dr. Mermelstein distributed what was a chart associated with soft savings. In nine years in the County Clerk's Office, soft savings never materialized. The \$450,000 a year in enhanced reimbursement hasn't commenced yet. And I said I would support the electronic medical records once its been adopted and it's specifically set to defeese the bond. I don't see the linking between the two issues. But again, as I said, I'm doing this out of a fiduciary responsibility to give personnel someplace to sit without their taking life in their hands.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:

This resolution, again, takes money from a project in my district. Now, I would imagine that BRO is going to say that we don't need the money; is that correct, Gail?

MS. VIZZINI:

I would phrase it that way, Legislator Montano.

LEG. MONTANO:

How would you phrase it?

MS. VIZZINI:

The reason that this was identified as an offset -- and the County Executive has also used this in another Capital amending offset -- was in 2009, via resolution, we accepted Federal funds for Carleton Avenue. And we amended the Capital Program to do that. And this money, in our opinion,

is duplicative,; it's for the same purpose. In other words, the Carleton Avenue road project was advanced in terms of funding to 2009. So this is truly an available offset.

LEG. MONTANO:

All right. Well, I'm not going to support this resolution. Even though you say the money is excess and a duplication, there are many -- it's coming from my district. And it's another resolution that takes funds that some how originated in the 9th Legislative District and wind up somewhere else. And that to me is something that I'm not going to accept.

There are many other things going on in my district for which excess funds could be used. And I think it's inappropriate -- forget about the merits of the case. I would have to agree with Legislator D'Amaro on this, we have this financial crisis, but there are always exceptions, but particularly when they come out of my district. So I'm not going to support this. And I would ask that this one, you know, go back also. And there is a budget process that should be followed on these things, and we're not following these budget processes. Here we are in the middle of the year doing the same old thing; taking money here, taking money there. And, you know, I simply can't afford it. And I am very suspect when I see funds earmarked for probably the most needy or the second most needy district going outside the district.

P.O. LINDSAY:

All right. I'm trying to finish the debate on this because we're supposed to go into public hearing. Legislator Nowick.

LEG. NOWICK:

Just quickly, Legislator D'Amaro. Legislator Kennedy and I started this well over a year ago. But to your point about the other legislation. I don't believe our intention to table it was because we did not believe that electronic -- that was in that legislation was not good legislation, it was just that there were three different subjects in one legislation. Legislator Cilmi said it best, "You made way too much sense and you confused all of us." What we wanted to do -- all you're talking about is separating it, it doesn't mean that we're not going to vote for it eventually. This furniture is separate and apart from that. So just to make it clear, the tabling that I supported had nothing to do with the validity of what was in that legislation.

P.O. LINDSAY:

Okay. I'm going to take a vote on this. And then when we come back from the public hearings, Counsel -- although it's not listed in your agenda, we have to take a vote on the bond for the same thing if the first resolution passes. So we have a motion and a second on 1196?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

MR. LAUBE:

One abstained, two opposed. Fifteen (Opposed - Legis. Montano, Barraga and D'Amaro).

P.O. LINDSAY:

I'm going to break from the agenda now and go to public hearings. Do I have any cards? Any of the -- Clerks, any cards? We have no cards? First up is 1004. If everyone just sticks with me, we only have one card for all these public hearings. Let's see if we can zip through them, all right?

IR 1004 - A Charter Law to strengthen the independence of the Ethics Commission (Montano). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Montano makes a motion to recess. I'll second that. All in favor? Opposed? Abstentions.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
IR 1029 - A Charter Law to provide a fixed five-year term for the Police Commissioner(Cooper). Legislator Cooper.

LEG. COOPER:
I'll make a motion to close.

P.O. LINDSAY:
To close. Motion to close. I'll second that.

LEG. LOSQUADRO:
I'll make a motion to recess.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Motion to recess and a second. Okay. The recess motion takes precedent.

LEG. MONTANO:
On the motion.

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

LEG. MONTANO:
Yes. The name of the resolution is to provide a five year term for the Police Commissioner.

LEG. COOPER:
No. That was changed.

LEG. MONTANO:
I know. What are the -- what are the titles that are proposed in this bill to have a fixed term? There were some added; Probation, who else?

LEG. COOPER:
Right. It's the Police Commissioner, the FRES Commissioner and the Probation Director. All the Public Safety department heads.

LEG. MONTANO:
Would you be willing to separate those resolutions?

LEG. COOPER:
No. I just -- I just combined the resolutions the last time. And I agreed to recess the last public hearing at the request of couple of Legislators, I believe it was Legislator Losquadro and Legislator Nowick, maybe another one, because they said that they wanted to work with me over the past few weeks and they had some ideas for amendments. I never heard from any of them, so I, at this point, would like to close this public hearing.

LEG. MONTANO:

Okay. My understanding was that you were going to work with them. And you're saying that nobody contacted you.

LEG. COOPER:

No one reached out to me in all that time.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Legislator Losquadro. Guys, this is to either close it or to recess it. I don't want to debate the bill, so go ahead.

LEG. LOSQUADRO:

I'm not going to debate it. I will just say that, you know, we are really at an impasse in terms of the "serving at the pleasure of" or having a term appointment. It's something that there really doesn't seem to be any room to compromise. I mean, that really is the crux of this argument. And it's something that at this point, you know, we really don't feel that having a term appointment for these positions is something that's appropriate. And unfortunately, I don't think we can get passed that.

LEG. COOPER:

That's fine. You're debating the bill. So let's close the public hearing so we can vote on my bill at the next meeting.

LEG. LOSQUADRO:

As it turns out, there is another bill that's being filed as a late starter, and I think the two should be debated simultaneously. So I think it would be appropriate to recess this until that one can come forward.

P.O. LINDSAY:

Okay. We have a motion to recess and a motion to close. The recessing goes first. Roll call. I've been asked for a motion on the recess.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. LOSQUADRO:

Yes to recess.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No to recess.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. GREGORY:

No to recess.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No to recess.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Ten.

P.O. LINDSAY:

It's recessed.

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

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1129 - A Local Law to ensure the integrity of prescription labels in Suffolk County (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing no one, Legislator Cooper.

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1174 - A Local Law amending Chapter 8 of the Suffolk County Code (County Executive). I have no cards on this subject. Is there anyone in the audience --

MR. ZWIRN:

We would just ask this be recessed.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro to recess, I'll second it. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1176 - A Charter Law to repeal the Suffolk County Energy Tax via public referendum (Romaine). I have no cards on this subject. Is there anyone in the audience that would like to address on this subject? Seeing none, Legislator Romaine.

LEG. ROMAINE:

Motion to recess.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1200 - A Charter Law to establish a Common Sense Policy for Special Meetings of the Legislature (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'm going to make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

I tell you, we really have to compliment Counsel. You know, some of the descriptions of these bills, he should really be in real estate, you know? Did you call the vote on that?

MR. LAUBE:

Not yet.

P.O. LINDSAY:

Motion and a second to close. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1219 - A Local Law to increase the property tax exemption for Cold War Veterans (Romaine). I have no cards on this subject. Is there anyone in the audience want to speak on this subject? Seeing none, Legislator Romaine.

LEG. SCHNEIDERMAN:

Motion to close.

LEG. LOSQUADRO:

Second the motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1222 - A Local Law requiring Advisory Boards to conduct Open Meetings (Romaine). I have no cards on this subject. Is there anyone in the audience who wants to speak on the subject? Motion to close, second to close. All in favor? Opposed? Abstentions.

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1228 - A Local Law to expand Suffolk County's Law Against Bias Acts (Gregory). I have no cards. Is there anyone in the audience who wants to speak on this subject? Seeing none --

LEG. GREGORY:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Gregory, seconded by Legislator Viloria-Fisher. All those in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen -- seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1229 - A Local Law prohibiting the sale of aerosol dusting products to minors (Horsley). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Horsley.

LEG. HORSLEY:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1230 - A Local Law banning the sale of drinking games to minors (Cilmi). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Cilmi.

LEG. CILMI:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1231 - A Local Law requiring owners of private residential communities to ensure emergency access to roads after snowfall (Romaine). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none --

LEG. LOSQUADRO:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Losquadro, seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions? It stands recessed.

MR. LAUBE:

Seventeen (Not present - Legis. Romaine).

P.O. LINDSAY:

IR 1276 - A Local Law to expand opportunities to create housing under the 72h Transfer Program (Schneiderman). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none -- come forward, please. To answer your question, ma'am, 72-h is a process by where the County deeds property that we've acquired under tax liens to towns, and the towns usually use it for affordable housing purposes.

D.P.O. VILORIA-FISHER:

Can you identify yourself?

MS. GARREL:

My name is Maxine Garrel, I am a resident of Suffolk County. I think that affordable housing process is need out of because of the cost of living. And a lot of people -- the ratio and statistics say that there's 20 to 30% of people are higher income. And the rest with everything going on are 40,000 and below.

And according to the Census, anything under 40,000 is considered low income. And to run your home or to pay living expenses out here, the cost of housing or renting has gone up so much -- like a thousand a month to rent a studio is outrageous, whereas every other state to rent a studio is 340, four-five hundred. We need more affordable housing out here because of the culture and diversity of the different people. And there are needs for housing out here because more and more people have been leaving Long Island because of the shortage in affordable housing and they just can't afford it, so they leave to North Carolina or all the other states. And we need it here so that with our Census we have Legislators up in Washington so that EOC, Economic Opportunity money comes down here so that it is a great place to live.

And I really feel that they need more affordable housing. And we shouldn't take away from certain areas, but we do need, like, the areas that have been taken over to make affordable housing. And also put maybe -- an idea is to limit how much a landlord can charge the tenants. I had wrote to legislation (sic) several times about a lot of different issues -- sorry for my typing, I make typos a lot -- but I had gone over many issues that were problems here in Suffolk County that really needed to be addressed, and one was affordable housing. And we do need -- we do need desperately.

The last time we had affordable housing Section 8, 10,000 families came forward and 5000 were picked. In 2006, affordable housing for Section 8 has been on hold and frozen. They're only up to number 3900, and that's from 2006. 2008 is still frozen because they haven't done 2006. So we're talking 5000 families from 2006, 5000 families from 2008, and this is now 2010 and many people are waiting to get either the Section 8 and other housing type of affordable housing. And that covers a lot of range of people with disabilities, people that are seniors. A lot of seniors cannot afford -- they're people that were back when -- they're like, 70 and 80 years old, and their Social Security coming in maybe four, five, 600 a month. I see working as security guards, they can hardly walk. They're 70, 80 years old, they can't afford to retire because they don't have enough income coming in. And they really need more for seniors, for people of all ages. That's all I have to say.

P.O. LINDSAY:

Is there anyone else in the audience that would like to speak on this subject? Seeing none -- let me just get a motion.

LEG. SCHNEIDERMAN:

Motion to close.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

Motion to close and a second by Legislator Browning. Legislator Losquadro.

LEG. LOSQUADRO:

If I could just ask the sponsor, could you give a brief explanation of what you're trying to accomplish with this?

LEG. SCHNEIDERMAN:

Sure. This basically would make our 72-h Program conform with our other affordable housing programs. So right now our other programs up to 120% of median income. The 72-h Program only goes up to 80% of median income, which in Suffolk County, maybe 40, \$60,000 sometimes for a

family of four. But in many areas, a huge section of the population is totally priced out of housing market, can never hope to buy an affordable house. These are our school teachers, our nurses, our social workers. This would allow that 72-h Program to make homes available for those folks still priced out of the housing market. It doesn't automatically give it to them, but it allows the Housing Director the flexibility to go up to 120% if certain criteria, specific criteria are met.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

We have a motion and a second to close 1276. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fourteen (Not Present - Legis. Romaine, Eddington, Montano and Horsley).

P.O. LINDSAY:

IR 1298 - A Local Law to change the composition of the Vanderbilt Museum Board of Trustees (Presiding Officer Lindsay). I have one card, Noel Gish.

MR. GISH:

Yes. Good evening. I just want to bring to the attention of the Legislature some of my concerns for IR 1298, the law to change the composition of the Vanderbilt Board of Trustees. This Legislature has the power to nominate, appoint trustees to the Vanderbilt Board and has had that power for 60 years. You have the power to refuse reappointments and to remove for attendance those individuals who do not attend.

What concerns me as the Suffolk County Vanderbilt Board President is the politicalization of the board in IR 1298. This sets a very poor precedent. One appointment by the Majority Leader, one appointment by the Minority Leader and one by the Presiding Officer. The role of a trustee is and should always be what is in the best interest of the Suffolk County Vanderbilt Museum and Planetarium, not as what is best for the political party in power or the one who would like to be in power.

With those new appointments -- will those be specific individuals or will it be an open seat occupied by different individuals each night? Will these be willing appointments or just an additional assignment for a staff member or aide? Will this new board member come to the board with the same sense of political dedication and passion for the institution that I hope every new trustee has? Will the new trustee serve on a committee? Will new trustees be subject to the same attendance requirements? Can I realistically ask the Presiding Office to remove a political appointment of a Majority or Minority Leaders? It seems obvious to me that these new trustees will change as often as the winds of political change.

The Vanderbilt has just ended a year of Legislative oversight. I have met with the Oversight Committee, I have tried in every way to improve operations on suggestions of that committee. Was the Oversight Committee ever denied participation at a board meeting? Were their comments ever taken lightly? You have the power to nominate and appoint anyone. I ask you to appoint the best, most qualified, dedicated individuals to the board. Consider anyone; male, female, black or white, older or young, Democrat, Republican, Liberal, Conservative or Independent, from the East End of the West End of Suffolk. The Vanderbilt needs trustees who are committed to serve the people of Suffolk County by serving the best interests of the Vanderbilt Museum and Planetarium. Thank you, very much.

P.O. LINDSAY:

Mr. Gish, are you aware that we've had great difficulty filling some of the positions on the board? We've had tremendous turnover over the last few years of trustees that were appointed by the board, some of it we're limited by the restrictions. And also are you aware of the fiscal strain the

museum has put on the County in many a debate that's happened here? The Purpose of the resolution is to have more of a district input by the Legislature into the operations of the board.

MR. GISH:

There has -- there has never been a time when I have not met with any member of the Legislature.

P.O. LINDSAY:

Never said you did. Never said that you didn't make it, okay?
But meeting and getting something done is two different things.

MR. GISH:

Yes, sir.

P.O. LINDSAY:

Yes, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thanks for coming down, Noel. And I congratulate you on the dedication that you've shown in your position. But you did make a few statements that I believe were questions, which were -- and I should look at this particular legislation more closely, but I believe that the requirements of attendance would still stand no matter who the appointment is made by, okay? And some of the other things you said regarding the term of office, I think the term would still be the same term; am I correct, Mr. Chair?

P.O. LINDSAY:

It's a stationary appointment that goes with the officer. It's the Majority Leader, the Minority Leader and Presiding Officer.

D.P.O. VILORIA-FISHER:

Okay. But it's not arbitrary that the person has to leave at any -- you know, it goes with the term. So that would be a one-year position or more. But the other question that you asked which I am certain of is the attendance requirement would still be there.

MR. GISH:

I am aware of the difficulty in getting trustees on the board. I am aware that I have had trustee appointed by the Legislature that lasted half a meeting. I am aware that we have had trustees that have been on the board for 16 years. I am aware that we have removed and I believe Presiding Officer Lindsay removed an individual within the month for attendance.

My question is not the difficulty in getting trustees. The question is that I just want to most qualified trustees. This Legislature has always had the power to appoint. My question is whether those appointments don't make them a Majority Leader appointment or indeed a Minority Leader appointment or a Presiding Officer appointment. Make the appointment based on your recommendations for the best qualified person. I'm just concerned that it will politicize the institution, which at one time it was, and that was not a good scene based on my examination of the history back through the '60s and the '70s.

We have moved to a point where we have a group of officers now at the Vanderbilt. And it's only been -- I have only been on the board since 2009. I have been President of the Board of Trustees since June of 2009, less than a year. And I'm making the majority of change I can with the board that is the most active. I want trustees who are on committees. I do not want people to come in once a month to sit down, listen to what we have to say and then make a decision and not have them appear for another month. I want them to serve on committees.

If it's a rotation basis where, in fact, the Minority Leader picks a person to come and that is not the same person who would attend every month, I will be repeating what took place the month before so to fill everybody in. That will make my job much more difficult. I can in no way, shape or form influence the Legislature on their choices. I just want the choices to be based on the most qualified individuals. And remember, the individuals that I'm looking at now who will make those appointments are absolutely fine with me. Let me state that: The individuals who have put this forward are fine. I am always concerned about the precedent; what will take place long term and where it will become an issue where individuals on the board placed on by a Minority Leader or a Minority Leader (sic) would take out political -- would make a political issue at a Board of Trustees Meeting at the Vanderbilt.

P.O. LINDSAY:

Mr. Gish, if you think that this wasn't a political issue, you haven't been around here the last three years, because there's more discussion about this museum than probably any subject that we've debated over the last couple of years. So, you know, that's fine. You certainly have a right to oppose it and speak against it, but be careful what you wish for.

MR. GISH:

And I did not speak specifically against the bill, it was just my concerns. And that's -- I mean, I am very much aware of your position and your involvement as are a number of other Legislators here. And I've asked for everyone's input; I've sent e-mails to all the Legislators, I've spoken to Legislators on numerous occasions. If you have an idea to put forward, that's fine. And I'm looking for any Legislator from Shelter Island all the way down to Islip to put somebody in.

P.O. LINDSAY:

We hear you.

MR. GISH:

Thank you very much.

P.O. LINDSAY:

And that's our ability to put somebody in. You know that ability. Motion to close and a second. All in favor?

MR. LAUBE:

Sorry. We don't have a motion and a second yet.

P.O. LINDSAY:

Okay. First of all, is there anyone else in the audience who would like to speak on this subject? I'll make a motion to close, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not present - Legis. Kennedy).

P.O. LINDSAY:

Setting the date for the following public hearings of April 27th, 2010, 2:30 p.m. in the Maxine Postal Auditorium, Riverhead, New York: The 20110-2013 Capital Budget and Program; IR 1334, a Local Law to strengthen the County's crack house statute; IR 1352, a Local Law banning the sale of certain synthetic cannabinoids to minors in Suffolk County; IR 1354, a Local Law to impose civil penalties for the use a vehicle in connection with the sale, purchase, use or transport of unlawfully possessed controlled substances; IR 1355, a Charter Law to implement a two year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfalls. I'll make a motion. Do I have a second?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present - Legis. Cooper).

P.O. LINDSAY:

Okay. We're back on Page 6. And although it is not on the agenda, we have to pass **1196A - [Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$175,000 bonds to finance a part of the cost of the renovation, construction, and addition to the Fourth Police Precinct building (CP 3184.511)]**, the accompanying Bond Resolution to 1196 to purchase the furniture for the 4th Precinct. Do I have a motion? Motion by Legislator Kennedy, seconded by Legislator Losquadro. Anyone on the motion? Roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

LEG. COOPER:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Going on to page seven, **Introductory Resolutions:**

Budget & Finance:

IR 1127 - Adopting Local Law No. -2010, A Charter Law requiring sound budget practices to ensure fiscal responsibility (Stern). Legislator Stern, you want to make a motion.

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Anybody on the issue? Seeing none, all those in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1235 - Authorizing certain technical corrections to the 2010 Adopted Operating Budget for the West Islip Symphony Orchestra, Inc. (Barraga).

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Consumer Protection:

IR 1080 - Adopting Local Law No. -2010, A Local Law to recodify, strengthen and clarify the provisions for licensed occupations (County Executive). I'll make a motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

This is just a question for Counsel or anybody who can speak to it. Does this add enforcement provisions that allow for prosecutions or somehow it strengthens our ability to go after unscrupulous contractors?

MR. NOLAN:

Right. The big change is that it allows the department to go after unlicensed contractors. Right now if somebody's doing work without a license, it's referred to the District Attorney's Office. The changes to this law would allow --

LEG. KENNEDY:

Oh, so this gives us civil enforcement ability.

MR. NOLAN:

Right. Exactly. To go after the unlicensed guys.

LEG. KENNEDY:

All right. Thank you.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Tim, cosponsor please.

MR. LAUBE:

Seventeen (Not present - Legis. Cooper).

Economic Development, Higher Education & Energy:

P.O. LINDSAY:

IR 1170 - Adopting Local Law No. -2010, A Local Law amending the Suffolk County Empire Zone Boundaries to include Amneal Pharmaceuticals of New York, LLC., (SCTM Nos. 0800-182.00-01.00-027.014 and 0800-182.00-01.00-027.006) (County Executive).

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1171 - Adopting Local Law No. -2010, A Local Law amending the Suffolk County Empire Zone Boundaries to include A & Z Pharmaceuticals Inc. (SCTM No. 0100-068.00-01.00-011.001) (County Executive).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1266 - Authorizing cultural tourism funding for 2010 (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Horsley. I believe the list is attached to the resolution. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

IR 1267 - Authorizing funding for the 2010 Long Island Winterfest – Jazz-on-the-Vine Program (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Cosponsor.

P.O. LINDSAY:

IR 1279 - Appointing Dafny J. Irizarry to the Suffolk County Community College Board of Trustees (Presiding Officer Lindsay). Motion by Legislator Montano, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1284 - Designating the County of Suffolk a recovery zone pursuant to the American Recovery and Reinvestment Act of 2009 and designating the Suffolk County Industrial Development Agency as the issuer of Recovery Zone Facility Bonds (County Executive).

Motion by Legislator Horsley. Do I have a second? Second by Legislator Nowick.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Is this creating the IDA? No, this is a different thing. Maybe Legislator Horsley, being this came out of your committee, maybe you can give us explanation on this one.

LEG. HORSLEY:

This is -- there are Federal -- Federal Recovery Facility Bonds that are -- that we are saying can be used anywhere in Suffolk County. It's a ministerial job for us to approve this, and then the individual bonds will be forthcoming in the future. But all this does is just declare that Suffolk County would be eligible for these industrial bonds.

P.O. LINDSAY:

Okay. Are these bonds are on our dime or on the Federal Government's dime?

LEG. HORSLEY:

It's on theirs.

