

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTH DAY

May 11, 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:

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Kim Castiglione, Legislative Secretary*

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

[THE MEETING WAS CALLED TO ORDER AT 9:32 A.M.]

P.O. LINDSAY:

Mr. Clerk, would you read the roll, please?

MR. LAUBE:

Surely. Good morning, Mr. Presiding Officer.

P.O. LINDSAY:

Good morning.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

(Not Present)

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

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

P.O. LINDSAY:

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

(*Salutation*)

Could you remain standing, please, while Legislator Gregory introduces our visiting clergy?

LEG. GREGORY:

Thank you, Mr. Chair. Thank you, Mr. Chair. Today we have with us Reverend Steve L. Foster. He's the Priest in charge at the Saint Boniface Episcopal Church in Lindenhurst. He is a graduate of General Theological Seminary with a Masters in Divinity. He also holds a BS in Business Management and Finance from Brooklyn College with the City University of New York. Currently, he is a member of the Lindenhurst Clergy Association, the Black Clergy Caucus of the Diocese of Long Island, the President of the Diocesan Review Committee, and Treasurer of the Board of Trustees for the George Mercer Memorial School of Theology in Garden City. I give you Reverend Foster.

MR. FOSTER:

Good morning. Let us pray for our country. Almighty God, you have given us this good land for our heritage. We humbly beseech you that we may always prove ourselves a people mindful of your favor and glad to do your will. Bless our land with honorable industry, solemn learning and pure manners. Save us from violence, discord and confusion, from pride and arrogance, from every evil way. Defend our liberties, fashion into one united people of multitudes brought together out of many kindreds and towns. Endow with the spirit of wisdom those to whom in your name we entrust the authority of government, that there may be justice and peace at home. And that through obedience to your law, we may show forth your praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness. In a day of trouble, suffer not our trust to fill you. All this we ask in your name, Amen.

(Amen Said in Unison)

Oh, Sovereign Lord, when you came among us, you proclaimed the Kingdom, of God in villages, towns and lonely places. Grant that your presence and power may be known throughout this land. Have mercy on all who work and live in Suffolk County. And grant that all people of our County may give thanks to you for food and drink and all other bodily necessities of life. Respect those who labor to produce them, and honor the land and water for which good things come. All this we ask in your holy name, Amen.

(Amen Said in Unison)

Almighty God, our Heavenly Father, send down upon those who hold office in this County of Suffolk the spirit of wisdom, charity and justice, that with steadfast purpose, they may fulfill and serve in their offices to promote the well-being of all people. Keep them mindful of the responsibility and trust entrusted to them, and in dispensing of their duties, keep them committed to serving those whom they represent and not their personal agendas. Guide them to work for unity, betterment, maintenance and human dignity of all who reside in this County. All this we ask in your precious name, Amen.

(Amend Said in Unison)

Oh, God, the fountain of wisdom, whose will is good and gracious, and whose law is truth, we beseech you to guide and bless this Legislature of Suffolk, that they may enact such laws as please you to the glory of your name and the welfare of your people. This we pray in your most holy name, Amen.

(Amen Said in Unison)

The blessing, mercy and peace of God Almighty be with you always. Amen.

P.O. LINDSAY:

Thank you, Father. If everyone could remain standing for a moment of silence. After a long battle with cancer, Robert Pike, the former Riverhead Town Councilman from 1986 to 1989, died this past weekend. He was a Riverhead attorney. He successfully fought against developing Robins Island in Peconic Bay, and led efforts to preserve open space for the East End.

Also, please remember in your thoughts and prayers Police Officer John Baldwin, 51 years old, from the Seventh Precinct, died unexpectedly last Friday after suffering a heart attack.

And, as always, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

(*Moment of Silence*)

Good morning, everyone. Good morning, colleagues.

AUDIENCE MEMBER:

Good morning.

P.O. LINDSAY:

We have -- thank you. Somebody said good morning back. We have a few proclamations this morning. First up is Legislator Eddington will present a proclamation to Victor and Doreen Ciappa. Join us up here.

LEG. EDDINGTON:

Good morning. I would -- I have the opportunity to present to Doreen and Victor Ciappa -- and if anybody else is a Legislator where they did a workshop, I'd ask you to come join us up here.

A couple of years ago, the worst thing that could happen to a parent happened when their daughter, Natalie, died from an overdose of heroin. They have spent the last few years going around to the community of all our Legislators, and I'm sure they'll be going to others, and in Nassau County, fighting so this never happens to anybody again. I have never seen anybody that can hush an audience when they relay their experience. I had hundreds of parents sitting there, and after the meeting, coming up and talk to them about, "What should I be looking for?" They are the experts and they are here to help us in Suffolk County. And I would like to call them up at this time to join me and the Legislators here at the podium.

LEG. KENNEDY:

I would just like to add that the Ciappas have given tirelessly to thousands of parents throughout all our Legislative Districts from a subject that no parent ever wants to know firsthand. But, nevertheless, as a way to make sure no parent ever has to know what they know, they've spoken from the heart, and they've spent countless hours with individual parents and groups, in excess of a thousand people, speaking about, pleading about bringing together the educational and the law enforcement and treatment resources so our teenagers do not have to die from heroin overdoses. There is probably no more important calling that anyone can have than what Victor and Doreen have done for us. My thank you is meaningless, but you should have recognition. Thank you.

LEG. EDDINGTON:

Legislator Horsley, the sponsor of Natalie's Law.

LEG. HORSLEY:

I wanted to thank Victor and Doreen for being here this morning and for being here for the young people of Suffolk County. Last year, or I guess maybe it's two years now, it was that we were able to put together legislation, Natalie's Law, named after Natalie Ciappa, that indexed and mapped where heroin overdoses and arrests were made, both in Nassau Counties and in Suffolk. To me, here are two people who took a tragedy, the saddest, saddest event anyone could think of existing in their lives, that they went out and they pulled together the Nassau County Legislature, the Suffolk County Legislature, put together to create a law that enables people to find where heroin hot spots are in Suffolk and Nassau Counties. To me, they are the heroes. They are the people who forever will stand tall, that they've took a situation that they had to face and made it into something so positive for our young people throughout Nassau and Suffolk. And I thank you and bless you. God bless you, both of you.

LEG. GREGORY:

I, too, would like to recognize Doreen and Victor. As a parent of a 19-year-old and a 15-year-old, I have the gray hairs to show it, as a parent, we're all -- our hearts go out to the Ciappas for their loss. And it's amazing that they've been able to turn that sadness to an energy, a positive energy to carry out a message, not only to the rest of Suffolk County, but all of Long Island and New York State, a message that is ringing loud and clear as we try to address this epidemic of heroin. And so I'm grateful that they have been out in the forefront and that they led the fight. They were in a school, and we organized a community meeting in West Babylon High School and they came out and they spoke eloquently, and the parents heard them very forcefully and your message is getting out there. So we thank you for your efforts. And this recognition today is, although, small, but is certainly well deserved. And keep up the fight. Thank you.

LEG. EDDINGTON:

I ask you now to please join us in thanking the Ciappas. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Next up is Legislator Cilmi, for the purpose of a proclamation.

LEG. CILMI:

Thank you, Mr. Chairman, colleagues. I want to take just a few minutes this morning and tell you about a story which truly embodies the phrase "Going Above and Beyond the Call".

Probation Officer Barbara Fey is a nine-year veteran assigned to the Criminal Courts Supervision Unit in Edgewood. She currently carries a caseload of 84 misdemeanor felony probationers. And if that alone isn't enough, on Sunday, March 7th of this year, Officer Fey was stopped at a traffic light in Sayville when she noticed that the driver of a vehicle in front of her appeared to be having a seizure. After the light turned green, the car began to move forward, but it became clear that the driver was no longer in control of the vehicle. The car drove off the road, over a curb, and through

some small trees moving toward oncoming traffic. You're really not going to believe this, but Probation Officer Fey pulled her vehicle over and ran after the uncontrolled vehicle. While running, she signalled a nearby resident to call 911. P.O. Fey caught up with the vehicle and, while it was moving, jumped in and was able to step on the break and turn off the ignition, stopping the car. In doing so, she put herself at risk, but successfully prevented further harm to the driver and anyone else who may have been in the vehicle's way.

Probation Officer Fey is a shining example of the best of our public safety team in Suffolk County, and so, on behalf of the 1.5 million residence of Suffolk County, your fellow County employees, Barbara, and certainly the 18 members of this Legislature, I am honored to congratulate and salute you, and I'm proud to have this opportunity to simply say thank you very much for your efforts. This proclamation is signed by myself and my colleagues on the Legislature. Congratulations to you, and God bless you, Barbara.

*(*Applause*)*

P.O. LINDSAY:

Next is Legislator Nowick for the purpose of a proclamation.

LEG. NOWICK:

Good morning, everybody. I would like to call up here Elizabeth DeGaray, Brian Ralph, Aaron Rosenthal, and Principal of Smithtown High School West, John Coady.

So while they're coming up here, this is an opportunity to hear a good story, a good story about our young people. And this is a story about people at -- students at Smithtown High School West. Come on up, guys. John -- there we go. See, for every bad story there's a good story, and good story, there's a bad story.

So about two years ago, Dr. David Krause, a Professor at Stony Brook University, addressed the Honor Society at Smithtown High School West and he talked about his foundation. It's a foundation which is committed to building schools, hiring teachers, and providing dental care to the people and students of Madagascar. John Coady, the Principal of Smithtown High School, went to his Honor Society students after the speech from Dr. David Krause and he said, "Hey, guys, I'm going to offer you a challenge. Let's see if you guys can raise some money and perhaps you can help out." Well, the students accepted the challenge put forth to them by their Principal and began raising money. Here's the best part. The students raised \$25,000, which resulted in enough money to build a school in Madagascar with solar panels, computers, and this school serves primary and secondary schools for children living in a remote area of Madagascar. So the school is named Smithtown South.

*(*Laughter*)*

They raised \$25,000 on a challenge. I have to tell you, I'm so impressed. I'm so impressed that you're not out there spending the money, you're raising the money. Good for you. And to the Principal, John Coady, great challenge, wonderful. Congratulations, guys. Keep up the good work. These are the good things.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Presiding Officer Lindsay will present the Suffolk County Legislature Hometown Hero Award to New York City Mounted Police Officer Wayne Rhatigan for his quick response to a vendor's report detecting smoke beneath a parked vehicle -- I'm sure everyone here has read about this or seen it on the news -- evacuating a huge group of people in the Times Square area and helping to prevent a mass tragedy by the planned Times Square car bombing.

P.O. LINDSAY:

Police Officer Rhatigan says this is his biggest audience yet. I think the audience in Times Square two weeks ago was bigger than this. And I think we all owe him a huge debt of thanks for his quick action that saved --

*(*Applause and Standing Ovation*)*

That's it, stand up. He saved probably thousands of lives. But, as circumstance has it, I was in the City that night with my wife just a few blocks away, so I personally thank him for protecting my safety. And I'm so happy that he could be with us today. Wayne is a Holbrook resident and a good Suffolk County resident that has come forward again. And it's my absolute pleasure to present the Hometown Hero Award to Mounted Police Officer Wayne Rhatigan on behalf of the people of Suffolk County. Thank you very much for your services.

OFFICER RHATIGAN:

Appreciate it.

*(*Applause*)*

P.O. LINDSAY:

Do you want to get a photo with your family?

MR. RHATIGAN:

Sure.

P.O. LINDSAY:

Bring your family up. We'll get a picture with the family as well.

OFFICER RHATIGAN:

Do my taxes go down?

P.O. LINDSAY:

Ask.

*(*Laughter*)*

I had to throw that out there. I had to throw that out there.

D.P.O. VILORIA-FISHER:

His question was, "Do my taxes go down?"

*(*Laughter*)*

Bring the proclamation to your tax office.

P.O. LINDSAY:

Yeah, show the proclamation to the tax collector and see what it does for you.

P.O. LINDSAY:

Steve, we got the horse in the lobby. You want the horse?

MR. GRAVANO:

Sure, can you get the horse.

D.P.O. VILORIA-FISHER:

Oh, that's a good idea.

*(*Photograph Was Taken*)*

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Legislator Browning will present a proclamation to the William Floyd High School Mock Trial Team who recently won the Mock Trial Regional Championship.

LEG. BROWNING:

Good morning. I would like to call up -- the kids are standing right here, if you guys just want to stand up in your seats. And I have Principal of the William Floyd High School, Mr. Feeney, if you want to come forward. And I have the Advisor, Mr. Bill Hennessy, and the Attorney Advisor, Elizabeth Harrington, if you guys want to come forward.

Mr. Feeney oversees the Youth in Government and the mock trial, and I'd like to tell you a little bit. You know, too often we hear about, you know, the Shirley/Mastics community, the negative things about the community that I live in, and I want to let you know that we have some phenomenal residents. And we have lots of affordable housing, and I want to introduce you to some of your potential neighbors back here. So come to -- come to the Shirley/Mastics community. We have a great community and a great school.

Again, Lynne said, too often we hear the negative things about our communities, and it's always good to highlight what's positive about a community and the great things our kids are doing in our community. The Youth in Government, I will tell you, at the YMCA 74th Annual Youth in Government Conference, William Floyd students were elected to six of the ten leadership positions by more than 620 of their peers statewide. The Youth in Government Program brings the democratic process and the inner workings of State Government alive to students through a hands-on approach of selected leaders, and writing, debating and voting on legislation. I believe even some of the legislation that these kids crafted in the high school are now bills that have been adopted in the State. They have also lobbyists and press corps.

There are some William Floyd students selected as New York State Youth in Government Leaders in the following positions: Governor was a James Evans; Logan Murphy, Chief Justice; {Kyle Imperatore}, Speaker of the Assembly; and A. Kelsey Mensch, Deputy Speaker of the Assembly A; Jillian Andersen}, Speaker of Assembly B, and Emily Vigliotta, who is also here today, Deputy Speaker of Assembly B. Some of these students are only in 9th Grade, so they've got a lot more coming.

Floyd also captured the distinction for "Best Debater" in two Houses of the Legislature, {Corey Zagle} in the Senate, and James {Pena} in the Assembly. Erin Engelmann was voted "Best Attorney", and {Cassandra Stanick} took home the award for "Best Lobbyist". {Nicholas Collins}, who is a senior this year, for the fourth year in a row, James Evans, {Kelly Mensch}, Logan Murphy, {James Pena}, Kerry {Palago}, {Chelsea Smart} and Emily Vigliotta have been nominated to attend the Summer's Conference on National Affairs in North Carolina.

Now we'll get to our Mock Trial, so just shows how great these kids are. Recently, the William Floyd Mock Trial Team won the Long Island Regional Championship of New York State Bar Association's Mock Trial Tournament. It's a statewide competition held annually where high school students have the opportunity to prosecute, defend, and act as witnesses in cases that are adjudicated by law professionals. In the finals, William Floyd defeated Nassau County's W. Tresper Clarke High School for the Eighth Mock Trial Long Island championship. Later this month, they will go to their fifth State Championship in the last 11 years. This is -- they've had it for how many years? Five years.

MR. HENNESSY:

County or --

LEG. BROWNING:

The State.

MR. HENNESSY:

Well, we won the State four times.

LEG. BROWNING:

Yeah, four times. Yeah, they won the State four times in 1999, 2001, 2004 and 2005, against five other teams throughout New York State. The team here that we have today -- and I'll have to say, Mr. Hennessy was my daughter's American History teacher, and he is a retired teacher. And to show the dedication of our teachers, he came back and volunteered his time to work as an Advisor with the Mock Trial Team. So I want to say a special thank you. It just goes to show the teachers that we have are great teachers.

*(*Applause*)*

And Elizabeth Harrington is a resident of the Moriches area and, she is their Attorney Advisor. So I want to say thank you for your time and dedication with our kids.

*(*Applause*)*

And Mr. Feeney, he's been there forever. I'm hoping he sticks around for a long time. He's doing a phenomenal job with Youth in Government. The children that are behind me here are Melissa Dubois, Michael Dubois. I believe Michael's not here today. Erin Engelmann, James Evans, Anthony Hern -- Hernandez. I'm sorry, Anthony. He's one I know too well. Anthony's actually worked on my campaign. Kyle (Imperatore), Dakota King, Jamie Molfetto, Logan Murphy, {Malaya Tranto}, Diana {Azoria}, Katie Ryan, Chelsea Smart and Emily Vigliotta. And I believe four of the students here today are in 9th Grade, so I can tell you that we're going to be looking forward to what they can accomplish in the future again. So I have proclamations and certificates. First of all, for -- proclamations for Mr. Hennessy and for Mrs. Harrington.

*(*Applause*)*

So, thank you. And we will go outside, I guess, for pictures. But I will tell you, come to the William Floyd School District and move in, because these are your potential neighbors. And I can tell you, I am very proud and very pleased to be a resident and have children that have gone to William Floyd.

*(*Applause*)*

P.O. LINDSAY:

Next is Legislator Kennedy for the purpose of a proclamation.

LEG. KENNEDY:

Thank you, Mr. Chair. And Legislator Muratore and I have the privilege and honor today to go ahead and recognize yet another one of our bright young students from Sachem High School East. I'm going to ask Nicole Mieczkowski to go ahead and join us this morning, Mr. Chair.

Nicole has distinguished herself with a number of different volunteer activities at High School East, and she is here today for us to recognize as a recipient of the President's Award for Academic Endeavors. Let me turn to Legislature Muratore while we congratulate Nicole.

LEG. MURATORE:

To my colleagues -- I forgot to push the button down. You know, as a new Legislator, you get to do a lot of cool things, and one of those is meeting some really nice people. And today we have with us a really wonderful lady.

You know, in today's environment, in today's society, with all that young people are exposed to, it takes a real special person to go out and spend the free time that he or she has to devote that to the community. A lot of adults don't do that. But we have with us today that kind of woman who is probably going to make her mark in this country, in this community. And on behalf of the 1.5 million people in Suffolk County, and both Mr. Kennedy and myself, our constituents, we say thank you, Nicole, for everything you do. And God bless you, and live a long and happy life and keep it up. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Next is Legislator Cooper for the purpose of a proclamation.

LEG. COOPER:

Thank you. I'd like to invite up -- thank you. I'd like to invite up John Macukas and his family and Vicki Fleming.

Good morning. Sixteen-year-old John Macukas is a six-year member of the Commack Cavalry Crusaders in the 4-H Club. This organization focuses on helping youth reach their fullest potential by developing their citizenship through a series of leadership and life skills using experimental learning programs. As a 4-H member, John competed at the local and district levels where he qualified to be a participant in the 2009 New York State Fair last summer. John's presentation of how to solve a Rubik's Cube came in third place in the New York Demonstrations category, which resulted in him bringing home a bronze medal.

John recently visited my District Office where he completely floored me and my staff by effortlessly solving the Rubik's Cube puzzle in a little over one minute. I know it might be difficult for you to believe this is possible, which is why I've invited John here today to show all of us his remarkable talent live before your very eyes. So now, without any further ado, and certainly with no pressure whatsoever from the spectators in this packed auditorium, please prepare to watch John work his magic on the large video screen on our left. But before he does, I want to introduce Vicki Fleming, the 4-H Program Leader, who's going to say a few words. And, by the way, for those of you who have a stop watch on you, I believe that John's record is, what, one minute eighteen seconds?

MR. MACUKAS:

Uh-huh.

LEG. COOPER:

So he's going to try to beat that record today. So, hopefully, all the pressure will spur him to action. Buy, Vicki, if you can come up and say a few words.

MS. FLEMING:

Thank you for having us today. As Legislator Cooper has said, we are here to feature an important component of the 4-H Club Program, our public presentations. But, first, I would like to invite the 4-H Club members who are here with me to rise and join me in the 4-H Pledge, which is something that they do before every meeting.

*(*The Following Was Said in Unison*)*

"I pledge my head to clear thinking, my heart to greater loyalty, my hands to larger service, and my health for better living for my club, my community, my country, and my world."

MS. FLEMING:

Thank you.

*(*Applause*)*

For the Public Presentation Program, youth choose a topic of their choice, do the research, and put together a five to fifteen-minute presentation. Leadership in local communities often falls to those individuals who are confident in speaking before a group and who can clearly express their ideas. National studies and reports on the transition of youth to adulthood indicated that youth need positive experiences, useful life skills, and contribute to society. The Public Presentation Program is often credited by 4-H alumni as having given them an edge above peers in both college and professional careers.

As Legislator Cooper said, we did have 25 youth from all over Suffolk County present at the County level this year, with 20 going on to district held in Orange County. We are currently awaiting the results for those who have qualified to go on to State this year. So I'm happy to present Johnny.

LEG. COOPER:

And, actually, to prove that the fix is not in, John, why don't you go up to the Presiding Officer, and, Bill, if you can shake the cube up and make sure it's totally mixed. I already did it, but Bill's going to do it one more time.

MR. MACUKAS:

Thank you.

LEG. COOPER:

Okay. John, do not embarrass me today.

*(*Laughter*)*

*(*Presentation Of Rubik's Cube Was Made By John Macukas*)*

*(*Applause*)*

LEG. COOPER:

Now we'll do it without any of the instruction and we're going to see if he can beat his record.

D.P.O. VILORIA-FISHER:

We have forty-two cards, we don't have time. Thank you.

LEG. COOPER:

Anyway, anyone interested, we'll do it later. Anyway, thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Next, Legislator Stern for the purpose of two proclamations.

LEG. STERN:

Good morning, Mr. Presiding Officer, and my colleagues, and thank you for everybody for being here this morning. I'm still spinning from "up inverted", "right inverted", "down inverted".

I have two presentations to make this morning. First, please, join me in welcoming the Half Hollow Hills High School West Suffolk County Champions, Long Island Champion and State Finalist Basketball Team. Applause.