P.O. LINDSAY:

Okay. We have a motion and a second -- I'm sorry. Legislator Romaine.

LEG. ROMAINE:

Yes, if I may, Mr. Presiding Officer, perhaps a question for Mr. Horsley. These are the recovery zone bonds and we are asking the IDA to issue these bonds?

LEG. HORSLEY:

Why don't I ask Carolyn Fahey to come up, she's in the audience, or Yves Michel.

LEG. ROMAINE:

With your permission, Mr. Presiding Officer, if I could direct some questions. Very simple issue. These bonds are backed by what? I mean, we're giving the IDA the authority to issue bonds, recovery bonds. These are bonds. What are they backed by? How are repaid?

COMMISSIONER MICHEL:

These bonds are the ARRA Funding from the Federal Government. There are two bonds. The first one is the Recovery Zone Economic Development Bond that is set up through the America Reinvestment Act for municipal projects. So these bonds come from Federal Government. And in order for these bonds to be activated or to be brought forward, we have to designate a recovery zone or a recovery area in which these bonds can be issued.

LEG. ROMAINE:

I understand that. You do too, because your former job was in Brookhaven. Brookhaven designated 16 recovery areas, but those bonds have to be paid back by the Town of Brookhaven. All they're getting is the lower interest rate. What is the story with these bonds?

COMMISSIONER MICHEL:

From my understanding, and I may be incorrect, because I was not 100% part of this process, but I do believe that these bonds will be issued back by the -- either the municipality, if there are the Empire Zone -- the economic development bonds or the for-profit company that they're being issued too.

LEG. ROMAINE:

Who pays off the bonds? Who are they backed by? Who pays off these bonds?

COMMISSIONER MICHEL:

The for-profit company.

LEG. ROMAINE:

And who is the for-profit company?

COMMISSIONER MICHEL:

It will be dependent on if we issue them to a company.

LEG. ROMAINE:

Correct. Because the reason I ask this -- and you will understand -- because Brookhaven is not issuing them to companies. They are using -- they may be, but they are using the bulk of these bonds to do municipal-like projects, okay; sidewalks, improvements like that. And the municipality is responsible for repaying these bonds, but that is not the case here. We're going to issue -- we're going to be the issuer of these bonds, but they're going to be repaid by the private for-profit companies that we issued them to. We're not undertaking using these bonds for municipal purposes.

COMMISSIONER MICHEL:

That's correct, sir.

LEG. ROMAINE:

Thank you. That's all I wanted on the record.

LEG. HORSLEY:

And just to add to that is that the companies would have to back them, the bonds themselves, and they'd be responsible for it.

LEG. ROMAINE:

Right. They get the lower interest rate. Same thing as an IDA inducement.

LEG. HORSLEY:

They would come to us each and every individual time these bonds are being floated. So we'll have another bite at the apple when we're actually letting the bonds.

LEG. ROMAINE:

Right. The only reason I ask this question is because my town, Brookhaven, is using them in a different way for municipal projects; they're going on the hook. And I wanted to make sure we weren't going on the hook. Thank you.

P.O. LINDSAY:

Commissioner, if I may, what's the difference then between this bond and a normal IDA bond?

COMMISSIONER MICHEL:

These bonds came through the ARRA, through the stimulus package, in order to induce economic activities from the Federal Government.

P.O. LINDSAY:

But where is the Fed involved here? We float the bonds. It's the people that accept the bonds are mandated to pay them back, where -- where --

COMMISSIONER MICHEL:

The Fed is involved because they're subsidizing the rate that is being --

P.O. LINDSAY:

I see. So it's a lower rate than a normal IDA bond?

COMMISSIONER MICHEL:

Correct. Correct.

P.O. LINDSAY:

Okay. Now I understand. Thank you. Legislator Romaine.

LEG. ROMAINE:

Is there an administrative fee that we're allowed to recapture with the use of these bonds? And if so, what's the amount of the administrative fee?

COMMISSIONER MICHEL:

That's a very good question. I was looking through the resolution, and that's not stated in there, so I do not have the answer to that question. What I will do is find out and report back.

LEG. ROMAINE:

You can e-mail me in my office or call me, whichever is more convenient any time later this week, okay? But I'd like to know if there was an administrative fee, who is getting that -- I assume the IDA in this case would get that administrative fee -- and how large that administrative fee is.

COMMISSIONER MICHEL:

Okay.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Everybody all right with that now? Do we have a motion?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen -- sixteen (Not present - Legis. Montano and Nowick).

P.O. LINDSAY:

IR 1286 - Authorizing an amendment to the lease agreement with Rechler at Gabreski LLC, for use of property at Francis S. Gabreski Airport (County Executive).

LEG. SCHNEIDERMAN:

Motion. Motion by Legislator Schneiderman.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. Any questions? Okay. All those in favor? Opposed? Abstentions.

MR. LAUBE:

Sixteen (Not present - Legis. Montano and Cooper).

P.O. LINDSAY:

IR 1294 - Authorizing the County Legislature of Suffolk County, New York to form a local development corporation to promote and conduct economic development activities in Suffolk County, New York (County Executive).

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. And this is the one for the non-for-profits, right?

LEG. HORSLEY:

This is the one for the not-for-profits, that's correct.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Again, I guess I was going to ask through the Chair, does this substantially alter the way our IDAs would function? Or perhaps the question is more appropriate for our Economic Development Director.

LEG. HORSLEY:

I may be able to help you on that, John. The Chair of our IDA.

LEG. KENNEDY:

Oh, okay. That would be wonderful.

MR. ROSENBERG:

Members of the Legislature, I'm David Rosenberg, Vice-Chair of the IDA. Mr. Kennedy, can I just hear your question again?

LEG. KENNEDY:

The State statute authorizing IDAs either has all right sunset or is about to sunset and this is being brought forward to codify you at a local level or what's the --

MR. ROSENBERG:

Not exactly. There is no sunset of the IDA by the State. What has happened is the authority that the local IDAs have had for many, many years that has been renewed for about 15 years in a row, sunset two years ago on January of 2008. The provision that sunset allowed us to make what are called civic facility loans, which are essentially what you would call not-for-profits, so the hospitals the museums, the non-for-profit agencies that work the disabled, all of those agencies.

So for two years now there has been stalemate in the Legislature where they are holding this up as hostage with a lot of other issues that the Legislature feels that they want to combine this with. So the sunset provision expired. And for two years now, we have not been able to issue any civic facility bonds. What has happened throughout the State including on Long Island, the City of New York and Upstate is that there are many local development corporations that many companies -- many counties either had or are on the shelf not doing anything. And because of the way the sunset provision worked, it only affect IDAs.

So if we now create a local development corporation for Suffolk County and it would be staffed by the same IDA people, the members would be the same as the IDA Board of Trustees, we would be able to issues these civic facility bonds, which are a great advantage to these not-for-profit, whether they be hospitals, museums, disabled. And until Albany straightens itself out, we would be able to give them that relief through the LDC. It's in effect, doing with the right hand what they won't let us do with the left hand.

LEG. KENNEDY:

I know there are number of meritorious projects that were held up. And many, many not-for-profits want to go forward with infrastructure, and quite candidly, it would be very important. My question then will just be very simple. I know the Suffolk County IDA has voluntarily adopted some threshold language that goes to, I think, prevailing wage and to approved apprenticeship language. What is your threshold now?

MR. ROSENBERG:

All of those provisions will be exactly the same. Right now prevailing wage will cover, I think it's a \$5 million limit. Anything over \$5 million must be prevailing wage.

LEG. KENNEDY:

Okay. And the approved apprenticeship language program also?

MR. ROSENBERG:

The alternative is a -- what's it called? A Project Management Agreement, PMA -- Project Labor Agreement, PLA. And I would also mention this was originally proposed by our own board. And we have two labor representatives on the IDA Board you might be aware of, both of the them -- in fact, Mr. Zarcone actually seconded the motion and Mr. {Isle} was very much in favor of it as well. They are very frustrated, because in addition to helping the agencies, there are literally hundreds of construction jobs that will be employed when these projects get approved and get funded so that they can build them.

LEG. KENNEDY:

Great. Thank you very much. I appreciate it. Thank you, Mr. Chair.

LEG. HORSLEY:

Just one more question, Mr. Lindsay. Dave, how many different not-for-profits have come to the IDA, expressed interest over the last couple of years? Do you have any idea, because --

MR. ROSENBERG:

I think we have about 25 projects that have expressed interest that we haven't been able to which would have been -- with the hospitals, which are obviously big ones, I think they're in excess of \$100 million.

LEG. HORSLEY:

Right. Were there any schools involved with that?

MR. ROSENBERG:

We've had a couple of not-for-profit agencies which were building subsidized senior citizen facilities, we've had the Parish Art Museum in Southampton, the Children's Museum of the East end, the Commack Volunteer Ambulance Corps, Huntington Hospital, the Memorial Library in Sag Harbor, a facility in Southold, Sunset Inn by the Sound.

LEG. HORSLEY:

So it's almost in every district that's represented here at this dais.

MR. ROSENBERG:

Long Island Alliance of Agencies which is an umbrella organization that helps a lot of learning -- Association for Learning Disabilities, Young Adult Institute, anybody dealing with disabilities because they pool the resources so that they can get the funds to build the group homes and other facilities to help the disabled.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Everybody satisfied. We have a motion and a second; am I correct?

MR. LAUBE:

I just have the motion. Someone was in my ear when you were calling it out.

P.O. LINDSAY:

I believe Legislator Horsley made the motion on this and the second -- Legislator Cilmi made the motion, Legislator Horsley seconded.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor, please.

MR. LAUBE:

Fourteen (Amended to fifteen; Not present - Legislators Muratore, Montano and Cooper).

P.O. LINDSAY:

Environment, Planning & Agriculture:

IR 1028 - Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program – open space and the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space - for the Pollert property - Sterling Lake - Town of Southold - (SCTM No. 1000-034.00-04.00-019.001)(Romaine).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman. What's the number? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fourteen (Opposed - Legis. Barraga; Not present - Legislators Muratore, Montano and Cooper).

P.O. LINDSAY:

IR 1052 - Adopting Local Law No. -2010, A Charter Law to provide flexibility in the membership of the Council on Environmental Quality. (Schneiderman). Motion to approve by Legislator Schneiderman, seconded by Legislator Vilorio-Fisher. Could the sponsor -- you want to give us an explanation.

LEG. SCHNEIDERMAN:

Sure. Currently, there is a seat on the CEQ for the Chair of the Environment, Planning and Agriculture Committee. Of course, CEQ is purely an advisory committee, it advises the Legislature. This gives the Chair the ability to either attend themselves or to send a designee as in many other cases.

D.P.O. VILORIA-FISHER:

And the CEQ has no problem with that?

LEG. SCHNEIDERMAN:

It's the chair or designee.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not present - Legis. Montano and Cooper).

P.O. LINDSAY:

Truthfully, Legislator Schneiderman, I thought your explanation would be long so I could chew my food.

IR 1201 - Amending Resolution No. 811-2009, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (the links at East Quogue property - Town of Southampton) (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed - Legis. Barraga; Not present - Legis. Montano and Cooper).

D.P.O. VILORIA-FISHER:

IR 1246 - Accepting the donation of certain lands now owned by Darcy Gazza and transfer such lands to the Suffolk County Department of Parks, Recreation and Conservation for wetland protection purposes (SCTM No. 0200-982.90-08.00-010.000) (County Executive).

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

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

MR. LAUBE:

Sixteen (Not present - Legis. Montano and Cooper).

D.P.O. VILORIA-FISHER:

IR 1268 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Ashley Builders Corp. Property – Lake Panamoka - Town of Brookhaven - SCTM Nos. 0200-172.00-03.00-012.000, 0200-172.00-03.00-069.000, 0200-172.00-03.00-070.000, 0200-172.00-03.00-072.000 and 0200-172.00-03.00-073.000) (County Executive).

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Motion by Legislator Romaine, seconded by Legislator Losquadro.

All in favor? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed - Legis. Barraga; Not present - Legislators Montano and Cooper).

D.P.O. VILORIA-FISHER:

Motion carries.

LEG. ROMAINE:

Cosponsor please.

D.P.O. VILORIA-FISHER:

IR 1269 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Penney Estate property - Reeves Bay - Town of Southampton - (SCTM No. 0900-147.00-01.00-006.005) (County Executive). And no, it does not go for a penny. It's a 50/50 split with Southampton, 7.9 acres.

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Okay. There's a motion by Legislator Schneiderman, seconded by Legislator Losquadro. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen (Opposed - Legis. Barraga; Not present - Legislators Montano and Cooper).

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

D.P.O. VILORIA-FISHER:

Okay. *Discharged by Petition:*

IR 1263 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the development of County owned land in Yaphank for an Environmental Impact Statement (CP 6420) (County Executive).

P.O. LINDSAY:

I make a motion.

D.P.O. VILORIA-FISHER:

Motion by the the Presiding Officer, is there a second?

LEG. BARRAGA:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Barraga.

LEG. KENNEDY:

I'm going to make a motion to table.

D.P.O. VILORIA-FISHER:

Motion to table by Legislator Kennedy, seconded by Legislator Browning. Tabling motion takes precedence.

P.O. LINDSAY:

On the motion.

D.P.O. VILORIA-FISHER:

On the motion, Legislator Lindsay.

P.O. LINDSAY:

In spite of what a lot of the speakers said here tonight, we heard impassioned pleas to do an environmental study, a full environmental study on this property. CEQ decided to go forward with that. Somebody has to pay for. It's our land, we haven't exsessed it, we haven't sold it to the developer. It's our responsibility to do it. There is a signed agreement that if we excess the property, that the builder will pay us back. I think we're holding their money in escrow. And if we don't go forward with that, there is a plan afoot to sell the industrial property. And we're going to have to do that to sell the industrial property.

So I cannot see any reason to continue delaying this. And I think this is a backdoor way of trying to destroy the project. And I think -- I think if you don't want to go forward with the project, I think that that vote should be taken when the contract comes before us, if it comes before us, and when the property is proposed to be excess. It shouldn't be done through an environmental backdoor.

LEG. KENNEDY:

Mr. Chair.

D.P.O. VILORIA-FISHER:

All right. Mr. Chair, I have a few questions. First of all, I'd like to ask Dennis Brown through the Chair -- Mr. Brown, do you in fact have that commitment in writing now?

MR. BROWN:

Yes.

D.P.O. VILORIA-FISHER:

Okay. Because that's why I made the tabling motion. That was one of the reasons I made the tabling motion in my committee because you had said there was a -- okay. And if I could have some kind of copy of that.

MR. BROWN:

Yeah, sure. I don't have it with me with me, but yes.

D.P.O. VILORIA-FISHER:

All right. But I have a number of other questions, because I have the draft scope for the EIS. And there's something in the very first paragraph -- thank you, Tom. In the very first paragraph, it indicates that the public comment period on this draft scope --

MR. BROWN:

The scoping document, which I haven't seen, by the way.

D.P.O. VILORIA-FISHER:

Really?

MR. BROWN:

I have not seen the scoping document. The scoping hearing, I think was last Tuesday, but I have not seen the scoping document.

D.P.O. VILORIA-FISHER:

Oh, you should take a look at it. Anyway -- and that's exactly my point; not everybody has had a chance to look at the scoping document. And the comment period doesn't close until March 30th. So another reason to just wait until our next meeting to vote on this. Okay. I think we should finish the public comment period before we take a vote here in the Legislature.

When I go to the body of the scoping document -- and maybe I should have someone who's more familiar with the scoping document than --

MR. BROWN:

That would probably be somebody from Planning.

D.P.O. VILORIA-FISHER:

I had asked -- my staff had asked if somebody from Planning could be here. I don't see anybody. Gil, you familiar with the scoping document?

COMMISSIONER ANDERSON:

No.

D.P.O. VILORIA-FISHER:

Okay. You're going to tell me that nobody from the County Executive's Office has read the scoping document. Am I the only one in the room who has read the scoping document? And yet we're planning on voting on this.

P.O. LINDSAY:

You're voting on an EIS, which the council wanted.

D.P.O. VILORIA-FISHER:

Yes. But before we vote on the EIS, there are questions on the scoping document that set the parameters of the EIS that nobody in this room has read. To me --

LEG. LOSQUADRO:

I haven't seen it yet.

D.P.O. VILORIA-FISHER:

Maybe Mr. Kent has read the scoping document.

MR. BROWN:

May I address that issue at least?

D.P.O. VILORIA-FISHER:

I have very specific questions about it.

MR. BROWN:

It's not so much the merits of the scoping document. The scoping document is, in fact, part of the EIS study. And the bill, as you know, really just calls for the funding of the completion of the EIS study. The scoping document is only part of it.

D.P.O. VILORIA-FISHER:

All right, Dennis, I know what you are saying. But here's what I am saying. I read the scoping document very, very carefully because we're going to be voting on spending \$411,000 of taxpayers' money to give to an engineering firm to work on the EIS that's is being described within this scoping

document. I am not ready to say that we should expend \$411,000 for an engineering firm to do some of the work that as I read scoping document I felt that we have already done inhouse, much of the work, I believe, can be done inhouse. And I think we have to parse through this draft very, very carefully and see what we need to pay an outside consultant for. And perhaps we could pare down the amount of money we are spending.

We are in very, very difficult economic times. And for us to give carte blanche to spend \$411,000 to Cameron Engineering -- and that's not in any way undercutting what they are doing -- however, there's a lot in this draft scope that I think as I look through it that we've already inside, that our Planning Department can do and our Health Department can do. And I think if we just hired one additional person in the Planning Department, we could probably do the whole thing inhouse.

So we haven't looked at this, nobody in this room has read the scoping document and we're going to be voting for \$411,000 on a project that's being described herein. I have a problem with that. Yes, Gil.

COMMISSIONER ANDERSON:

With regard to the individual issues, if they are issues that could be verified that have already been done, we can certainly, you know, renegotiate the contract downwards. You know, I don't see that as -- again, I understand where you are coming from, but my argument would be to appropriate the money so we can at least get the EIS process moving. We can adjust it. We have time to adjustment it.

D.P.O. VILORIA-FISHER:

You know what? Here's my fear: If we vote on \$411,000, it will be spent on the engineering firm. I feel we should give it a full discussion here and we should have a chance to talk about the fact that we're talking about -- Page 3 in scoping document where it refers to an existing groundwater quality and a study and related investigations on that.

We did a very comprehensive groundwater study. I remember seeing the mapping, I remember all of that material spent on that. I don't understand why we have to pay somebody else to do a study on that. I remember also a transportation study. Legislator Romaine asked over and over again about buses and transportation, and he was told, "We're doing a comprehensive transportation study." And we did an additional transportation study based on transportation and traffic flow around the new jail. I just wanted to make sure I had your attention.

We did a transportation study when we were planning the new jail. When we talk about air quality -- you know, Caithness is not very far from this area, and I know that when all the debate that was going around Caithness, there was a lot of air quality studies around there before and after the construction of the Caithness plant. You know, I'm not a scientist, I'm not an engineer, but even to my eyes as a layperson, I could see things that jumped out at me, because I've read reports that have come out of Planning, I've read reports that have come out our Health Department.

I'm looking at the demography and economic impacts. My goodness, you could at the -- some of the Long Island index studies that have been done, some of the Pearl Kamer studies that we've seen coming out of the LIA. All of this information is in that. So if we had people in our Planning Department or in the County Executive's Department, maybe some of the people who work on public relations a lot could spend time looking at these. Do a literature study on what's available.

When we look at cultural resources where it's talking about visual resources and historic and archeological resources, Richard Martin talks about this at every CEQ Meeting, what historical structures we have and where we have them. Okay.

As I said, I went through this, and I just can't see -- oh, in transportation, the number of the accidents. You know, whenever I've had an issue in my district and I'm concerned about accidents, the Police give me the information in a couple of days. Although, I know that we're very

shorthanded in our Police Department, but this can be done by some of the civilians in the Police Department. My point -- not to belabor it, but my point is that I would like to know that the rest of my colleagues and that some of the people in the County Executive's Office have this scope to understand the scope of this project and for all of us to say, "Having seen the scope of the project do we feel that it's fiscally prudent to give -- to give an outside agencies \$411,000," when we should all, before we appropriate this money, look very carefully at this and say, "What has already been done and how can we pare it down."

And if we can work together, and I'd be happy to spend as much time as you'd like on this, because I really feel very passionately on this, we cannot throw away \$411,000 when we've done so much of the work. I was amazed what I read this and when we haven't even closed the public hearings. That's my point. And I'm asking that it be tabled for one month. And I'm not, Mr. Chair, trying to find delaying tactics. I really feel it's a lot of money, we should be looking at it very carefully.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

I'll be brief. Gail, this is -- well, the money for this project is coming out if the Wicks Road Corridor study and improvements. Again, money coming out of my district. Gail or Lance or Robert, would you explain and give me why you don't think -- or why this money is not needed?

MR. REINHEIMER:

Well, this is, I believe, a County Executive's resolution, so it's their offset. The money was taken out of the construction portion of the Wicks Road Corridor study. The current Capital Program had \$5.3 million.

LEG. MONTANO:

This project is not completed; am I correct?

MR. REINHEIMER:

I'm not sure. Well, it's in the Capital Program.

LEG. MONTANO:

It's in the Capital Budget.

MR. REINHEIMER:

Right.

LEG. MONTANO:

So you're just taking the money out of my district again. Not you, but I mean this resolution.

MR. REINHEIMER:

Right. Not us. Let that be clear.

LEG. MONTANO:

Somehow, Mr. Kent, I feel that it looks like -- maybe I'm getting paranoid -- when I see -- I'm beginning to think maybe the County Executive doesn't like me, and I can't imagine why. So would you explain to me why we're taking money out of my district again and again and again?

MR. KENT:

Would the Chair like me to respond to that?

LEG. MONTANO:

Yeah. I asked the question, I would like a response.

MR. KENT:

Excuse me. I'm trying to follow decorum here. Would the Chair also like me to respond to Legislator Fisher?

P.O. LINDSAY:

Yes.