*(*Applause*)*

These -- this special group of young men are joined this morning by their coach, Bill Mitaritonna, Principal of High School West, Debra Intorcias; Assistant Principal, Frank Pugliese; Athletic Director, Joe Pennacchio.

This was an exciting year, and, yet, another example of the very exciting year for High School West across the board, but this special group of young men not only achieved great things on the basketball court, but quite literally did an outstanding job in bringing an entire community together and backing them in all of their efforts, led by McDonald's All American, Tobias Harris. This is a group that took the Suffolk County Championship, went on to become Long Island Championships, and then went Upstate as a New York State Finalist. They all have bright futures ahead of them. And on behalf of your community and 1.5 million residents of Suffolk County, thank you. Thank you for all that you've done, again, in bringing your community together, and we wish each and every one of you every success in the future. Thank you.

*(*Applause*)*

And this morning we've seen many examples of outstanding young people all throughout Suffolk County who continue to do great things, and, I think we would all agree, send important messages. Another important message that we are coming up on, particularly this time of year, is that in the midst of all the great things and bright futures that our young people have to look forward to, it is also unfortunately referred to as the 100 deadliest days of the year on our roadways, particularly for our young people as they are celebrating their graduations, their proms, the parties that go on throughout all of our neighborhoods, and inevitably we all pick up a newspaper, we all turn on the T.V. and we see yet another example of another tragedy in our community where a young person has really literally unnecessarily lost his or her life due to poor decisions. And so this time of year we look to positive messages, and so it is really a great pleasure to invite a special group of young people from Deer Park High School. Maybe they can all stand up.

*(*Applause*)*

Deer Park High School has taken on a very important project, one of only 20 schools nationwide chosen as finalists in All States Act Out Loud Contest to promote National Youth Traffic Safety Month in May. These students created a video, which was posted on Facebook. And we're asking everybody to go to Facebook because it is a -- it's a contest out of these top 20 schools across the nation, and the winner, through voting to win best video, actually began yesterday, the winner receives a \$10,000 grant. So we're asking everybody to go to Act Out Loud on Face Book to vote, led by Sherry Deacon, their Student Advisor at Deer Park High School. They are going to give all of us an important message.

There's a video presentation. I've got to tell you, I was at Deer Park High School recently and I saw them practicing. This is -- it's an important message, but I think most impressively, it was -- it's an original that all the kids put together. So I know they're going to do a great job in sending this important message for all of us.

*(*Presentation Made By Sherry Deacon*)*

*(*Applause*)*

MS. DEACON:

Go to actoutloud.org, get your friends, your names, all your loved ones.

P.O. LINDSAY:

Thank you very much. Okay. To the public portion. Could I have everybody's attention please? Could I have Legislators back to the horseshoe so we could start the public portion? First up is Anna Throne-Holst, the Supervisor from the Town of Southampton.

*(*Applause*)*

SUPERVISOR THRONE-HOLST:

Hi, and good morning, everyone. I'm going to start by reminding all of us that as public officials and elected officials, I think we all share in the notion that it is our oath of office to uphold the original intent of the laws over which we legislate.

I don't think it's going to come as a surprise to all of you that I am now going to refer to the law with the original intent dealing with the sex offender trailers and how we house in the County of -- in the County of Suffolk the convicted sex offenders when they are released and are homeless. And I don't think I need to remind all of you that the original intent of the law was that that burden was going to be shared by all of our townships equally. And I don't think I need to remind all of you that for more than three years the Town of Southampton has carried that burden exclusively. There are two sex offender trailers, they both reside now in the Town of Southampton, and have done that ever since the beginning and only in the Town of Southampton.

I'm also going to remind you that I think we all share an obligation to act aboveboard and act with courtesy and honesty when we deal with each other as we see to the business of public service. So I think you can perhaps take a moment to share my feeling when last Monday morning I got a call from Jay Schneiderman who had just found out the night before from Commissioner Blass that a new and improved sex offender trailer, with shower facilities and plumbing, was about to be moved into the Town of Southampton, namely our Westhampton site. I did not get a call, none of my colleagues got a call, no one in the Town of Southampton got a call from Commissioner Blass or anyone else on the County to let us know that this was about to happen. Less than 24 hours later, truly under the cloak of darkness that night, sometime between sunset and sunrise, that trailer was deposited in the town of Westhampton and we could do nothing about it. We did what we could. We ran off to see the Judge and we were granted an TRO, which means that the County is precluded from hooking that trailer up and making it functional for now.

This is an unacceptable, unfair, unjust and uncourteous act on all of yours part. You know that you have the responsibility for sharing this burden with us. It simply is not right that the Town of Southampton has carried this responsibility and this responsibility alone. We're willing to do our share. We have more than done our share. The cost is now entirely ours. We pay for the extra police protection, we pay for the ambulance services, and all the other practicality, the stucco, with housing these trailers and we do so alone. The cost of housing them to the County on the East End and the East End alone, where our taxpayers are now responsible for the taxicabs that pick them up in the morning and bring them back at the end of the day from the western most parts of town, we have looked at the roster. There is no doubt that a vast majority of the offenders are from the more western parts of town, yet they come to the eastern part and only the eastern part of town, and the percentage that originate from there is a much smaller one.

P.O. LINDSAY:

Madam Supervisor, you're out of time.

SUPERVISOR THRONE-HOLST:

I understand I'm out of time, but you need to understand that this is something that we have now been forced to resort to the court of law. Presiding Officer Lindsay, your bill is a step in the right direction --

*(*Applause*)*

But we will stop at nothing to make sure that this injustice ends. I am calling on all of you to uphold the original intent of the law. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Dori Scofield, followed my Thomas Franza. And you have to move it along, folks, because I've got 50 cards and everybody has a right to talk.

MS. SCOFIELD:

Thank you so much for letting me speak this morning, Legislators. My name is Dori Scofield. I'm founder and President of Save-a-Pet Animal Rescue in Port Jefferson Station. I've been involved in animal welfare for, I hate to say, over 30 years. And I'd like to speak to you about some new legislation I would love to see proposed.

Can you imagine forcing your pet dog to live, in his or her life, entirely in a small wire cage with no human companionship, toys or comfort and little hope of ever becoming part of a family? That is what life is like for a puppy mill breeding dog. Help us stop the cycle of cruelty that contributes to pet overpopulation and the suffering of countless dogs.

There are close to 20 puppy stores in Suffolk County. All of these stores use puppy mills as their source of product. Supply and demand is what it is all about. Buy low, sell high, and that is what it is all about. It is not about the love of animals that brings them into this business, it is about the love of the almighty dollar. It is big business. As with every business, there is a certain percentage of breakage, broken and defective products, unsellable. The fortunate ones wind up at our town shelters, the unfortunate are culled, which is the nice word for killed. Up until now, this has been a dirty little secret between pet store owner and puppy mill owner.

With so many dogs and cats available for adoption from animal shelters and rescue groups, as well as from compassionate humane breeders, there is simply no reason to inhumanely ship puppy mill bred dogs around the country to stock pet stores. Let's break the chain at its strongest link. There is a wave of legislation to this nature sweeping throughout California and the United States which prohibits the sale of dogs and cats at pet stores, with exemptions for humanely bred, weird or sheltered animals. For existing pet stores, it provides a period for nonconformance to allow stores to recover their investment from the portion of their business that involves the sale of dogs, indoor cats. This is the legislation I propose to you. It makes sense and it is the right thing to do.

By removing the local market for puppy mill dogs, this legislation will boost adoptions for area animal shelters and rescue groups, and increase opportunities for responsible humane breeders. While thousands of puppy mill puppies were sold in Suffolk County during the past year, thousands of dogs and cats were euthanized in Suffolk County shelters at a significant cost to taxpayers, 12 million euthanized in New York State. The financial success of companies that refuse to sell puppies and kittens, such as the nation's largest retail pet store, Petco and PetSmart, is proof that a humane business model is successful. In addition to the large retail chains, one in five hundred independent pet shops around the country have switched to this business model.

Orange Bone is a store in California. They are a big puppy mill supplied store. The owner has now switched to rescue dogs only and his business is thriving better than ever. By supporting this legislation modeled after California law, Suffolk County will set a precedent for New York State and be a role model for other counties to switch to a more humane solution to finding a new best friend. It is inevitable and it will come sooner or later. Let's begin now so we can end the cycle of cruelty and abuse. These are our faithful companions. They become part of our families. I'm urging you to sponsor legislation banning the retail sale of dogs and cats in Suffolk County.

P.O. LINDSAY:

Thank you very much. You're out of time.

MS. SCOFIELD:

Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thomas Franza, followed by Roderick Scott.

MR. FRANZA:

There are numerous residents who have deep concerns regarding the housing of homeless sex offenders. Some have chosen to speak before you, many have sent E-mails, others demonstrate their alarm by their presence at this assembly, and some, such as I, have been asked to speak on behalf of those unable to attend.

There's been a great deal of discourse over the past years concerning the placement of a trailer to house homeless sex offenders. And even though the original intention was to share this burden among the ten Suffolk County townships, it has, as you're more than well aware, set only within the confines of Southampton Township for its entire life. While this is indeed an issue for serious discussion, it distracts from an even greater issue, an 800-pound gorilla in the room, namely the deliberate and intentional daily congregation of individuals who pose a possible threat to the community. Take any group of tradesmen, professionals, doctors, educators, contractors, chambers of commerce, town councils, gather them together, they will invariably begin talking shop, discussing areas of mutual interest. Indeed, such assemblages of like-minded individuals are to be applauded.

I realize we are allowed this time to make a statement, but not to ask a question, so consider the question of an 800-pound gorilla to be rhetorical in nature. If wisdom dictates bringing like-minded individuals together in order to refine a process or approach, why do we not nightly assemble 10, 20 or more sex offenders within the confines of a narrow environment? The danger of this is well stated in the New York State parole handbook, which says in part, "I will not be in the company of or fraternize with any person I know to have a criminal record or whom I know to have been adjudicated youthful offender, except for accidental encounters." The handbook then goes on to add, "Although the general conditions of parole apply to all those under supervision, there might be special situations. They might be have -- they might have a curfew, a prohibition against drinking, or associating with specific individuals, or a prohibition against being in a specific area." There is apparently simple reason for this. We don't want to encourage or foster negative behavior. We don't want to provide an opportunity for individuals who have committed crimes to compare notes on what works and what doesn't to conjure ways of pursuing a lifestyle where they won't be caught.

And before you dismiss this concept and say it won't happen or it's too far fetched, allow me to quote from another of New York State's publications, the one put out by the Division of Criminal Justice Services, Offices of Sex Offender Management, which offers the following piece of information. "From the General Criminal Recidivism Research, we know that shelter use, both before incarceration and after release, is reassociated with an increased risk of return to prison."

I realize that you have a very difficult position in which you find yourself. You must represent your constituency while simultaneously assuming a responsibility that's fair to all residents of Suffolk County. Your task requires courage. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Thank you, Mr. Franza. Roderick Scott, followed by Deborah Wright.

MR. SCOTT:

Presiding Officer, Legislature, citizens, thank you for the opportunity to speak to you. My name is Roderick Scott. I'm the State Director of Governmental Affairs for the Consumer Specialty Product Association. This is a nonprofit trade association that represents more than 250 companies that manufacture, formulate and distribute many of the products that you see in your homes. These products are used to create healthy environments, to -- for the maintenance of products, and that's for both institutional and industrial uses.

The Consumer Specialty Product Association is here to testify concerning Resolution 1229. Inhalant abuse is a serious problem in this country. I must reiterate. Inhalant abuse is a serious problem in this country, a serious problem that not only causes harm to young people, but also death. With this particular bill, this bill would restrict one product group within -- one product group -- one product group among consumer products. CSPA supports the goal of preventing inhalant abuse, but we are concerned, while this bill is well intentioned, that it may create new and more inventive avenues for young people to abuse inhalants.

More than fourteen hundred products are commonly found in -- more than fourteen hundred products are commonly found in the home. The most abused products are -- for inhalants are gasoline, glue and nail polish. Our industry again realizes that this is a serious problem. In particular, our industry has been very supportive of the alliance for consumer education. This nonprofit association has the goal of educating parents, teenagers, teachers about the dangers of inhalant abuse. It is our hope today that we might be able to work with the sponsors, as well as work with entities within the community, to find out a way that we can both educate and restrict products to minors.

Again, this is a serious problem that we realize that, especially having the opportunity to see the young people that were here earlier, I realize even more greatly what the intent of Representative -- excuse me, of Legislator Horsley's legislation is.

P.O. LINDSAY:

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

MR. SCOTT:

But, again, we'd like to partner with you --

P.O. LINDSAY:

Okay.

MR. SCOTT:

-- to find ways to keep people from using this.

P.O. LINDSAY:

Thank you very much. Deborah Wright, followed by Wendy Linsalata.

MS. WRIGHT:

Hi. I'm Deborah Wright from Falcon Safety Products, and I would like to thank the Suffolk County Legislature for providing me with an opportunity to submit testimony on Resolution No. 1229, and commend the Legislators for working to decrease inhalant abuse in Suffolk County. We are, however, concerned about the language and intent of the resolution to single out just one product category, compressed gas dusters, for age restriction at the point of sale.

Our company is the leading manufacturer of the product category named in the proposed resolution and has been actively working to educate the public about the dangers of inhalant abuse for over 20 years. We believe that this resolution will fail to accomplish its stated goal, a goal that we share and that we have been working towards for more than two decades. While we understand and support Resolution No. 1229's goal of reducing inhalant abuse by young people, we know from years of experience with this issue that restricting the sale of one product will do little to address the overarching problem.

We strongly believe in broad-based education of parents, educators and children as the only real means of effectively addressing this problem. To support any other action would be to dilute the County's effort in combating inhalant abuse. Please consider the following points:

There are approximately fourteen hundred consumer products that can be and are abused. These include air freshener, cooking spray, gasoline, propane, butane, solvents, glues, body sprays, etcetera. Computer dusters, the only product named in this resolution, represent a small fraction of the products being used in the United States and elsewhere. Huffing practices move in trend cycles where products gain and fail in popularity. Butane, propane and air fresheners had the highest fatality rates among inhalants, according to a new study using the National Poison Data System. Leading experts in the field agree that product bans are not practical and do not help to stop inhalant abuse. In many cases, the ban of one product simply redirects abusers to focus on other products, or, in some cases, highlights the product as one that can be abused, making it more appealing to potential abusers. Banning the sale of any single product or category of products has the potential to mislead potential abusers or the public into believing that the rest of the fourteen hundred commonly abused products on the market can be less deadly or less dangerous.

Education is truly the most effective means of preventing inhalant abuse. Several large scale studies statistically validate this assertion. Kids who learned about the risks of drug abuse and inhalant abuse from their parents or caregivers are 50% less likely to try inhalants. Groups like ACE and the NIPC, National Inhalant Prevention Coalition, work with states and local municipalities to help educate the communities, from parents to kids to educators, on the dangers of inhalant abuse.

D.P.O. VILORIA-FISHER:

Ms. Wright, your time is up, if you could wrap it up, please.

MS. WRIGHT:

Thank you very much.

D.P.O. VILORIA-FISHER:

Our next speaker is Wendy Linsalata, followed by Richard Amper. We do have 50 cards, so we do ask you to try to make your comments brief. You have three minutes.

MS. LINSALATA:

Hi. My name is Wendy Linsalata, I'm here representing --

MS. ORTIZ:

Can you speak directly into the mic? You have to press the button.

MS. LINSALATA:

I'm Wendy Linsalata, I'm here representing the Suffolk County Coalition Against Domestic Violence and Joanne Sanders, our Executive Director. Regrettably, Joanne couldn't be here today.

The Suffolk County Coalition Against Domestic Violence supports Resolution 1415, a Local Law to establish prompt contracting for service agreements between not-for-profit agencies and Suffolk County government. The coalition also supports Resolution 1490, a Local Law to extend prompt payment policy for nonprofit agencies. We must convey to you that the 2010 contracts were executed in a timely manner with a cash advance that allowed us to continue our vital services with no interruptions. The County Executive, department heads and County employees worked together and came up with a procedure that provided for this prompt contracting process for 2010.

The reason we support these Local Laws at this time is to ensure the contract process will continue in a timely manner in the future. We thank the Legislature for your support.

P.O. LINDSAY:

Richard Amper, followed by Wendy Chaikin.

MR. AMPER:

My name is Richard Amper. I'm Executive Director of the Long Island Pine Barrens Society. I do very much appreciate how much you've got on your schedule, but it is extremely frustrating to the

people who come here because of difficulties they're having with County government. It seems to me that that ought to be an increasing focus of this body. We're all coming long distances, waiting long times through presentations and so forth and, yet, we keep getting urged to move quickly through the business that we're here merely because we have problems with what the County Legislature is doing. So you might reconsider your focus on what the priorities are of this Legislature.

I.R. 1412, the procedures for contracting title insurance work, looks like we need to do some reforms in the title insurance, the way we transact business with the title insurance. Of course, we would have to buy more land to need more title work done, but let's see if we can't restore that process. We support that legislation.

1263, the Environmental Impact Statement for the -- what's termed in the community "Lunacy Village", we would urge you not to spend \$400,000 of the public's money on an Environmental Impact Study for a project that very few people think are going to go anywhere. The developer has said he will not pay for the study unless he gets all his permits from the Town, from you, that it's determined that you're allowed to excess this property. Before we go spend the taxpayers' money in tough tax times, we would urge you not to pay for an Environmental Impact Statement for a project none of us believes is actually going to happen. You should decide for yourself that this is a commitment of the Legislature to do that before you spend money studying what the environmental and economic impacts of that would be.

The Capital Budget, as I see it, coming from the County Executive's Office seems to indicate no more Multi-Faceted, no more Legacy fund, as this legislature continues to spiral out of the business of preserving land. Our report issued only two weeks ago indicates that we have done more poorly than ever before, that we are not ever going to be obtaining the goals that everybody agreed to only four years ago. So we're asking now for this Legislature to convene an outside disinterested party to examine what the economic and environmental impacts will be if, instead of preserving the 35,000 acres that we thought we would, we preserve only 13,000, which is the direction we're headed.

I think it's not prudent to change three decades of preservation policy without knowing what the consequences will be to tourism, and farming and fishing, the second-home industry, the quality of our water. If you're going to change direction, if the Legislature will not make the County Executive expedite the Open Space Program immediately, you need to consider what the consequences to this County will be if we don't. Thanks very much.

*(*Applause*)*

P.O. LINDSAY:

Wendy Chaikin, followed by Hank Beck.

MS. CHAIKIN:

Good morning. My name is Wendy Chaikin. I'm a resident at Westhampton Pines, which sits right next door to the Suffolk County Police and Sheriff facility where the homeless shelter for sex offenders is being discussed.

I want to approach this from a financial point of view, since I know that's important to everyone. Have you considered the impact of hindering the ability of Timber Ridge Homes at Westhampton Pines to sell the remaining 48 homes? Have you considered the average tax revenue that 48 homes brings into the community? Approximately \$35 per year, which is about \$168,000 per year. I also work for Timber Ridge Homes in sales and I have not yet come up with a way to say the words "sex offenders next door" when giving my disclosure during my sales presentation. A hundred and forty-one homes that are already sold will surely grieve their taxes because our property values are going to drop considerably. You approved this new construction community for the purpose, I'm sure, of bringing revenue into the area, and I think you really have to look now at the impact of destroying this community.

This tax revenue comes to the communities with no impact on the schools, because we're a 55-plus community. We are affluent, we are tax-paying, we are consuming, we are voting active citizens. And what about the loss to the Peconic tax fund and all the other revenues that are associated with real estate closings? No real estate closings will absolutely further impact the revenue stream in an already very compromised real estate market for our area. Why on earth would you jeopardize all of these revenue by placing sex offenders next to a thriving new construction 55-plus active adult community? Thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

Hank Beck, followed by Janet Beck.

MR. BECK:

Good morning, Chairman Lindsay and members of the Legislature. Thank you for the opportunity to speak. I'm Hank Beck and I represent the CAC West. If you don't know what a CAC is, CAC is a Citizens Advisory Committee set up by the Town of Southampton.

The news came to us last Monday that the County was planning to install a new larger improved trailer for the homeless sex offenders of Suffolk County at the Police shooting range on Old County Road. As you know, no prior notice was given to the Town's Supervisor, nor to the County Legislator, Jay Schneiderman, our representative. An emergency news conference was quickly scheduled on the site for 9:30 Tuesday morning. When we arrived, we were amazed, along with everybody, to find out that the trailer, a double-wide, had been spirited into the site overnight. This trailer didn't show up, you know, out of the blue, somebody bought it, arranged for it, and arranged to get it there without anyone's knowledge.

The news conference was well covered. We had the Town Supervisor, Town Council People, Westhampton Village Trustees, local school Superintendents, and about 30 local residents in support. The new trailer is larger and has three showers. And the County intends to do a permanent hookup in Westhampton, because they were denied permission by the Town of Riverhead to join the trailer that's on their property to that Town's sewage system. That means that instead of the Westhampton trailer being used for overflow, which was its original intent three years ago, it looks as if the County is planning to make the Westhampton unit its primary unit. Southampton Town has already issued a stop work order, and has obtained a TRO. And the Town of Southampton and Supervisor Throne-Holst, working on this project for months now, has tried to be cooperative with the County, but this sort of offensive treatment kind of leaves us feeling that we have no choice left but to fight.

We are in support of Chairman Lindsay's bill. We think it takes the courage of the Legislature now to work as a unit to do the right thing. You need unity. You need unity because you have to respect the law that you passed three years ago that these trailers are going to be shared amongst the other towns in Suffolk County. So far, the performance of the County has not left us with a feeling of trust, and we really need you to support this and do the right thing for the rest of the -- for the Town of Southampton and for the rest of the County. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Janet Beck, followed by Doreen Barry.