MR. KENT:

I'll start with Legislator Montano, because that answer is easier. The Capital project for CR 7, Wicks Road, the estimates for the repairs came in much higher than the amount in the Capital Program, so we thought that since we're going to need to fund that in the 2011 Capital Program, we could take the money that's necessary for this project from there, and then fund the full amount necessary to complete the Capital Project for Wicks Road in the 2011 Budget.

LEG. MONTANO:

So you're really in a way then -- and excuse my sarcasm, it's not really directed at you, Chris, I think you are a straight shooter and I do appreciate that, but it's almost as if they're somehow doing me a favor because they're going to increase the allocation later on.

MR. KENT:

Well, we had I think approximately five million. I don't know the exact numbers, but it was approximately \$5 million in the budget. I think the project is going to cost in excess of seven million. So the determination was made that we were going to have to come up with about \$3 million to fund that project. So by taking this 411, we could fund it in full in 2011. That project probably won't go forward until 2011 anyway. So we'll fund it at the time it's ready to move forward in the full amount.

LEG. MONTANO:

Just so you know, I don't mean to be flippant with you and the sarcasm is not directed at you.

MR. KENT:

It's okay. I'm used to it.

LEG. MONTANO:

You are used to it and you've got a thick skin. But I'm not going to support it. I'm not going to support any project that takes money from my district. There's a lot of projects that seem to be coming from my area and, you know, I think that's an issue. We don't have to get into that.

But the other question I had was that I just wanted to be clear because I asked this to Mr. Brown early, to Dennis, with respect to \$411,000 for the study, and there was an impression -- stated to me that if this project did not go through that somehow the developer would wind up paying the County. So I just want to be clear. If the study -- we are paying for the study.

MR. KENT:

Correct, yes.

LEG. MONTANO:

And the understanding is that if we go into contract and the project is completed, that the developer would then reimburse the County for --

MR. KENT:

No. That is not the agreement.

LEG. MONTANO:

So what is the agreement?

MR. KENT:

Reimbursement agreement is at the time the property is declared surplus and we agree that we're going to go forward with the contract, that's the point of reimbursement, not the end of the study -- not the end of the project when they're going to --

LEG. MONTANO:

Oh, okay. So it's at the time that we go into contract. But if we don't go into contract, are we reimbursed?

MR. KENT:

If we don't go into contract, our anticipation is that we will terminate, and then we will move forward with the sale of the industrial parcel which we would realize quite a bit of money from the sale of that asset, probably in the neighborhood of \$12 million.

LEG. MONTANO:

But what about the reimbursement on the \$411,000, would we be reimbursed?

MR. KENT:

We can secure the reimbursement -- we would not be reimbursed under the contract with Legacy Village, LLC, but we could be reimbursed with whomever we choose to sell the industrial to parcel at the time we sell it.

LEG. MONTANO:

Well, that's not -- you say that we could be, so that's speculative. And the way you describe it, it's not a reimbursement, what you're saying is that the money we're getting for the property -- for the sale will be -- you know, we are going to take the money out of there. That's not a reimbursement.

MR. KENT:

No. I'm saying that -- the agreement right now with the current -- the person that we're currently in negotiations with and that we have a letter of intent executed calls for them to reimburse us for the cost of the SEQRA documentations that we are going to go -- that we're going to undertake on their behalf. If this deal gets terminated, we would have to then go out with whatever property we chose to sell, if we could declare some land surplus, any property the County chooses to sell, we could seek reimbursement for the existing investment that we made in the study that was necessary for whomever would be the owner of that property. And we could negotiate into a sale of that -- when we go to sell that property, we could negotiate in that transaction a reimbursement for the EIS.

LEG. MONTANO:

Again, Chris, but the problem that I have is that could is speculative.

MR. KENT:

Well, we have right now in hand an agreement with an existing party to be reimbursed.

LEG. MONTANO:

Which party, the party that's doing the study?

MR. KENT:

No. With the party that we have a letter of intent agreement with to sell 255 acres at Yaphank once it's declared surplus. We have a letter of intent with a reimbursement agreement that upon approval of the declaration of surplus and the authorization to go forward with the contract, that they would reimburse us for the cost that we have invested in completed the studies necessary under SEQRA.

LEG. MONTANO:

Do you have a purchase price agreement, or will that agreement be negotiated in the future?

MR. KENT:

We have a letter of intent that does have a purchase price in it, yes.

LEG. MONTANO:

How much is that purchase price? And that purchase price is fixed now.

MR. KENT:

Yeah. The contract is on file. The purchase price is \$57 million.

LEG. MONTANO:

Right. And that purchase price is based on today's appraisal, tomorrow's -- I'm not sure. You know what?

MR. KENT:

That was based on an appraisal that was completed prior to the RFP being issued.

LEG. MONTANO:

Right. I hear what you're saying. The bottom line is that you've raised lot of issues that I would -- you know, there are a lot of issues here that I think I need to look at more, so I'm going to support the tabling.

MR. KENT:

Okay. I can -- if you wish, I will try to answer Vivian's questions.

D.P.O. VILORIA-FISHER:

Thank you.

MR. KENT:

EISs, I just -- don't want to -- I'm not trying to insult anybody, I'm just going to go back to the beginning. EISs are very complicated documents. They require studying every possible impact that a proposed development could have in both the environment and the socioeconomic -- every possible impact the development can have, including environmental impacts and socioeconomic, which would be school district, impacts upon roads, impacts upon living arrangements.

D.P.O. VILORIA-FISHER:

I know. I read the scope.

MR. KENT:

I read the scope also. So you would ask that question --

D.P.O. VILORIA-FISHER:

That's two of us.

MR. KENT:

-- first, had I read the scope. Also, Tom Isles will be here shortly. He did call me and tell me he is on his way. So we could -- we could go further into the scope of the study. What most agencies or companies that complete EISs, they start with a compilation of all existing studies and data that may be available. That's one of the first things you do; you go to documents, you research records, you get your hands on every study that may have been already been completed that would cover any of the topics or any of the issues that would be included within the scoping document. That's always the first effort undertaken by a company; it's a compilation of data and existing studies.

If you look at the scoping document, it's quite extensive. In fact, when we had the scoping hearing, nobody really added any issues to the scoping -- to the scope of issues that were included in the document. That's also been out there since March 1st, and we've gotten very little comment back on issues that should be included that were not included in the scoping document. So I think the scoping document is quite extensive.

D.P.O. VILORIA-FISHER:

I agree.

MR. KENT:

It's extensive because once you complete it and you undertake the study and you study all the issues, you do not want the EIS to come up failed or flawed as a result of not including some issue that should have been included in the document and should have been studied as a potential impact.

So that's why it's so extensive. And it will include studies that were already done. And I would expect the company to go back and look at those studies. The \$411,000 price tag has actually been negotiated down. They started with a higher price. And we did provide them with studies that were available that could provide some of the information that they were looking to include in their study. The price came down over \$100,000. So there was some downward movement on the price, because when they first started to look at all the things that had to be studied, they thought it would be more extensive and more costly. But we have provided them copies of studies. The Department of Public Works provided those copies.

So -- and Tom is here now so he can go into it. The study itself, if it's not complete, we could determine it insufficient, and that would cause more time. The reason we feel it's necessary to get moving forward is because we're facing a very tight budget in 2011. And we're expecting that at least we could sell the industrial parcel in the southern most portion of the declared surplus property that fronts on Horseblock Road. That property is currently zoned industrial. It lies between two existing industrial properties. And it could be sold in 2011 and provide \$12 million of revenue that we're going to -- that we're going to need sorely in 2011.

D.P.O. VILORIA-FISHER:

Do we have a buyer for that, Chris? Do we have an agreement for that industrial property?

MR. KENT:

Yes. If you read the contract of sale --

D.P.O. VILORIA-FISHER:

Great. I just wanted to make sure.

MR. KENT:

I know the contract of sale is much longer than the scoping document but if you take a look at that, there is a provision in there that would require the purchaser, Legacy Village, LLC, to close upon the industrial lot once it's created. Now, the reason that we must complete the study in time to sell that parcel is because we've included that parcel in the overall proposal. If we now try to sell that parcel without completing the study, we would be facing a segmentation argument. There are many ways to defeat an EIS; one, that it's incomplete; and two, that you're not studying everything that needs to be studied in order to move with the approvals. We want to make sure we study everything. We want to include all the parcels.

D.P.O. VILORIA-FISHER:

That's why CEQ threw it back.

MR. KENT:

What?

D.P.O. VILORIA-FISHER:

That's why CEQ threw it back to you, because there was a concern about segmentation.

MR. KENT:

That's correct. And that's why we took two months in drafting that scope of issues, and that came out March 1st. So we think it's very complete. We think there is some data and studies that are available that could be used by the engineering firm, the consultant, to complete the SEQRA -- the draft EIS. And that's why we were able to negotiate the price down from their original proposed price to the price that we're now asking for you to fund, which is 411,000.

D.P.O. VILORIA-FISHER:

And it's because it's so complete that I looked at it very carefully and felt that we could probably bring the price down more because so much of the work had been done within our department.

MR. KENT:

If we were able to provide them with additional prevent information that would prevent -- preclude them or make it unnecessary to complete studies going forward, I think we could negotiate the price even down further. But if you look at that, it's very extensive. And you might pay a lot more -- I'd like to know what Caithness paid for their EIS. I can tell you it's probably a lot more than 411,000.

I know that the studies that we completed at the Town of Riverhead on the Grumman property was close to a million dollars. So, I mean, I'd be glad to discuss it further, the price, but I don't think \$411,000 for the extent of the study that they're calling for under that scope of issues is an outrageous sum.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Maybe, Mr. Kent, you could answer one quick question from me and then I'll make some general comments. You had mentioned a moment ago the possibility of just doing the industrial lot, which perhaps is less controversial than the housing and the sports stadium, and also, there's a difference in terms of its proximity to the Carmans River and other environmental features. What would be a price for doing an EIS simply on the industrial lot?

MR. KENT:

I couldn't tell that off the top of my head, I'm not a consulting engineer. We'd probably have to go out with a Request for Proposals on something of that nature. But what's out there already and what's been presented to CEQ is the sale of the entire piece. I think at the end of the study, this Legislature would have the ability in making its findings and determinations to -- to structure that legislation, that resolution, any way you'd like at the end of the study.

LEG. SCHNEIDERMAN:

We may be spending hundreds of thousands of dollars on doing environmental studies on property that we're not inclined to transfer or declare surplus. So I'm concerned about that.

Let me start -- because I served on CEQ at the time when we pos dec'd this and required the EIS. And the resolution that was before CEQ was not simply to declare it surplus, but declare it surplus and assign the property a contract for very specific development proposal. And CEQ wrestled with this, not the part of declaring this surplus because that's fairly straight forward, that was based on demographics, the County's needs, etcetera, but we couldn't just look at that piece without looking at this resolution, which went beyond declaring it surplus and actually would sign a contract to develop it for sports arenas and a significant amount of housing. So that's where the pos dec came from.

Had this been done in two steps, just simply coming to CEO to declare it surplus, it probably would have been unlisted, probably would have been neg dec'd, and later, after the Legislature reviewed the potential -- the potential uses for the property in terms of what the community could support, what would bring the most revenue to the County, then we could do the EIS on that process.

But the Legislature -- this wasn't the Legislature's plan. The Legislature never reviewed the plan. The County Executive developed this plan. So now we're looking at this combined thing, and I think that's really the source of all the problems and the concern that we're spending money on things that we might not approve.

MR. KENT:

Well, doing it in two steps would have just taken longer. I think you're still calling for the same process; you're calling for declaring it surplus. And then once it's declared surplus, then come forward with a resolution authorizing us to enter into a contract which then would have required a study.

LEG. SCHNEIDERMAN:

You're leaving a step out. Yes, we'll be looking at the property, declaring it surplus, then doing an analysis as to which areas of the property might be suitable for preservation or suitable for development, and then looking at what types of development were compatible with the community and would bring the highest revenues and lowest impacts to the area; highest revenue to the County and lowest impacts to the area. That process never took place. This is a very specific development plan that we've never had an opportunity to analyze.

MR. KENT:

The process actually -- I would believe that the process did take place. The surplus study was done in 2005.

LEG. SCHNEIDERMAN:

We have never approved this development plan.

MR. KENT:

No. And nobody is asking you to until the EIS is complete, then we will ask you to.

LEG. SCHNEIDERMAN:

But I'm saying we could have -- if we would have done the surplus piece first, and then we were to determine the best use for the property, then we could have done an EIS on a very specific development plan which might have been far less intense in terms of its use and would have been far less costly in terms of the EIS.

So I think the process that the County Executive put forth is causing a lot of the dilemma today, and I don't know if this is going to move forward today because of that. It might have -- if it had been simplified, this might have been moving much faster. And that's unfortunate, because it's such an intense development plan, and it's all combined into one.

MR. KENT:

Well, I think the study can lead us to whatever determinations you want to make. It will be -- it will be that basis for your findings and determination. And you will have the power to do that at a later point. And it could -- it's all subject to downsizing once the study is complete. We want to base your decision, which will be made in the future, in the science that we'll complete today. So if we can go forward with the study, we'll know what can be built, what shouldn't be built, what should be preserved, what needs to be protected, what impacts there would be by doing the development and how we could mitigate those impacts. And that's what the study is going to produce.

As far as -- as far as going forward, there was a group that met. Once it was determined that there could be land that could be declared surplus at Yaphank no longer necessary for government purposes, that was done back in 2005, there were groups that met and discussed this over a one or two year period. Tom can discuss that some more. There were public hearings held. I think the number one -- the number one thing that they wanted to build there was a racetrack. So, I mean, if we want to go back to that, I think it's a mistake, I think it's already been done, I think you're going back and down a road that was already traveled.

LEG. SCHNEIDERMAN:

I'm just wondering if we could get a price on just doing the EIS for the industrial piece, because maybe, you know, it's possible that that's ready to move forward.

MR. KENT:

I would say at that point this would be considered segmentation. There's something out there already, there's a letter of intent that we have signed with a perspective developer that if we go back and then just study the industrial piece, I think as a County, we would be facing a segmentation argument. I think that as a County if you want to sell the piece, if you want to realize just the money from the industrial parcel, the best way to do that would be to study the whole thing at this point, move forward with that study. And then at the end of the study, you can limit by your findings and determinations that portion of the property you wish to sell.

LEG. SCHNEIDERMAN:

I respectfully disagree.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. My take on this project has been the -- I have questioned it, and it is almost as if I have thought that it looks like something that's been in search of definition of a multi-year period. You're right, it went back to, I think, shortly after when the County Executive came in. I know there were various groups that were convened. As a matter of fact, I know my father serves on some of the task forces and Chairs.

My question today, and I guess it's a theme or statement or whatever it's going to be, it's a theme that many of us are speaking about, and it goes to cost. Four hundred and eleven thousand for Cameron to go ahead and do this. You've read many EISs, I have too. But we have, just in three departments alone, over 224 employees that are well versed to go ahead do this kind of work.

As a matter of fact, I'll quote specifically. In Planning, we have a Chief Planner, we have an Environmental Planner and we have a Principle Environmental Analyst with 25 personnel. In Energy and Environment, we have 57 personnel, two Environmental Analysts, one Environmental Projects Coordinator. And in the Health Department in the Division of Environmental Quality, we have 142 personnel, one Environmental Analyst, one Principle Environmental Analysts, Hydrologist, Engineers, Geologists and every other discipline on the face of the Earth necessary to craft an EIS. So my question is simple. Why are we being asked to spend \$411,000 plus \$45,000 interest over five years to do something that we have hundreds of employees who can do it? Why?

DIRECTOR ISLES:

I can speak for the Planning Department. And of the 25 employees we have which includes support staff as well, those employees are clearly -- we're already down manpower right now. We're down three professional employees out of about 15 professional employees. And we are backed up with work as it is. Projects that you're familiar with in terms of aquaculture, Robinson Duck Farm Restoration, there's numerous planning steps we're working on for land acquisitions, farmland protection, farmland grants and the comprehensive plan update that we've also embarked on now.

So speaking from the Planning Department, I don't have a single body in the Planning Department at this point that I could say, "You're working a hundred percent at this point on this project." I do have someone who could administer it who is the Chief Environmental Analyst you referred to. But in terms of throwing in staff, like a third of my staff to do this, I would not be able to do that unless I was to discontinue or suspend other projects.

LEG. KENNEDY:

Okay. Let's just go through a little bit more and I'll yield, because I think everybody knows the point that I'm going to. One week ago, Legislator Gregory in Budget and Finance, we had a joint presentation where we were presented with \$292 million in budgetary shortfall. Of all the projects you just told me, tell me which one will realize \$57 million for the County. Which one? Robinson Duck Farm, aquaculture, all the other things that you just told me our resources and staff are committed to, which one will realize 57 million?

DIRECTOR ISLES:

None of those will realize \$57 million.

LEG. KENNEDY:

Okay. Thank you. I'm going to ask Mr. Kent to step up for just a second. Is this a priority for the County Executive to do?

MR. KENT:

Yes, we believe it's a priority.

LEG. KENNEDY:

Okay. What I'm going to say to you is I remain unconvinced that we need to spend \$411,000 in order to do this plus the \$45,000 in interest over five years unless what I heard a week ago was all fiction.

If it's a priority for the County Executive, why doesn't he direct through you, through the Commissioners, for those three departments to do the EIS inhouse?

MR. KENT:

To tell you the truth, coming from the private sector and being an attorney who represented developers, I would think it would be better not to do inhouse, and I'll tell you why. You're asking the County then to be the landowner, the lead agent, the proposer, the seller of the land and now the reviewer of the Environmental Impact Study that's going to be completed to determine what the significant environmental impacts are. I think that's a little bit too close. I think we need independent analysis from an outside consultant to complete the study, to raise issues that we may not see as landowner, seller, sponsor of the proposal and lead agent. I think we would need an independent study. And I'll tell you what. Having been involved with them in court cases, I think the court would probably agree with me, that our doing this study inhouse probably would be somewhat violative of the necessary independent review that an EIS contemplates under SEQRA.

LEG. KENNEDY:

Well, I think the court would probably question the whole process as we are to date.

MR. KENT:

I don't think so.

LEG. KENNEDY:

The fact that we've not done any surplus declaration.

MR. KENT:

I think the process is going to end up --

LEG. KENNEDY:

Look, I said I would keep the questions short and simple, and I've asked why there's no direction to have it done inhouse. You are saying then legally, you believe that would be a compromise for us to have it inhouse. Then why are you selecting the Chairman of the Long Island Regional Planning Council to go ahead and do the EIS?

MR. KENT:

We selected what we thought to be the lowest responsible bidder under the process. And I think we selected the right firm. Now, as far as John Cameron, the Long Island Regional Planning Council, it's not a body that has any decision making power whatsoever. It is an advisory group, it identifies areas that would make sense for regional projects that could be development.

LEG. KENNEDY:

Did the County Executive --

P.O. LINDSAY:

Wait a minute, John. John, if you're going to ask him a question, let him answer it.

MR. KENT:

This has not gone before that body yet. We did make a presentation to the Long Island Regional Planning Council just for informational purposes. And at some point there will be a request if this body determines to declare the land surplus and to move forward with the contract, it will go back before that body for a determination that they would view it a regionally significant project. At that time, I would believe -- I haven't spoken to them about it -- but I would believe that Mr. Cameron who is a Nassau representative on that body would recuse himself from deliberating on the issue before the Long Island Regional Planning Council.

LEG. KENNEDY:

Okay. My point is I think we can do it inhouse and I've articulated the reasons why. I'll yield.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. My question is a little bit different. You said we would get reimbursement for this project upon going into contract with the developer, correct?

MR. KENT:

Yes. We -- that is what the reimbursement agreement provides up to \$750,000.

LEG. LOSQUADRO:

Okay. If we do the EIS and the EIS showed that there were certain aspects of the plan, which apparently is not a plan, at least not a formal plan as far as we've been told, if there are aspects of that plan that are incompatible or would not comport with the findings of the EIS and the developer -- and the developer then decided this project was no longer worthwhile for them to engage in, if there were aspects we felt would not fit in based on the environmental impact study, and the developer then said, You know what? Thanks, but no thanks, this isn't economically viable for me anymore --

MR. KENT:

If there is substantial deviations from what we had contemplated when we entered the letter of intent that would not -- that would make the project no longer economically viable for the -- for the selected responder under the RFP process, they have the right to walk away. We would then come back, hopefully get the approval to declare the industrial lands surplus and, based on the findings and determinations you would have already made under your EIS, and we would ask for that to be offered for sale so that we could recoup our money, and we would negotiate in the sale of that piece,

because that purchaser would still have to utilize the EIS when they go into the Town of Brookhaven for their approvals for cite plan and building permits, we would negotiate into that deal a reimburse for the study that we have already completed.

LEG. LOSQUADRO:

Okay. So that's what I was getting at. Your intent would be -- again, there's no guarantee there that -- I mean, they might say -- listen, that's a big chunk of change at that point, \$411,000 which we have to first instance. We're going to incur some debt service on that over whatever period of time it takes to negotiate that. You're talking somewhere on the order of half a million dollars. A perspective buyer might not willing to absorb all of that only for the commercial component. They might only be willing to absorb a portion on it, saying -- and possibly rightfully so -- "Well, you did this EIS for something on a much broader scale, and we're not going to even our margin that much to only purchase, you know, this commercial component of it."

So I think there are a couple of scenarios here where we could still be out a considerable amount of all of the money. I understand your intent would be -- if the project changed and if the developer pulled out, you're intent would be to try to negotiate that into a deal on the commercial component. I'm not in commercial real estate, I'm not an attorney, but I would even argue with you on that one as to reimbursing all of an EIS that was on a much -- based on a much -- something of a much larger scale and included a much larger area than just the area that I was contemplating buying for those commercial purposes. So I just wanted bring that point up. And it's something that hasn't really been discussed, and I think it offers up a couple of other scenarios that haven't really been thought about here.

MR. KENT:

Well, the findings and determinations made as part of the EIS process would establish certain standards and guidelines for the whole parcel. So if we sold the industrial parcel, if we sold any other portion of the property, those standards and guidelines would stand. So the buyer would be getting the benefit of those. So when they go before the town, they would have in their hands and in place an EIS that would have established certain standards and guidelines for development.