MS. BECK:

Hello. I'm also from the CAC West and live in the Westhampton area. We have several elementary and -- elementary schools and nursery schools in the area, and we have a lot of residents who are concerned with the fact that you have made a promise to share the responsibility of the trailers and not kept it. We are very upset about that. There are many towns throughout Suffolk who could

take the trailers for a month at a time, or find an area that is secluded and will not affect other residents of your districts and we would like you to do that. I want to thank you very much for allowing me to speak.

*(*Applause*)*

P.O. LINDSAY:

Doreen Barry, followed by Mary Ann McDonald.

MS. BARRY:

My name is Doreen Barry. I'm a resident of Westhampton. And for the last 38 months, we have lived with the trailers in Westhampton, that was supposed to be on a temporary basis. That was March of 2007. In October, 2008 came the trailers in Riverhead. Again, we were supposed to be the overflow at that point because of the number of sex offenders have increased, but we still have the trailer. And we have gone through speaking to many different members of the Legislature, of the County, and no one has done anything. The Town of Riverhead, as well as the Town of Southampton, have instituted lawsuits last May. A year has gone by and still we're dealing with the sex offenders.

I ask all of you Legislators to come to Westhampton and view the trailer and see what we see, because there have been different reports in the newspaper saying they're not in a community, they're not in a residential area; they are. We see them every day going in and out. And it is time that you as a Legislature work with the County Executive, the Town of Southampton, the Town of Riverhead to do something to help us. We should not bear the burden for what you put into place three years ago. It is not fair. It was supposed to be on a rotating basis.

Of the sex offenders that are there in the trailers now, all of them are from western Suffolk, not one in the trailer today is from out east. And over the last three years, preponderance of those sex offenders have been from western Suffolk, yet one town, the Town of Southampton, has had to deal with all of them. This is unfair. It is not an easy thing to do, but it needs to come together, all of you, to help the County of Suffolk, the Town of Riverhead, the Town of Southampton and Westhampton. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Mary Ann Mc Donald, followed by Lynne Schoepfer.

MS. MC DONALD:

Good morning. My name is Mary Ann McDonald. Thank you for the opportunity to speak with you this morning. I am an Emergency Services Dispatcher for the County of Suffolk for the past 22 years. For the past eight years, I've been involved in animal rescue. I'm a wife and a mother and a person who's dedicated to stopping puppy mills in my lifetime.

Puppy mills continue to thrive because they prey on unsuspecting customers who see a puppy in a pet shop window or a fancy website, and let's face it, that's hard to resist. But behind the facade of the fancy pet shop lies a puppy bred in a mill. The pet shop employee will tell their customers, "We don't buy from puppy mills, these puppies were raised with children." What they won't share with the customer is the deplorable conditions that the puppy was bred in, that the puppy's mom has spent her entire life walking on a wire cage, sleeping in her own mess, eating moldy food, and never experiencing any human contact whatsoever.

I'm extremely proud of my fellow rescues here today to talk about the importance of this legislation. Due to our economy, our rescues have been inundated with people surrendering their pets in an alarming rate. Add to that people surrendering dogs purchased from a pet shop because the animal has now developed a serious medical condition that the owner simply cannot afford, so they turn to

their local rescues for help. Now you have an already overwhelmed rescue group taking on additional medical expenses because an unsuspecting customer purchased what they believed to be a healthy puppy. Thank goodness for our rescues across the country who have been able to free many of these dogs from their living hell that is the mill.

Recently, 100 dogs were brought to Long Island and placed in the loving hands of rescue people dedicated to finding them good homes, but not before thousands of dollars in costly medical procedures, patience and understanding dealing with the issues that come along with being a mill survivor.

We in Suffolk County need to take steps now to pass this legislation and to stop the sale of puppies and kittens in retail stores. As we stand here today, for every puppy purchased in a pet store, two just died in the mill. Statistics show 98% of puppies sold in pet stores are puppy mill dogs, 98%, a horrible life and a horrible death. We have the power to stop the cruelty machine. Mill dogs are often referred to as the broken and the forgotten. I have seen and healed the broken, I am now dedicated to helping the forgotten. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. Lynne, before you go, go ahead to the mic, but I need a motion to extend the public portion.

D.P.O. VILORIA-FISHER:

So moved.

LEG. ROMAINE:

So moved.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher, seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

Thirteen. (Not Present: Legs. Muratore, Losquadro, Montano, Barraga and Cooper)

P.O. LINDSAY:

And while I have the mic, we're going to break at 12 o'clock for a presentation by the County Attorney, and then we're going into Executive Session for about 15 minutes, so everybody be aware of that. Okay, Lynne.

MS. SCHOEPFER:

Thank you, Legislators. My name is Lynne Schoepfer. I've lived in Stony Brook for 45 years. I'm an Executive Director at Save-a-Pet Animal Rescue and Adoption Center in Port Jeff Station. Each of our rescue dogs and cats are spade or neutered, up to date with vaccines, heart worm tested, and leukemia and AID tested before they're being adopted.

For several years I've seen a rise in unwanted puppy mill dogs, which is a direct reflection of puppy mills that have opened in our communities. Well-intentioned families purchasing these puppies are finding they have extraordinary medical problems that arise from the backgrounds of the parents. These dogs are inbred, costing their owners thousands in unnecessary medical bills, leading them to surrender them to our shelters and other shelters. If store owners were truthful regarding the fact that these dogs are coming from puppy mills, the public would not be fooled into buying them, especially if they knew the horrendous conditions that the parents live in; dogs kept in tiny cages with wire bottoms, up to 12 dogs in each cage, metal pipes rammed down their throats -- excuse me -- to stop them from barking, saw dust mixed with food to cut costs, leading to jaw rot, dogs never let out of cages, no age limit for breeding dogs. One such puppy mill owner is Kathy Bauck

from New York Mills Minnesota. Miss Bauck was cited for performing a C-section on a dog without anesthesia. Undercover video from Companion Animal Protection Society shows Miss Bauck instructing a kennel worker to pour bleach on a dog's open wound, yet local puppy stores continue to do business with her by purchasing puppies from their mills. Our Legislators must take a stand on this issue and not tolerate or support such cruelty.

New York is listed with the USDA as having on or about 44 puppy mills in our state, yet there are only 70 inspections -- inspectors nationwide to regulate these mills. The Humane Society estimates the number of unregistered puppy mills to be about 10,000 nationwide. One of the biggest problems revealed is breeders relinquishing their USDA licenses, thus hoping to escape the regulation of Federal inspectors.

An estimated two to four million puppy dog mill -- puppy mill dogs are brought into the marketplace each year. Puppy sales on the internet, classified ads and flea markets have no regulation. This is not acceptable. People ask us, "Where can I find a list of known puppy mills?" There are so many unregulated puppy mills, that to publish a list of the known puppy mills or problem mills may give the public a false impression that any establishment not listed on the list is safe. In fact, problematic mills have been known to change their names and locations frequently to evade their reputations.

Over two billion dollars a year is spent to shelter and ultimately destroy 12 million adoptable dogs. There will never be enough dogs -- homes for these dogs. When you pay an outrageous fee for a puppy from a pet breed store, you play a role in the pain and suffering of scores of dogs.

I'm urging you to sponsor the legislation prohibiting the retail sales of dogs and cats in Suffolk County. Thank you for your time and commitment in helping us solve a community -- helping us as a community solve the problem.

*(*Applause*)*

P.O. LINDSAY:

Kerri Glynn, followed David Ceely. Kerri Glynn? No. No Kerri Glynn?

MS. GLYNN:

There is a Kerri Glynn. I'm sorry. Hi. My name is Kerri Glynn and I have been a resident of Suffolk County for 60 years. I'm sure that many of you grew up with dogs and have dogs now as members of your family and, yet, we kill 12 million dogs every year in this country simply because we don't have homes for them.

How does factory farming make any sense in this country? The retail sale of puppies is a borderline business plan based on cruel and inhuman exploitation of the very puppies that it markets. It is unethical and essentially a sociopathic exploitation of the animals that it sells. Worse, it is the inevitable exploitation of the people who buy them and suffer with them as they sicken and die. The only effective way to end these abuses is to cut them off at the point of sale. I hope that Suffolk County will be a leader in this. No retail puppy stores in my County. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

David Ceely, followed by Sandy Renner.

MR. CEELY:

Good morning, Legislature. My name is David Ceely. Thank you for the opportunity to speak with you today. I'm here today to ask for your consideration to put in place an ordinance that would prohibit the retail sale of dogs and cats by a retailer. Such businesses are stocked by puppy mill facilities, to get to the point, that continuously breed dogs, housing them in deplorable conditions.

There's inadequate food, water, sanitation and veterinary care. This is -- there's also constant exposure to the elements and dilapidated housing for the breeding animals and the puppies that are common in these places. More and more Americans are buying puppies in pet stores and online. They are suffering the consequences for doing so. These facilities are unlicensed and unregulated. When an animal is bred in these facilities, the health of the parent is not a consideration. If an animal is maimed, missing a limb, an eye or any other body part due to physical abuse or genetics, as long as that animal has the ability to breed, it will. The products of this type of breeding are then shipped off in tiny crates in large numbers to many pet retailers in our area. Oftentimes, these puppies are weeks too young.

I would like to mention that our largest pet supply stores in America, Petco and PetSmart, do not partake in this business. There is a reason for this, it's not good business. Taxpayers are spending millions of dollars every year to keep our municipal shelters maintained and, unfortunately, spending even more money to euthanize the animals housed at these facilities too long. Once again, I ask for your consideration on putting an end to this inhumane practice. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Sandy Renner, followed by Barbara Dennihy.

MS. RENNER:

Hello. Thank you for letting me speak today. My name is Sandy Renner, I live in Selden. I've resided in Suffolk County for pretty much most of my life.

LEG. LOSQUADRO:

Is your mic on? Speak a little closer to the mic.

MS. RENNER:

Oh, I'm sorry. I'm sorry. I recently started doing volunteer work with Save-a-Pet, probably last -- sometime last year, and I, as everybody else, was really not aware of the situation that was going on with purchasing a dog and buying them from these so-called puppy mills. And to see the horrific conditions that these poor animals are living in, and because of the puppy stores that are dealing with them and the irresponsibility that they're partaking in just so they can make some money. They're selling sick dogs, who ultimately either end up dead at the vets or at a shelter, and now the owner doesn't want them for whatever their reason is, so we end up getting them. And to see personally how these animals were treated and the conditions that they lived in, I had many nights where I hadn't slept because I cannot get that image out of my head. And we're here to speak for them, because they cannot speak for themselves. It's the saddest sight to see these tortured souls and how they're being treated and abused, just so they can make money at such a disgusting way.

We're supposed to be one of the most intelligent, affluent areas in the country. Let's prove it by making the right choice, the humane choice, the only choice. Please support legislation prohibiting the retail sale of these dogs and cats. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Barbara. While she's coming up, next up is Julian Fischgrund.

MS. DENNIHY:

Good morning my name is Barbara Dennihy and I'm here to ask for legislation to consider banning the sale of puppies and kittens in retail stores in Suffolk County. Banning retail stores from selling puppies and kittens will ease the burden on the shelters and rescue groups in Suffolk County. More people will look towards adoption before purchasing.

According to the ASPCA, 98% of all retail stores that sell puppies and kittens come from puppy mills or brokers. Puppy mills are overbred, inter-bred, small crowded cages, unsanitary conditions, no veterinary care, improper shelter from sun, cold and rain. Here in Suffolk County we have laws existing protecting companion animals from that sort of cruelty. By allowing puppies and kittens from these mills to be sold in retail stores here in Suffolk County, are we not encouraging cruelty to animals and what we consider to be criminal behavior? Other counties adopted legislation banning the sales of companion animals in retail stores. We need to do the same in Suffolk County to do our part to end this barbaric practice. Thank you all for your time.

*(*Applause*)*

P.O. LINDSAY:

Okay. We have Julian, and followed by Mason Haas.

MR. FISCHGRUND:

Good morning, Ladies and Gentlemen. My name is Julian Fischgrund, and I'm currently a resident of Westhampton Pines. Also, Addie and I both spent a good portion of the prior 25 years as part-time residents on the North Fork, so we are not newcomers here.

I am 81 years old and have been and still am a practicing Certified Public Accountant for -- in excess of 55 years. During this time, I have issued many certified financial statements. As a CPA, a CPA's opinion reads in part that the enclosed statements present fairly certain information included in the report. This expression of opinion is based upon a litany of prescribed accounting procedures and auditing standards which we must follow. We accumulate, sought out, analyze and digest all the evidence and data required to express our final opinion.

There is a parallel to what the members of this Board must face. You have a responsibility to accumulate, sought out, analyze and digest all of the facts, figures and statistics necessary to lead you to a decision as to the placement of the facility which will house these sex offenders.

I am not familiar with the overall role played by the Department of Social Services or any other Legislative group as to the responsibility incurred by each, but here are some questions that hopefully were -- sorry -- were addressed during the exploratory period. What percentage of sex offenders resume their criminal activities after they have been released? Isn't this a potential source of concern. Has it been discussed that not only does this present site border on an over-55 community, but it is literally a stone's throw from a nursing home facility. Thirdly, would any responsible person representing the County be comfortable with this trailer being near his or her home? Of course not. Why would they? I always say that logic prevails. Assessing all of the known facts, it appears that the choice of this site, which abuts a residential over-55 community as the most appropriate site in this vast County is inconceivable and inexcusable.

P.O. LINDSAY:

Julian, you're out of the time. Okay? Thank you very much.

MR. FISCHGRUND:

Okay. Just closing paragraph, please, if you don't mind. You must think --

P.O. LINDSAY:

You've got to wrap it up quickly. We have an awful lot of people that want to speak yet.

MR. FISCHGRUND:

You must think of every Suffolk resident as your neighbor and you must, without prejudice, treat all as people. We place our trust in you to discharge your responsibility faithfully and ethically to spread the burden amongst all of us.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Mason Haas, followed by Elizabeth Lipman.

MR. HAAS:

Good morning, Ladies and Gentlemen of the Legislative Body. Many of you know me already. I've been before you on numerous occasions, so we'll just quickly go over a little history here.

January, 2009, the residents of Riverhead, Southampton, and residents of Brookhaven, Legislator Browning's area, got together at the Riverhead High School for a forum to try to come up with a sensible solution to the sex offender placements. At that Legislative -- at that forum, we had representatives from Senator LaValle, Assemblyman Alessi, Legislator Kennedy from the Human Health Service Committee, Legislator Romaine, Schneiderman, Ben Zwirn from the County Exec's Office, and Commissioner of Social Services, Janet DeMarzo. At that time, that meeting really came about because of the fact that a trailer, a large trailer was placed then on the Sheriff's property.

At that meeting, I spoke with Ben Zwirn, I said, "What are you going to do when it grows, the population grows?" He said it's not going to grow. The population is growing, Ladies and Gentlemen. It's an issue that continues on. The costs are exceeding two million dollars in transportation this year.

I want to commend right now, I want to commend Legislator Lindsay, Legislator Browning, Legislator Viloría-Fisher for coming forth with a sensible bill. I think your bill, 1399 -- is that the number, am I correct -- is the way to go. We need to turn around and spread this around to keep the cost down. It's a sensible solution.

You've had two rulings, one in New Jersey, one in Rockland County from Supreme Court Judge that say that the population is growing, and one of the reasons that they attribute it to is the fact that local legislations and restrictions being placed on this community ends up eliminating housing for them.

Legislator Lindsay, you have a bill coming forward, 1510, which is putting a lot of pressure on the motels about notifying the public that they have a sex offender who's living there. That's a good bill. However, what that will end up doing is creating less places for them to go, so we will then increase the size of homeless sex offenders. It is time to act at this point and keeping in fact -- keeping in mind the cost to the taxpayers. I am an Assessor in my Town of Riverhead. I understand what the taxpayers are saying, and it is a sensible solution by coming forward with this bill that Legislator Lindsay, Browning and Viloría-Fisher have presented today. I hope to see that this bill gets passed and we can move forward from here. And then the Department of Social Service can come up with a sensible solution and everybody finding a location in their Districts where they house six, a minimum of six.

Thank you for your time. And again, I implore on you all to let's put this to rest and everybody share, take a share of their burden here. Thank you very much.

*(*Applause*)*

P.O. LINDSAY:

Thank you. Elizabeth Lipman, followed by Erin Morris.

MS. LIPMAN:

Thank you, Legislators. My name's Elizabeth Lipman and I'm a lifelong resident of Suffolk County. As we all know, puppies are adorable and a puppy store seems to be the perfect place to purchase such a wonderful companion.

Everyone that walks into a puppy store instantly falls in love with that one special dog. What people don't realize is that puppy comes from a puppy mill. That puppy's mother was bred continuously,

often with no breaks in between litters, and as soon as the mother can no longer breed, she is killed by being bashed in the head with a rock or a shot. These animals are bred whether they are healthy or not, and produce genetically defective offspring. The animals are kept in cages with wire floors so that cages do not have to be cleaned. The cages are overcrowded and cause injuries to the paws and legs. In fact, many animals lose feet and legs due to this. Since it is rare that a puppy mill will have heat or air conditioning, the dogs freeze in the winter and die of heat stroke in the summer. In some extreme cases, puppies have cooked on the wires of cages in the summer. These animals are never socialized and just confined to their tiny cages. They may never touch solid ground and even be able to run. The animals do not receive proper veterinary care, and often do not have enough food and water. The dogs are often debarked by ramming a steel rod down their throat in order to rupture their vocal chords. The animals are dirty with matted hair, rotting teeth, and have ulcers in their eyes. In fact, many of these dogs have rotted jaws caused by severe tooth decay. Puppy mill dogs are prone to many hereditary conditions due to poor breeding, such as epilepsy, heart disease, kidney disease, muscular skeletal disorders, as well as many more. Then when the puppies are in the pet stores, they commonly have diseases including parvovirus, upper respiratory infection, pneumonia, and the list goes on. This is a truth that many people do not want to think about, and certainly do not want to see, but awareness needs to be spread.

When people buy a puppy from a pet store, they are not only paying anywhere from 1,000 to \$2,000 to purchase the animal, they end up with enormous vet bills. The puppies often die of disease, others suffer from horrible medical conditions that cost thousands of dollars in vet bills, and many have emotional problems because they have not been properly socialized. Puppy stores tell customers that their puppies come from quality breeders, when, in fact, they come from puppy mills. Puppy mills are a real and horrible reality that so many animals live in, which is why Suffolk County needs to ban the retail sale of dogs and cats. Both West Hollywood, California and South Lake Tahoe have banned the sale of companion animals and are setting a ground-breaking precedent for the nation.

Now that you're aware of the horrors of puppy mills, I hope that you will not turn your back on the animals that are suffering from this horrible practice. By not allowing companion animals to be sold, it will not only stop puppy mills -- puppies from being bought, but we will help get thousands of animals in shelters that need homes to be adopted. Thank you for your time and consideration.

*(*Applause*)*

P.O. LINDSAY:

Erin Morris, followed by Donna Buonomo.

MS. MORRIS:

Good morning, and thank you, Legislators. My name is Erin Morris. I'm a longtime resident of Suffolk County and an active member of the community.

In the United States, puppy mills produce approximately two to four million puppies a year. Of that, only an estimated 500,000 puppies a year are sold. Unknowing customers buy puppy mill puppies and kittens without knowing that it normally results in animals that are unhealthy for numerous reasons and very difficult to socialize. As a consequence, many are abandoned within weeks or months of their purchase by frustrated buyers. The steady rise in unwanted dogs and cats is overwhelming.

Our local shelters and adoption agencies are overpopulated. In this industry, supply far outweighs the demand. Cats and kittens are abandoned in such high numbers that there's a growing stray and feral cat problem in Suffolk County. An unspade cat and her kittens can produce up to 420,000 cats in seven years. Nonprofit animal rescues and our local shelters carry the costly burden of dealing with these unwanted animals. Local governments spend over two billion dollars annually to shelter and destroy approximately 12 million adoptable dogs per year. With your help, Suffolk County can help stop the problem and be part of the solution.

The tragic companion animal overpopulation crisis needs to be addressed. Suffolk County has the opportunity to join West Hollywood and South Lake Tahoe in their ground-breaking efforts to stop the inhumane and horrifying practices that are used to produce the puppies and kittens that mill owners consider a cash crop. As awareness among our community increases, I believe the support for this legislation will be overwhelming. I'm asking you to please support the legislation prohibiting the retail sale of dogs and cats in Suffolk County. Thank you for your time.

*(*Applause*)*

P.O. LINDSAY:

Donna, followed by Jane Fasullo.

MS. BUONOMO:

Good morning. Thank you for pronouncing my name the right way, I appreciate that, nobody ever does. My name is Donna Buonomo and I'm a homeowner in the Town of Southampton and a Board Member of Westhampton Pines. I'm aggravated, irritated, disappointed, and just plain mad at our County Executive, DSS, this Legislature, and the Town of Southampton. We, as taxpayers and voters, were promised that the trailers housing the homeless sex offenders would be rotated throughout the County. As of this date, we have had the trailers for thirty-nine months. Shame on all of you. There are ten towns in this County and we have been the only ones who have these trailers. That doesn't sound like rotating to me. We have shouldered the burden for over three years. If each town shared in this burden and responsibility, we would not see the trailers for another 30 years. It is time to keep your promise. It is time to share the burden. It is time to move the trailers. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Jane Fasullo, followed by Sophie -- I'm having trouble -- Cardice? If I'm mispronouncing the name, forgive me.