And as long as they were going into the town with a proposal that were -- that were within the standards and guidelines of the findings and determinations made in the EIS, go they into the town and get a neg dec and go forward with an application --

LEG. LOSQUADRO:

I understand that. My point was do you think it would cost --

MR. KENT:

I'm just saying, there is value.

LEG. LOSQUADRO:

What's the overall -- yes, there is value. But what I'm saying is it's not the value for the overall EIS, because what's the total acreage for this entire parcel?

MR. KENT:

The proposed area that we put in by resolution to be declared surplus was 255 acres.

LEG. LOSQUADRO:

And what's the commercial component?

MR. KENT:

Well, the industrial component is 95 to 98 acres. We have a map. I think it's about 96 acres.

LEG. LOSQUADRO:

Okay. So about 95 acres. So I think an engineering firm would charge less to do an EIS on 95

acres then they would on 250 acres, correct?

MR. KENT:

But then that would preclude us immediately from entertaining any consideration of selling any other portion of the land that we deemed surplus --

LEG. LOSQUADRO:

You're not following me. Mr. Kent, you're not following me.

MR. KENT:

I'm following you 100%.

LEG. LOSQUADRO:

No, you're not.

MR. KENT:

And I'm telling you --

LEG. LOSQUADRO:

Because what I'm saying is I'm talking about a perspective buyer for the commercial -- the industrial component would make the argument then that they would not want to reimburse us the full amount if the other deal fell through, which I think is a perfectly reasonable possibility given the economic environment, given the fact that the EIS may show that there are portions of this plan that might not work with this. So all I'm saying is that if it fell through developer for the entire parcel -- I just wanted to make that point.

MR. KENT:

I understand. You're saying that if our only aspect was to sell just the industrial portion of the land, that no industrial developer in his right mind would pay us \$411,000 for a study that only covered the 94.75 acres of industrial land. That's what you're saying.

LEG. LOSQUADRO:

Mr. Kent, I don't appreciate you putting words in my mouth. I did not say "no one in their right mind." And I don't appreciate your attitude right now. Okay? Really.

MR. KENT:

I apologize if my attitude seems to be somewhat discourteous to you.

LEG. LOSQUADRO:

Do not put words in my mouth, sir. I did not say that. I was trying to make a point. All right. I think the point is made at this point. I was bringing up an aspect that I don't think anyone had discussed. And I think we have liability exposure here that we could potentially not be reimbursed for a portion of that funding. I think we agree on that. We're fine. Thank you.

MR. KENT:

I think the study goes beyond that though. The study also contemplates alternative uses. We may determine that some of this land might be developed for governmental purposes, and we would need an EIS to develop it for governmental purposes. So there is value to the study of the overall site whether we sell only a portion of it or we sell a portion of it in 2011 and another portion in 2013 and another portion in 2015. The underlying study will have been completed, and we can build into the purchase price of every future sale the value of the underlying study which sets up standards and guidelines for development of the overall parcel.

P.O. LINDSAY:

Okay, thank you. Anybody else? Go ahead, Legislator Nowick.

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

LEG. NOWICK:

Yeah, just -- Mr. Kent? Hello, Mr. Kent? Hello.

P.O. LINDSAY:

You have another question.

LEG. NOWICK:

Hello?

MR. KENT:

Legislator Nowick, I apologize.

LEG. NOWICK:

That's okay. From what I'm hearing from you -- and this is the way I'm wrapping this up, I feel. From what you're saying is, yes, of course there's a chance. Some of my colleagues are arguing if there's a chance of losing that money, why should we do that now? I think the question really is if you believe in the project, there are times that you have to take a chance.

Yes, the scenario that my colleagues have painted could come to fruition, could lose the money; it sounds like it's a pretty firm -- it sounds like there's a good chance that there's a backup plan. But I think the real question is if you are in favor of a project like this, you're going to have to take a chance. If not, then maybe it's not time to vote for it, and that's what I'm getting out of this conversation.

P.O. LINDSAY:

Okay. I just want to make one more comment and then we'll have the vote, and just to capsule some of the arguments here. If we left the water study and the transportation study out of the scoping document, they would be screaming all over the place that you didn't include that. This whole notion about we're trying to save money; you know, in the last half hour, we probably spent more than \$3 million on property purchases without any debate at all. We spent \$175,000 on furniture with little or no debate and the same people are portraying that this is a financial issue.

This County is in deep, deep trouble. The reason we're in deep trouble is our sales tax revenue has fallen through the floor. You know why it's fallen through the floor? We have tens of thousands of people out of work. Jimmy Castellane from the Building Trades was talking about 35% unemployment, tens of thousands of construction workers, and we're jerking around with a study that the community wanted done, wanted done. This is a backdoor way of killing this project in all its forms without going through the process of going through the study that they asked for, and I think it's disingenuous. And somewhere along the line, at the end of the line -- and much to my chagrin, I met with the County Executive today, and one of the holes that he's using to fill the budget this year is about \$13 million from selling this property. So if we're not going to sell this property, or at least the industrial part, I don't know where we're going to fill that whole. I don't know where we're going to get that 13 million because I don't know where to get the rest of the money, with that, roll call. Tabling goes first.

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

LEG. KENNEDY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Abstain.

LEG. MONTANO:

Yes.

LEG. CILMI:

Pass.

LEG. BARRAGA:

No.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

LEG. CILMI:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay, tabling fails. To approve?

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

P.O. LINDSAY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Pass.

MR. LAUBE:

Pass?

LEG. SCHNEIDERMAN:

Pass.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

Abstain.

LEG. MONTANO:

No.

LEG. CILMI:

Pass.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Anything for my County Executive; yes.

*(*Laughter*)*

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

I'd like to make a table for a specific time, because otherwise I'd have to vote no and it would kill the bill and I'm not ready to kill it.

MR. NOLAN:

There are two passes.

D.P.O. VILORIA-FISHER:

There are still two passes?

P.O. LINDSAY:

Pass.

D.P.O. VILORIA-FISHER:

I'll pass.

LEG. SCHNEIDERMAN:

Abstain.

LEG. CILMI:

Abstain.

D.P.O. VILORIA-FISHER:

Counsel, I'd like to make a motion to table for a specific time. What time can I set for that?

LEG. MONTANO:

Two months from now.

MR. NOLAN:

Two meetings.

D.P.O. VILORIA-FISHER:

For two meetings from today. Is there a second?

P.O. LINDSAY:

There's a motion to table --

LEG. MONTANO:

Second.

P.O. LINDSAY:

-- to a time specific which is, I guess, our first May meeting. I don't have the date, but it's the first May meeting. And there's a second by Legislator Montano.

LEG. MONTANO:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands tabled.

LEG. MONTANO:

One abstention.

MR. LAUBE:

Seventeen (Abstention: Legislator Eddington).

P.O. LINDSAY:

Health & Human Services:

1095-10 - Directing the Department of Health Services to make its database of automated external defibrillator locations available to emergency 911 dispatchers (Presiding Officer Lindsay). I make a motion. Do I have a second.

LEG. LOSQUADRO:

Second.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1096-10 - Directing the Department of Health Services to develop signs for locations of automated external defibrillators (Presiding Officer Lindsay). Same motion, same second, same vote all right with everybody?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1257 we already approved.

1357A, this is a Bonding Resolution that we failed to pass; because the bond wasn't ready, Counsel?

MR. NOLAN:

Because it was voted down.

P.O. LINDSAY:

It was voted down, okay.

D.P.O. VILORIA-FISHER:

And now we're not doing it anyway.

P.O. LINDSAY:

This is a *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)*. Is this connected to the other bill?

MR. NOLAN:

Right, we approved the underlying resolution at the last meeting. We went to the Bond Resolution, it got eleven votes, this is for the electronic records for the Health Department. It's been reintroduced and --

P.O. LINDSAY:

Okay, but this isn't part of the other bill that was -- that had a lot of things.

MR. NOLAN:

No, it's separate.

P.O. LINDSAY:

It's separate, okay. I'll make a motion. Is there a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Vilorio-Fisher.

LEG. KENNEDY:

I'm going to make a motion to table.

LEG. LOSQUADRO:

Second, Mr. Chairman.

P.O. LINDSAY:

Second by Legislator Losquadro. Roll call; tabling goes first.

LEG. D'AMARO:

On the motion, Mr. Presiding Officer?

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

I have to apologize. This Bond is supporting which bill? If that could just be clarified for me.

P.O. LINDSAY:

The bill -- it's supporting a bill that we passed the resolution last meeting and it only got eleven votes, and the administration is resubmitting it and it's for the cost of an Electronic Medical Records program in the Department of Health which --

LEG. D'AMARO:

All right, thank you.

P.O. LINDSAY:

Okay. Does anybody --

D.P.O. VILORIA-FISHER:

May I just ask Counsel?

P.O. LINDSAY:

Go ahead; Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

George, so then was the inclusion of these medical records in that what I'm calling the {bulia base} legislation kind of belt and suspenders, so that if this didn't pass they'd have it there?

MR. NOLAN:

I think that was separate money from the operating budget; Gail?

D.P.O. VILORIA-FISHER:

That's what I'm saying; they put it there so that if this didn't pass they would have it?

MR. NOLAN:

No, I don't believe so.

MS. VIZZINI:

No, the only overlap in terms of that previous \$850,000 reapportioning of the Central Islip money is that there's money to fill two vacant technology positions that would be needed to support the electronic medical records.

D.P.O. VILORIA-FISHER:

I see. And that -- those two positions are not included in this. This is just the --

MS. VIZZINI:

This is the Bond to support the previous approval of the capital appropriating 1.2 million.

D.P.O. VILORIA-FISHER:

The capital monies.

MS. VIZZINI:

Yeah.

D.P.O. VILORIA-FISHER:

Okay, I get it. So it's only the personnel that were in that other bill.

MS. VIZZINI:

Correct.

D.P.O. VILORIA-FISHER:

Okay, I understand.

LEG. MONTANO:

I have a question on this, Bill.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Gail, I'm sorry, I cannot get this bill up on the computer, so could you just give me an --

MS. VIZZINI:

It's a Bond, I'll see if I have a copy, I'll e-mail it to you.

LEG. MONTANO:

All right. And just where is the money coming from on this; do you have that?

MS. VIZZINI:

It was included in the Adopted 2010 Capital Program for this --

LEG. MONTANO:

So we're simply appropriating.

MS. VIZZINI:

It was included in the budget, it was appropriated by a previous resolution. This is --

LEG. MONTANO:

But we didn't approve the Bond.

MS. VIZZINI:

Correct.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Are we okay now, or where were we? Legislator Montano, you want to skip over this until you get the e-mail?

LEG. MONTANO:

Yes, I would appreciate it.

P.O. LINDSAY:

Okay. Thank you very much. I'm going to *skip over 1357A*.

Parks & Recreation:

Let's go to *1035-10 - Renaming Dam Pond Maritime Reserve in East Marion after Ruth D. Oliva (Romaine)*.

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1224-10 - Appointing Richard Hollborn as a member of the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Presiding Officer Lindsay). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1236-10 - Authorizing use of Smith Point County Park property by Mastic Beach Fire Department, Inc., for Public-Safety Services Fund Drive (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. They're paying the fees and everything?

LEG. BROWNING:

Say again?

P.O. LINDSAY:

Paying the fees?

LEG. BROWNING:

Actually, there are fees they're waived for them because this is something that's been done over the years --

P.O. LINDSAY:

Well --

LEG. BROWNING:

-- because of the fact that the Mastic Beach Fire Department does service the beach. They still pay 250, but there are some fees that they do not pay, I believe.

P.O. LINDSAY:

Okay, as long as they're paying fees. Because we go down the avenue of waiving fees again, then I'm going to want my people to waive their fees, too. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1239-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with all aspects of engineering, assessment and oversight for beach erosion and coastline protection (CP 5380)(County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Does somebody have the number on this, how much it is?

LEG. LOSQUADRO:

Four fifty.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

It's primarily Smith Point, but it's also Meschutt, Shinnecock East.

P.O. LINDSAY:

So I gather we're not engineering this in-house.

*(*Laughter*)*

LEG. KENNEDY:

We can get them up here and see, maybe.

P.O. LINDSAY:

Go ahead, get them up. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

1239A, the accompanying Bond (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$450,000 bonds to finance the cost of planning, assessment, surveying, evaluation, engineering, permitting, monitoring, oversight and review for beach erosion and coastline protection (CP 5380.110)*). Same motion, same second; roll call.

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

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not present).

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay. I want to make a motion on 1197 to take it out of order, it's on page ten. Legislator Gregory just pointed out to me there's some people from the town that have been waiting for us to vote on this issue and I would hate to lengthen their night.

LEG. LOSQUADRO:

What bill?

P.O. LINDSAY:

1197, page ten.

LEG. HORSLEY:

It's in Public Works.

P.O. LINDSAY:

Public Works. Everybody got it? I'm going to make a motion to take it out of order.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It's before us. ***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).***

You want to make a motion?

LEG. GREGORY:

I'll make a motion to approve.

LEG. D'AMARO:

Second.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator Horsley.

On the question?

LEG. KENNEDY:

Yeah, I -- not being on this committee, Mr. Chair, I recall going through the packet. Is this the bill that would waive the hook-up fees? I think it's about \$11 million; how much is it?

D.P.O. VILORIA-FISHER:

Twelve million.

P.O. LINDSAY:

I believe that the Commissioner of Public Works is going to answer your question.

LEG. KENNEDY:

Thank you, Mr. Chair.

COMMISSIONER ANDERSON:

It's 11.4 million.

LEG. KENNEDY:

And that is 11.4 million that developers would provide in the first instance, that we're -- who's actually waiving this fee, Gil?

COMMISSIONER ANDERSON:

This would be the County waiving the connection fee; not the annual fee, but the connection fee for outside entities to hook in to the sewer district.

LEG. KENNEDY:

And is this -- this is Bergen Point, Sewer District 3?

COMMISSIONER ANDERSON:

Correct, yes.

LEG. KENNEDY:

What is the projected -- I know I spoke to somebody about this.
What's the projected -- the town has some contribution.

COMMISSIONER ANDERSON:

The town is extending the sewer up into this area. They've increased -- -- they're putting in a sewer that's going to serve the landfill which is also going to be connected into the district, but they're expanding the size of their sewer to allow future contribution from outside areas without having to reconstruct or construct a new sewer.

LEG. KENNEDY:

What's the value, what's the cash value that Babylon Town is contributing?

COMMISSIONER ANDERSON:

It's about 12 million, I believe.

LEG. KENNEDY:

And so we would be waiving, I guess, approximately an equal share that would be due us. Who -- who's going to sustain the foregoing revenue; will it be Sewer District 3? Where is the lost revenue; is it specific --

COMMISSIONER ANDERSON:

The connection fee would only --

LEG. KENNEDY:

-- in Sewer District 3 or is it General Fund.

COMMISSIONER ANDERSON:

No, it's just Sewer District 3.

LEG. KENNEDY:

And then do we supplement operations in Sewer District 3 through our Assessment Stabilization Fund?

COMMISSIONER ANDERSON:

Yes. But we also take the connection fees and use those for the future.

LEG. HORSLEY:

And the usage goes in, that will be up.

COMMISSIONER ANDERSON:

Right, the usage is for the operating budget as well as --

LEG. KENNEDY:

And the usage, is that a one-time or is that a recurring fee?
So in other words, that's fees that will be additional revenue?

COMMISSIONER ANDERSON:

There are annual fees that will be generated once somebody hooks into this, once it's developed and they hook into the system.

LEG. KENNEDY:

Okay. All right.

LEG. HORSLEY:

It's a good thing.

LEG. KENNEDY:

Thank you, Mr. Chair. I'll yield.

LEG. GREGORY:

If I may. This is a part of the Town of Babylon's Wyandanch revitalization effort which is a half of billion dollar effort.

So they're looking to incentivize economic development in the area and they're going to bring a lot of -- you know, looking to bring a lot of businesses in the area, the most economically distressed area in Suffolk County, or actually on Long Island. So this is a good thing.

LEG. KENNEDY:

Okay. All right.

LEG. STERN:

Bill?

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. Gil, can you just clarify once again. Here, the Town of Babylon is providing, is it 11.4?

COMMISSIONER ANDERSON:

Well, the 11.4 is what would be the connection fee --

LEG. STERN:

That's the connection fee.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

But the Town of Babylon is reciprocating by providing millions of dollars in assets back to the County in exchange for this waiver. I'm just hoping that you can maybe clarify what this exchange is, what the benefit is coming back for us.

COMMISSIONER ANDERSON:

Okay. Again, as I mentioned earlier, the town will be installing a sewer line that will provide sufficient capacity not only for this future connection, but also other future connections in adjacent areas should those areas -- should and when those areas decide to adjoin. So you don't have to build a second and separate or third and fourth separate sewer line, it's all in place and it's sized for that.

P.O. LINDSAY:

Legislator D'Amaro.

MR. NOLAN:

No, he's not done.

P.O. LINDSAY:

Oh, I'm sorry.

LEG. STERN:

And then Suffolk County would then be best able to determine how to make use of that additional infrastructure going forward?

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

Thank you.

COMMISSIONER ANDERSON:

We would be allowed to -- we would decide who would be able to connect and, you know, what would be the best suited connection to that.

P.O. LINDSAY:

Are you done, Legislator Stern?

LEG. STERN:

Yes.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. I want to just go on record as pointing out that, you know, this is a great example of towns and the County working together and partnering --

LEG. HORSLEY:

And Federal.

LEG. D'AMARO:

And Federal, in trying to bring an area that's crying out for revitalization closer, much closer to it. Because we always talk about it's the sewers that have to lead in revitalization efforts and that's what you're seeing here. So yes, we are making a contribution, but the town has been pretty reasonable all the way through in making its own contribution and commitment to this, as well as the Federal Government. So I just want to point out for the record that this is a fine example of the many levels of government working together, focusing on an area that needs revitalization and even planning for the future. Because we are doing a study that goes more into the residential areas right now and the infrastructure or some of the infrastructure will be in place as a result of the -- of what the town is doing.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

And one more thing I wanted to add, that this bill also puts in future requirements for urban renewal areas when you're looking to waive sewer fees as part of an overall project. So this is good for all of

the County for future projects.

P.O. LINDSAY:

Okay. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I would just like to echo some of those sentiments. You know, unfortunately the term smart growth gets bantered around a little bit too much and people lose site of what it actually is. And focusing on revitalization of existing developed areas, especially where they have transit connections, is so important, it's something we need to be doing a much better job of in the County. Being able to do its part, along with other levels of government, in truly promoting smart growth I think is exactly the type of things we should be doing and having the County be a partner for development, and the right type of development here in Suffolk County. So good job in working on this, and I'll certainly be supporting it.

LEG. HORSLEY:

Thank you, Dan.

D.P.O. VILORIA-FISHER:

Okay. Is there anyone else? Okay, there's a motion and a second; isn't there, Bill?

P.O. LINDSAY:

(Nodded head yes).

D.P.O. VILORIA-FISHER:

All in favor? Opposed?

MR. LAUBE:

Seventeen (Not Present:

LEG. HORSLEY:

Cosponsor.

LEG. GREGORY:

Tim.

COMMISSIONER ANDERSON:

Thank you.

LEG. BARRAGA:

Thank you very much.

P.O. LINDSAY:

Go back to page nine, 1240.

D.P.O. VILORIA-FISHER:

1240-10 - Authorizing an agreement with the Suffolk County Parks Foundation, Inc (County Executive). Is there a motion?

LEG. NOWICK:

I'll make a motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Nowick. Seconded by the Presiding Officer; did you make a motion? Okay. All in favor?

LEG. D'AMARO:

Just on the motion?

D.P.O. VILORIA-FISHER:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

We're on Resolution 1240, is that correct?

D.P.O. VILORIA-FISHER:

1240, authorizing an agreement with the Suffolk County Parks Foundation.

LEG. D'AMARO:

The Parks Foundation is an existing entity. I was just going to ask for a brief explanation as to just why we're contracting with the Parks Foundation.

D.P.O. VILORIA-FISHER:

Okay. Would the Chair like to respond or Counsel?

MR. NOLAN:

I would punt that one to the County Attorney's Office.

D.P.O. VILORIA-FISHER:

I'm sorry?

MR. NOLAN:

The County Attorney should respond.

D.P.O. VILORIA-FISHER:

Okay. Mr. Brown?

MR. BROWN:

Yeah, sure. It's through the Parks Foundation, it's a separate 501(C)3 corporation and we're contracting with them so that they have the ability to enter the property and do fund-raising to benefit the parks.

LEG. D'AMARO:

So the Parks Foundation is a 501(C)3 that's doing fund-raising to benefit the County parks?

MR. BROWN:

That's correct.

LEG. D'AMARO:

And why do we need to contract with them to do that?

MR. BROWN:

Well, one thing, for example, they will be entering the parks, so we want to be able to give them the ability to enter the parks. We cover things like indemnity and liability as well and the types of activities that can be performed, types of permissions they have to receive.

LEG. D'AMARO:

Okay. Are there any targets or goals with respect to the fundraising?

MR. BROWN:

The amount of fund-raising? That I'm not aware of.

LEG. D'AMARO:

Okay. All right, thank you.

D.P.O. VILORIA-FISHER:

Okay. Anyone else on the motion? There's a motion and a second to approve. All in favor?
Opposed?

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

D.P.O. VILORIA-FISHER:

1253-10 - Appropriating funds in connection with the removal of toxic and hazardous materials in County Parks (CP 7185)(County Executive). Madam Chair?

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Losquadro.

LEG. KENNEDY:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Kennedy. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen ***AMENDED VOTE: Seventeen (Opposed: Legislator Barraga).

1253A, the accompanying Bond Resolution, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of the removal of toxic and hazardous materials in County parks (CP 7185.313). Roll call.

MR. NOLAN:

You need the motion first.

D.P.O. VILORIA-FISHER:

Oh, motion --

P.O. LINDSAY:

Same motion, same second.