MS. FASULLO:

Good morning. And it still is morning, thank goodness. I'm here representing the Sierra Club, and I will be extremely brief. The Executive Committee met last evening. A discussion took place about the Regulation 1263, having the County pay for the 440,000 for the Environmental Impact Statement on the Yaphank land. It was a unanimous vote that we speak to that issue and say we would prefer you do not do that. While it may be considered money to be, in a sense, loan that will be recuperated when the land is sold to a developer, we feel it is an inappropriate position to be taking.

And now personally, I'm speaking in a different direction on the same concept, but as a resident of Suffolk County, I have voted many times for the maintenance of open land. I know in that area, a number of other housing units are coming on line. I feel, quite honestly, that you could make other changes that would allow for this land to be leased. It could, in fact, produce a constant stream of income, or at least rather than sold or excessed. You you've done this before. You did it with the solar on the parking lots. I think that was a marvelous idea. It was actually brilliant on your parts. It's a way of providing an income stream for a long duration of time, relieving the taxpayers of excessive taxes. I would like you very much to reconsider that kind of use of land.

I'm aware that this started in 2005-2006 with Request for Proposals to do development. You are a new board. You do not have to go with that sort of the thinking, that it needs to be developed into housing. There are surely a lot of housing on the line privately. I do not see the necessity of using County land in that respect. If you were to use it as lease, as permanent income, I think you'd be satisfying your own constituents much more greatly than you are.

And that brings one final point. I am a constituent. It is very difficult, even as a member of the Sierra Club, at times to get information concerning what is happening to the land. It's not out there in public. And I ask you to please think to yourselves, if you were to ask your constituents about providing the money for this EIS for the land to be developed, would they, in fact, agree for you to do it? Thank you.

*(*Applause*)*

P.O. LINDSAY:

Sophie -- okay, thank you -- followed by Chad Trusnovec.

MS. CARDONE:

Good morning. My name is Sophie Cardone. I'm here to speak on behalf of pet shop -- on the negative impact that puppy mills and pet shops have on the proliferation of poorly bred dogs in deplorable, inhumane conditions. And I had a two-page speech to read to you, but those that had come here with me today have said everything that needs to be said and it's extremely important. What I'd like to say is that I hope Suffolk County decides to talk the talk and not walk -- I'm sorry. I would like to say that Suffolk County should show that we don't talk the talk, but we walk the talk regarding animal rights and pet shops.

And this morning we saw the solving of the Rubik's Cube, but I have to believe, and I'm sure that's very important, but I have to believe that the attention to animal rights and the proper housing of sex offenders are vastly more important and need to be resolved. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Chad, followed by Johan McConnell.

MR. TRUSNOVEC:

Good morning. My name is Chad Trusnovec. I am the President of the Yaphank Taxpayers and Civic Association. I come to you today not only in that capacity but also as a lifelong resident of the Historic District of Yaphank, with literally more than two centuries of family before me. But maybe the most important reason I'm here today is as a taxpayer in this county. I'm here today to voice my opposition to I.R. 1263, which allocates over \$400,000 of taxpayer money to fund an environmental study for what most people who have stood before you at this very podium have rallied against. I am at a loss to understand how our elected officials can think of spending over \$400,000 of taxpayer money to study how to sell and develop 250 acres of taxpayer-owned land, all without consulting the property owners, us, the taxpayers. This to me seems the height of arrogance. This at a time when the County is millions of dollars in the red.

Perhaps you can see how the Tea Party movement is gaining in strength and popularity across this country. More and more of our elected officials are taking our hard-earned dollars, spending as they see fit, one ill-conceived project after another, special interest after special interest taking precedent over the working people of this nation, which, of course, brings up the ill-conceived project of the day, Legacy Village. This project has no merits on its own, none.

Let's begin with the housing. Almost thirteen hundred homes will devastate the nearby rural and historic Hamlet of Yaphank. This, of course, ignores several other facts that make it a bad idea. Hundreds, if not thousands, of area homes laying vacant, unsold and foreclosed, and these new homes will be surrounded by a jail, a fire department training facility, a compost facility, a dump, a fireworks company, a huge towering power plant, a proposed rail yard, and, of course, the emanating smell from the Suffolk County Farm, and whatever else our politicians try to dump on us. Let's see, did I forget anything? Oh, yeah. They'll be in earshot of a shooting range that they can complain about after they move in. Good luck trying to sell those homes a few years down the road.

And how about the school district? School officials have told you what affect this project will have on the District. Concentrating such a large amount of residential housing in one school district will have devastating and long-term effects on the taxpayers of this District.

Steve Levy has told us that this project will not produce a large amount of school children. He has also told us that these housing units are dedicated to the young people, the young couples who would otherwise leave the area, the so-called "brain drain". Well, I ask you this. How many of these thirteen hundred young couples are not going to have any kids? Sounds to me like a lot of new kids in Longwood.

And how about the arena by the river? We've spent countless dollars trying to protect our drinking water and our rivers, and he wants to put up a fifty-five hundred seat sports arena next to the Carman's River, this is absurd, practically on top of a potter's field. That's a great way to respect the dead. And if we're even able to find a team to play in this area, in this --

P.O. LINDSAY:

You're done, Chad. Chad, you're out of time.

MR. TRUSNOVEC:

I thought I had five minutes, no?

P.O. LINDSAY:

No, three minutes. Johan McConnell, followed by John McConnell.

MR. TRUSNOVEC:

Thank you. Please don't -- I oppose this very strongly. Thank you.

P.O. LINDSAY:

Johan McConnell. Is Johan McConnell in the room? John McConnell? No. Rebecca Mowl. Richard Rocchio.

D.P.O. VILORIA-FISHER:

Rebecca is coming.

P.O. LINDSAY:

Oh, Rebecca is coming, okay, followed by Richard Rocchio.

MS. MOWL:

Good morning, everyone. Thank you very much for letting me speak this morning. My name is Rebecca Mowl. I'm with the Long Island Federation of Labor, and I'm here to speak about -- I think it's P.M. Number 8. I just wanted to tell you that we support the initiative by Legislator Lindsay, which would authorize an additional appraisal for the John J. Foley Nursing Home. We have stated previously before to this body that the Foley Nursing Home provides a unique level of care for Suffolk County residents. It provides a level of care that cannot be easily replicated by a private facility. It is important that the County at least knows what the fair market price is for this facility, and we think it is more important that we consider the priceless aspects of the nursing home, the well-trained dedicated staff and the patients, present and future, who need the nursing home like John J. Foley. Thank you for your consideration.

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

P.O. LINDSAY:

Thank you, Rebecca. Richard, followed by John Gaudagno.

MR. ROCCHIO:

I want to make this really quick because I want to go home and hug my dog.

*(*Laughter & Applause*)*

I'm here representing the Long Island Golf Course Association. We are very strongly against lowering the green fees on the County courses. You reluctantly raised the fees I think about three bucks last year and from my knowledge of the industry, it hasn't affected anybody's -- any of the County courses as far as the number of players. I've talked to some of the operators, they say nobody has complained. So I see no rational reason to lower the rate and compete unfairly with an industry that's in pretty serious financial troubles to begin with.

So I'll keep it at that. I have an article I would like to send around to you folks. I only printed a couple of copies, so that's the original and there are 15 copies here. I also --

LEG. LOSQUADRO:

You have to hold the button down.

D.P.O. VILORIA-FISHER:

Keep it down.

MR. ROCCHIO:

In September of '08 I wrote a letter to County Executive Levy on this issue and I'm still waiting for an answer. I would hope some day we could get together with some of you, with some of my people, my owners, to talk about what the golf industry contributes to this County in the way of preserved land, employment and taxes and other good stuff, because I enjoy playing golf. Thank you very much.

P.O. LINDSAY:

Okay. Richard, we raised them \$2 last year, we rolled them back this year. Okay, just to keep the record straight.

MR. ROCCHIO:

We don't want to see you roll it back, we'd like to see it -- keep it where it is or even raise it some more, because it's very unfair competition.

P.O. LINDSAY:

Well, we already rolled it back. John Gaudagno followed by Ian Toy..

MR. GAUDAGNO:

Good morning to the Legislature body. I'm here to speak on 1511 which is a proposed traffic light by Ed Romaine. If anyone is not familiar with it, I know it was talked about in the committee last week, Lowe's has agreed to take over that elephant, white elephant in Route 58 in Riverhead, it's the old Suffolk Life building that's been sitting there for years. Lowe's has asked, with no cost to the County, the town, at their own cost to add a traffic light.

If everyone is familiar, Route 58 going eastbound, you can make the right into their future site. You're not -- I guess the Public Works, Department of Public Works would not like to have a light put there. I would strongly recommend the body approve this; again, there's no cost to the town. For Lowe's to have their customers pass their store, pass their competitor, Home Depot, and make a left-hand turn to get in the back way of their store is unreasonable, in my opinion. It will create countless jobs, not only for construction which I care about as an IBEW member, but for the town itself, to get rid of that Suffolk Life building that's been dilapidated, it's been sitting there for years. Again, I commend Ed Romaine and everyone else to bring this forward and hopefully it could be resolved today. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, John. We have Ian who is coming up, and behind Ian is Claire Kennedy.

MR. TOY:

My name is Ian Toy. I am a 13-year old 8th grader and live in Southold. I am here today to ask you for your help in restoring the Helen Keller House in Southold.

In 1936, Helen Keller and her teacher, Anne Sullivan Macy, summered at the house. Anne's health was failing and her doctor suggested she go away for some fresh air and exercise. They found the north fork of Suffolk County to their liking. Despite being both deaf and blind, Helen could sense the beauty and peace of Southold. Anne was Helen's teacher since Helen was six years old. They spent many years together and traveled the world inspiring people. Helen had overcome, with Anne's help, her handicaps of being blind and deaf.

The pair spent their last summer together in the home near Cedar Beach. Anne, who was ill with a heart condition, became sick while swimming in the Peconic Bay and died in October, 1936, right after leaving Southold. The house is a unique bavarian, tudor-style home that was built in the 1920's; it was one of the first homes in a 1926 proposed subdivision called Cedar Beach Park. Due to The Great Depression, the subdivision project was never completed. Other famous people stayed at the house, including Onee Madden, a prohibition-era rum runner and owner of New York's famed Cotton Club. It is also rumored that Albert Einstein visited the home.

The house ownership changed several times over the years and was eventually taken over by Suffolk County in the 1960's as a piece of the more than 60 acre Cedar Beach County Park. Part of this property is currently being used as a public beach and another portion houses the Cornell Cooperative Extension Marine Environmental Learning Center. The last owners of the house, the Strauss Family, were told to leave by the Southold Town Supervisor, at the time it was Lester Albertson, because the house was on County-owned land. It remained unoccupied and was used at one time by Cornell Cooperative Extension to store lab equipment; they moved out when the house became unsafe.

In 1996, the daughter of the last owner, Marianne Sewell, wanted to buy the house back from the County before her mother died, Elizabeth Strauss. In her own words, she was told, "Why would we sell it to you if we can sell it to the highest bidder?" She told me that herself in one of our many conversations. Over the 40 years that Suffolk County has owned this house, it has never been maintained and has deteriorated towards the current condition. It has been condemned and slated for demolition this summer. The aberrational, historical and environmental significance of the house and Cedar Beach Park has been well-known and documented over the years in newspaper articles, books, research by SUNY Stony Brook Anthropology Department as well as word-of-mouth, passed down from generation to generation.

P.O. LINDSAY:

Ian, you're out of time.

MS. KENNEDY:

I'm up next, Claire Kennedy; can I give him my time?

P.O. LINDSAY:

Okay, go.

MR. TOY:

The Society for Preservation of Long Island Antiquities, otherwise known as SPLIA, has more information about the house and Cedar Beach Park property; I have reviewed it myself.

Why was this allowed to happen? What other historical sites in our County have been left to the same fate? We have a responsibility to preserve what's left of our history and pass it on. How do we want to be remembered? I want to be remembered as someone who took care of my community and contributed to preserving our past. I know I'm only 13, but some day I would like to have my family be able to go down to Cedar Beach and visit the Helen Keller House. The east end of Long Island doesn't seem to get as much attention as the rest of Long Island; maybe it's time that this should change.

If this historic house is restored, our community will benefit much from it. I would like to see it become either a museum for the deaf and blind or a summer retreat for the deaf and blind; combining the two would be ideal. I first decided to do this project because of my love of architecture and old houses. It's something I've always been interested in since I was very young. In these past few weeks, I've come to realize how important it is for people with special needs to have the same opportunities as we do.

My research has peaked my interest about Helen Keller's life. I've started reading a book by Joseph P. Lash called Helen and Teacher. I find it fascinating to see her story unfold. We can all learn a lesson from Helen Keller; she overcame the impossible and learned to speak. I've had an overwhelming amount of support for this project. I have a petition here with me signed by 731 community members and people from not only around the country but from around the world who all share the same common connection, Southold and preserving the Helen Keller House.

The Town of Southold is behind me on this project. The Town Board and the Landmark Preservation Committee have given this house preliminary approval to go on the Landmark Preservation List. The final step is the public hearing and then it will be official. I started a Facebook group and in a few short weeks it's grown to be over 1,200 members. From this group, I've gotten a lot of new information about Helen Keller and Anne Sullivan's stay out here. I've also had many volunteers to help out in different ways; fund-raising guidance in navigating the different levels of government, contact suggestions and marketing help and more. The engineer who did a structural for this house in 2002 sent me what info he had. Our local newspaper, The Suffolk Times, has done two write-ups about it two weeks in a row. Channel 12 News came out and interviewed me and ran a story about it; WCBS, Channel 2 News wants to do a story about this.

I got an e-mail from Keller J. Thompson, great niece of Helen Keller, it reads; "I, the family of Helen Keller deeply appreciate your hard work. Please let me know what we can do to help. Of course, we live in Alabama, but this house is so historic we want to do all we can. Surely the people of Suffolk County understand this as well. Helen Keller would be proud of you. Sincerely, Keller J. Thompson, great niece of Helen Keller, Helen Keller Foundation for Research and Education.

The producer of the Broadway play "The Miracle Worker," David Richenthal, has e-mailed me. He signed my petition and sent it around to the cast of the play and has asked me to call him this week to see what else he can do to help this cause. While I was standing outside of the IGA getting my petitions signed, an architect told me to call him, he will donate his services to this cause. A local antique dealer, Jean Mott from Antiques and Old Lace in Cutchogue, volunteered to host an auction to raise money. The Southold Historical Society, Mr. Jeffrey Fleming, has taken an interest in this. And Legislator Ed Romaine reached out to me and we met; that is why I am standing here today. Legislator Romaine is a kind-hearted and dedicated man. We are lucky to have his support. Thank you, Legislator Romaine.

P.O. LINDSAY:

Ian, you're out of time. That's it.

*(*Laughter*)*

So please, I ask all you today to support the proposed 400,000 to help restore this unique and historic home for our community, present and future. Thank you.

Applause

P.O. LINDSAY:

Thank you. Thomas Kennedy.

MR. KENNEDY:

We'll be very brief. Thank you for the extension of our son's time. My name is Tom Kennedy, this is wife, Claire Kennedy, we're the proud parents of Ian Toy. He's an outstanding young man who has taken this project on for our community. I hope in the time that you go through the process and learn about Ian's efforts, that you take time and give us our fair share out on the east end. This has been neglected and needs to be looked at. Ian can look at the beauty in the house as it stands today and vision -- has a vision for it and we hope that you'll learn about his vision and share it with him.

There's a point in your life as a parent, to all the parents in the room, where you look at your children and you see their goals and their achievements and you realize they're more important than your own. This has brought our family and our community together and we hope that you as parents look and see just what this boy has accomplished in a very short time in his life and support what he sees for the future and making our community a better place. Thank you.

Applause

P.O. LINDSAY:

Judy McCleery followed by Andrea Spilka.

MS. McCLEERY:

Good morning. My name is Judy McCleery and I'm here to give my whole-hearted support to Ian Toy and his efforts to save the Helen Keller House.

Ian just started a Facebook page and I found it because I troll Facebook all the time. I was so impressed with the fact that he can see this really dilapidated house and the beauty that there was there and want to restore it. And to me, anybody at age 13 who can have that kind of vision is worthy of our support and worthy of the support of the Suffolk County Legislature, and I do hope that you find the resources to let this go forward. Thank you very much.

Applause

P.O. LINDSAY:

Thank you. Andrea Spilka followed by Jennifer, it looks like Gretchen.

MS. SPILKA:

Good morning, and thank you again for all this time that you've given all of us. I'm President of the Southampton Sound Civic Coalition. I've spoken to you several times before on a number of issues, more recently again about the trailers for the homeless sex offenders that are located in Southampton Town but, frankly, affect the entire area. I'm asking you again, really, to share the burden, but I'm asking you to do more than that.

First of all, again, thank you, Presiding Officer Lindsay, for Resolution 1399. I hope all of you will support it. It's necessary for us to do something about this situation. We keep talking about it, we have our forums, you know, my communities do the rallies. It's important for you to know that we're united in asking you to work out a better solution for our area. This morning we've really had an exhibit of what the youth of today is like; they're fabulous. But it's that youth and that promise that we need to support and to protect; by placing all of the trailers in one area, we're not doing that.

It's a terrible situation, it's not an easy decision. In terms of resolving it, it's a solution that's

confounded people for a long time. What I'm asking you to do, though, is to do the best solution we can, and right now that appears to be to move forward on 1399 and to really set up those trailers throughout the entire County. And honestly, to keep moving forward on looking for better and better solutions, including better sentencing, civil confinement so that we don't have to keep facing this issue and, frankly, so that the youth that we keep watching today that we're hoping will make the world better for us in the future stays protected. Thank you very much.

Applause

P.O. LINDSAY:

Jennifer, followed by Tracy Stark.

MS. CRITCHER:

Good afternoon. My name is Jennifer Critcher and I am the Finance Director of The Retreat. For those of you who do not know, The Retreat is the only domestic violence agency and shelter serving the entire east end of Long Island. Our agency is also a member of the Smart Government for Strong Families Coalition. I'm here today to support and thank Legislator Gregory for sponsoring two vital bills, 1415, the prompt contracting policy for non-profits, and 1490, the prompt payment policy for non-profits.

In 2009, The Retreat experienced an alarming 56% increase in demand for our services. We served over 10,000 clients. This period of elevated services coincided with government cuts and plummeting private contributions. For local non-profits, this created an environment ridden with stress and pressure from both the lack of financial resources and man power.

In summary, today, every penny counts. Every penny translates into increased services and positive benefits to our community who now more than ever are seeking our free services. The Retreat receives approximately 50% of our funding from government sources; this is over \$1 million annually. In 2010, despite significantly improved contracting and payment processes demonstrated by both Suffolk County DSS and Probation, our agency has had to borrow over \$215,000 in the first quarter to bridge temporary cash flow gaps. At an interest rate of 5%, this translates upwards of \$1,000 per month. These fees could certainly be used more efficiently and honorably in serving our community. A thousand dollars translates to The Retreat as a mother and her child staying at a shelter for five days. Ultimately, interest costs to non-profits detract from our mission to provide safety, shelter and support for victims of domestic abuse and break the cycle of family violence.

In conclusion, I am here today to encourage all the Legislators to support the prompt contracting and prompt payment bills. These vital bills will sustain continued improvement in the years to come ensuring contracts are executed in a timely manner and that payments are disbursed within 30 days of receiving invoices. These bills are imperative to serving our community in the most efficient and effective manner. Thank you for the opportunity to speak today.

Applause

P.O. LINDSAY:

Thank you. Tracy Stark, followed by David Hagerty.

MS. STARK:

Good morning. Thank you for letting me speak with you this morning. It's a long morning and you have a long day, so I appreciate it.

My name is Tracy Stark and I'm the Vice-President of the Board of Directors for Kent Animal Shelter. Kent is a no-kill facility that's been in operation for over 40 years, and it's a haven for homeless, abused and neglected animals. Located in Riverhead, we service the entire east end in Suffolk County. We rescue as far away as the Caribbean. We place over 700 animals a year; many of them originate from retail stores in Suffolk County that have purchased animals from inhumane puppy and

kitty mills.

Therefore, I'm here on behalf of Kent and other animal guardian angels, many of you in front of me, to strongly encourage the creation of legislation in Suffolk County that prohibits the sale of animals that are bred inhumanely, in puppy mills, kitty mills and other. Kent is committed to the prevention of over population, and we believe that this is another way to not only protect innocent animals, but to reduce the growing population of homeless and neglected animals in Suffolk County and everywhere else, particularly during these difficult economic times when families are forced to relinquish their family members due to financial difficulties.

Creating legislation similar to that which was adopted in West Hollywood, California, would be humane and provide an opportunity for Suffolk County and you as Legislators to take a lead role in New York State and this side of the United States in providing a more humane solution to finding a new, healthy family member for your residents. Kent Animal Shelter stands ready to help you and assist in researching and creating that legislation. Please feel free to call our Executive Director, Pam Greene. Thank you very much for your time.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

David Hagerty followed by Jennifer Cretcher.

MR. HAGERTY:

Good morning. I am David Hagerty, I'm the Executive Director of Hope For Youth and I'm here to make a statement this morning in support of Resolutions IR 1415 regarding prompt contracting and IR 1490 regarding prompt payment.

Hope For Youth is a regional provider of child welfare, juvenile justice and substance abuse treatment services. We have seven residential programs for children in youth, foster care services for children, teens and preventive and out-patient services for families, children and youth. We hold contracts with the Suffolk County Department of Social Services, the Department of Probation and the Division of Mental Hygiene, and we also hold contracts with the Nassau County Department of Social Services, the New York State Office of Children and Family Services, the New York City Administration for Children Services and the Suffolk and Nassau County Mental Health Crisis Respite Programs.