D.P.O. VILORIA-FISHER:

Same motion, same second.

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

LEG. LOSQUADRO:

Yes.

LEG. KENNEDY:

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.

D.P.O. VILORIA-FISHER:

1254-10 - Appropriating funds in connection with fencing and surveying for County Parks (CP 7007). Is there a motion?

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Losquadro. I'll second that. All in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

D.P.O. VILORIA-FISHER:

Okay. The accompanying resolution, *1254A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$180,000 bonds to finance a part of the cost of fencing and surveying in County parks (CP 7007.110 and .412)*; same motion, same second; roll call.

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

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen.

D.P.O. VILORIA-FISHER:

1255-10 - Appropriating funds in connection with reconstruction of spillways in County Parks (CP 7099) (County Executive). Motion by Legislator Losquadro?

LEG. LOSQUADRO:

No.

D.P.O. VILORIA-FISHER:

No, okay. Is there a motion?

P.O. LINDSAY:

I'll make a motion --

LEG. KENNEDY:

I'll make a motion to table.

D.P.O. VILORIA-FISHER:

Motion to table by Legislator Kennedy.

LEG. LOSQUADRO:

I'll second the motion.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Losquadro.

P.O. LINDSAY:

I'll make a motion to approve.

D.P.O. VILORIA-FISHER:

Motion to approve by Legislator Lindsay. Seconded by Legislator Gregory.

LEG. KENNEDY:

On the motion.

LEG. CILMI:

On the motion.

D.P.O. VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

After consultation with the Parks Chair -- Parks Commissioner, I'm sorry -- there are three different County parks that are identified in this spillways resolution. The only one that he termed critical as far as the amount of work was a series of small spillways in Hubbard County Park out in Flanders. Despite the fact that we do have a spillway here in Blydenburgh, he did indicate there would be no work done in that park in this cycle, even though it's referenced here. And in Southaven --

D.P.O. VILORIA-FISHER:

It is referenced in the resolution; Blydenburgh is referenced.

LEG. KENNEDY:

Well, it may very well be, Madam Vice-Chair. But in the conversation with the Commissioner, he said that it was not an urgent priority to do it now, and in all likelihood it might not get done. My purpose for tabling is because I may try to bring forward in the next cycle a scaled-down resolution; that's all.

MR. NOLAN:

(Inaudible).

D.P.O. VILORIA-FISHER:

Legislator Kennedy, I just asked Counsel regarding Blydenburgh and he said it is in the backup.

LEG. KENNEDY:

Oh, I'm not disagreeing that it's referenced in the resolution. But in my conversation with him, we're talking about, I think, 350,000, and I asked him candidly, I said, "How much of that do you want to do and how much do you really have to do", and he talked about really having to do, I believe it was maybe about \$100,000 worth of work in Hubbard. And the other two areas were things like everybody else does, if you can put off, you know, putting on a new roof for another year, I guess it's looking at maybe trying to put it to another year. It's not a good strategy, everybody knows it's not a good strategy. But that was the comment.

P.O. LINDSAY:

Legislator Kennedy, if this was Operating Budget money I might tend to agree with you. This is bonded money that's part of the Capital Program. Hey, listen, I'll withdraw my approval motion. If you don't want it in Blydenburgh, you don't want it out there, let the park go to damn, I could care less.

LEG. KENNEDY:

I don't think it's an issue of --

P.O. LINDSAY:

I withdraw my motion.

LEG. KENNEDY:

Okay, very well. I'll bring it, then, forward in the next cycle. Thank you, Mr. Chair.

P.O. LINDSAY:

I won't approve that either.

LEG. KENNEDY:

Okay.

D.P.O. VILORIA-FISHER:

Okay. So there's a motion to second -- to table and a second. There is no motion to approve. The motion to table is before us. All in favor? Opposed? I'm opposed to tabling it.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

IR 1256-10 - Appropriating funds in connection with improvements to County marinas Shinnecock and Timber Point (CP 7109) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Schneiderman. Seconded by -- do you want to do Timber Point?

P.O. LINDSAY:

Why don't we table that one, too?

LEG. KENNEDY:

I'll make a motion to table.

P.O. LINDSAY:

There you go.

LEG. BARRAGA:

Second.

D.P.O. VILORIA-FISHER:

Okay. I'm going to second the motion to approve, because I think we need the work on the marinas, they're really in bad shape.

LEG. LOSQUADRO:

(Inaudible).

P.O. LINDSAY:

That's my point, we need to work on the spillways, too.

D.P.O. VILORIA-FISHER:

Oh, we sure do.

MR. LAUBE:

Who was the second on the tabling motion?

D.P.O. VILORIA-FISHER:

Who was the --

LEG. BARRAGA:

I am.

D.P.O. VILORIA-FISHER:

Legislator Barraga.

MR. LAUBE:

Thank you.

D.P.O. VILORIA-FISHER:

Okay, the tabling motion takes precedence.

LEG. D'AMARO:

On the motion?

D.P.O. VILORIA-FISHER:

On the motion; I can't see who said that. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. In the hope of making an informed decision on the choices before us on this bill, I did not have the advantage of being at the committee and I would just like to ask anyone who might have an answer or if someone is here from Parks if -- you know, if this is -- what level of priority they believe we should be giving these improvements and the underlying reason for them.

MR. ZWIRN:

If I might, Mr. Presiding Officer?

D.P.O. VILORIA-FISHER:

Yes.

MR. ZWIRN:

The Parks Commissioner indicated that this was to enhance revenue at the marinas, to keep them in shape so that we would attract residents more at the County facilities. I know we had a big debate last year over privatization, but this is putting money back into the parks so we can generate more revenue. So hopefully this is not just a capital improvement for infrastructure, but also to make it attractive to bring boaters in. I don't know the specific projects that they had in mind, but it was for Timber Point and Shinnecock Marinas out on the east end. And I'm sure that they're considerably -- considerable for revenue purposes.

LEG. D'AMARO:

So you have to invest money to make money.

MR. ZWIRN:

Well, that's generally the case.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Okay, there's a motion to table.

LEG. LOSQUADRO:

Just hold on one minute.

P.O. LINDSAY:

Just on the question.

D.P.O. VILORIA -- FISHER:

On the motion.

P.O. LINDSAY:

First of all, this was part of the comprehensive plan to improve our marinas so we can raise some additional fees there and to put in more slips. Second of all is we heard an outcry not to privatize the marinas, to improve them and make them pay for themselves. We went forward with all that. One of these is in Legislator Schneiderman's district, the other is in Legislator Cilmi's district; I have no horse in this race. But if -- you know, again, this was part of the capital Program that we approved last June. But if you want to table it, I'm fine with it.

LEG. KENNEDY:

Well, Mr. Chair, I --

P.O. LINDSAY:

And then we can start it in July when the boats are moving in; that makes sense.

LEG. KENNEDY:

Mr. Chair, I had a chance to go ahead and speak with some of my colleagues. I did not recall; did we, in fact, raise the fee schedule for the --

D.P.O. VILORIA-FISHER:

Yes, we did.

LEG. KENNEDY:

-- boaters in the slips?

D.P.O. VILORIA-FISHER:

Yes, we did. Just to refresh your memory, during the budget process, in order to achieve the amount of money that had been left out of the budget because there was an anticipation of privatization --

LEG. KENNEDY:

Right.

D.P.O. VILORIA-FISHER:

-- we found a fee schedule for the two marinas that would accomplish -- that would plug that hole in the budget.

LEG. KENNEDY:

Which the boaters supported, the boating community supported.

D.P.O. VILORIA-FISHER:

The boating community came to us with the schedule and we adopted it.

LEG. KENNEDY:

Then I withdraw my motion to table, it makes sense. Okay.

P.O. LINDSAY:

We don't have a motion to approve.

D.P.O. VILORIA-FISHER:

Yes, we do.

LEG. NOWICK:

I'll make a motion to approve.

MR. LAUBE:

We do.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman and I had the motion and the second.

P.O. LINDSAY:

Oh, I thought Legislators Cilmi and Schneiderman made the motion.

D.P.O. VILORIA-FISHER:

Was it Cilmi? I thought --

LEG. LOSQUADRO:

Who made the motion?

LEG. CILMI:

I'd be happy to second it if somebody hasn't seconded it.

D.P.O. VILORIA-FISHER:

No, I had seconded it. I had already seconded it. Okay, can you please call the vote? Call the roll.

MR. LAUBE:

Everybody here?

D.P.O. VILORIA-FISHER:

I'm sorry, I'll call the vote. There's a motion to approve and a second. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

Okay. On the accompanying Bond, ***1256A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$160,000 bonds to finance the cost of improvements to the Shinnecock and Timber Point marinas (CP 7109.315)***, same motion, same second; please call the vote, call the roll.

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

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

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. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

Okay, motion carries.

1264-10 - Appropriating funds in connection with Energy Savings and Parks Compliance Plan (CP 7188)(County Executive). Is there a motion?

LEG. LOSQUADRO:

I'll make the motion.

D.P.O. VILORIA-FISHER:

I'll second the motion.

LEG. KENNEDY:

Can we just -- on this one, can we just get an explanation?

Do we know in general what this is about?

D.P.O. VILORIA-FISHER:

Yes, it's authorizing \$90,000 in previously appropriated monies to pay for improving energy efficiency for lighting and temperature control systems at locations, various locations in the parks.

LEG. KENNEDY:

So we're going to put in new bulbs and thermostats?

D.P.O. VILORIA-FISHER:

I guess.

LEG. KENNEDY:

Okay.

D.P.O. VILORIA-FISHER:

It's energy savings and usually that winds up having a payback.

LEG. KENNEDY:

Okay.

D.P.O. VILORIA-FISHER:

Okay, there's a motion to approve and a second. All in favor? Opposed?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

Okay. The accompanying Bond, *1264A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$90,000 bonds to finance a part of the cost of construction of energy saving improvements at various park facilities (CP 7188.310)*, same motion same second.

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

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

Okay, *1277-10 - Appointing member to the Suffolk County Board of Trustees of Parks, Recreation and Conservation (William B. Sickles) (Presiding Officer Lindsay).*

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Bill, you want to make a motion? He's your --

P.O. LINDSAY:

Yeah, I'll make a motion.

LEG. SCHNEIDERMAN:

He's my -- he's in Southampton.

P.O. LINDSAY:

Yeah, you make the motion, I don't care.

D.P.O. VILORIA-FISHER:

Okay. Motion by Legislator Schneiderman, seconded by Legislator Lindsay. And I have to say, Mr. Sickles was great, a great employee of the Parks Department, legendary. So all in favor? Did you want to say something on the motion, Jay?

LEG. SCHNEIDERMAN:

Well, I'll say something, too. Because, you know, I was sad when he left, people do retire, but the institutional knowledge he has is, you know, second to none that I know of. And to have him as a Park Trustee, I think we're extremely fortunate to have that institutional knowledge with the Trustees.

D.P.O. VILORIA-FISHER:

It's a home run. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

1289-10 - Approving a license agreement for Shannon Barr to reside at unit 109 at Southaven County Park, Brookhaven (County Executive).

LEG. BROWNING:

Motion.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Motion by Legislator Browning, seconded by Legislator Nowick.

LEG. LOSQUADRO:

Whatever, it doesn't matter.

D.P.O. VILORIA-FISHER:

Okay. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Okay, we have a Procedural Motion. ***Procedural Motion No. 5-2010 - To retain*** -- I don't know what PFM Asset -- I guess that's just ***PFM Management LLC and U.S. Bank (Presiding Officer Lindsay)***. I don't really -- Counsel, can you please tell us a little bit about this?

MR. NOLAN:

Right, this went through a committee. This is to hire a new investment advisor. The Parks & Recreation Committee last year for the Vanderbilt Museum --

D.P.O. VILORIA-FISHER:

Okay.

MR. NOLAN:

-- requested that a new RFP go out to select a new investment advisor, that process happened. The committee recommended PFM Asset and this is the resolution to actually retain them.

D.P.O. VILORIA-FISHER:

Okay. Is there a motion?

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Nowick. Second? Any other member of the committee, Legislator Browning? Okay. On the motion, any questions? Okay. All in favor? Opposed? Procedural Motion 5 --

MS. ORTIZ:

Eighteen.

D.P.O. VILORIA-FISHER:

-- is approved by 18, okay.

Public Safety:

P.O. LINDSAY:

1078-10 - Adopting Local Law No. -2010, A Charter Law amending the membership of the County Fire, Rescue and Emergency Services Commission (Losquadro).

LEG. LOSQUADRO:

Motion.

LEG. ROMAINE:

Second.

D.P.O. VILORIA-FISHER:

Okay, there's a motion and a second. All in favor? Opposed?

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Cosponsor.

D.P.O. VILORIA-FISHER:

IR 1145-10 - Requiring homeless sex offenders to wear GPS tracking devices (Eddington).

LEG. EDDINGTON:

Motion to approve.

D.P.O. VILORIA-FISHER:

Motion by Legislator Eddington, seconded by Legislator Schneiderman.

LEG. D'AMARO:

On the motion?

D.P.O. VILORIA-FISHER:

On the motion, Legislator Losquadro and then Barraga.

P.O. LINDSAY:

D'Amaro.

LEG. D'AMARO:

Tom, did you want to go first?

LEG. BARRAGA:

Okay.

LEG. D'AMARO:

I'll defer to Legislator Barraga.

LEG. BARRAGA:

I know this is a sensitive issue, but I noted here that the first year, the cost associated with this is \$443,000 and over a five-year period it's 2,100,000; that's a great deal of money in tough economic times. But I guess the question is what's the need for this? I mean, the homeless population 25 or 30 people, there's the trailer situation. Is there -- a number of these people, have they committed crimes in that setting, or why the need for such an expense right now?

LEG. EDDINGTON:

Can I respond?

P.O. LINDSAY:

(Inaudible).

D.P.O. VILORIA-FISHER:

Okay, Jack wants to respond; go ahead.

LEG. EDDINGTON:

All right. First of all, it really isn't 30, and that was like -- that was a number so that we would have something to deal with if 30 people were monitored 24/7. The fact is that it wouldn't be 30 because if you take 30 sex offenders, the homeless sex offenders, about 20 of them are either on parole or probation and they already are on GPS. It's the ten to zero population that under the voucher system would be let loose in our community, and we've already experienced under the voucher system five sex offenders ending up in one motel with other residents. So this --

LEG. BARRAGA:

Have they committed any crimes?

LEG. EDDINGTON:

Well, you know what?

LEG. BARRAGA:

The five, have they committed any --

LEG. EDDINGTON:

I'm more about prevention.

LEG. BARRAGA:

But have they committed any crimes; is there a history here that merits this kind of expense?

LEG. EDDINGTON:

Oh, there's a large history of recidivism in sex offenders.

LEG. BARRAGA:

Because I'm looking at the analysis by Budget Review, they say it's \$443,000 --

LEG. EDDINGTON:

If we --

LEG. BARRAGA:

-- over a five year period two million one.

LEG. EDDINGTON:

If we actually did 30; I was trying to give the highest it could be, it would definitely be lower than that. And this is in response to the fact that we're spending almost a million dollars to transport people.

LEG. BARRAGA:

Have any of these homeless sex offenders committed any crimes so far?

LEG. EDDINGTON:

Well, there's been a stabbing already, there's been violence in the sex offender trailer. So whether it's reported or it's happening and it's not being reported, there's violence.

LEG. BARRAGA:

You mean violence --

LEG. EDDINGTON:

Against each other.

LEG. BARRAGA:

-- in a trailer setting among sex offenders themselves.

LEG. EDDINGTON:

And non-sex offenders.

LEG. BARRAGA:

As opposed to a sex offender going out there and initiating violence against an innocent third party victim.

LEG. EDDINGTON:

Well, you know, it's pretty hard for me, as a clinical social worker, to argue with somebody that's basically saying, "Let's wait till there's violence and then we can say we're doing something." I'm saying prevent this.

LEG. BARRAGA:

Yeah, usually before you spend two million bucks there's a history here of some sort of --

LEG. EDDINGTON:

Where's two million bucks? We're spending --

LEG. BARRAGA:

Over five years, it looks to me, according to Budget Review, you're going to spend \$2,100,000.

LEG. EDDINGTON:

Right now we're spending over a million dollars a year to transport them alone, not talking about the other things. We're just talking about transportation, so I'm cutting it way down.

LEG. BARRAGA:

Well, Jack, you still have to transport them anyway.

LEG. EDDINGTON:

But under the voucher system they will be in their community or close to it and they'll be going to the DSS close to them. So the transportation costs will be almost minimal and that's going to be part of the GPS, the people that will be doing it will be transporting these people.

LEG. BARRAGA:

You know, I could probably go along with something like this if the cost factor was a lot less. But, you know, I'm looking at numbers here which seem to be way out of whack when you take a look at, you know, what you're trying to accomplish here.

LEG. EDDINGTON:

Well, you did hear what I said; I gave you the highest possible scenario because I wanted to be as honest as possible. It's not 30, it's really much less, so if you want to figure it out, reduce it by two-thirds. But I'm trying to say that on the outside, if we had an influx and all 30 people were going to be on our GPS, that's what it would cost. See, I believe in being as open and honest as possible.

D.P.O. VILORIA-FISHER:

Okay. Jack, Tom still has the floor.

LEG. EDDINGTON:

Okay.

LEG. BARRAGA:

BRO, any input on this in terms of what you really think the cost is going to be? I'm taking a look at what you wrote. I mean, it's based on I think a figure of 30; is that reasonable?

MS. VIZZINI:

That was the number that we were working with at the time in terms of the number housed in the trailers. The fiscal impact is predicated as it says. The only thing we have to go by is what it cost us in Probation to do something of this nature. So we made some assumptions that if this was going to fall on either Probation or Social Services, the assumption was it would fall on Social Services, they do not have the existing staff to absorb the additional responsibility, so we were straight-forward in terms of personnel and equipment costs on a 24/7 basis.

LEG. BARRAGA:

Based on what you know, do you feel your figure is realistic?

MS. VIZZINI:

It's based on what we know from Probation, it may be high on the outside. And we did not assume any offsetting costs because we didn't assume savings associated with, you know, whether or not they were coming out of the trailers, those are policy decisions that are happening anyway. What this does, though, is it does replace the security aspect of the security firm that was guarding them at the trailers.

LEG. BARRAGA:

All right, thank you.

D.P.O. VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Legislator Eddington, I agree with you, you know, some things may be costly, but sometimes they're worth the money. But I want to ask a different type of question, just so I understand how this works. If a homeless sex offender is given a voucher to go out and get their own housing, is Social Services going to say, "We'll give you the check but only if you wear the

bracelet"?

LEG. EDDINGTON:

That would be a requirement of getting the voucher.

LEG. D'AMARO:

And would that be said to homeless sex offenders who are not on probation or parole?

LEG. EDDINGTON:

The ones on probation and parole already have the GPS devices.

LEG. D'AMARO:

Okay, so the answer -- so it would be covering that class of homeless sex offenders that are not already wearing the bracelet.

LEG. EDDINGTON:

Correct.

LEG. D'AMARO:

Now --

LEG. EDDINGTON:

And that average is about three to five people, I've been told.

LEG. D'AMARO:

Okay. I want to support this, but I just want to know -- through the Chair, to the sponsor or to anyone, maybe Counsel -- just whether or not we would -- we're permitted to make a condition of the voucher wearing the GPS bracelet. I don't want to open the County up to any liability. I want to support the bill, but I want to know that the first person that comes in and we slap the bracelet on in exchange for ninety bucks is not going to sue us for \$10 million in violation of a civil right. I'm concerned about that.

MR. NOLAN:

What's going to happen, Legislator D'Amaro, is I'm certain that the local department is going to ask the State Department of Social Services whether or not they can make it a condition. We've passed probably three or four or five resolutions having to do with DSS recipients and housing issues, they always send it up to the State; typically they say no, you can't do it and then the local department doesn't do it because they are the agent of the State.

LEG. D'AMARO:

Okay. So just -- I guess that answers my concern that even if we pass the bill, that inquiry would be made and we'll comply with whatever the law requires.

MR. NOLAN:

Right. The local department will not move ahead with this without clearing it with the State, I'm certain of that.

LEG. D'AMARO:

Thank you, Mr. Nolan.

D.P.O. VILORIA-FISHER:

Legislator Nowick.

LEG. NOWICK:

Just a quick question. I'm trying to figure out how this works, Jack, Legislator Eddington. So if a homeless sex offender receives the 90 dollars and they wear a GPS system, what is it, a radius they

can stay within? So the tracking system would go to the home that they rent for the \$90 and they have the bracelet on--

LEG. EDDINGTON:

It's usually a motel or a hotel.

LEG. NOWICK:

Okay. So part of the tracking system goes into the hotel room, they go to Social Services, they say, "This is where we're going to live for \$90", right? I'm just trying to figure out how the system works.

LEG. EDDINGTON:

The GPS' have gotten so sophisticated that they can do it all from a small thing on your ankle, and what it does is you put in no zones where you're not allowed to go.

LEG. NOWICK:

Oh.

LEG. EDDINGTON:

What happens when you -- when they get this -- we used to call it a chit in the Navy -- a voucher, they go find their own housing, but they're given a piece of paper that tells them where they cannot go.

LEG. NOWICK:

Okay.

LEG. EDDINGTON:

And based on talking to the Commissioner, there's only about eight places they can go in Suffolk County, and they're starting already to find those places. The problem is in one situation we had, you know, families staying in a motel and five sex offenders, and the point is you go get -- you know, you go to the soda machine, the six-year old is there and so is the sex offender. We're trying to be proactive and this legislation really is trying to be a solution to just giving them vouchers and sending them in the community or just keeping them in the trailer and letting them wander around Riverhead or wherever.

LEG. NOWICK:

So you feel it's only about five or six of them that we're going to be putting bracelets on additionally?

LEG. EDDINGTON:

That's approximately; we have approximately 30 spots in the trailers. What I found out recently is that we're putting homeless people in the trailers in addition to sex offenders. We haven't segregated the population. In fact, we're putting homeless people in the trailers and putting sex offenders under the voucher system out in our community. So I just -- I'm looking for a middle ground here and I thought that if they have GPS technology and we put them on it, and it's basically about five people, at least we'll know where they are and I can look at my constituents and say, "I did everything I possibly could." And if New York State says no, I still can look at my constituents in the face.