I would like to begin by expressing my appreciation to County Executive Levy and his staff for their leadership on this issue. Over the past few years, the County Executive has implemented significant improvements to the contracting process. The long delays we experienced a few years ago have, in most cases, been reduced and there has been an interest in supporting further change which would reduce paperwork and expedite processing.

We also very much appreciate the interest of the Legislature in moving to consolidate and codify the gains we have made. And I want to thank Legislators Gregory, Romaine, Browning and Muratore for their interest in introducing the prompt contracting and prompt payment resolutions. While we have made significant progress improving the timeliness of contract signing, there are concerns that the gains we have seen can be lost to a change of administration without codification of the need to enter into contracts promptly.

As you may know, Nassau County, under the prior administration, had taken steps to administratively implement prompt contracting. Regrettably, the change in Executive leadership in Nassau County has seen some diminished support for this priority as leadership changed throughout County departments. We are concerned that the gains made under County Executive Levy could similarly be lost if there were to be a change of leadership in Suffolk County.

The issue of prompt payment is also a source of great concern to not-for-profits in an increasingly tight credit environment. With an operating budget of 9.5 million, Hope For Youth maintains a million dollar credit line with the Bank of America. As you may know, securing and maintaining a credit line of this magnitude is a challenge for a not-for-profit in the best of times. As credit markets tighten, bank underwriters look even more closely at the risks inherent in lending to a not-for-profit organization and the fees and costs associated with a line of credit become a significant expense. In fiscal year '08-'09, our cost to maintain a line of credit was 29,561. So far in 2009-2010, we have spent 25,423.

P.O. LINDSAY:

You're out of time, Mr. Hagerty.

MR. HAGERTY:

So we would urge you to move ahead and support those two bills and help address those problems on a permanent basis.

P.O. LINDSAY:

Jennifer Cretcher followed by Michael Selte (sic). Jennifer Cretcher; no? Michael Selte? Is Michael. Are you Michael, please?

MR. STOLTZ:

Hopefully you have it right; Stoltz?

D.P.O. VILORIA-FISHER:

Yes, it's Stoltz.

P.O. LINDSAY:

Somebody wrote over it, I just can't make it out.

MR. STOLTZ:

I'm Executive Director of Clubhouse of Suffolk, a psych rehab agency in Ronkonkoma and Riverhead that serves people affected by serious and disabling forms of mental illness. I'm also Vice-President of the Health & Welfare Council of Long Island which has a long history of assisting its non-profit member agencies in both counties to navigate their way through inefficiencies and inequities in the processes doing business with government.

Three years ago this month, my agency transitioned about 70% of our funding from 100% New York State contracts that were run through the County to Medicaid funding. I was a member of the leadership in this County and across the State who pushed for this transition which occurred, by the way, with the blessing of Suffolk County's Health Department. One of the main reasons for this transition was 16 years of an experience in contracting with Suffolk County that was comparable to a roller coaster ride. There were years when administration was able to perform reasonably in getting contracts to us by early spring and to ensure payment sometime within 60 to 75 days of when it was due.

There were two occasions when my board and I sent letters to the Mental Health Division Director informing him of our projected closure dates if the County failed to pay us on our construct; either a current one or one going back as far as 18 months. We've paid up to \$12,000 in a year for bank credit to make up for late contracts and late payments. In helping people coming out of hospitals, off the streets, away -- to keep them away from drugs and alcohol, \$12,000, plus all the time and expense associated in chasing down those dollars could be much better put to use.

Mr. Levy's office is correct in saying that things are much better. Contract signing days and more prompt payment are good signs of improvement. However, watching most of the recent rise and fall of efficiencies in Nassau County when an administration changes, I've been in this business too long to ignore the inevitability that these delays and expenses will occur again in this County. Nassau

County also once had contract signing days with first quarter checks given out before January 1st. When it comes to ensuring that our most vulnerable citizens in our County safety nets are cared for responsibly and effectively, it's time to make sure that good government principals become a part of the foundation of Suffolk County governance practices and law. Please pass IR 1490 and IR 1415 and be prepared to withstand any potential veto from the County Executive's Office. Thank you.

P.O. LINDSAY:

Okay. Thank you, Michael. Harvey Weiss followed by Tim Mooney.

MS. WEISS:

Good morning. My name is Harvey Weiss and I am President of Synergies, a non-profit organization dealing with public health issues and public education. I'm also the Executive Director of The National Inhalant Prevention Coalition. I've come up here from Chattanooga, Tennessee to talk to you a little bit about Resolution 1229.

Listening to some of the speakers before me, I realize that maybe we can draw a little bit of a parallel. We have people talking about puppy mills and the sale of dogs to -- these animals to individuals. What would you think about a bill that just said it would be illegal to sell Beagles in your County as opposed to all dogs that may be from puppy mills? I don't think that that's a particularly good idea. I feel the same way about this piece of legislation; it covers only one particular product and that is computer cleaner dusters.

There are several thousand different items that can be misused and have consequences for young people that they do not realize. The way that I look at it is that you want to help young people make appropriate decisions for themselves and also know that the intended consequences and the unintended consequences of their actions. One of the unintended consequences of using an inhalant is a fact that anybody can die even the first time that they use it. And as I've said, according to the American Association of Poison Control Centers, there are close to 3,400 different products that can be misused by intentionally inhaling those products.

My experience has shown me -- and I've had over 40 years of experience with public health and public education programs and 15 years of involvement with inhalant use prevention. There's a couple of things that I do know. Number one, prevention can only occur when there's active involvement of a community. Legislation prevention is not always the best way to approach it, but you need to educate individuals and parents and schools and community members about inhalant dangers so they can communicate these dangers to young people within your community.

To just ban the sale of one particular product to minors will leave a number of different products available for misuse. I think it's important to take a comprehensive approach to it. We know that prevention works and we know that a comprehensive inhalant, ban on the sale of inhalants to minors does work. In Texas, where we established our program which had the highest inhalant rate in the United States, within two years we reduced inhalant abuse by over 60% at the elementary school level and over 40% at the high school level. What we know is that we banned all products depending upon the particular chemicals that were in it, and also products that listed on the back of it "vapors harmful". This covered a number of different products so that we could educate a better broad-base of products. We also --

P.O. LINDSAY:

Mr. Weiss, you're out of time.

MR. WEISS:

Okay. I encourage you to expand 1229 so that it covers more substances. Thank you.

P.O. LINDSAY:

Okay. Tim Mooney, Mr. Mooney has been waiting with us. Tim Mooney will be the last speaker this morning. I've got to have -- entertain the County Attorney, she wants to talk to us about some

pending legislation, and then we will go into Executive Session to discuss some active litigation. So Mr. Mooney, you're on.

MR. MOONEY:

Thank you, Mr. Lindsay. My name is Tim Mooney, I'm President of Fire Island ferries and Fire Island Water Taxi. In front of you today you have IR 1413 which is a license renewal for the Fire Island Water Taxi. We hope that you take that into consideration. I'll be here if there's any questions associated with that. And we just hope we can keep this thing moving along and get it done so we can continue to provide service for Fire Island. Thank you.

P.O. LINDSAY:

Thank you, Mr. Mooney. I have probably another 15 cards that did not speak. We will be going back into the Public Portion later this afternoon. At 2:30 we have Public Hearings, after the Public Hearings we'll go back in to the Public Portion.

Could the County Attorney come forward? What I'd like to do is I know that you wanted to talk to us about some legislation before us today, and then I would like to clear the auditorium and go into Executive Session so you could discuss with us some pending litigation.

MS. MALAFI:

Thank you. I appreciate it. I just would like to speak to you on 1029 of 2010, IR to provide a fixed five-year term for public safety appointments. I've spoken with Legislator Cooper a few minutes ago also on what I'm going to speak to you about.

In the first instance, the amended IR relates to the Probation Director, the FRES Commissioner and the Police Commissioner. The Probation Director is a creature of State law, and the State law does not provide for any term of office for the Probation Director. So I believe that the IR would be inconsistent with the State law and, therefore, invalid with respect to the Probation Director.

With respect to the FRES Commissioner and the Police Commissioner, while it may be proper or you may be able to put terms on those positions, it is improper for you to vacate those positions in this IR. This resolution attempts to do which cannot be done, as I discussed with respect to IR 1371, the IR that sought to remove Police Commissioner Dormer. This Legislature does not have the power to remove a County Executive appointment as it currently stands right now under the Charter. All three of the resolutions appointing all three of these department heads all state that the appointments were made and they were to serve at the pleasure of the County Executive.

Additionally, the portion of the Charter that we discussed with respect to IR 1371 has no -- the Charter Section 23-9, we discussed, has no legal validity due to a law that was passed in 1991, Resolution 1022 of 1980, which created department heads as being appointed by the County Executive rather than the Legislature. In that resolution, the appointments were not made immediately, they took effect at the next time appointments had to be made for department heads. So you can't do what is being done in IR 1029 by vacating those positions so that reappointments have to be made. Are there any questions?

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Any questions? Legislator Kennedy.

LEG. KENNEDY:

Yes, thank you. We did speak about some of this last week, I guess, or two weeks ago when we spoke about the resolution to terminate Police Commissioner Dormer, and I was trying to go ahead and make the notes as we talked. You make reference to a resolution from 1980 that created specifically an at-will appointment for the Commissioner; is that it, Christine?

MS. MALAFI:

You're talking about the Police Commissioner?

LEG. KENNEDY:

Yes. What resolution can I look at? Because what I'm going to be looking for, to be candid with you, is language not just that creates an appointment process, but that also specifically speaks to overwriting or revoking the prior enactment. There is presumption of validity for prior enactments, unless we overtly go ahead and strike what we had done before. So does that resolution from 1980 specifically rule out, terminate or eliminate the prior section of the Charter?

MS. MALAFI:

It doesn't expressly, but it does because it completely conflicts with -- for example, for the Police Commissioner -- Charter Section 13-2 which, according to this resolution from 1981, makes the Police Commissioner to serve at the pleasure of the County Executive; it's specifically in the Charter Section 13-2. I have a copy of the 1980 resolution if you would like for me to make a copy so you can look at it.

LEG. KENNEDY:

I very much would like to see that. And while I take great value in your advice -- and as a matter of fact, I appreciate how readily you provide it -- I don't want to debate what statutory construction and interpretation is right now, but courts have been doing that for 300 years. So I would like to see a resolution that looks to overrule us. Thank you.

P.O. LINDSAY:

Anybody else? No. Okay.

Okay, I need a motion to go into Executive Session to discuss litigation.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Okay. Motion by Legislator Barraga, seconded by Legislator Browning.

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Fourteen. Fifteen (Not Present: Legislators Romaine, Cooper & Viloría-Fisher).

P.O. LINDSAY:

Okay. Could everybody in the auditorium vacate so we could go into Executive Session? Thank you. And I need the microphones shut off,, please.

(*Executive Session: 12:15 PM - 12:44 PM*)

P.O. LINDSAY:

Okay, we're back on the record. The record should indicate that we came out of Executive Session and I'll make a motion to recess until 2:30 for Public Hearings.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Montano, Kennedy & Cooper).

P.O. LINDSAY:
We stand adjourned.

*(*The meeting was recessed at 12:45 PM & was reconvened at 2:28 PM*)*

P.O. LINDSAY:
Okay. Mr. Clerk, would you read -- call the roll, please?

MR. LAUBE:
Will do.

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

LEG. ROMAINE:
(Not present).

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Not present).

LEG. MURATORE:
(Not present).

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
(Not present).

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
Here.

LEG. COOPER:
(Not present).

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Twelve.

P.O. LINDSAY:
Okay, we're here to start the afternoon session with Public Hearings.

LEG. BROWNING:
Tim?

P.O. LINDSAY:
We have a number of Public Hearings on the agenda today. First up is *Public Hearing on the 2011-2013 Capital Budget and Program*, and the first one -- the first card is Kevin Peterman.

LEG. ROMAINE:
Tim?

MR. PETERMAN:
Good afternoon. My name is Kevin Peterman, I'm the Executive Vice-President of The Faculty Association at Suffolk Community College. I'm also a Media Librarian at the Grant Campus.

D.P.O. VILORIA-FISHER:
Kevin, it's hard to hear.

LEG. LOSQUADRO:
Are you pushing the button?

MR. PETERMAN:
The green light's on. I've got to really lean on it. I'm sorry. I'll start again. My name is Kevin Peterman, I'm the Executive Vice-President of The Faculty Association at Suffolk Community College. I'm also a Media Librarian at the Grant Campus, and I'm here to speak specifically about The Learning Resource Center at the Grant Campus, also known in the old days as a library.

What I've done today is I've actually sent you all an e-mail with a link to a YouTube video that we put together real quick. Rather than have me explain how bad the library is, I thought we'd show you. So hopefully if you get a chance some time this week, you can look at the YouTube video that's about two minutes long. It was not staged in any way, it basically shows you how crowded the library is. What I did is I did give the stenographer the actual web address, so I'm not going to read it out loud, you do have the e-mail.

But I do want to thank you for your past support and I hope that you consider amending the Capital Budget to include The Learning Resource Center at the Grant Campus. Thank you very much.

P.O. LINDSAY:
Thank you, Kevin. Thank you for your brevity. I don't have any other cards on the Capital Budget Hearings. Is there anyone else in the audience that would like to address us on the Capital Budget hearing? Seeing none, I'll make a motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Muratore, Kennedy & Cooper).

P.O. LINDSAY:

Okay, we stand closed.

Next up is ***Public Hearing on Procedural Motion No. 6 -2010 - Approval of license for Fire Island Water Taxi, LLC. (Presiding Officer Lindsay)***. I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, I'll make a motion to close.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Abstain.

MR. LAUBE:

Fourteen (Not Present: Legislators Muratore, Kennedy & Cooper).

P.O. LINDSAY:

Next up is ***Public Hearing on IR 1004-10 - Adopting Local Law No. -2010, 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 talk to us about this particular subject? Seeing none, Legislator Montano?

LEG. MONTANO:

I would like to close.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Muratore, Kennedy & Cooper).

P.O. LINDSAY:

Public Hearing on IR 1055-10 - Calling for a public hearing for the consent to the acquisition of additional land at Marinold Way, Town of Southampton, County of Suffolk, State of New York, by the Quogue Cemetery Association, Inc. For cemetery expansion purposes (Schneiderman). I have no cards on this subject. Anyone in the audience who would like to speak to us on this subject? Seeing none --

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Muratore, Kennedy & Cooper).

P.O. LINDSAY:

Okay. Next is *Public Hearing on IR 1129-10 - Adopting Local Law No. -2010, A Local Law to ensure the integrity of prescription labels in Suffolk County (Cooper)*, and I have a card, Dr. Carmine Vasile.

MR. VASILE:

Okay. My name is Dr. Carmine Vasile, I live in Patchogue on 60 Herbert Circle. I'm proposing an amendment to this bill, 1352. It's based on information that I just received within the week or so and Senator --

LEG. LOSQUADRO:

Sir, you have to speak closer into the microphone.

MR. VASILE:

Okay. Senator Feinstein proposed an amendment in the Senate to study what's called the Aerotoxic Syndrome, and what we found out, they found out is they've been adding a synthetic additive to jet engine oil and marine oil and other oils, and it's a neurotoxin. It's been around for years, 40 years they've been doing it and keeping it a secret. So if you ever fly on an aircraft and feel ill, it's not necessarily jet lag. And I have this article, I'm going to hand this out.

LEG. LOSQUADRO:

Hold down the button.

MR. LAUBE:

You have to keep the green light on.

MR. VASILE:

Okay, I'm sorry. And I'll hand this in to read, it's called "The Aerotoxic Syndrome, Aviation's Best Kept Secret." Now, this -- the way these engines are designed, and I know how jets are designed, I worked for Grumman, I worked for Rockwell. Forty years ago they used to have a separate compressor for the air-conditioning system on jets. What they began doing is bringing in what they call bleed-air from the compressor into the cabin, and this air gets contaminated with Beryllium, Chamium, Nickel and a neurotoxin called TCP, Tricresyl Phosphate.

If you look at the engine oil can, they have a skull and crossbone on the oil cans of this oil, but nobody but nobody should have to breath the fumes from this, and it's all documented in this. And Boeing and Exxon Mobile, they've kept this secret for years.

Now, if it's in the marine oil, it goes out the exhaust of the outboards, it pollutes our bays, plus the people on the airliners. So I think maybe this -- you could simply amend your bill to ban mobile jet fuel No. 2. And there is an alternative, and I'm sending you -- I have in here a letter from NYCO and it's to the -- it's to the European -- it's hard to do -- it's to the European Aviation Safety Agency recommending switching to this NYCO oil which doesn't have this additive; it's as simple as that. But for Mobile and Exxon to go along with this, it's going to open them to a huge liability. So maybe you guys could just, you know, protect the people on Long Island and let the government do their studies. So if you have any questions.

P.O. LINDSAY:

Thank you. Thank you very much. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on this subject?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Seeing none, Legislator Cooper.

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore & Kennedy).

P.O. LINDSAY:

Okay. Next up is *Public Hearing on IR 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)*. 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, let me see --

LEG. EDDINGTON:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore & Kennedy).

P.O. LINDSAY:

That stands closed.

Next up is *Public Hearing on IR 1174-10 - Adopting Local Law No. -2010, A Local Law amending Chapter 8 of the Suffolk County Code (County Executive)*. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none --

LEG. LOSQUADRO:

Motion to recess.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. Fifteen, check that. (Not Present: Legislators Muratore, Montano & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1176-10 - Adopting Local Law No. -2010, A Charter Law to repeal the Suffolk County Energy Tax via public referendum (Romaine). I 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 Romaine?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1229-10 - Adopting Local Law No. -2010, A Local Law prohibiting the sale of aerosol dusting products to minors (Horsley). I don't have any cards on this subject. Is there anyone in the audience who would like to speak to us on this subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:

I'm going to -- Mr. Presiding Officer, I'm going to be educating the Legislature over the next month on this issue, but I'm going to close it today.

P.O. LINDSAY:

Okay. So we have a motion to close and educate.

(*Laughter*)

Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore & Kennedy).

P.O. LINDSAY:

Public Hearing on IR 1231-10 - Adopting Local Law No. -2010, 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 that would like to speak to us on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Close; motion to close.

P.O. LINDSAY:

Motion to close.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore & Kennedy).

P.O. LINDSAY:

Okay. Next up is *Public Hearing No. 1390-10 - Adopting Local Law No. -2010, A Local Law to prohibit cyber-bullying in Suffolk County (Cooper)*, and I have several cards on this subject. Loida Santos is the first card, followed by Ginger Lieberman.

MS. SANTOS:

Good afternoon. My name is Loida Santos, Program Coordinator. I am here on behalf of Bias Help, a Long-Island based not-for-profit agency aimed in fighting discrimination, hate crimes, bullying and youth violence.

I stand before you not just as a representative and an educator of the agency, but as a mother who believes in protecting her children and all youth who are being threatened by violence. I stand before you as a woman who grew up in a neighborhood where diverse cultures would often clash simply because of their differences. But most important, I stand before you as a concerned citizen of Long Island who is in full support of the legislation proposed here today.

Bias Help strongly believes that those who intentionally and maliciously commit acts of abusive behavior by taunting, threatening, intimidating and insulting others must face consequences under the law. Bias Help applauds Legislator Cooper and those who stand beside him for taking a stance against cyber bullying on Long Island. We cannot assume that students understand each other, have the ability to cope with any situation, or that they'll never break down if taunted. We teach our children to handle situations in order to build character, but we contend that there are just some situations by which our schools, our teachers and our Legislators must take action. We at Bias Help sincerely appreciate the nature of the bill and its efforts to create legal language defining cyber bullying and those convicted of a misdemeanor that can be punishable by a fine of up to \$1,000 and/or up to one year in prison.

Forty-one states have an active anti-bullying legislation, and our local governments must offer the same protections as well. At Bias Help, we are dedicated in helping educate students in the community on the dangers that acts of hate and prejudice can have. The youth of our communities need to know that the teachers of Suffolk County and the Legislators of Suffolk County stand firm in combatting bullying and youth violence. Bias Help is devoted in helping our youth enhance understanding of each other and we applaud the Legislature for trying to do the same. Our society has a duty to uphold protections that keep us with today's -- that keep up with today's social networking technology. As Americans, we are entitled to our freedom of speech and we do not want to restrict that speech, but when speech becomes hurtful and creates a clear and present danger to the point where children are willing to take their own lives to end the pain and suffering, it is no longer freedom of speech. The message we at Bias Help hope that the Suffolk County Legislature sends today is that those who bully or cyber bully will be held accountable for their actions. Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Santos. Ginger Lieberman followed by Jamie Isaacs.

MS. LIEBERMAN:

Good afternoon. First, my name is Ginger Lieberman, I'm Co-Director of LIPEN which is Long Island Professional Education Network. I'm also a frequent commentator on Channel 12 as an expert on bullying and cyber bullying. I want to commend each and every one of you for taking this cause and considering it today. It's going to be one step at a time, if it's first on a County level, State and hopefully a Federal level.

Cyber bullying is becoming the nation of our children today. Seventy-five percent of kids go on-line every day to see who's being bashed and do nothing about it, and it becomes a feeding frenzy for friends to join in and make fun of somebody, because so much of this can be done anonymously. You know, it's a thing when a Phoebe Prince dies and it makes people and all the other news magazines, the object of every community should be that there shouldn't be another Phoebe Prince. My partner and I, Ronnie Bentson, we go and we teach, I guess we figured over a hundred thousand students so far that we have spoken to, probably 60,000 teachers. The answers are always the same; if there are not consequences for what someone does, it's going to continue. And albeit a fine, I think when we spoke with Jon Cooper last week we were talking in terms of a fine. Parents have to be held accountable for what their children do. Too many parents say, "I don't know what it's all about." Parents have to be educated. Children have to be educated. Schools have to have programs in order for something to happen.