LEG. NOWICK:

Okay. Just that sounded like it's more money than it's actually going to cost from this; if it's five or six people, it just sounds like these figures are maybe high, high end, and that's what --

LEG. EDDINGTON:

I did it to match the capacity of the trailers.

LEG. NOWICK:

Okay.

D.P.O. VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

The point I was going to raise was actually raised by Legislator D'Amaro, and it's now been discussed a bit. I'm not sure if this is something that we're better off getting an answer on prior to moving ahead with this, even though we do think it's going to be a greatly reduced figure from the worst case scenario, monetarily, that's included in the bill, but there will still be, of course, a cost associated with this. So in terms of budgeting, knowing what we're going to be potentially spending on this, maybe we ask the State whether or not we can even do this in the first place before moving ahead with it.

D.P.O. VILORIA-FISHER:

Legislator Stern.

LEG. STERN:

Thank you. Through the Chair, Legislator Eddington, I just want to clarify. Your vision here is that GPS would be mandated to those that were only receiving the \$90 voucher and going out into the communities to find housing, that the GPS would not be utilized for those who are housed in the trailers?

LEG. EDDINGTON:

No, I would like to include that population. It's still part of the five bodies, basically, that we've been -- you know, because in the trailers now we have people on GPS with probation and parole. Yeah, I would like to do the whole population, that's why I put the 30 number because I figure it can't be bigger than -- we haven't had more than 30 homeless sex offenders, so. But a good portion of them are already on GPS and that's why I came up with it, to solve some of the discussion that I heard around the horseshoe, is that we all want to know where they are and this seems to be it. And you know what? Basically, a Suffolk County Legislature has been following an old military adage that it's easier to say "I'm sorry" than "can I". So I thought I would do this and wait to see what the State says.

LEG. STERN:

So the lower number, then, the relatively lower number isn't due to the fact that fewer would qualify to be required to wear the GPS. It's really because there are already those homeless sex offenders that are already in the trailers that are already mandated to wear the GPS.

LEG. EDDINGTON:

(Nodded head yes).

LEG. STERN:

All right. And so that you don't envision this as being mutually exclusive of continuing to house homeless sex offenders in the trailers, wherever those might be, that this is something that could perhaps enhance and even improve our system of monitoring these homeless sex offenders.

LEG. EDDINGTON:

Correct.

LEG. STERN:

All right. Thank you.

D.P.O. VILORIA-FISHER:

Legislator Barraga.

LEG. BARRAGA:

I'd like to ask Mr. Zwrn a question. Does the County Executive's office have any input on this bill?

MR. ZWIRN:

We haven't had any input on the bill.

LEG. BARRAGA:

Do you have an opinion on the bill?

MR. ZWIRN:

Well, first of all, Probation told us that it would be more expensive than \$400,000; their estimate was about \$600,000 for monitoring costs. We're not against --

LEG. BARRAGA:

Per year? Per year, annually.

MR. ZWIRN:

Per year. And with all due respect to Legislator Eddington, there have been times when we've had over 30 of these homeless sex offenders in the County, especially in the economy this year, where both trailers were full and they were putting Level I sex offenders in motels. Now, I think the trailer out in Riverhead holds about 18 people and the one in Westhampton holds about eight, so there were times when they were both full and they had to have an overflow.

The GPS -- and the County Exec is not opposed to the concept, this is a real tough issue to deal with for any governmental body. We just want everybody to understand that this is not a panacea. And I'll give you an example, the example that Legislator Eddington gave just a second ago with a motel where you may have a six-year old child at a soda machine; if that motel is not in a no-zone, that GPS is going to tell you nothing. That GPS will not tick off anything, will not set off any bells or whistles for a law enforcement agency to step in. You can have circles around it where there are areas that are exclusive. And we don't want to direct people to any of the hotels or motels that are available because then DSS will be accused of steering in those directions. So what we are trying to do is to let people know where they can't go, and after a while they're going to find out that there are just a handful of places that they can go, and we assume that there will be legislation passed soon thereafter to put those in the exclusionary zones as well.

This is a very difficult problem. And we are willing, I think Counsel to the Legislature, George Nolan, did an excellent job of explaining how this will happen. If this passes tonight, we will have to go to the State and ask them if we can do this. Very few of the ones that are in the trailers now have GPS devices on them, only those that are on parole or on probation. And most of the ones that we have that are homeless are not, they have already served their terms and are now free to go anywhere they want within reason. But the only reason we deal with them at all is because we're obligated under State law to find housing for everybody. The trailers, we thought, was the better solution. We really never had much support, the people in Riverhead and the people out in Southampton were just upset that they were dealing with all of the sex offenders in the County.

LEG. EDDINGTON:

Bill?

MR. ZWIRN:

We tried to find a spot. We went to East Farmingdale, there was -- as I said before, there was an enormous amount of opposition. It becomes almost impossible to find a solution. Again, we're not opposed to the GPS, we just want everybody to understand, one, we're going to have to run it past the State, because these people have already served their sentences and we may not have the authority to put a device on them once they've served their time; that's going to be step number one to make it a condition of them getting a voucher. We don't know the answer to that. The other thing we just want to point out is that the GPS might be helpful, might make people feel a little

better, it's not going to be an answer to protect anybody on a large scale basis.

LEG. BARRAGA:

Thank you.

D.P.O. VILORIA-FISHER:

Mr. Presiding Officer?

P.O. LINDSAY:

I'm going to support this legislation. And you're probably right, it will probably be rejected by the State, but the voucher system the way it is now is, in my opinion, a horrible system. And I hear you about the trailers. The trailers are a horrible system, too, because we're dumping them all in one community and we know it's just a matter of time before we get sued and we're going to have to close down at least one of the trailers. We've got to come up with a better idea. We just have to come up with a better idea on how to handle this explosive situation. But just giving them 90 bucks, whether you've got a GPS on them or not, and letting them loose in a community, I mean, I had four of them in one motel in my district; the owner of the motel didn't even know they were there. Didn't even know they were there. You know, I had a long talk with the man, he said, "I just invested hundreds of thousands of dollars fixing up this place and you guys could blow my business away with one incident. I don't know they're there; I check in a family right next to you. God forbid something happens."

I hear that argument and -- so I'm as frustrated as everybody else. I'm going to support this measure knowing it probably won't work, but I've got to grasp at something, guys. I just have to grasp at something and I'll work with anybody trying to figure out a solution to this problem.

MR. ZWIRN:

The County Exec understands and he's in the same position. Again, we've tried, you know, to come up with solutions, they were not popular and, you know, if anybody has an idea that is useful, we're glad to hear it.

D.P.O. VILORIA-FISHER:

Legislator Eddington.

LEG. EDDINGTON:

Yeah, I just wanted to respond because, you know, I don't make up this stuff. And I talked to the man that was working out there, Mike Evans, who ran the security, who took notes, and he's the one that told me that out of the 30 people, 20 of them are under probation or parole and on GPS, and he was there every night. I don't know how many times you were there, but he was there. And so I have to believe somebody that had -- that has no -- he's not even working there anymore, so he told me how it was while he was there. Now, maybe right now you might be right, but I'm talking about how it was and how it could be. So, you know, I mean, I don't know where you're getting your information from.

MR. ZWIRN:

Well, I was at the trailer several times, a handful of times, not like Mr. Evans, but I was there, and the nights I was there the trailer in Riverhead was full. And I know -- I'm not quarrelling. We're not even quarrelling about the money with respect to this because, look, you have the situation that happened out in San Diego where that young girl was murdered and it was a sex offender who wasn't homeless, was living with his mother. It is a -- and that's everybody's worst nightmare. Now, how do you prevent that? In Westchester County they have a chaperone system, believe it or not. Now, I don't know what that cost, but that's got to be unbelievable, because they had an incident up there where somebody who was not under supervision got out and committed an atrocity at the Westchester Mall. The County Executive is going to be meeting with the Westchester County Executive to talk about regional things in the next couple of weeks, and they're going to talk about the success of that program.

We don't know what the best situation is, but we've got to try to find something that works. The trailer system has not worked County-wide. The voucher system we're hopeful is working because it's being used in other counties. We're not against the GPS program, we'll give it a shot if the State says it's okay. We just want to caution you that just because the legislation passes tonight, you can't expect that this is all going to happen until we get some guidance from the State. That's all I really came to say.

LEG. EDDINGTON:

And I agree, but at least we're making an effort. You know what I mean? We're just making an effort. I think like the Presiding Officer said, we're just not pointing the finger and saying, "It's your problem," we're really trying to find a solution. And if that's all the State sees, maybe then they'll help us.

D.P.O. VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Quite all right. I was just wondering -- listen, I agree, if we can get, one, these people to agree to wear these devices, because as far as I can tell, it would have to be -- they would have to be willing participants; and number two, get the State, of course, to allow us to make this condition of them getting the vouchers. But I was just wondering, you know, having dealt with DSS on other homeless issues, I'm having a bit of a problem in some of the areas in my district in Rocky Point and even in some of the wooded areas in Mt. Sinai, one of the problems that we see is these individuals choose this path; they refuse the services that are offered to them on a regular basis. What I'm wondering is is there any input from DSS on this? Do they feel this might exacerbate the situation of homelessness where individuals might say, "No, I won't take the voucher because you want to do this and I'll just go sleep in a tent out in the woods?"

MR. ZWIRN:

If I might?

LEG. LOSQUADRO:

I'm just wondering if there is any input from DSS on this. Because having seen this firsthand in my district, I know this is a situation that we run into.

MR. ZWIRN:

Legislator Losquadro, you make an excellent point. Under the law now -- I know more about this than I should -- registered sex offenders have to give their address every ten days to the Police Department so that they know where they are. You can register with an address saying homeless and go live in the woods. And in fact, out in Legislator Romaine's district, there is such -- one such registered sex offender who lives out in the woods and has no address.

LEG. ROMAINE:

Right.

MR. ZWIRN:

And there's no control over where he is or where he goes. And he does not have to wear GPS because he has served his time, but he's living out in the woods and it could be out in anybody's district, and that is a problem.

One of the things that may be hopeful is that we asked the registered sex offenders, the homeless sex offenders, when they came out to the trailer, to sign an agreement when they came out there that they wouldn't leave without permission, they wouldn't just walk out; there were certain rules that they had to abide by. And maybe the State will extend it, although we're doubtful that we'll be able to get that kind of cooperation with a GPS bracelet, but we're willing to give it a try.

P.O. LINDSAY:

Legislator Eddington, you want to say something?

LEG. EDDINGTON:

I did meet with Probation. Laura Ahearn and I met -- by the way, Laura Ahearn is supporting this, going to advocate for it. She gave me a long letter, and I'm not into reading letters, so I've passed them to you so you can look at them, but she's supporting it and going to advocate for it. But I did meet with the Commissioner and I asked him, I said, "Look, tell me how we can do this and make it work," and he pledged that he will look into it. He didn't have any of the concerns that Legislator Losquadro said. You know, he realized it's a problem, he admitted it.

The other part about this is that there's so much stuff that's been going on that I really just wanted to try to have some type of solution. I mean, I don't think most of you are aware that in December of '08, the trailers were emptied for a month and sex offenders were housed in Brentwood and Wyandanch for nine days at a time and moved from one house to another house. Now, I wonder why it was only nine days; you know, we know you have to report after ten. I want to avoid any of that type of sneaky behavior at best, and I think this will give us a tool. And I, quite frankly, don't know if it will work, but I, for one, am going to try to come up with a solution and I want to end the debate of, you know, they shouldn't be in my area, they shouldn't be in your area. Wherever they're going to be, I want to know.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman.

P.O. LINDSAY:

Legislator Schneiderman, maybe the last word so we can move on.
We still have a long agenda.

LEG. SCHNEIDERMAN:

Sure, and of course I'm supporting this. First, in terms of the cost, we're spending, I think DSS is estimating about \$2 million just on taxis this year, so this is a drop in the bucket compared to that.

But Mr. Zwirn, you spoke about Westchester having a chaperone system. So clearly, there is some legal way of doing something like this. I had a bill a couple of years ago that made -- it was GPS, but if they didn't want to do that, it was more voluntary, then we would provide a chaperone, it was one or the other; that bill never got out of committee. But if the State for some reason says, "You can't require the GPS bracelet," then maybe we would come back and look at a hybrid that would be bracelet or chaperone. That's all I wanted to say.

P.O. LINDSAY:

Okay. We have a motion and a second on this. Anybody else want to talk?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

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).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. SCHNEIDERMAN:

Tim, could you list me as a cosponsor on that last one?

MR. LAUBE:

Will do.

P.O. LINDSAY:

Do I have a second?

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. BROWNING:

I'll second that.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. BROWNING:

For Jack.

P.O. LINDSAY:

I know, for approval. Do I have a second to the tabling?

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Okay. Any -- on the motion, anyone?

LEG. KENNEDY:

Mr. Chair, I want to speak for a moment, if I can, on the motion.

In committee I supported the discharge without recommendation. I subsequently had a chance to speak with a constituent and there was a question raised not about the content so much, but it's actually about the form. And I had some conversation with Counsel and it goes to whether or not the resolution complies with Section 23 of Municipal Home Rule Law.

There is a section that actually speaks specifically to restricting powers of an elected, and if done, so requires either a referendum, either a permissive or a mandatory referendum, depending upon the restrictions. The bill could be amended to incorporate the referendum language, but at least from what I've read, it seems like without it, it may be structurally deficient. Now, I'll direct it to Counsel. Counsel and I, I guess, agree to disagree on this one, perhaps.

MR. NOLAN:

Correct. We did have a conversation earlier, you raised the issue of whether or not this would be subject to a permissive referendum. It's my opinion it's not, because the County Legislature, under the Charter, is the policy-making body of the County government. This kind of just -- you know, it

was consistent with that and stating these are policy determinations; when they're made, the Legislature should pass on those. So I do disagree with you. I understand the issue you're raising, but it's not in there because I don't think we need it.

LEG. KENNEDY:

Well, the only thing that I'll go back to you is is this something that we do have to do if, in fact, we are restricting in some way powers of an elected office or an appointed officer?

MR. NOLAN:

As a Chartered County, we would go under Section 34 of Municipal Home Rule Law. And if we were affecting a diminution of an elected official's authority then, yes, they would be subject to a permissive referendum.

LEG. KENNEDY:

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

P.O. LINDSAY:

Okay. Legislator Eddington?

LEG. EDDINGTON:

Yeah. You know, I don't think I've ever talked about a bill more. And although my wife is tired of me saying it, that I just won't be bullied, bribed or threatened. Now, I mean, as soon as this hit, there was a big press release that I'm the anti-taxpayer golden child or something. I have to tell you, I'm just not going to bend.

I'm the Chair of Public Safety. We've been working together with the committee for over three years. We ask for information, we don't get it, we read it in the paper; major policy changes. Now, I haven't been here as long as some people, but my understanding is that we make policy and the County Executive enforces policy; well, that isn't what's been happening. I've asked nice and then I subpoenaed it and I still didn't get stuff, we still read in the paper changes.

Now, I know that the Deputy County Executive is going to say we want to micromanage. If anybody knows me, I'm not looking for more work. I don't want to micromanage and I don't know anybody on my committee that wants to, but if you're going to make major changes, I would like know about it. And I think if the Commissioner asks the County Executive whether this is good or bad, I think he should ask us. I don't want to know about changing five officers from here to there. But I am concerned when you tell me that we're going to put a new group of people on the highway -- and I'm not saying whether -- I'm not criticizing the Sheriffs and what they've done, but when that happened, it had to make us stop and look. Because the reason we were putting untrained officers on the highway is because they were cheaper. I am appalled when I hear that somebody that straps on a vest and a gun is put in harm's way because they're cheaper. But that's been the tenure that we've been hearing for three years, it's cheaper; cheaper doesn't make it right.

And so I'm asking that we pass this so that we can have some say in major fiscal changes, major changes in the department, not minor changes. And what I've been hearing -- and, you know, having the Deputy here is interesting because I want to quote another Deputy, Joseph Goebbels who was Adolph Hitler's Deputy.

*(*Laughter*)*

Because you know what he said? If you tell a lie big enough and keep repeating it, people will eventually come to believe it. Well, I've got to tell you, I've been seeing it in the press, I've been hearing it at committees. You can continually tell a lie saying we want to micromanage, it doesn't make it true. And what I would say to my colleagues is this; if you do what you've always done, you're going to get what you've always got. I'm not happy with what we're getting. If you are, then don't support this. But I think I'm seeing two or three other Legislators putting in legislation that I

think fits perfect with this. We're looking to change some policies that have been done over and over. We've all griped about it, but you know what? All of a sudden there's pressure from outside. All of a sudden constituents are now telling us. People that were on board with this legislation have mysteriously disappeared and phone calls all over the County have been with threats and innuendos. Well, I've got to tell you, I'm not buying it. If you don't want to -- if you don't want to get on board then don't vote for it, but I think this is the right time and the right thing to do and that's why I'm putting it here.

This is not about Jack Eddington; it's not my ego. You want to look at an ego, there's a whole twelfth floor containing one. This is not about me. This is about the public safety of the citizens and that's where we go wrong when we lose sight of that. This is what it's about. Now, I have faith in the Legislature that we're going to do the right thing. Thank you.

P.O. LINDSAY:

I gather you're for the legislation.

*(*Laughter*)*

Legislator Romaine.

LEG. ROMAINE:

I would simply say, with all due respect to the Executive, that if someone has been misled by the Commissioner, if the Commissioner hasn't or his staff hasn't provided the right information or has not given the right information, Mr. Nolan gave us the prescription for resolving that problem; ten votes gets the Commissioner fired, that's the action.

When someone comes before a Legislature and does not provide information in a timely fashion, does not answer questions, misdirects or misleads, if that's the case; I have never served on Public Safety, so I don't know that to be the case. But if that's the case, the proper prescription is has this Commissioner lost the confidence of this Legislature, and if that's the case, all the legislation, all the Legislative fixes are going to have long-term effects to resolve a short-term problem. There is a short-term solution, if we're at that point. And that the people on Public Safety Committee are particularly capable of answering and educating the rest of us. As I said, I've never had the pleasure to serve on that committee. Thank you,
Mr. Presiding Officer.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I just wanted to make a brief statement. At first I wasn't going to say something, but it's probably an appropriate time, based on what Legislator Romaine just said, full disclosure. I have already been in touch with George Nolan and I have asked him to draft a resolution to fire Commissioner Dormer, and he's going to be working on that hopefully starting tomorrow morning, and I plan to lay it on the table at the next meeting of the Legislature.

LEG. GREGORY:

You can hear a pin drop.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Anyone else? Yes, Legislator Gregory.

LEG. GREGORY:

I'm listening to the crickets chirp.

*(*Laughter*)*

Unfortunately I'm in a tough position. I know most of you probably think that I would be the first one to jump in line to fire Commissioner Dormer or support legislation like this; I really don't think that this legislation should be necessary. But being on -- a member of the Public Safety Committee and having personally witnessed the struggle, and it is a struggle. I mean, at one meeting, several meetings, Legislator Losquadro outlined, not for months, but over a year just simple requests for simple information that we know that they have on staffing levels. Let alone asking for, you know, a head's up on major policy changes which we don't get.

I think the first time since I've been a Legislator -- and I haven't been a Legislator that long, as you know -- they came before the committee and they promoted, if I can use that term, the civilianization plan. I don't think we've had that dialogue since I've been here, and I think it's because of Legislator Eddington's bill.

I think finally we've gotten the attention of the County Executive and the Administration that we are a body to be reckoned with, that you have to communicate with us when you decide to make major changes.

I think the legislation can be worked a little bit as to what is major because, you know, I could see in the future if we pass this, we eliminated the Aviation Department, we eliminated COPE; well, we don't see that as a major policy initiative, to us that's just shifting manpower around. You know, what delineates or defines major? I think that's the major --

LEG. EDDINGTON:

Can I respond to that?

LEG. GREGORY:

-- if I can use that word, no pun intended, conflict or issue that I have with this bill. Unfortunately, I think I'm going to support it, but it's a sad day to me that we really are embarking on limiting the power of the County Executive's Office, and it's only because of the current County Executive. You know, we have to try to look at future years where there are other County Executives where we may seem that are, quote/unquote, reasonable or more reasonable, that this legislation is going to impede their abilities to do their job. And again, it's unfortunate that we're here, but we're here. And, you know, I will be the first one to submit a bill to repeal this law when we have more reasonable circumstances, but as I said, I believe we are at this point. So thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

We've had, in the past five years, many, many occasions where we have set policy and we've seen the policy ignored. We've had resolutions that have passed, there have been RFP's that have passed and requests for RFP's that have passed in this Legislature and the RFP's have never been published and we've had to go after the County Executive over and over again. And I'm wondering, Counsel, if we were to pass this, how could we ensure that the major changes that we're concerned about in the Police Department would come to us? I think we see a problem, we tried to find a solution, but I think because of the nature of the problem, which is a lack of communication from the Executive Branch to the Legislative Branch or the lack of regard, we're not getting the information in a timely manner. We're reading most of what occurs -- and not just in the Police Department, it goes across all of the departments -- we're reading about these very important policy decisions in the newspaper or in a press release. So, in fact, what would give us a comfort level that when there are going to be policy changes that they will come before us? And if they don't, what is our remedy?

MR. NOLAN:

Well, I don't know what to say in terms of making sure that the department will actually bring the resolution, the policy change before us before they enact it. I always presume we put a law on the books that's clear, like this is pretty clear in terms of what type of policy changes would have to come here, that the Police Department and the County Executive's Office would do the right thing and bring a resolution.

If they did not, we would have the option, if we learn after the fact something has happened that we believe should have come here, we can rescind it. In a couple of instances, you'll recall that certain policy changes were made in the Police Department after the fact, resolutions were introduced to reverse those policy changes. They didn't pass but we had the option of doing that, and that would be the way to ultimately enforce this law if it is enacted.

D.P.O. VILORIA-FISHER:

But we do have that option now, you're saying.

MR. NOLAN:

We do have that option to rescind something after the fact. What this law is saying is before you do it, come to us, justify it, let us review it and let us vote on it before you enact a policy.

D.P.O. VILORIA-FISHER:

Okay. Thank you, George.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Number one, I wanted to say that my current resolution, my fixed-term resolution attempts to be proactive and is seeking to address this problem on an institutional basis. I did not come easily to my decision to introduce this new bill to fire the Police Commissioner.

I like him personally. It was a very difficult decision and I just want to explain briefly why I came to this decision.

I had my annual meeting with Commissioner Dormer a few weeks ago and we spoke about a number of issues. And at one point, and I'm paraphrasing, but at one point I had mentioned to the Commissioner that, "Look, I know that we have an honest disagreement on the issue of Police staffing levels. That I and most Legislators feel that we should hire more cops, we need a greater Police presence, but I know that you and the County Executive have an honest disagreement on this." And he interjected, he interrupted me and he said, "Well, no, Jon. Actually, I agree with you. Of course we need to hire more cops, of course we should have more Police on the street. But I don't set policy, the County Executive does. He's my boss and I've got to follow his policy."

So it got me upset because for, what, two years, three years now the Commissioner has come before this body and when we've asked him what he thinks as a Police professional, he's assured us that, nope, we have enough cops, we don't need to hire anyone else, but privately he admits to me, "Well, of course we need more cops." And I don't know whether any of you have had similar conversations with the Commissioner, but I -- and again, I like Rich personally, that's why it's very difficult for me to have come to this decision, but I think that we need, particularly with our top law enforcement person, we need someone with the strength and the courage to stand up to the County Executive if he feels that the policy that the County Executive is handing down could jeopardize public safety. And in my district, in the past couple of weeks we've had either five or six shootings, two stabbings, most of them gang related. I believe that we need more cops on foot patrol and bike patrol and the Gang Suppression Unit. And it really bothered me to hear that publicly the Police Commissioner would tell us one thing and privately another. So I have lost confidence in the Police Commissioner; it's tough for me to say that, but that's how and why I came to this point. Thank you.

P.O. LINDSAY:

Anyone else? Yes, Legislator Schneiderman and then Montano.

LEG. SCHNEIDERMAN:

There are basically three provisions in this bill. The first deals with no transferring to other law enforcement agencies, and there I agree, that ought to come before this body. I think that's reasonable. In fact, the one thing that's left out, it should say, to me, when a transfer occurs to outside Suffolk County PD, that whatever function that is would have to be provided County-wide. Because one of the issues we have, certainly with the Sheriffs covering the LIE, is it's a patrol and within the Police District, but it's not a service that's being offered throughout the County, yet it's being paid for by the entire County.

The second provision is there will be no elimination of public safety functions, commands or responsibilities. Now, to me that's too far reaching, because a command or a responsibility, I mean, a patrol -- you know, what has to come before us? That does strike me as micromanaging. You know, if you went from a patrol, let's say, to a speed camera, does that have to come before us because that's an elimination?

And then the last provision has to do with if you reduce anything by 50% you come back. And again, that could be easily triggered, you know, maybe there would be two people in a department and one person gets shifted and it suddenly has to come back to us.

The first one I certainly support, no transfers; I'd like to strengthen that provision, but the other two, I feel like we do cross into micromanaging. I'm going to support the tabling because I think this bill can be strengthened and cleaned up a little bit, made a little bit more practical.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

This debate is about the bill before us, 1145. And Legislator --

MR. ZWIRN:

1164.

LEG. MONTANO:

I'm sorry, 1164, wrong box. What Legislator Schneiderman just said I was actually going to say with respect to Sections B and C of the bill. But the reality is that while 1164 is before us, the real issue behind this bill, and I also believe behind the bill that Legislator Cooper previously introduced fixing a term for the Police Commissioner, masked the real issue that is before this body and facing Suffolk County, and that is the effectiveness of the existing Police Commissioner and whether or not he has been straightforward, honest, responsive to this Legislature, and to the Legislators individually and to the Public Safety Committee.

And I applaud Legislator Eddington for what he has tried to do in terms of getting information and unmasking the real issue with public safety in this district. And it's well-known that my district has probably suffered the impact maybe greater than or as equal to Legislator Gregory's district, Legislator Cooper's district to some extent and other districts in Suffolk County.

And yesterday -- Commissioner Dormer has appeared before two public hearings that I have hosted in my district where over a thousand people attended. And the real issue is whether or not we as a Legislature have confidence in the ability of this Commissioner to function or to continue functioning in the capacity. And I agree with Legislator Cooper, that I personally like Commissioner Dormer, but I have said this previously and I will reiterate it today, that I personally have lost confidence in his ability to continue to administer this department. And he has lost confidence -- he's lost my confidence as a Legislator and I am dissatisfied with the responses that I have gotten from this

Commissioner and this department. I'm not talking about the men and women of the department, but talking about the administration of this department, and I think that we should actually deal with that issue. I don't know if there's the political will within this body to actually do what Legislator Cooper is going to propose, and I understand that it's going to be introduced as a Late Starter. But while I cannot support this particular bill --

LEG. EDDINGTON:

Barraga is growling over there.

*(*Laughter*)*

LEG. MONTANO:

You can growl.

LEG. HORSLEY:

He comes with a noise.

D.P.O. VILORIA-FISHER:

You've got to watch, your mic is always on.

LEG. MONTANO:

Yeah, your mic is on all the time, so be careful.

LEG. BARRAGA:

Oh, I'm careful.

LEG. MONTANO:

In all seriousness, I think that this Legislature should grapple with that issue. And having served as a Commissioner in the County, knowing what the responsibilities of a Commissioner should be, while this bill doesn't -- I don't want to micromanage the Police Department, but I want a Commissioner who has the support of the Legislature as well as the command and the people that work under him, and I don't believe that that exists today.

So I'm going to vote to table this, but I think that at the next meeting the real issue should be addressed and that is whether or not we want to continue with Dormer's tenure as Commissioner or move in a new direction, and I am willing to move in a new direction. So this bill, while I applaud Legislator Eddington -- and by the way, no one has contacted me to lobby me one way or the other on the merits of this bill, but I don't think that the issue that we're trying to address is solved by this particular bill which we're debating now. There's a bigger and broader question that has to be addressed and I'm looking forward to a debate at the next meeting dealing with the real issue and dealing with it head on. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I'll vote for the tabling, but I want to just bring up a few points. Certainly people come in to see a County Legislator, whether they be Commissioner or whatever the rank may be; they're not coming into your office to disagree with you, they want to have an amiable discussion. And even if they may feel differently, they still want to walk out of there feeling that they had a positive meeting with me, because we are elected officials, we are County Legislators. So I don't know if just because a person says something in my office to avoid a disagreement at that very moment, it rises to the level, because he had said something on the floor that, you know, I would no longer have confidence in him.

I fully understand people who come into my office and want to basically go along with what the Legislator is saying even though, you know, inwardly they may have some problems associated with that.

The other thing that really bothers me about this whole scenario with reference to the Commissioner and the Police Department and the PBA and the County Executive, and I've been sitting here for about a year and a half listening to this; I wonder if we'd all be sitting here dealing with all of this if those two people, when they want to Albany, had their act together and got the \$12 million from the State Legislature, so you would not have to replace the Suffolk County Police on the Long Island Expressway and Sunrise Highway. Because they didn't have their act together and didn't get the 12 million, everything has flowed since. If they got the 12 million, which are we really here talking about Dormer and replacing him and all of this legislation? And I sat on Public Safety and I would concur with Mr. Eddington, those were very difficult meetings for me. Jack Eddington had a hard time, Dormer had a hard time, we had all the PBA guys in the background, all the testimony, all emanating from this business with reference to the Long Island Expressway and Sunrise Highway, for just a lousy \$12 million. And now we have this legislation, and it's ongoing, it's one thing after another. I take a look at Dormer. You know, a typical Irishman.

*(*Laughter*)*

And I'm Irish. He's got the blarney, there's no doubt about it. But in all fairness to him, when I've called the man he calls me back in five minutes. When I call the 3rd Precinct and I need something done, I've got a drug house, I have prostitution, whatever it may be, they jump on it and within a month and a half, two months, depending upon the investigation, the prostitution is gone, the drug house is closed down. They do their job.

Again, this is a political situation that developed a year-and-a-half ago that unfortunately did drag me in, and the same holds true for many of you. And now we're getting down to the nitty gritty of individual pieces of legislation knowing that these political powers are still out there, they're still fighting each other, and we're still in the middle of it. And you know, I think we should be liberated from it. Sooner or later this is going to be worked out. Maybe in June or July PERB comes down with their decision, they take a look at past practice -- you saw what just happened in the Town of Islip with reference to automobiles -- and the decision will be made. Either what has happened will be upheld or 50, 55 Police persons have to go back to the Expressway, have to go back to Sunrise Highway, and there's a high probability the remainder of the Police are hired. I don't care about the civilianization they're doing. But this is going to be settled in a few months. In the interim, table this thing. But getting to a point where you're ordering the firing of a Commissioner, think of a bigger context here. I mean, it was never about Dormer, it was what happened a year and a half ago and it still permeates this chamber today.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Just real quick. The expression, "It's better the devil you know than the one you don't know," and to put in a bill to fire the Commissioner is not going to change anything. You said it yourself, he serves at the pleasure of, so whoever comes behind him is going to serve at the pleasure of, it's not going to change, and that's why I'm going to support this legislation. No, I don't want this legislation, I did have some issues with it, but I've sat in Public Safety and I'm really getting tired of not getting all the answers. And we hear things are getting shifted around after the fact and it's not helping our communities, it's not doing us any favors. And I'm here and I've cried for my district about the need for Police presence and, you know, I think if we don't do this, we're going to see some dramatic changes, and then you're going to be out there screaming because they did something without telling you beforehand. So I will support this legislation. I will not support firing the Commissioner because it's not going to change anything, because bottom line, like Legislator Cooper said, he said he serves at the pleasure and the County Executive sets the policy and he's

doing what his boss is telling him, it's not going to change. So I'll support this.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you very much, Mr. Chairman. This has been quite a debate over the past couple of months that I've been here, I know it's been going on a lot longer than that. I will also support the tabling motion here. I am just deeply concerned that in our earnest effort to wrap our hands around some of the problems that we see with the Police Department, that we're inserting ourselves into the management of the Police Department which I don't think is wise. I believe the reach of this legislation will go much further than the -- this Police Commissioner, it will go much further than this County Executive and it will exist long after this Legislature is gone.

We are all elected representatives. My constituents have told me that they want more cops, but they have also told me that the Legislature does not belong in the management of the Police Department. So I have some serious concerns about the management of the Police Department right now, but I don't believe that this legislation is the answer. I don't think it's good, long-term policy. Maybe it's a good band-aid, but I don't think it goes any further than that. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Legislator Eddington, I know how hard you work as Chair of the Public Safety Committee and I've talked about this with you before about managing, and I don't think it's about micromanaging. I just see this -- I fight very hard for the separation of powers for the equal branches of government, the coequal branches of government. And the response that George Nolan gave me earlier has convinced me that we may or may not get the information, even if the law is passed tonight. And whether or not this resolution passes, if the County -- if the Police Department has any major changes to which we object, we can then react. And I know it's having to react instead of being proactive, but we can't force them to be proactive. I don't feel that even if we pass this because there are many policies that we've passed to which they haven't responded. Lora, I'll just wait -- I'm trying to talk to Ed, I mean to Jack. Okay.

So Jack, I just really feel that they haven't been responsive when you -- I mean, even when you've subpoenaed them, so I don't think that this will be effective. I think that we have to continue doing what you've been doing which is really keeping your eye on the ball. And that when we see changes -- you know, we have made them roll back on some of the changes that they've made and I think that's how we have to keep operating, and under your leadership I think we've been doing a good job with that.

LEG. EDDINGTON:

May I just expand?

P.O. LINDSAY:

Go ahead.

LEG. EDDINGTON:

Yeah, and I appreciate that. I think you see that what I do try to do is to be proactive. And I would just say that if you -- I truly believe that anybody in this Legislature, if they were the Chair of Public Safety, would be doing the exact same thing. Because I can't -- I just -- I don't want to be a whiner and keep crying about it. All I can tell you is that I don't throw a lot of legislation out there, I really think about it. I've tried to subpoena and get information because we weren't getting it, if I didn't think this was the way to go I wouldn't do it. But you know what? I'm only the Chair of Public Safety. This is my opinion and I thought my committee's opinion, because we've tried almost

everything. And we thought it out and this was a way that at least now they know we're telling them they have to do it. Before we were asking, and what I'm finding out is asking hasn't worked. So I just don't believe in doing the same thing over and over again, so that's why I thought this might work. Again, if they don't, we can do what we tried with DARE and see if we can pass it, but at least we know then they know because we made it very clear.

So, you know, I realize everybody has whatever reason, they can either vote for it or table it, but I truly believe that I wouldn't be representing this body adequately as the Chair of Public Safety if I didn't put this out there. I have no other agenda. I take this job seriously. Just as when I was a school social worker, I used to tell people, "Keep your eye on the kids. Don't get into the union or the parents, just remember what your goal is." Well, the goal of my goal is public safety of Suffolk County, not Jack Eddington passing legislation. So I really believe in this. If you don't, well, then you're not going to support it. And I can look at myself in the mirror and go to sleep saying, "Well, I tried. I really did try." And I don't want to be one of those people who said, "Well, I told you so," you can look in the mirror and say that to yourself.

P.O. LINDSAY:

Did you want to say something, Ben?

MR. ZWIRN:

With your permission.

P.O. LINDSAY:

Go right ahead.

MR. ZWIRN:

Thank you. Before I begin and comment on the bill, I want to make sure I understood something that Legislator Eddington said in the very beginning when he compared Herman Goebbels to myself. And I have to tell you that -- and I'm of the Jewish faith and I wouldn't have to be of the Jewish faith to find that absolutely repulsive. Now, I have disagreed with many of you up here, but we've always had civil discourse, and I pride myself on that. And never have I been so offended in the six years that I have stood in this spot, and I find that absolutely outrageous that you could make a comment like that. It's just improper, unacceptable and not becoming somebody who's an elected official. Now, if I can --

LEG. EDDINGTON:

Well, I'm sorry you feel that way.

MR. ZWIRN:

-- I'd like to talk about the bill. And I asked other people in this audience if maybe I misunderstood what was said to make sure that I understood it because I was so shocked, and they confirmed that that's exactly what was said and there will be a transcript of it and I find it absolutely reprehensible.

With respect to the bill, I think Legislator Barraga made a point; the genesis of this bill was when the Suffolk County Sheriffs went on the LIE. We were up in Albany trying to get the New York State Police to come down and take over that responsibility. If this legislation were in place and then the Governor of the State of New York at that time said, "We're going to send the State Police down," which they had promised back then, would we have had to have a committee resolution to accept the State Police taking over their responsibility on those roads? Would we have had a debate that would have gone on for months at taxpayers expense if they had taken their responsibility?

Legislator Eddington said they were untrained, the Suffolk County Sheriffs. Well, they have been on there for 18 months and whether the PERB decision comes back on the side of the PBA, which they rightfully had a right to submit, or it comes back on the side of the Sheriffs, the fact is over the last 18 months accidents are down and they're doing the job. And more importantly than that, 55 trained, experienced Police Officers were put in everybody's neighborhood doing patrol. Instead of

looking for speeders or people in violations of the HOV lane, they were fighting crime in precincts in your communities, 55 Police Officers. So you can criticize the fact that perhaps we weren't notified in advance, we've debated this issue for the last 18 months, but without a new class we were able to get 55 trained officers into your communities where they're fighting crime and not necessarily looking for speeders or HOV violators; the Sheriffs are doing that and they're doing the job. But as Legislator Barraga said, we will know shortly, probably this summer, whether it was a violation of PERB or not, and whatever the decision is the County Executive and the PBA have agreed not to appeal the decision and we will move forward from there.

I find that Legislator Cooper's, you know, proposal to eliminate the Commissioner or to terminate the Commissioner, I find that unfortunate, because I think the Commissioner has always been available. He's always been here, he's been to every community group, wherever you need him he has sent his staff or himself and he's always been available, and never treated anybody, at least as I've seen at the Public Safety Committee, with contempt, but has tried to get the information that you've needed; whether you think he has or not, I believe he has.

I think this legislation is wrong. The County Executive will veto the legislation. We even got an editorial from Newsday today in support of the County Executive's position, which may be a first in the history of his administration, because they recognize, as we do, that you have oversight. We talked about DARE, we talked how we were going to staff PAL, we have had these discussions, we've talked about civilianization at the last meeting.

The genesis seems to be the one issue that everybody seems to focus on was when the Sheriffs went on the Long Island Expressway and Sunrise Highway. It wasn't a question of just being cheap, it was a question of best using resources that we had in the County. We use Suffolk County Sheriffs who are lower paid than Suffolk County PD, but they go to the same academy and they get the same training, and they've been patrolling the highways and writing tickets for years. Again, that's a PERB decision and the PBA has taken that action. We think this legislation is a step too far, and we would ask you to table it tonight. And again, some of the things I've heard tonight are very distressing, but with this legislation, I don't think it solves any of the questions or problems that you think we have before us. Thank you.

P.O. LINDSAY:

First I want to give Legislator Eddington a chance to reply and then I'll go to you, Legislator Kennedy.

LEG. KENNEDY:

Thank you.

LEG. EDDINGTON:

First of all, I want to apologize to you if you thought I was saying you are at all like that person. Obviously, I mean, it's ridiculous, you've always been a fun guy. So I'm not trying to say you're an evil guy, but when you repeat the lies for somebody else. This statement is a historical statement; I've used it when I was a teacher to talk about how people can use lies. And that was my intent, to use it as a historical reference, not to compare you to it. It just so happens that this was Adolph Hitler's Deputy, but they used it --

MR. ZWIRN:

Just so happens it was Adolph Hitler's Deputy.

LEG. EDDINGTON:

Well --

MR. ZWIRN:

And they accuse the County Executive of using his language a little bit too loosely. I mean, this is ridiculous.

LEG. EDDINGTON:

Well, you know what? Maybe I guess what goes around comes around, and if the County Executive doesn't like it, then maybe he should learn. But I didn't try to insult you, that's not who I am, but the statement is what it's about.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

You know, Mr. Chair, I was going to speak to Mr. Zwirn, but actually I don't think I'm going to ask him to be at the podium. I don't think Legislator Eddington intended to insult you personally. But nevertheless, we are here at this place now based on a whole variety of circumstances. And I will say that I know this bill probably as well as Legislator Eddington, because I spoke with George Nolan about drafting it myself.

The comment that I made about the legality aspect I still believe in. If I can get an amendment, I will support the resolution to pass. I think it's not just the officers on the LIE, but like yourself, Mr. Chair, and many of us, we sat on a stage in Central Islip and two weeks ago in Brentwood, and the degree of fear in the residents in those districts was palpable. They are desperate to be able to do the most basic things that any County resident does; walk to a grocery store, take their child to school, shop, go to a playground. If there is ever a crisis of confidence, it's now as the Commissioner spoke about a crime wave on a stage two weeks ago. So 55 officers in precincts 18 months ago is ancient history as people are being guarded in the streets in Legislator Montano's district, not far from where we sit at all; actually, only three, four miles south of here. It's reflective, I think, of just how desperate and dire times are as we try to do what we can do as policy entities and get rebuffed when we raise taxes on our constituents. That's the element, putting officers in communities to keep people safe. Whether it's the Commissioner that does it or the County Executive that's facilitated it, it's abysmal failure and it's reactive is what we're seeing. Maybe the only solution is Legislator Cooper's, I don't know. I don't know.

P.O. LINDSAY:

Anyone else? Okay. I just want to say something, maybe the final word. This was a conversation that -- or an exchange that took place at the committee meeting last week when we discussed this bill, and I really think, you know, getting this away from the Sheriffs and the cops and all this other stuff, it gets back to the core of what we're talking about.

I asked that three provisions, I went over them one at a time with Mr. Zwirn and the Commissioner. Would you implement such a change without the County Executive's knowledge and permission, and the answer was no. It was no three times. And my point is this; is that we're the coequal branch of government. If you felt it rose to the level to get permission to make those changes from the County Executive, than yeah, you should come back and consult with us. I mean, it's that simple to me. If you think it's something that doesn't have to go to the level of the County Executive, that it's part of your command duty, then it shouldn't go to us, and I don't know how to explain it any simpler.

And I know that it's been very acrimonious here the last couple of years over a whole potpourri of issues, all having to do with this. But, I mean, the Safety Committee issued subpoenas, and the information, in all due respect, that came back to us was 500 pages of garbage. I don't know who put that together or how much time or how they must have laughed at it because, I mean, the PBA agreement was in there four times, four times; come on, guys. There wasn't any kind of communications which is what we asked for between command on how decisions were made at all. I mean, I read it twice, I gave it to staff people to read it twice just to see if I could get it straight, and then we were accused of releasing information, sensitive information, to the newspapers. Boy, if there was something sensitive in there, I couldn't find it, and I was perturbed about that.

So there's a whole road leading up to this point. This isn't an action that's taken frivolously. It's a step by step road and it took a long time to get here. I mean, if somebody raised this as a solution 18 months ago or a year ago, we would have been laughed out of here, but there's a lot of history here. And I'm as frustrated as everybody else, I don't know what the heck to do with this situation. Is the Commissioner a nice man, is he responsive? Yeah, but he doesn't tell you what you want to know, and I think that's the core of the problem. So with that, let's vote. We have a motion to table; am I correct?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

Roll call.

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

LEG. LOSQUADRO:

Yes.

LEG. BARRAGA:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes to table.

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

Okay, the resolution stands tabled.

***[THE FOLLOWING TESTIMONY WAS TAKEN & TRANSCRIBED BY
DONNA CATALANO - COURT STENOGRAPHER]***

1173 - Adopting Local Law No. -2010, 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 (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Losquadro.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Cosponsor.

MR. LAUBE:

Seventeen (Not present - Legis. Barraga).