The stem of this is not going to stop. This is a tide that has turned into a tsunami, and each and every day there are children who are faster than we are on the Internet, finding out new sites that are coming about. You can build a bomb, you can find out what you can do to commit suicide, but more than that you can destroy the lives of other children. Those scars last forever. Some children decide it's easier to take their lives, but for the children who each and every day are harassed, made fun of, see their picture being shown to everybody in the school on every single website out there and know that they have to go and face their peers the next day is unconscionable.

Ronnie and I did a special about cyber space and that children really and truly are strangers to their parents. They have new lives, much of which they don't share with anybody, but it's up to us as adults to be the leaders, to turn around and say what's acceptable behavior, what are the limitations? And we know that everybody can get around First Amendment rights, but perhaps we have to look at the harassment and the things that are being done. And I think that this bill has such wonderful things in it. It's a step and it's a step in the right direction, and in order to put an end to it, we have to begin to say somebody's going to be held accountable, and a fine hits everybody in the pocketbook. Maybe not a thousand dollars the first time, maybe \$50, maybe a warning, and it should escalate and each and every time -- and let me tell you, if a parent gets a thousand dollar fine, a fifteen hundred dollar fine, eventually somebody is going to say, "The computer is coming out of your bedroom, the computer is coming out of the family room, you're not going to have a cell phone," but we have to hold parents accountable also for the actions that are happening. Again, we applaud you for your efforts and we hope it goes through. Thank you.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Thank you, Ms. Lieberman. Next is Jamie Isaacs followed by Ron Isaacs.

MISS ISAACS:

My name is Jamie Isaac. I'm 14-years old and I'm a survivor of bullying. I am here today to tell everyone how important it is to pass the law that Legislator Jon Cooper is proposing that deals with bullying and who can be held responsible. I am here standing in front of you today because of the love and support of my family. I'm alive while other kids are dead because of effects that bullying had on them.

Bullying did not only have an effect on me, but it affected my entire family. This is why I need to put all of this down in writing in my book. This book will not only tell you about how I was bullied, but it will act as a guide for others that don't how -- don't know what to do when they are bullied.

For the past six years I have endured extreme bullying, not only by students who are minors, but by the school faculty as well. While I was in 2nd and 3rd grade, the seven and eight-year old girls were pulling my hair, stabbing me in the arm with -- and stabbing me in the arm with sharpened pencils. The Sachem School District and its administrators chose to look the other way. No one came to aid

but my family.

When I was in 4th and 5th grade and even more kids joined in, I was now enduring harassing and threatening phone calls as well as instant messages stating that they were going to break into our home and kill me. When other -- when my family and I brought this to the school's attention, not only did the Principal of Wenonah Elementary School, Ms. Christine DiPaola, turn her back on us and do nothing, but my 5th grade teacher, Mr. Marisi, started calling me names also. When I graduated from Wenonah Elementary School and moved into Samoset Middle School, I had high hopes and high expectations, for I thought that now the school and the Principal would be able to control all of this bullying. After just one month in Samoset Middle School, these girls formed a hate club against me and they were going to either hurt me or kill me after school. Someone came forward and told me about their plan. When it was reported, though, only one girl was given a mild punishment; this left all the others to continue to harassing me for the rest of the year for no reason.

Seventh grade wasn't any better. I received many texts from these girls, even messages saying mean and hurtful things, both to me and about me. I also began receiving instant messages from boys calling me all sorts of names. Once again, the Assistant Principal, Mr. James Haran, and the Principal, Ms. Mary Cavanaugh, as well as the Superintendent, Mr. Charles Murphy, did nothing to help me. At the end of my 7th grade year, there were a total of 22 kids, both boys and girls, bullying me. They were stealing from me, breaking into my locker and taking projects and threatening me on a daily basis. The threats included verbal e-mailing and instant messages stating that they were going to pay people to dance around me and sing a song while I wore some kind of sexual hat.

The sad part is that almost all of this could have been stopped or prevented by my teachers, principals, assistant principals, guidance counselors and the past and present Superintendents of the Sachem School District. By holding these people responsible and by making it a crime not to do what they have to do in order to stop or prevent or bullying, maybe those who didn't take bullying seriously will now know how serious it is. I'm very proud of myself and who I am. I not only want this bill to be passed for me, but for all the other innocent victims and their families and those who have taken their own lives. This bill represents justice. Let me be the example of hope for all the kids that may think that their hope is gone. Thank you.

P.O. LINDSAY:

Thank you, Jamie. Next is Ron Isaacs followed by Frank Cassata.

MR. ISAACS:

Good afternoon. My name is Ron Isaacs, I'm Jamie's Dad, and I'm going to talk to you about this bill that Jon Cooper is proposing which I'm 100% behind. I'm going to tell you about cyber bullying firsthand, because I was a witness to my daughter being cyber bullied again and again and again, and the school district, the administrators, teachers, doing nothing to quell the problem.

In this day and age, with the advancement of electronics, it's become more and more easy for kids to bully off campus. With an issue that starts on campus, electronics have made it possible to carry it on after school hours, throughout the night and any time of day. With instant messaging, e-mails, text messages, it's become extremely easy for kids to join together against another student, and that's what's happened to my daughter. The bill is extremely important because kids are taking their lives. There are kids that feel like there's no place to turn and no escape from it. It's one thing if you get bullied in school, but when it follows you on your phone, on your computer, on your Blackberry, and who knows what other types of devices are to come, there's no escape from the bullying. So kids feel that with no escape, it's time to end it, and the only way to end it is to end their lives.

I thank God every day that my daughter did not go down that road. I feel that my wife and myself have stood behind her and have done everything we can to help. But when the school district is complacent about these issues, it makes it difficult to fight the problem. The issue of cyber bullying,

we had been told, is something that the school district does not handle, that they don't handle off-campus issues. Yet there's State law, New York State Department of Education law that states that the school districts have to deal with cyber bullying and off-campus bullying. So it's important that the school districts know, the administrators, the superintendents, the principals, assistant principals, and any other person in a position where they have to oversee children in the school, these people need to know that there will be stiff penalties if they do not put a stop to some type of bullying that's going on or do anything in their power to stop it or prevent it.

So once again, I'm standing behind Jon Cooper and his legislation 100% and I hope that everybody here will stand behind them, too. Thank you.

P.O. LINDSAY:

Wait, Mr. Isaacs, Legislator Nowick has a question for you.

LEG. NOWICK:

Hi, Mr. Isaacs. I just wanted to know -- and I'm sorry, what's your daughter's first name?

MR. ISAACS:

Jamie.

LEG. NOWICK:

Jamie? Is Jamie still in the same school district, or have you moved out of that district?

MR. ISAACS:

Well, we have taken her out of the Sachem School District. At the end of 7th grade, we were at a meeting with the Superintendent, the Principal of Samoset Middle School, the Assistant Principal, and they told us at that meeting that they felt that there were too many kids involved and that there was really nothing they can do to help us at this point, and their suggestion was that we take Jamie out of the public school system and move her into a private school, which my wife and I found horrific, honestly. We found it very difficult to believe that rather than dealing with the issues and making these kids stop doing what they were doing to my daughter and our family, that their suggestion would be to actually remove her from the school. Just like in 3rd grade when she was being bullied on the bus and the school district took my daughter off the bus rather than taking the bullies off the bus; we found it unbelievable. So at that point, knowing that we had nowhere left to turn and no other alternatives, we pulled her out of the public school system and moved her to a private school.

LEG. NOWICK:

So Jamie's in a private school now.

MR. ISAACS:

Yes, that's correct.

LEG. NOWICK:

I'm just going to say one thing to Jamie. Any young person that can come in front of this body and present herself the way you did, Jamie, you're going to leave them all in your wake because you are quite a young lady. And you did the right thing, you speak very well, you're writing a book. And your parents, who are very supportive of you, thankfully, and who have helped, of course, to save you and probably your life, your parents also should be congratulated for being so supportive. You go, you just keep it up. Good girl.

Applause

P.O. LINDSAY:

Mr. Isaacs, Legislator Kennedy has a question for you as well.

LEG. KENNEDY:

Like my colleague, as a matter of fact, I applaud you for coming forward about this. And as a matter of fact, it does seem that times change and methods to get at children change, the behavior doesn't change. But unfortunately, I think you also hit on a very good point, that these devices now are literally with us all the time. You know, it used to be you would go to school, you would encounter whatever you would encounter and then you would come home and at least you didn't have to put up with it there.

I've heard some of what was described and discussed, I've also read some of what I saw in Newsday today. I'm concerned not only with the response that you got with Sachem School District, as matter of fact part of my Legislative District takes in Sachem; as a matter of fact, Wenonah is in my Legislative District. I also am concerned, did you reach out to the Police Department, to our law enforcement? What, if anything, happened there?

MR. ISAACS:

We have over 15 criminal complaints on file with the 4th Precinct, none of which have been able to be prosecuted because they tell us that the kids are under the age of 16 and it is not a criminal activity because of their age. So in other words, they can do whatever they want, they can come to my house and spray paint my driveway, which they did, we actually had the Hate Crimes Division at my house. We've had multiple meetings with Investigators from the 4th Precinct, we've spoken to Tom Spota's office. Without the 4th Precinct issuing an appearance ticket to the children, they cannot be put through the juvenile system, and the 4th Precinct refuses to go through any length to prosecute these kids. They will not write that appearance ticket, we've asked them, we've been over it again and again with them. We have -- I think it's -- do we have 15?

MS. ISAACS:

At least.

MR. ISAACS:

A minimum of 15 separate complaints.

LEG. KENNEDY:

Okay. I need to have a conversation with you, then, separate from what we're doing here, because to be candid with you, I interact with the Inspector in the 4th Precinct almost on a daily basis, as I do with the Police Commissioner as well. So there's something I need to understand with this process if it's not going on. If there's criminal activity that's occurring, then there doesn't seem to be a connect that's being made. Again, I am not a Police Inspector, nor am I a criminal prosecutor, but I personally need to know more about that.

Notwithstanding, I applaud Legislator Cooper for wanting to bring forward this piece of legislation because I think it really is something that is important to put out there. And I am not a big fan of preemption -- as a matter of fact, many of my colleagues have heard me speak around here -- but in this case, where young people are actually resorting to suicide, I'll go for legislation that, you know, defies preemption at any level. But I'm going to ask to speak to you separately, okay? Thank you.

MR. ISAACS:

Any time you want.

P.O. LINDSAY:

Legislator Cilmi has a question for you, then Legislator Gregory.

LEG. CILMI:

Mr. Isaacs, thanks for being here and thanks to your daughter for being here as well. I assume that since the school district has told you that they can't protect your daughter while in school, and so that now you have to spend money sending your daughter to private school, I assume they've

offered to refund your property taxes?

*(*Laughter*)*

MR. ISAACS:

It's funny you should ask. It's an issue that we're going through with them right now. They have told us that we would need to enter into litigation to regain those funds, which we have done.

LEG. CILMI:

Good for you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. And thank you for coming here today with your story. As a parent, my heart goes out to you and your daughter. I'm sure it's a difficult situation to be in. But I think just to piggy back off of some of the comments that Legislator Kennedy brought up, I think there may be a reluctance to criminalize some of the activities that our youth are doing, particularly as it may relate to cyber bullying. So a suggestion I had brought up was -- and I wanted to get your opinion on this, was instead of directing those offenders through criminal court, we have a youth court system in place that we can direct them to. I know the Town of Babylon has a Youth Court and there are other municipalities throughout the town -- throughout the County that have them. You know, there's a Judge and a jury and a prosecutor of their peers and their -- you know, it's not a conviction, it's some PC term, I forget what it is.

MR. ISAACS:

I believe it's the --

LEG. GREGORY:

But there's a finding or something like that.

MR. ISAACS:

I believe it's the PINS Program?

LEG. GREGORY:

No, no, it's the Youth Court Program and it's monitored by actual judges and lawyers and they -- you know, they'll serve or they'll get sentenced, or whatever the term is, to community service.

LEG. HORSLEY:

Community service.

LEG. GREGORY:

And I think that might make it more palatable to, I guess, law enforcement, and I wanted to get your opinion; would that be something that is suitable for you because of your experience in this? If someone who did, you know, cyber bully your daughter were to serve 40 hours of community service, is that something that you find sufficient?

MR. ISAACS:

Well, honestly -- and I've done my research on statutes for aggravated harassment -- what the kids are doing to other kids, if they were 16, would be an aggravated harassment which is a felony. I think that if the children know that there's going to be some type of criminal record, that it may help to stop it. I'm not saying that a first time offender should have a permanent criminal record or a misdemeanor record, but there needs to be maybe a ladder system in place to accommodate a first offender, a second offender, a third offender; maybe a three strike rule, I don't know.

LEG. GREGORY:

Okay. Thank you, sir.

P.O. LINDSAY:

Legislator Cooper, did you want to ask the gentleman a question?

LEG. COOPER:

Yes. First of all, I wanted to thank you, Mr. Isaacs, for coming down, and Jamie. For my colleagues, I've met with them for several hours at this point and they're only just beginning to touch upon the horrible experiences that Jamie suffered through over six years. And I was really impressed by Jamie's intelligence and her personal strength, but the question I have for you is Jamie is in this new school now, a private school; how does that school deal with bullying? I assume that they have a zero tolerance policy. Can you speak to that a little bit? And also, on a personal level, how is Jamie doing in the new school environment?

MR. ISAACS:

One of our primary concerns before we moved Jamie to any school was what their tolerance level was for what had already happened to her, and they assured us that there was absolutely zero tolerance for any behavior like that, which after one year in that school, I can tell you they have zero tolerance. The kids in that school know that there's zero tolerance and they don't even think about bullying. I have not heard of one bullying instance in that entire school for this whole school term that she's been in there. And as far as how she's doing, she has become an A student, she's doing great. She's happy, she is on the horseback riding after school, horseback riding team, she has completely flourished and blossomed since we took her out of that terrible environment and put her into an environment that's safe and that, you know, nurtures the good behavior, not the bad behavior.

LEG. COOPER:

That's great. Thank you.

P.O. LINDSAY:

Legislator D'Amaro has a question as well.

LEG. D'AMARO:

Sir, very quickly. You mentioned that you had gone to the school district several -- more than several times with describing in detail what was happening. Did the school district ever do any investigation at all, or was it that nothing was done at all, the answer was given, "Just go to another school or a private school." Was there any preliminary type of investigation or any action on behalf of the school district at all for the bullying that was occurring within the school itself?

MR. ISAACS:

They told us that they would investigate but they couldn't discuss it with us because of confidentiality issues. We never found out if they investigated it, how they investigated each -- I mean, there are so many instances that it's really too many to count. We can tell you that we have filed, I don't know, 20 harassment complaint forms with the district and had not received one response after 20 harassment, written harassment complaint forms were hand-delivered to the district office. And they're supposed to have a system in place where when you file a harassment complaint form, somebody is supposed to get back to you and investigate it; not one complaint form was ever addressed, nobody got back to us about it. The school would tell us that they were going to investigate it and if there was a punishment, they would punish the children. We would call the school and say, "Did you investigate it, did you find out what happened," and they would tell us that they're not at liberty to discuss it with us because of confidentiality issues.

LEG. D'AMARO:

So you got the response that, "Yes, we received all of your complaints. We may or may not investigate; if we do investigate, we cannot discuss the investigation with you or even tell you if we

did." And then the ultimate outcome of all of that was the suggestion that you transfer your daughter to another school.

MR. ISAACS:

Well, it became obvious to us that little to nothing was being done about the bullying because my daughter being in school, everybody knows what's going on.

LEG. D'AMARO:

Right.

MR. ISAACS:

So it was apparent to us that nobody was getting punished, that they were just, you know, slapping them on the wrist and saying, "Don't do these horrible things to Jamie anymore." But the ultimate outcome was that the Principal, together with the Superintendent and the Assistant Principal, told us face-to-face that there was nothing else they could do for us, it had become out of control and that there were too many kids involved, and their suggestion was that we do move Jamie to a private school.

LEG. D'AMARO:

And just finally, but based on moving through this tragic experience and having done some of the research and gone through it yourself, you're convinced that the laws are out there now that should have been enforced but were not enforced.

MR. ISAACS:

Well, if you research the New York State Department of Education Laws, they're really very interesting, and I've done quite a bit of research on them. Most of them state what the penalties are for bullying, for doing this and that, but yet it leaves it up to the discretion of individual school district, the individual Superintendent, which can override, change the law, you know, do whatever he sees fit to solve the problem. So there is no definite rule to follow when it comes to the punishment for certain behaviors.

LEG. D'AMARO:

And then obviously that could present an awful lot of problems if you don't have a properly motivated district to look into allegations.

MR. ISAACS:

Well -- yeah, that's the issue. You know, we have experienced a level of complacency about it that is really hard to believe.

LEG. D'AMARO:

Okay. Well, I appreciate you answering my questions. As a parent myself, I just want to commend you, you're a shining example as a parent and I appreciate that personally. Thank you.

MR. ISAACS:

I appreciate that, too. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Isaacs. Thank you very much for your testimony. Frank Cassata followed by Doreen Baehme.

MR. CASSATA:

Good afternoon. My name is Frank. I am one of Jamie's friends, I go to her school and I support this law. I think that it's very important that this law is passed to prevent any more suicides and to put a stop to this national issue.

Why must someone have to die before something is done? It is important that people know that someone like Jamie is out there doing something about this. And now that she has a voice, I think that everyone else can have a voice as well. Now that technology has advanced more and more kids are talking -- taking advantage of the Internet to go out of their way to hurt other kids, it's not right and it's about time something is done. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Thank you, Frank. Doreen? Doreen is coming to the mike. After Doreen is Fern Rostas.

MS. BAEHME:

Hi. My name is Doreen Baehme, I'm PTA Council President of South Huntington. Thank you for giving me the opportunity to speak today.

We as a PTA have become increasingly concerned about bullying in our society. Incidents of bullying, especially cyber bullying, have resulted in serious emotional problems for children, in extreme cases suicide has been a result? The national PTA has resolution -- has a resolution against bullying and the New York State PTA has taken a stand on cyber safety that highlight the need for legislation to help protect our children. The advancement of technology has made it very easy for people, especially children, to bully people in an anonymous manner. The extreme cases of suicide have highlighted the need for anti-bullying legislation. The time has come to speak up and say enough is enough. We must act now to ensure that not one more child is harassed into taking his or her own life. Bullying simply must not be tolerated.

I thank Legislator Cooper for proposing these pieces of legislation and I urge you to support them. Please help us to protect our precious children. Thank you.

P.O. LINDSAY:

Thank you, Doreen.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Fern?

MS. ROSTAS:

Hello. My name is Fern Rostas, I'm the 62-year old grandmother of Rachel Cohen who's 11-years old in the Brentwood School District, which claims to have a zero tolerance policy for bullying, but does not.

Rachel has been bullied for five solid years. And it was brought to the attention of the Assistant Principal, the Principal and an Assistant Superintendent in Brentwood Schools; she was a student at East Middle School. Rachel, we almost lost her. Instead, she had a breakdown on school time, on school property, in which it was necessary to call an ambulance. Rachel was admitted to South Oaks Hospital for eight days. Rachel still is not well, and she's only eleven. She needs intensive therapy. And I think your bill, Mr. Cooper, is an excellent bill. But we really need to address the problem of what the schools are doing, because they're not doing anything. For a school district to claim they have a zero tolerance policy and then play ostrich and dig a hole and stick your head in it is wrong. You cannot have, especially a Vice-Principal who is guilty of intimidation, harassment, using fear and threats, because that's what Mr. Mohammed did to my granddaughter; that is wrong. And to call in

the parent when you're shown a page from Facebook in which the child, who used to be Rachel's friend, claimed that she was going to kill her, and then that bully went to all of Rachel's friends and threatened them. My daughter was kind of between a rock and a hard place because she works for the school district, so I took the initial step of complaining. Rachel did end up having a fight, a physical fight, with a girl who called her a slut, only because she turned around and said, "Don't call me that," and that led to a fist fight. She now has a letter in her student file that is wrong to be there because it accuses her of endangerment, which basically she did endanger other students, but the letter should tell the truth. It was a provoked fight due to a bullying incident and the girl who bullied her got the same punishment my granddaughter got, and that's wrong.

Mr. Mohammed does not want to hear anything. He blew me off, he blew my daughter off, and on April 8th when she had her breakdown, and this is another problem I have is with the 3rd Precinct, an ambulance was called, and as usual the Police do show up with an ambulance. They sent the ambulance away and they were handling it their way, and if this is the policy of our Police Department to try to put handcuffs on an 11-year old victim and escort them in a Police car to a hospital, that is wrong and that's something that also needs to be addressed; you cannot do. So now you have the victim who's been victimized by the bully, victimized by an Assistant Principal and victimized by the Police Officers; this is wrong and it can't continue. And as I said, if she didn't have the breakdown, she would have come home and she would have proceeded to kill herself exactly as she had planned.

So your bill is important, but it needs to address also the schools, they need to be held accountable. They need to do something about the bullying rather than just saying that, "We have a zero tolerance policy," and then do nothing about it.

LEG. COOPER:

Thank you, and if I can respond. I actually introduced a separate bill that deals with accountability by schools and we'll be having a public hearing on that in a few minutes.

MS. ROSTAS:

Okay.

LEG. COOPER:

Thank you.

MS. ROSTAS:

Thank you.

P.O. LINDSAY:

Thank you. I don't have any other cards on 1390. Is there anyone else in the audience that would like to speak on 1390? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion -- oh, wait a minute, we have someone else. Please come to the mic and identify yourself, please.