P.O. LINDSAY:

1237-10 - Declaring April as "Motorcycle Safety Awareness Month" in Suffolk County (Eddington). Motion to approve, seconded by Legislator Muratore. All in favor? Opposed?

Abstentions?

MR. LAUBE:

Eighteen (Amended vote - seventeen; Not present - Legis. Barraga).

P.O. LINDSAY:

1241-10 - Accepting and appropriating a grant in the amount of \$13,500 from the New York State Governor's Traffic Safety Committee (GTSC FFY2010) Child Passenger Safety Program to support a Sheriff's Traffic Safety Initiative (County Executive).

LEG. LOSQUADRO:

Motion for the purpose of discussion. I just have a question.

P.O. LINDSAY:

Motion to approve. Is there a second?

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Just like other grants that we have seen and we've had the discussion that we may have a PERB decision that may change the status of patrols on our roadways like the HOV Grant, would these grants be able to be used for subsequent agencies that might be doing the patrolling? I don't know. I know we ran into that with the HOV that you guys weren't able to accept those grants and we had to wait until the following year. I just want to make sure that we don't run into the same problem.

CHIEF SHARKEY:

This is totally -- this is totally unrelated to any patrol of the highway. And it's a repetitive grant that we've been receiving for a number of years.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not present - Legis. Eddington, Montano and Cooper).

P.O. LINDSAY:

1258-10 - Accepting and appropriating federal pass-through funding in the amount of \$345,147 from the New York City Police Department in conjunction with the Federally Sponsored Securing the Cities Program with 85.14% support (County Executive). Motion by Legislator Browning, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen (Not present - Legis. Eddington, Montano and Cooper).

P.O. LINDSAY:

1301-10 - Requiring the timely filing of information by law enforcement agencies in cases of parental child abduction (Romaine). Motion by Legislator Romaine, seconded by Legislator Cilmi. On the question, anybody? All in favor? Opposed? Abstentions.

LEG. LOSQUADRO:

Tim, cosponsor please.

LEG. CILMI:

Cosponsor for me too, Tim.

MR. LAUBE:

Fifteen (Not present - Legis. Eddington, Montano and Cooper).

P.O. LINDSAY:

Why don't we go back. Dr. Mermelstein is here to discuss that bond, *1357A - 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)*. Page eight. Turn back to Page Eight. Doctor, could you -- there were some questions about it that seemed to be a little elusive. Could you tell us about this system; what the pay back is, where it's going, and so forth.

DR. MERMELSTEIN:

This is an electronic medical records system for our health centers, our network of nine health centers. We have been planning to put in an electronic medical records system since about the time I joined the County 13 years ago. It's something that we have been hoping to do to help improve the quality of patient care that we give to allow us network our health centers so a patient coming into one center could then be seen at any of the other centers, and their medical information would be readily available.

It will improve efficiencies for us. And I believe that there was a handout given to the Legislators with a list of all the advantages. At this late hour, I won't go over all of them. But I believe that the bond did not pass but the capital resolution did pass. So I understand that the concern was related to the cost of the system. Also attached to that handout is our estimate in terms of what our cost savings will be. And basically the program will pay for itself over the course of a few years. So I just would urge the Legislature to please pass this bond resolution so that we can provide the service to our residents that use our health officers.

P.O. LINDSAY:

The question I have, Doctor, is I'm looking at our chart here, most of it seems to be from labor savings. But isn't it true that there's also some missed revenue that electronic medical records captures that normal record keeping misses?

DR. MERMELSTEIN:

Yes. Basically when patients are seen, our staff puts in codes for those visits. And one of the advantages of this program would be that it would assist our providers in using the appropriate codes so that we can maximize the revenue based on, you know, what we're billing to the insurance companies.

In addition, over the course of the next few years, the centers for Medicare and Medicaid are establishing an incentive program where each year entities that use an electronic medical record will get financial incentives. And at the bottom of that sheet, we've listed that we're anticipating or estimating that for us that would translate to about somewhere between 200,000 and \$400,000 each year. And that goes on for several years, I think for six years. And then after that point, as we understand it, then entities that don't use electronic medical records will be penalized, so we will have reduced revenue. So by taking advantage of this revenue incentives, we can basically pay for this system.

P.O. LINDSAY:

I'm familiar with the system that's about to go online at the nursing home, because we were out there and they gave us a whole briefing on it, similar system?

DR. MERMELSTEIN:

It's a different system. The one that we're looking at is compatible with the system that we already have in place for billing and scheduling, which is the IDX System. And the vendor that we're looking at is GE Centricity. So it's not exactly the same EMR.

P.O. LINDSAY:

My point is, in just a brief description, there's a nurse goes in a room out there, administers a med

or a certain procedure, comes out, punches it in the keypad, and the system automatically identifies whether it's a billable event and passes that on to -- transforms that into a billing that would go to Medicare or Medicaid or wherever.

DR. MERMELSTEIN:

It would have similar functions, yes.

P.O. LINDSAY:

Okay. And my point is your chart doesn't pick up any revenue enhancements. There will be revenue enhancements besides the labor savings.

DR. MERMELSTEIN:

Yes, absolutely.

P.O. LINDSAY:

Okay. Anybody else?

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Just a quick question for Dr. Mermelstein. Actually, we're repeating what our conversation was before, and I'll say it again, Doctor. I absolutely sincerely believe electronic medical records is the way to go for enhancing treatment for patients and probably for also enhancing productivity amongst personnel. However, the revenue increase that we speak about, that you spoke about has not been adopted yet, has it?

DR. MERMELSTEIN:

It has not been adopted yet, but we're anticipating that it will be. And there are other savings as well by virtue of the fact that we will have less risk of medical errors in our care, it reduces our liability risk as well.

LEG. KENNEDY:

I understand. And I would be very much inclined to support this if we had that revenue stream built to reduce the bond as far as the direct stream. But the hour is getting late and I don't want to beat a dead horse. Thank you. Thank you, Doctor.

P.O. LINDSAY:

Anybody else? Roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

MR. LAUBE:

This is the motion to table.

P.O. LINDSAY:

Oh, motion to table. Can we get a motion to approve? I make a motion to approve.

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

I'll second.

MR. LAUBE:

You have that already. You have a motion to table by Kennedy and Losquadro and a motion to approve by Lindsay and Vilorio-Fisher.

P.O. LINDSAY:

Okay. Tabling goes first. Roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Pass.

LEG. MONTANO:

(Not present).

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:

I'm here.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay. The tabling fails. Motion to approve. We need 12.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Pass -- abstain -- just pass.

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:
No.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

MR. LAUBE:
Eleven.

Public Works & Transportation:

P.O. LINDSAY:
1054-10 - Adopting Local Law No. -2010, A Local Law to address the penalties for unsafe helicopter operation in Suffolk County (Romaine).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Seconded by Legislator Losquadro.

LEG. STERN:
On the motion.

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

LEG. STERN:
This were before us in Public Works. I voted against this resolution in committee. You know, I remember, I'm sure many of my colleagues do as well, when we were out east how many members of the community came before us asking us, begging us to do something about -- about the helicopters that affect all of our communities. They made a compelling case, the sponsor made a

compelling case that indeed needed to do something. And we sent a message loud and clear that the penalties were going to be high and that we were going to demand compliance in the safe operation of helicopters. It was put before us as not just a noise issue, not just a quality of life issue, but in fact a safety issue.

So I don't understand why now we are retreating from criminal penalties if, in fact, it rose to that level in the first place. This is something that we all supported, and now we are backtracking. And a slap on the wrist with a fine, that's the cost of doing business. If this truly is a safety issue as I think we all believed it was, then I don't understand why we're backtracking and I'm not going to support it.

P.O. LINDSAY:

Anybody else? Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I questioned the original bill for a lot of reasons. But I'm trying to understand if we're removing criminal penalties and we're putting in a civil penalty, has there been any enforcement of this bill to date anyway? And if it's a civil penalty, does it change who enforces the bill? I don't know. Do we -- do we have people looking up in the sky and writing down tail numbers? How do you -- how do we do this?

I just have to tell you, as a pilot myself, that I just find this extremely -- I think the expression should be pie in sky, to believe that we're going to impose a civil penalty of a thousand dollars on helicopters that no one is looking out for. You know, you have questions approved to impose a civil or criminal penalty. I mean, you can go on and on. I just think that it just doesn't seem to make any sense to me. You know, I'm all for trying to help the folks that are being nuisanced by -- or experiencing a nuisance by loud helicopters. I agree. I mean, I know even a small airplane can be very loud if it flies too low, but I just don't see how this is in any way, shape or form helping to solve that problem. And I don't see how we're going to enforce it at all. So I'm not going to support this.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second, right, just to approve?

MR. LAUBE:

Correct.

P.O. LINDSAY:

All those in favor? Opposed? I'm opposed. Why don't we do a roll call. Roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass right now.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

Thirteen.

LEG. MONTANO:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

1097-10 - Adopting Local Law No. -2010, A Local Law amending the membership of the Dredging Project Screening Committee (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1144-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 67, Motor Parkway Bridge, L.I.E. Exit 55 (CP 5172) (County Executive).

I have a question for Budget Review. Is this part of the Capital Program?

MR. REINHEIMER:

This is to provide additional County match. There was a resolution last year that appropriated \$19 million. They changed the match from 3.1% to 8.65 requiring additional appropriations. So this was not part of the Capital Program, but you don't need an offset because it's more than 50% aided.

P.O. LINDSAY:

Okay. So there's no offset. It's increasing our bonding level.

MR. REINHEIMER:

Correct. But it's almost 90% non County funds, it's over 90%.

P.O. LINDSAY:

I don't know. I have to ask Legislator Kennedy. Is there a difference between this and the spillways?

LEG. KENNEDY:

Well, as a matter of fact, Mr. Chair, I would say there is. There's about 50,000 employees that come in and out of that Hauppauge Industrial Park every day. That bridge is about 60 to 70 years old. And as a matter of fact, it's falling apart at the seams. State DOT Highway Inspectors have looked at it, and I think it's rated on the list of bridges that are under distress. It's under review, I think, for eight to nine years out of DOT. We've done most of the takings on it already. The contractor, Kings Park Industries, has been awarded and it's well under way. So, yeah, I think it's different.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Roll call on the accompanying bond, ***1144A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,200,000 bonds to finance a part of the cost of the reconstruction of CR 67, Motor Parkway (Replacement of bridge at L.I.E.), Town of Islip (CP 5172.311)***

MR. LAUBE:

Can I check the motion and second on that real quick.

LEG. KENNEDY:

I made the motion.

LEG. MONTANO:

I made the second.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes to spillways too.

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:

Eighteen.

P.O. LINDSAY:

1146-10 - Directing the Department of Public Works to hold public hearings on new bus fares in order to advance Sunday bus service (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Just for the hell of it, it's a question. What happens if the public hearing says it's a good idea? Where are we getting the money to pay for it.

LEG. SCHNEIDERMAN:

To raise the fares? This would allow up to what the MTA fares are, and that's estimated around \$4 million in increased revenues. But it would be tied to providing Sunday service which is estimated at around three million, which is less. Of course, Sunday service wouldn't come in for almost a year potentially after it. So you would have plenty of time to build up quite a significant pot of money.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

You're talking about raising the fares of the existing users of the bus line, right? Now, usually these people are people in a lower economic strata, they don't have a lot of disposable income, so any raise in fares really hurts them from a fiscal perspective. It doesn't do anything to stimulate the economy either, because they have less money then to go out and purchase things, less disposable income. I don't know if that's the appropriate solution.

LEG. SCHNEIDERMAN:

If I may. Suffolk County doesn't have a Sunday bus as you are aware. In fact, I don't know of any other area with a million and a half people that doesn't provide public transportation on Sundays. That includes the people who use the SCAT service. These are physically disabled people who are unable to drive.

But this entire group of people that would use public transportation can't go shopping or they have to take a taxi which could be ten, \$20, a significant amount of money. A lot of people need to get to work, particularly in seasonal areas like the district that I represent where Sunday is a very busy day for the shops, for the restaurants, etcetera. So I believe actually this does stimulate the economy because people will go shopping who might not otherwise do that, people will be able to get to work.

So I think it's important. I think we need to provide Sunday service. I think it will have a strong stimulatory affect on our economy. And this doesn't just provide it without the funds to do it.

LEG. BARRAGA:

Well, it's the methodology you're using to raise the funds. It's a legitimate difference of opinion. I just don't think these people have a great deal of money to begin with, and now they're going to find out that there's a raise in fares.

LEG. SCHNEIDERMAN:

We have adjusted other fares, but the bus fares have been the same at least for 15, 16 years. So even if you were to adjust them for inflation, it would be less than the potential fare increase here. So all i'm saying is let's have a public hearing, let's hear from the ridership of the buses. Maybe they'll say, "You know what? We don't want Sunday service if it's going to cost us a little bit more to ride the bus." But they might say, "You know what? I'm going to save on that taxicab. Yeah, I'll pay an extra 50 cents or an extra whatever it might be so that we can have Sunday service."

LEG. BARRAGA:

All I'm saying is that you have -- all I'm saying is that you have bus service now six days out of seven. We have a tremendous fiscal problem here in Suffolk County. It's difficult to cut existing programs, because every existing program has a constituency, but we ought to try to avoid like the plague programs where we're doing additional spending, putting new things in place until things get a lot better.

LEG. SCHNEIDERMAN:

I do believe that this fare increase could give us actually more revenue than we would need for Sunday service and help offset the County's cost from our General Fund providing our traditional bus service on the other days as well.

LEG. BARRAGA:

But it brings about, in my judgement, a real hardship on the bus riders that are currently using the system right now.

LEG. SCHNEIDERMAN:

Right. So we would allow them to be heard on this issue and we would find out. I'm hearing that a lot of the bus riders are supporting a slightly higher fee as long as it's tied in with Sunday service. But we will find out.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. D'AMARO:

Opposed.

LEG. BARRAGA:

I'm opposed.

MR. LAUBE:

Sixteen (Opposed - Legis. Barraga and D'Amaro).

P.O. LINDSAY:

1221-10 - Authorizing transfer of surplus County computer systems and hardware to Ward Melville High School computer repair lab (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1250-10 - Appropriating funds in connection with intersection improvements on CR 19, Patchogue - Holbrook Road at Furrows Road (CP 5128) (County Executive). I make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

On the accompanying bond, *1250A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$900,000 bonds to finance a part of the cost of intersection improvements on CR 19, Patchogue-Holbrook Road at Furrows Road (CP 5128.310).* Roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

P.O. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BARRAGA:

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:

1251-10 - Appropriating funds in connection with reconstruction of drainage systems on various County roads (CP 5024) (County Executive). Do I have a motion?

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, seconded by Legislator Eddington. On the motion, anybody want to talk? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen (AMENDED VOTE - SEVENTEEN; Opposed - Legis Barraga).

P.O. LINDSAY:

Accompanying bond resolution, *1251A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance a part of the cost of the*

reconstruction of drainage systems on various County roads (CP 5024.310), same motion, same second, roll call.

LEG. BARRAGA:

Mr. Clerk, can you put me in the negative on that, please?

MR. LAUBE:

Seventeen on the last one. Who was the motion on that one? There was a lot of noise in here.

P.O. LINDSAY:

Motion was Gregory and Eddington.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. EDDINGTON:

Yes.

LEG. GREGORY:

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:

Yes.

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:

Seventeen.

P.O. LINDSAY:

1252-10 - Appropriating funds in connection with strengthening and improving County roads (CP 5014) (County Executive). Motion by Legislator Eddington, seconded by Legislator Losquadro.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I see the Commissioner is here. You don't even have to get up. Is this paving?

COMMISSIONER ANDERSON:

Yes, it is.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

1252A - Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$5,775,000 bonds to finance the cost of strengthening and improving County roads (CP 5014.350). Same motion, same second, roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1265-10 - Appropriating funds in connection with reconstruction of CR 2, Straight Path from Mount Avenue to NYS Route 231 (CP 5527) (County Executive). Motion by Legislator Gregory. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

On the accompanying bond resolution, *1265A - 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 reconstruction of CR 2, Straight Path, from Mount Avenue to NYS 231, Town of Babylon (CP 5527.312)*. Same motion, same second, roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. GREGORY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1270-10 - Appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1272-10 - Approving the purchase of thirty-seven (37) hybrid electric vehicles in accordance with Section 186-2(B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard (CP 5601) (County Executive).

D.P.O. VILORIA-FISHER:

Motion. And I'm wondering are they all with stuck accelerators for Legislators.

LEG. LOSQUADRO:

I'll second that motion, I just have a question.

P.O. LINDSAY:

Okay. We have a motion by Legislator Viloría-Fisher, seconded by Legislator Losquadro and Legislator Losquadro has a question.

LEG. LOSQUADRO:

What percentage of reimbursement do we have on these? As I know we've had some discussion, you know, with the cost effectiveness of purchasing hybrid vehicles.

D.P.O. VILORIA-FISHER:

Isn't 80-20 reimbursed by C-MAC?

LEG. LOSQUADRO:

That's what I'm asking. Mr. Anderson, 80-20, us, them, what's the breakdown.

COMMISSIONER ANDERSON:

Eighty-twenty, 80% them.

LEG. LOSQUADRO:

That certainly makes it cost effective.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1273 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the chemical bulk storage facilities for sanitary facilities in Suffolk County Sewer Districts (CP 8178) (County Executive).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

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:

1274-10 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the Port Jefferson Wastewater Treatment Plant (CP 8169) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1275-10 - Appropriating funds in connection with the County share for reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510) (County Executive).

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

1275A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$125,000 bonds to finance a part of the cost of the acquisition of land and related expenses for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510.210)

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. D'AMARO:

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. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1287-10 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for improvements to Suffolk County Sewer District No. 10 – Stony Brook (CP 8175) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1288-10 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with Wingate Inn – Commack Hospitality (IS-1283) (County Executive). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1290 - Appropriating funds in connection with the traffic signal improvements on various County roads (CP 5054) (County Executive). I'll make a motion.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

1290A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$750,000 bonds to finance the cost of traffic signal improvements on various County roads (CP 5054.580). Same motion, same second, roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

P.O. LINDSAY:

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. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

1291-10 - Amending the 2010 Capital Budget and Program and appropriating funds in connection with reconstruction of CR 46, William Floyd Parkway at Surrey Circle intersection (CP 5570) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed - Legis Barraga).

P.O. LINDSAY:

The accompanying bond resolution *1291A - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$550,000 bonds to finance the cost of reconstruction of CR 46, William Floyd Parkway at Surrey Circle intersection (CP 5570.310)*, same motion, same second, roll call.

(ROLL CALLED BY TIM LAUBE - CLERK OF THE LEGISLATURE)

LEG. BROWNING:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

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.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1299-10 - Authorizing use of H. Lee Dennison Executive Office Building property by Long Island American Bikers Aimed Toward Education ("LI ABATE") (Eddington).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

Veterans & Seniors:

P.O. LINDSAY:

1175-10 - Adopting Local Law No. -2010, A Local Law expanding eligibility for County real property tax exemption to include disabled veterans (County Executive).

LEG. STERN:

Motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

We have a motion by Legislator D'Amaro, seconded by Legislator Stern. I just have a question about it. God, I don't have anything against disabled veterans, but what's this going to cost us?

MR. NOLAN:

It's not going to cost anything. It just expands the type of proof a disabled veteran can submit in order to qualify for the exemption.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways and Means:

1204-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Babylon (SCTM No. 0100-012.00-01.00-021.000 et al) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1205-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Keith and Barbara Ann McDonald (SCTM No. 0400-256.00-02.00-090.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1282-10 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-350.00-01.00-035.000) (County Executive). Motion by Legislator Browning, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1283-10 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James Bussa (SCTM No. 0500-363.00-01.00-086.000) (County Executive). Motion by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? Abstentions.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1293-10 - Approving list of appraisers and engineers as designated by Division of Real Property Acquisition and Management (County Executive).

LEG. LOSQUADRO:

Motion. Motion by Legislator Losquadro.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1296-10 - Accepting and appropriating 95% State grant funds from the New York State Board of Elections to the Suffolk County Board of Elections for voter education/poll worker training and authorizing an increase in the fleet of the Suffolk County Board of Elections for transporting voting machines and personnel to and from various seminars and community events (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1302-10 - Authorizing the County Clerk to file an application for additional state mortgage tax reimbursement (Presiding Officer Lindsay). I make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. EDDINGTON:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

If I could just have a moment. I did get the opportunity to speak to the Deputy County Executive Ben Zwirn privately in the back, but I did want to apologize to him for my inappropriate historical reference that was offensive and unintentionally hurtful. He does understand that. And he has said that we are still friends. But I wanted to put it on the record that maybe I should stick with saying less. So I do apologize, Mr. Zwirn.

P.O. LINDSAY:

Sometimes less is good, you know, sometimes. We don't have any Certificates of Necessity.

LEG. ROMAINE:

Nothing's of necessity anymore. "Here I come Albany. Look at me, Baby."

P.O. LINDSAY:

Okay. If you go to the yellow folder, I'm going to make a motion to lay on the table the following **Late Starters:** 1356 to Ways and Means; 1358 to EPA; 1359 to Public Works; 1360 to Public Works; 1361 to Economic Development, Education and Energy; 1362 to Public Works; 1363 to Labor, Workforce and Affordable Housing; 1364 to Health and Human Services; 1365 to Economic Development, Education and Energy.

1366, I want to set the date for the following public hearing for April 27th at 2:30 in Riverhead to Economic Development, Education and Energy; 1367 to Ways and Means; 1368 to Budget and Finance; 1369 to Public Works. 1370, I want to lay the following late starter assigned to Ways and Means and set the public hearing for April 27th, 2:30 in Riverhead. Okay. And 1371 to Public Safety. So do I have a second to that motion?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen. I'll make a motion to adjourn, seconded by Legislator Barraga. All in favor? Opposed?

Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
We stand adjourned. I wish everybody a Happy Holiday Season, Passover and Easter. Everybody be safe and enjoy the holiday. Good-bye.

(*THE MEETING WAS ADJOURNED AT 9:44 P.M. *)

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