MR. DEABOLD:

George Deabold, President and founder of School Watch. Now we're talking about the cyber bullying bill, is that correct right now?

LEG. COOPER:

Yes.

MR. DEABOLD:

And then we'll move on to the other bill. I think it is necessary to increase the accountability. I'm the founder of a non-funded, sort of investigative unit of what goes on in school districts, and I can enlighten you gentlemen on what goes on in Sachem as well as other districts.

I was personally involved with the Isaacs case and met on several occasions with the administrators in the Sachem School District. And what did they do? Charles Murphy, Superintendent of Sachem Schools, laughed. I brought the 32nd Edition of the New York State Education Law Book, handbook, it's basically a Hornbook Lawbook, and I showed him that he has the obligation and responsibility to discipline the children for off-campus activity, and I showed him and I had to read to him the provisions of that statute and regulation. I talked at length with District Counsel Sue Fine for Ingerman & Smith. This condition and this situation kept going on and on and on and Mr. Murphy was not holding anyone accountable. He basically dismiss Isaacs as quacks.

Now, I have a lot of time put into Sachem. Approximately two-and-a-half years ago I took a poll from Long Island Advocacy, other advocacy agencies such as Parent-to-Parent and all sorts of lawyers that deal in special education law, and I said, "On Long Island, which district is the worst," and Sachem won hands down. I'll give you another example what they did in Sachem. Approximately six months before I got involved with the Isaacs' case, there was a young, black student that had to be removed from the Sachem School District because the students were chasing him around with a banana saying, "Look, the N-word turned the banana black." They continually called the child the N-word, "jungle monkey", they kept going up; the child had a nervous breakdown.

The child's parents was an educator in New York City schools, a school psychologist, his mother was also a special educator. I went and we brought the child back to district because he needed special education services that he couldn't get in the parochial schools. We filed and went forward with a meeting of the Committee on Special Education in Sachem School District. Dr. {Maller Eyer}, a psychiatrist, came in and testified to the committee that this child should not be put back in Wenonah. The Committee of Special Education said that they didn't have the authority to make the decision to move the young student out of Wenonah, that it was up to Charles Murphy or Paul Stallino. I called Paul Stallino, Charles Murphy and told them they shouldn't be overriding the Committee of Special Education in its duties, and he said that the only way they would move this young student who was taking medication for the continued bullying was that if the parents paid for the school bus to transfer him to the other school. Sachem is the second largest district in New York State with 12 elementary schools.

E-mails went back -- this is before the start of the school year, e-mails went back and forth between me, Dr. Charles Murphy and the parents for approximately a month, after a month I called the media and we were prepared to go down with television cameras. It was the second week of school. Charles Murphy let that student stay home and kept asking me, if we don't give the child what he needs, will the parents again move him out of district? They were playing kind of Russian Roulette with this child's well being. I said we were going to go forward with the hearing, we would go forward with the meeting, and then after almost two months Charles Murphy said all you have to do is give me a note and we'll move the child. Okay?

Anyone that represents Sachem or anyone that has districts, anyone that has children that are in the Sachem district, because I know it crossed boundaries, here's something that you can think about. There's no over count on -- there's no oversight on the State level and I'm glad that the County is finally stepping in. When school districts do something wrong, what the State does is they recommend a corrective measure. Gentlemen, Ladies and Gentlemen, do you know if we had corrective measures for a bank robbery, how many bank robberies we would have? Okay? You have Superintendents that just keep doing it, they discount parents, they don't publicize this stuff.

Sid Black, the ex-Superintendent of Brentwood Schools, which I heard the parents speak of, I think his name was Black, he's retired now. Newsday did a story like six years ago because schools were under reporting violence. And to Newsday, Mr. Black said the reason we don't report it is these forms are very complicated. Gentlemen, I FOILED that form and that was a very simple form, this man was bordering on a PhD if he didn't have a PhD and he couldn't fill out this simple -- less than a job application with your name and address. Schools don't want you to know what's going on because they're coming to you at the end of the year with a smiling face saying, "Look what we're doing." They cover up so much things that you wouldn't believe. Sachem, in June of 2008, May, the teachers --

P.O. LINDSAY:

You have to wrap up, you're out of time.

MR. DEABOLD:

Please let me finish.

P.O. LINDSAY:

But there's a question from Legislator Nowick.

LEG. NOWICK:

Actually-- well, I'm supposed to ask a question, I guess, but just a quick comment and I'll let this go. It sounds like a lot of what we're hearing today is Sachem, Sachem, Sachem. I'm thinking it wouldn't be a bad idea if he would get a hold of the PTA, because there's nothing like a group of angry mothers.

*(*Laughter*)*

And I think that maybe if Sachem seems to be -- well, I'm hearing Sachem, this is the testimony.

MR. DEABOLD:

This is not Sachem, this is a widespread, New York State problem.

LEG. NOWICK:

No, excuse me. But I'm hearing -- I understand that, but today I'm hearing you say Sachem, Sachem, Sachem, Charles Murphy, Charles Murphy. And yes, it is widespread. But I'm saying would it not be a bad idea to get those PTA moms and dads and get them wound up a little bit and maybe take on Sachem?

MR. DEABOLD:

Ma'am, I'm sent people -- and again, we're non-funded, and I attend Sachem's Board Meetings, School Board Meetings, and different districts. And the PTA people, okay, this is the difference between my organization and the PTA, for the most part. The PTA hangs out with the schools and the administrators, goes to their black-tie dinners, and I've seen PTA members try and cover up things for school districts. My organization, School Watch, we hold them accountable. Okay? I brought things to PTA members and they don't want to make waves or they don't want to put their names on something because they don't want to be retaliated against.

LEG. NOWICK:

Oh, well, I'm sorry to hear that. I'm sorry to hear that the moms and dads don't do anything, according to what you're saying.

MR. DEABOLD:

And I would also have to add that --

LEG. NOWICK:

Okay. No, that's all I wanted to know. That's fine.

MR. DEABOLD:

I guess I'll wrap it up. But basically, the last thing that I'll say in closing, Mr. Lindsay, is in May of 2008, the Sachem Central School District Teachers Association filed a 208 page report against the administrators alleging that they were intimidating them not to meet special education students needs and the State buried it, and that's what happens. There's no accountability on the State level. If you start levying fines against administrators, or students or whoever is doing this, you might put a stop to this but you have to increase the accountability. Thank you very much.

P.O. LINDSAY:

Thank you.

LEG. KENNEDY:

Let me ask a question.

P.O. LINDSAY:

John, we have --

LEG. KENNEDY:

All right, all right, all right.

P.O. LINDSAY:

-- a million other hearings.

LEG. KENNEDY:

Have they taken this to the State?

P.O. LINDSAY:

Go ahead, ask the question. Ask the question.

MR. DEABOLD:

Oh, I'm sorry. Did someone have a question?

LEG. KENNEDY:

Just one quick question, sir. Did you take this to -- not the school district, but the school district is supervised by not only State Education but also presumably by our State Legislators. Did you approach State Legislators with this, your concerns?

MR. DEABOLD:

At this point, I didn't. At one time, I think, again, with another State agency, CPS, I did contact, when schools were retaliating against parents CPS charges, I did have a meeting with Ricardo Montano and he said that the County doesn't have any jurisdiction over a State agency; that was my understanding, that a local Legislator -- and that's why you guys are on interesting ground now. You're taking control of something that's usually relegated by the State. It's the state Education Department which I have an understanding that that wasn't the lane to travel in.

LEG. KENNEDY:

Okay. Thank you.

MR. DEABOLD:

So you guys are basically going into new areas holding them accountable on the County level. I think this would set a precedent in the State of New York; correct me if I'm wrong.

P.O. LINDSAY:

Okay. Thank you very much.

MR. DEABOLD:

Thank you, sir.

P.O. LINDSAY:

All right. Jon, you had made a motion to recess?

LEG. COOPER:

Please.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

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

P.O. LINDSAY:

J.R. 1408, A Charter Law to increase Legislative Oversight of RFP Process. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine, what is your pleasure?

LEG. ROMAINE:

Close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. ***J.R. 1410, A Local Law requiring broader dissemination of auction information.*** And I do not have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Browning.

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1412, A Local Law establishing fair and objective procedures for contracting title insurance work. I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Kennedy.

LEG. KENNEDY:

I'm going to make a motion to adjourn, Mr. Chair.

D.P.O. VILORIA-FISHER:

To recess.

LEG. KENNEDY:

Recess.

P.O. LINDSAY:

To recess.

LEG. KENNEDY:

Why don't we just adjourn. To recess. Motion to recess.

LEG. SCHNEIDERMAN:

I'll second that. I'll second that we go home.

P.O. LINDSAY:

Okay. We have a motion to recess. I'll second the motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen -- seventeen. (Not Present: Legislator Horsley)

P.O. LINDSAY:

I.R. 1415, A Local Law to establish a prompt contracting policy for not-for-profit organizations. And we have several cards. Judy Margolis.

MS. MARGOLIS:

Hello. Good afternoon. My name is Judith Margolis. I am the Executive Director of Family Counseling Services. I have asked our Board Chairman, Gordon Werner, and our Vice Chairman, Elaine Kanas, and Kathy White, our Director of Finance, to join me in sharing our collective concerns.

We are a nonprofit stand alone agency and we are asking your support for the resolution of I.R. 1490 and I.R. 1415. At present, we are operating without a contract and without payment on our claims dating back to January 2010. As you may be aware, family counseling services has been a primary source of mental health treatment and substance abuse treatment and prevention in the greater Westhampton Beach area for the past 39 years. Over the years, our mental health substance abuse and mental health services have expanded to two sites to include Yaphank, in the Town of Brookhaven, in Yaphank and in Shirley.

FCS is continues to be committed to providing comprehensive services to an ever growing population of children and families in need. We have worked diligently to honor our commitment to the community which has grown to trust FCS to help them through difficult times in their lives. To date, we have met those goals and objectives.

We have not come -- sorry. We have not come today asking for more money. We have a dedicated staff and a Board of Directors who are committed to sustaining the mission of FCS, which is to provide needed services to the children and families living in our communities. Rather, we have come here today to enlist your help so that we may receive the allocated funds to us, thereby enabling us to continue to provide uninterrupted services to constituents in your districts. As a small agency, timely contractual agreements are essential to our fiscal survival.

Approximately one year ago a family came to our agency desperately seeking help. The 11 year old daughter had tried to hang herself and was taken to Brookhaven Medical Center for evaluation and then she was released. It was determined that their daughter's suicidal act was a cry for help and the psychiatrist referred the family back to FCS for treatment. The mother shared with the intake worker that she was ashamed and worried because although her daughter and family needed help urgently, her husband had been out of work for more than a year and did not have medical insurance. The intake worker reassured the mother that FCS had the commitment to help people with limited or no insurance. The most important thing she was told was that her daughter and family receive the help they needed.

Now one year later, this young lady is on the honor role at school, has auditioned for a school play and is working on her relationship with her mother. Her brother is receiving services as well, helping him cope with having witnessed his sister's suicide attempt. The mother is coming to understand that her daughter's depression was not all her fault. This family is still struggling financially. The father has been unable to seek employment. However, with the therapist directing the family in obtaining health insurance for their children, the stress of caring for them both medically and psychologically is no longer a factor.

This is but one of 5,000 stories of children and families that come through our door each year. We have 20 clinicians who try to see 500 clients each week. We are aware of these challenging times for all social services agencies. Kathy White will share with you the impact we have experienced as an agency trying to meet our commitments while the funding we have counted on has not been received. If it weren't for our dedicated Board of Directors, in particular Gordon Werner and Elaine Kanas, who have served on our Board collectively for 36 years and presently serves as Chair and Vice Chair, FCS might not have survived this fiscally challenging time. Both Gordon and Elaine represent a commitment to our community --

P.O. LINDSAY:

Ms. Margolis, you're out of time.

MS. MARGOLIS:

I am? Okay.

P.O. LINDSAY:

Legislator Gregory has a question for you, Ms. Margolis.

LEG. GREGORY:

Hi. Thank you, Ms. Margolis, for coming down today. So it's my understanding as it stands today your agency does not have a contract.

MS. MARGOLIS:

Right.

LEG. GREGORY:

Okay. The fifth month into the year.

MS. MARGOLIS:

Absolutely.

LEG. GREGORY:

Okay. Now, how many years have you been contracting with the County?

MS. MARGOLIS:

Oh, probably for the last 20 years FCS has had different kind of contracts with Suffolk County. This year we have a large contract with OMH and a large contract with Oasis.

LEG. GREGORY:

Okay. Now, is that a common --

MS. MARGOLIS:

Yes.

LEG. GREGORY:

-- situation where your contract --

MS. MARGOLIS:

Every year it's a recurring theme, but this year it's worse.

LEG. GREGORY:

Okay. Last question. The monies that you receive, is it County funding or is it State funding going through the County?

MS. MARGOLIS:

It's money from the State funneled through the County.

LEG. GREGORY:

And they still haven't -- okay. Thank you.

P.O. LINDSAY:

Thank you. Kathleen White followed by Janet Walerstein.

MS WHITE:

Good afternoon. Thanks for letting me speak in front of you today. My name is Kathleen White. I'm the Director of Finance for Family Counseling Services. I'm here to ask for your support for I.R. 1415 and 1490. As I am new to Suffolk County, I'd like to preface my comments and share my background briefly. I'm a C.P.A. I have a Masters Degree in health care administration. I've worked in nonprofit health care my entire career, primarily in New York City, dealing with Federal, State and local contracts as well as budgeting and claiming for similar agencies to FCS. I am well versed in the complexities and contracting and claiming.

I joined FCS approximately six months ago. While I was aware the Suffolk County processes were different in regards to contracting and claiming, I was quickly entrenched in how time consuming some of the processes are. I started with the agency at the end of September. The agency was in financial distress due to economic downturn, but more importantly, had major cash flow issues due to slow claiming and payment processing. Because cash was so tight, major decisions had to be made to keep the agency's doors opened. The entire agency staff was put on 20% furlough, several administrative staff were let go, benefit costs needed to be cut, overhead in relation to non-patient costs needed to be cut. In short, the agency was put on austerity until I could figure out the nature of the cash flow problem while keeping the doors of the agency open for client services.

I reached out to all the contracting agencies including Suffolk County, which encompasses half of FCS's annual revenue, as well as commercial insurance companies. I introduced myself and went to work with them to adjust contracts, to increase client services and cut overhead. The contracting agencies verbalized their agreement and seemingly supported our plan. I have introduced budgets that make sense, allowing the agency to see more clients while keeping a very close eye on costs.

These costs come at a cost. I have staff working harder for less. While morale is okay, it certainly isn't great. Staff approach me every day wondering when things are going to improve financially. My answer can only be we're working hard to resolve the issues. It's difficult for me to look at crying staff in the middle of a cancer treatment and is forced to switch trusted physicians, or the individual who's having a baby and can't deliver in the hospital of their choice. And I suffer their pain, because I was in the middle of a radiation treatment and had to switch my physician.

I have instances every day of parents calling me for appointments for their children in desperate need for services and I can't get their children in for six weeks. As Judy has said, we service over 500 clients a week. A significant amount of them are children in crisis. My heart breaks every day, every time I have to tell these patients we are doing the best we can to see their children, and left hoping at the end of the day that we can get them in for treatment.

Now, let me emphasize that the wait time is not related to the agency's budget. I have effectively made those budgets work. It's because we don't have the cash to pay the therapists we've budgeted for. Predictable cash flow is the only way a smaller agency can operate effectively and service our community.

I am again faced with a huge cash dilemma, as we are in the fifth month of 2010 and I am still awaiting approval for a large County contract and have no cash flow for services we have provided in good faith to this County. We have exhausted our line of credit and are once again in a situation of not being able to make payroll in two weeks. I have exhaustively called, e-mailed, shown up at County offices with this urgent situation. My phone calls aren't returned, and when they are it's a request for additional information. FCS is lucky enough to have staff that genuinely care for their patients and are committed to the well being of our community, but we will not be able to perform these services without the money to keep our doors open.

Additionally, I would like to make it clear that FCS is not asking for more money. We're committed to make what we have work and do our part to keep costs down in a difficult financial time, but we certainly need the commitment of the County to pay us timely for services that we have performed. This bill makes sense. They alleviate the issues of predictability in cash and enable small not-for-profits to operate effectively while providing quality and valued services to our community.

P.O. LINDSAY:

Okay. Ms. White, Legislator Viloría-Fisher has a question for you.

LEG. GREGORY:

Mr. Chair.

D.P.O. VILORIA-FISHER:

Thank you for being here. A couple of years ago I had a prompt payment bill that was passed and we narrowed it to just include child care agencies. But one of the arguments that had been posed by the County Executive at that time is that, well, this is the -- the culture of doing business. In the corporate world people know that they don't get paid right away. Do you remember that argument? Somebody's laughing.

You have a professional -- a career, a long time career in I think you said finance and accounting. Is this the culture of -- I mean, this kind of wait, five months and you don't have a contract?

MS WHITE:

Well, I can tell you in 20 years of doing this I've never experienced anything like this.

D.P.O. VILORIA-FISHER:

Okay. What would you consider an outside wait time for, you know, normal transactions? You're talking about five months and you don't have your contract.

MS WHITE:

Generally I would say waiting for a contract you usually have it by February 1st and your first payment is in -- well, it depends. I mean, most agencies advance you the money, so you'll get the advance, then you'll put in your claiming, but usually have your contract by February.

D.P.O. FISHER:

Okay. Thank you. Because it didn't seem like a really correct characterization to me. Thank you.

P.O. LINDSAY:

Legislator Gregory has a question for you, Ms. White.

LEG. GREGORY:

Thank you, Mr. Chair. I know we have a lot of public hearings; I'll be quick. Ms. White, thank you for coming here today. Now, the contract that you have, Ms. Margolis said it or I think you said it,

was approximately 50% of your budget is the County contract?

MS. WHITE:

We have two very large County contracts. This contract is -- the contract that we're waiting for is for our substance abuse program, which is about \$600,000 annually. We just recently got our OMH two weeks ago, and that was a huge deal for us as well. I mean, money-wise we weren't going to make it if we didn't have money in two days.

LEG. GREGORY:

So you have \$600,000 of State funds that you're waiting for, you're providing the services, you haven't gotten a contract and you haven't gotten any information as to why you don't have a contract, and you're just waiting in limbo?

MS WHITE:

Well, we're not anymore because shockingly the division found out that we were coming to testify today and they called us yesterday to fix our problem.

LEG. GREGORY:

Oh really. Okay.

MS WHITE:

I was shocked, too.

LEG. GREGORY:

But prior to that, because of the lag in contract -- in the contract, part of your fiscal situation, the furlough and the reduction of benefits, was because of you not having a contract.

MS WHITE:

It's all cash. It's not the budget. The budget works. We can make the budget work. We need cash to operate.

LEG. GREGORY:

Okay. Thank you.

P.O. LINDSAY:

Thank you very much. Janet Walerstein. Could someone from the Clerk's Office please help Ms. Walerstein?

MR. LAUBE:

Sure.

D.P.O. VILORIA-FISHER:

Put your finger on the base.

MS. WALERSTEIN:

This is okay? Yes? This is a really new gizmo. I haven't been here in a while. Good afternoon. My name is Janet Walerstein and I'm the Executive Director of the Child Care Council of Suffolk. The Council is a not-for-profit planning coordinating agency dedicated to making child care work for all of Suffolk County's diverse communities. The purposes of today's meeting, I'm also here as a member of the Coalition of Smart Government for Strong Families. The Council has three contracts with Suffolk County Department of Social Services, one of which is totally New York State funded. All three contracts begin on January 1st and one has been in effect since 1985. Our services have been approved and lauded by the administration, DSS and the families we serve. This year we have received all three signed contracts in March with advanced payments. Let me just say also that I've signed contracts in the past in December for the prior January 1st, so this is a big step up to have it in March.

The Council has experienced long delays in the past in receiving executed contracts and had to go into our line of credit with the accompanying interest payments. We were fortunate to have that line of credit open to us for payroll commitments. Many agencies do not have that ability. After all, we do a service for over 7,000 parents who call us -- call or e-mail us each year in addition to those who we help on site at the Department of Labor. Hundreds of child care professionals use our education services as well as we register over 500 family homes and school age child care facilities. The staff who serve them need to be paid for services rendered. We also expect the same from contracts, and since we are governed by a Board of Directors they expect the same as they have the fiscal responsibility for our agency.

The Council is so very pleased of the concerted efforts of both the Legislature and the Suffolk County Executive's Office, and has made real changes to a system that had not been working. We thank you all for hearing us and your concern. However, we need to make sure that those -- these -- those supported efforts do not slip away as other concerns come up. We need a secure process that supports the not-for-profit community with legislation of assurance. That legislation has been formulated, thank you to our Legislator Gregory and those who sponsored, and I'm here today to urge you to pass resolution 1415 for prompt contracting, and resolution 1490 for prompt payment to not-for-profit agencies. We all do a tremendous service to Suffolk County in the most efficient and effective manner. Thank you for your time and your continued support.

P.O. LINDSAY:

Thank you, Janet. Christine Epifunia? No Christine? She left? Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to address us on this subject? Seeing none, Legislator Gregory, what is your pleasure?

LEG. GREGORY:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Legislators Montano and Kennedy Not Present)

P.O. LINDSAY:

I.R. 1431, A Local Law to encourage the sale of substandard properties in the County's inventory to adjacent property owners. And I don't have any cards on this subject. Is there anyone in the audience that would like to talk about this subject? Seeing none, Legislator Cilmi.

LEG. CILMI:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Legislators Montano and Kennedy Not Present)

P.O. LINDSAY:

Okay. ***I.R. 1451, A Local Law to enact a Campaign Finance Reform Act to limit campaign contributions from County contractors.*** I don't have any cards on this subject. Is there anyone in the audience who would like to speak to us about this subject? Seeing none, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Legislators Montano and Kennedy Not Present)

P.O. LINDSAY:

J.R. 1452, A Local Law prohibiting demonstrations at funeral services in the County of Suffolk. I don't have any cards on this subject. Anyone in the audience want to talk to us about this subject? Seeing none, Legislator Stern.

LEG. STERN:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Legislators Montano and Kennedy Not Present)

P.O. LINDSAY:

J.R. 1474, A Local Law authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility. And I have several cards. Dorothy Kerrigan is first.

MS. KERRIGAN:

Thank you, Presiding Officer, members of the Legislature. My name is Dorothy Kerrigan. I represent AME, and I would like to talk today about resolution 1474. I'm going to read a letter, and I have copies of it to give to all the Legislators, from Cheryl our President, Cheryl Felice.

"Dear Presiding Officer Lindsay. The Suffolk County Association of Municipal Employees opposes resolution 4174, authorizing the County Executive to execute agreements for the sale of the John J. Foley Skilled Nursing Facility. If the proposed public hearings constitute an attempt to satisfy the Public Hearing requirement of the Mary Hibberd Law, this attempt fails deplorably. The Mary Hibberd Law establishes mandatory procedural prerequisites that must be followed before an initiative such as the proposed sale of the John J. Foley facility can be considered.

All told, there are 17 mandated conditions. These include the submission of a formal proposal to the County Legislature, accompanied by documentation and reports, including a written evaluation and cost and quality analysis; a report identifying expenditures for services under the proposal; a comparison of the proposed level of services to the current level of services; a statement from the New York State Department of Health approving of the proposed proposal and outlining the proposal's impact on subsequent State Aid; and a written certification from the BRO that the proposal will result in a cost savings of at least 10%.

The Mary Hibberd Law further requires written documentation from the appropriate State agency with respect to proposals concerning John J. Foley Skilled Nursing Facility. The appropriate State agency is the New York State Department of Health. Then and only then can the holding of four public hearings be scheduled on privatization proposals. The statutory text ambiguously requires that these hearings may not be held until a formal proposal accompanied by all requisite analysis

and documentation has been submitted to the Legislature. And the quote is "No such public hearings", this is from the law, "shall be held unless and until such written proposal or plan has first been submitted to the County Executive and County Legislature". No proposal conforming to the requirements of the Mary Hibberd Law has been submitted to the County Legislature. As the procedural requirements of the Mary Hibberd Law have not been satisfied, the proposed public hearings are not public hearings within the meaning of the law and will not serve to satisfy any of the procedural requirements of the law." Thank you, Ladies and Gentlemen.

P.O. LINDSAY:

Thank you, Dot. Eric Naughton.

MR. NAUGHTON:

Good afternoon. On behalf of the County Executive I'm here to put some facts on the record regarding the fiscal benefit of selling the John J. Foley Skilled Nursing Facility. Speaking of the facility operating deficit, despite making a number of changes to improve operations at the nursing home, the facility continues to operate at a deficit. The 2009 operating deficit is estimated to be 8.1 million dollars. This represents approximately 17% of the General Fund tax levy. The operating deficit will increase to approximately 8.4 million dollars in 2011. We project that the deficit will increase to over 10 million dollars by 2016. Please note that these projected deficits do not include any projected revenue losses associated with the adult day care slot reductions.

The deficit will continue because municipal employee costs increase greater than Medicaid reimbursement rates, and the gap between employee expenses and reimbursement keeps growing. For example, pension costs for the nursing home employees are growing by \$900,000 in 2011. That's an increase of 1.2 million dollars in the current 2010 budget to 2.1 million dollars in 2011. And we've been informed by the Comptroller, State Comptroller, that pension costs are going to continue to increase over the next three years by about 20% a year.

Last year the County Executive's Director of Labor Relations asked AME to negotiate concessions at the nursing home to avoid sending an RFP to sell the facility. We delayed sending the RFP for six months to give the union a chance to come up with savings and concessions. According to Labor Relations, AME refused to agree to any concessions. That is in part why we are here now.

We have -- we did an RFP. The sale price for the facility is 36 million dollars. We have taken a look at the outstanding debt that will be from our bonds. By the end of next year we estimate that the debt outstanding will be 16 million dollars, which means the net proceeds will be 20 million dollars. If the County Executive is not authorized by the Legislature to sign the sale contract prior to the submission of the recommended budget, we may have to include layoffs totaling 20 million dollars in the 2011 budget.

Also, I want to mention that there have been gross inaccuracies heard at previous Legislative sessions regarding the benefit of the sale. When analyzing the benefits of the sale, the annual benefit has -- should also factor in the ongoing losses that must be -- that we have stated. This is a major factor because when looking at the net overall savings of the plan to sell we estimate, as I said, that we lose about eight to 10 million dollars a year. That's an ongoing, recurring loss. We are looking for ways to come up with recurring savings that this is a good method.

When we did our analysis we factored many things into the equation. We took a look at the health insurance costs for the retirees. That's an ongoing expense that we will have to continue. We estimate that right now there are about 156 retirees. That costs us approximately 1.6 million dollars. We recognize that we will have to continue making that expense if we do sell it. There are about 60 people who we think may retire prior to the sell. That additional health insurance cost is roughly 660,000. So for health insurance retirees the cost is about 2.3 million dollars, and we acknowledge that in our report.

We have also factored in the cost of any separation payments, paying the vacation pay, for some employees we'll also be paying sick leave. That's been factored in. Also, you must look at once the facility is sold we will be able to liquidate the accounts receiving. At the close of the books of -- in December, 2009, the receivables totaled 14 and a half million dollars. We estimate at the close and at the December, 2011, the receivables conservatively will be worth about 10 million dollars. That's more money that helps our ongoing deficits.

So as part of presenting the plan, all of this information was included in our A96 report. The information is there for you. We are planning to meet with the Budget Office in two weeks to go over the numbers and I believe that we will be able to hopefully concur and show that there is much greater than 10% annual savings.

P.O. LINDSAY:

Thank you. Next up.

LEG. KENNEDY:

Mr. Chair, one quick question.

P.O. LINDSAY:

Go ahead.

LEG. KENNEDY:

I'll make it very quick. Fourteen point five million in receivables?

MR. NAUGHTON:

That is correct.

LEG. KENNEDY:

Okay. Receivables basically are reimbursement for care provided. How far out do those receivables go that we have 14.5 million hanging out there that we haven't collected?

MR. MARCHESI:

Do you want me to answer?

LEG. KENNEDY:

No. Mr. Naughton, as a matter of fact, is the one who's speaking. That's not up to me to defer to anybody on this panel. And quite candidly, I don't know that we can have that. But he made a statement that there's 14.5 million hanging out there. How far out does that go of uncollected funds?

MR. NAUGHTON:

We estimate that's about four months.

LEG. KENNEDY:

Four months? Why aren't we collecting money faster than four months out there?

MR. NAUGHTON:

Obviously it takes time to bill, and as you are well aware, the State is very slow in making payments these days.

LEG. KENNEDY:

So you got that up to 60 out you'd have seven million more in the bank right now, wouldn't you, without selling anything.

MR. NAUGHTON:

That's in terms of cash, but that --

LEG. KENNEDY:

No, no. That was your statement. You said there's 14.5 million out there in receivables; correct?

MR. NAUGHTON:

That is correct.

LEG. KENNEDY:

Okay. Thanks. That's all.

P.O. LINDSAY:

Okay. Next card is Dennis Brown.

MR. BROWN:

Thank you, Mr. Presiding Officer. I really just wanted to address some of the issues that were read in the record today from the letter of May 10th, 2010 from the Association of Municipal Employees, namely that that letter contends generally that there has not been compliance with A9-6. It's our opinion that we have complied and indeed, you know, that there's scrupulous compliance with A9-6.

First, with respect to a plan. You know, we submit that the plan is the I.R. 1474 and the attached contracts. You have the asset purchase agreement, which is essentially the license and the land sale contract, and the numerous exhibits and attachments to those -- to the resolution and those documents. There's to be a written evaluation and analysis of the cost of performing services while also attached to the resolution, is a report to the Suffolk County Legislature. It's attached as exhibit three to the resolution. There's also a written evaluation and analysis of the cost of performing the services and that was conducted by the Department of Health; that's attached as well. There's also a comparison of the quality of services to be provided and that's attached as well.

There's also supposed to be as part of the procedural requirement written documentation from an appropriate State department or State governmental entity. Well, there is that as well. Attached to the resolution and the contract is a letter from the New York State Department of Health. I don't have the date for you, but I think it's attached as appendix H, and that's a favorable letter pertaining to the purchaser and it comments favorably on the likelihood of approval if the transaction is approved by the Legislature. Also as a part of the requirement is to be a report identifying expenditures for services under the proposal or plan, and we submit that that also is attached as appendix G and appendix I to the contract of sale. There's also a comparison of services.

The -- there's been no public hearings yet. As you all know, the County Executive has public hearings scheduled for May 18th and 19th and the Presiding Officer has stated that he too will schedule public hearings, but when some of these procedural requirements have been met.

And also pending is the review that will be done by the Budget Review Office, and which says that the plan -- the statute requires that the plan may not take effect until the Budget Review Office has certified in writing and indeed that is pending as well.

So in summary, there has been ongoing and there continues to be compliance with A9-6.

P.O. LINDSAY:

Are you done, Dennis?

MR. BROWN:

Yes, thank you.

P.O. LINDSAY:

Okay. Legislator Cilmi has a question for you.

LEG. CILMI:

Just very quickly, and this may be to both of you. Usually if you're selling a business, if we're selling this and the sale does not include the receivables, can you talk to us about the payables? Usually the receivables are offset by the payables.

MR. MARCHESE:

The receivables far outweigh the payables by about four million dollars.

LEG. CILMI:

So the 14.5 that we talked about is really ten?

MR. MARCHESE:

Yeah, that's why we used -- that's why we used ten as the net, so when you use ten, that's really the real number that you're going to be receiving net, and when you usually close any business you wind down the balance sheet and that's what winds up happening.

LEG. CILMI:

Thank you.

P.O. LINDSAY:

Okay. Next up is Len Marchese.

MR. MARCHESE:

Thank you. Just I'd like to set the record straight a little bit. I represent the Department of Health Services and I've been the lead negotiator for the County with regard to this transaction. And it was a very complicated transaction to begin with, and there are a lot of details that, you know, a lot of individuals have been just throwing out facts that really don't pertain to the contract, and they just, you know, just a bunch of instances that just are not true. And, you know, we did our best when we worked with the vendor and the RFP process to get the best deal for the County. Obviously when we put something together in front of you guys, you would have the final say on whether or not it's passed or not, but we believe that when we sat down and negotiated in good faith with the vendors that we obtained the best possible deal for the County.

Eric kind of ran over some of the high level numbers for the transaction, and in addition to the financial benefits that the County's going to be receiving, there's a lot of operating details that, you know, I'd like to just kind of put on the record so everybody understands.

The buyer, his name is Ken Rosenberg, and he was chosen as a result of a competitive RFP process. The Legislature was also part of that process. They were a voting member in the review. This process didn't just take place. It was a kind of lengthy process where we took preliminary proposals, we short listed people, and then they came back again. So it was a very lengthy process that we undertook in order to sell the facility. The sale includes both the license for the 264 beds and the adult day care program.

And of the price, we're receiving 36 million dollars, as Eric has said, and that includes the footprint, which is basically the parking lot and the surrounding immediate land of the nursing home. No more, no less than what you basically see at the nursing home.

LEG. LOSQUADRO:

Can I ask a question then? What is that acreage? I apologize.

P.O. LINDSAY:

No. I have a list already. I'll put you down.

LEG. LOSQUADRO:

Okay.

MR. MARCHESE:

Okay. All right.

LEG. LOSQUADRO:

I had a question. I apologize.

MR. MARCHESE:

Very good. So basically it's 14 acres of surrounding land that is around the facility, which is basically the parking lot and the access roads. Basically the facility, the price that we received is in excess of appraisals that we received. We received an appraisal back from HMM, which is a consultant the Health Department retained a couple of years ago. In addition, we did a recent appraisal and it exceeds those numbers.

And part of -- in addition to this 36 million dollars, as Eric said, is a winding down of the balance sheet. When you wind down a balance sheet at the close of operations, what that means is you take all your assets and you subtract all your liabilities, and whatever is left after that, that comes back to the owners, and in this case it's the people of Suffolk County. So what we have, what we will be retaining is approximately 10 million dollars over and above the sales price and the net benefits that we would accrue on an annual basis because of the deferred losses that we would be saving. All right. So that's where those numbers really come into play with the County.

One of the other big benefits -- well, one of the big items that has been talked about is what's going to happen with the residents of the nursing home. I just want to make it clear that part of the agreement and part of the laws of the State of New York require these residents to maintain their home. We cannot -- even if we wanted to, any operator could not force an individual that's a resident of their nursing home or their home, to leave. There's very, very strict guidelines as to when you -- when you would discharge a patient.

And what happens is on a practical level when a patient is admitted you actually prepare a discharge plan for that patient and you agree to it when they first come into the facility. So there are specific things that you have agreed to both on acceptance and discharge when a patient comes in. So there's no -- there would be no provision in this contract that would allow the vendor to discharge patients without them also agreeing to it. That's kind of an important fact and, in fact, the State of New York wouldn't allow it.

The other big term is the employees. The contract provides a lot of provisions that helped employees in the transition of this sale. They basically have a right of first refusal with the new vendor, and in addition, the County -- County Executive is providing extra funding that we still have to speak with and work out with those that are involved that would help transition the employees.

Just on the admissions.

P.O. LINDSAY:

You have to wrap up, Mr. Marchese. You're out of time.

MR. MARCHESE:

Okay. Just real quick on the admissions. They would continue to admit the same patients that they see, because this is basically like any nursing home. People go to a place where they feel comfortable and this, like the VA, a lot of people would come to our home, like they could see the people around that they also feel comfortable with.

So just in conclusion I just wanted to say that a lot of the issues that are out there, there's a lot of misinformation out there, and that we welcome the opportunity to work with BRO and all of us that are members to fully explain this transaction.

And just one other point, if I could, is the adult day care issue. There's an issue raised with adult day care and we recently were cited by the State of New York for operating above our licensed capacity. In fact, it was thought that we had a license capacity of 60 adult day care slots. Unfortunately, at this point, we only were able to confirm with the State of New York 24 slots. That being the case, we're working towards diligently to adjust that issue and to deal with the patients accordingly. Thank you.

P.O. LINDSAY:

Okay. We have some questions. Legislator Cilmi.

LEG. CILMI:

Thank you very much. I'll try and make this brief. Can you contrast -- can any one of you contrast the history and ownership of our facility and the operations of our facility, with the operations of the Holly Paterson facility in Nassau County? Why is it different? My understanding is that that facility is currently generating somewhere in the neighborhood of seven million dollars of positive cash flow on an annual basis. Why is ours so different, and is there a way that we can kind of transform the facility like what they have in Nassau County?

MR. NAUGHTON:

I guess I'm the best choice for that since I worked for Nassau County for thirteen and a half years. All right. There's two major issues. One, Nassau County also has a hospital, so they get a hospital base rate, which is about a three million dollar benefit. Secondly, something that you don't see in the numbers is Nassau County government continues to subsidize the operations there to a tune of roughly 2.9 million dollars. In addition, they are getting State grants of roughly three million dollars. They have IGT benefit of -- a net IGT benefit of 3.7 million dollars. So the truth of the matter is they are also operating at a loss of roughly about 5 million dollars a year.

LEG. CILMI:

When you take out all of those factors?

MR. NAUGHTON:

Correct.

LEG. CILMI:

Of those, I guess there were three items that you mentioned there, are there any of them that we can take advantage of or do they all stem from the fact that they're associated with the hospital?

MR. NAUGHTON:

It's essentially all because they are associated with the hospital and the fact that the government has committed to helping to fund them.

LEG. CILMI:

There seems to be some disagreement with your statement.

P.O. LINDSAY:

Well, we get IGT, too. You guys never want to recognize it, but we do get it to the tune of about three million a year.

MR. NAUGHTON:

That would be the one exception.

MR. MARCHESI:

Less than that.

MR. NAUGHTON:

Right. And our numbers are much lower --

MR. MARCHESE:

It's less than that.

MR. NAUGHTON:

Our number is much lower.

MR. MARCHESE:

It's 1.5.

MR. NAUGHTON:

Our net benefit is one and a half million dollars in IGT.

P.O. LINDSAY:

I really don't want to debate this at this point in time.

LEG. CILMI:

Thank you.

P.O. LINDSAY:

We've got a lot of work to do. Legislator Losquadro. Where did he go?

LEG. ROMAINE:

He left.

P.O. LINDSAY:

He left. Okay. Legislator Browning, do you want to --

LEG. BROWNING:

Oh, sure.

P.O. LINDSAY:

Ask a question, all right.

LEG. BROWNING:

Oh yeah. I have a question.

P.O. LINDSAY:

Let me just say this.

LEG. BROWNING:

Yeah.

P.O. LINDSAY:

This is way too premature --

LEG. BROWNING:

Absolutely.

P.O. LINDSAY:

-- to approve a contract or to have a hearing on a contract.

(Applause)

You know, by these gentlemen's own statement, they have to get together with our Budget Review Office to rectify the numbers. I'm waiting for -- you know, I'm hoping we're going to approve another appraisal. I'm waiting to see what Budget Review gives us back on the report of the sale of

this. The whole issue of the adult day care is going to reduce the cost of the sale price unless we get this reversed on a State level. So, you know, we got a lot more digging to do before we even get close to approving a contract.

LEG. BROWNING:

Mine is quick, because I will certainly make a motion to recess. However, the AME representative, we have received the letter from AME and I believe Dot Kerrigan mentioned the Mary Hibberd Law and that you have not followed -- you're not in compliance with the Mary Hibberd Law. Do you have a copy of this letter?

MR. BROWN:

Yes, we have a copy of the letter.

LEG. BROWNING:

Okay. I want to know in your opinion do you believe that you have complied with the Mary Hibberd Law.

MR. BROWN:

Yes. It's the opinion of the Department of Law that we're in compliance. Absolutely.

LEG. BROWNING:

Okay. Well, I think, you know, I don't know that the Legislature necessarily agrees, but that's my question.

MR. BROWN:

I could address each and every paragraph of the law and each and every element of compliance, but there are --

LEG. BROWNING:

I don't think we need to do that right now and today. I don't want to belabor this.

P.O. LINDSAY:

I think you already did that, Dennis, in your opening remarks.

MR. BROWN:

Yes.

LEG. BROWNING:

One other question is I know that there was something -- there was some discussion about the residents. You mentioned about the residents and that they have the right to stay there. However, I think there is an agreement with the owner that if he finds that they are no longer capable of taking care of the residents, that they do have the right to move them to another facility or take them somewhere else. Is that at their discretion or is there anything defined as to what -- you know, to move them out.

MR. MARCHESI:

It's at their -- it's not at their discretion. What it is is that if they cannot medically care for the individual, then they would have to transfer the individual to a facility that could care for them. So, you know, it's really a medical team approach when you evaluate the patient.

LEG. BROWNING:

And what recourse does the resident have if the medical condition can be debated that yes, they could stay there?

MR. MARCHESE:

Well, there's a whole State regulatory process as well as there's an ombudsman that the State Department of Health hires that's an independent arbitrator, if you would, of facilities. Basically they would intervene on behalf of the patient. That goes without saying with us as well. I mean, they're in our facility all the time.

LEG. BROWNING:

Okay. Thank you. I just -- I don't want to drag it out and I do think that, you know, we have a lot more to do before we can pass this out of Public Hearing.

P.O. LINDSAY:

Okay. Thank you very much. Thank you. Ben Zwirn.

MR. ZWIRN:

Thank you, Mr. Presiding Officer. I'll be very brief. With respect to the accounts receivable, that is considered an asset on the balance sheet, and despite that being considered an asset we're still showing a loss at the nursing home. And I would just ask -- our concern is that we know that there's another appraisal on the agenda for today. We just hope that the Legislature just keeps the process moving forward.

We're just afraid that it will be, you know, it will be killed because of lack of initiative.

LEG. ROMAINE:

Willingness.

MR. ZWIRN:

And we would hope that would not be the case. And also that this RFP and the response, this whole process be judged on its merits. I mean, this, you know, if we have a -- the private sector can provide the services for the public sector and save the taxpayers money. We think it's a good deal, not only in tough economic times which you face now, but even in good economic times it is something that should be considered. And that's all. We ask you to operate in good faith and the County Executive will move the process forward on his side and comply with the law just going forward. That's all.

P.O. LINDSAY:

We always operate in good faith. Okay. Frank Casiglia.

MR. CASIGLIA:

Good afternoon, Mr. Presiding Officer and Honorables all. My name is Frank Casiglia. I am Secretary for AME. I love listening to some of this stuff. I'm just going to read a prepared statement that I was given. It's probably much safer to do it that way.

The J.J. Foley Legislative Oversight Committee has been in operation for less than two years. In 2009 the facility cost 35 million dollars to run and it took in 40 million dollars. That means the Foley facility made a profit. In fact, for the first time in recent history, Foley rolled over one million dollars in funds. And there is no marketing administrators to professionally advertise or market the facility.

In Newsday on February 11, 2010, Mr. Levy was quoted three {inaudible} to take over County nursing home, that this has been a 20 year battle. Well, it's been almost 20 years that the County has continually mismanaged and run this facility into the ground. It should be expected to require at least more than two years with continued Legislative oversight to finally become self-sustaining.

Based simply on the one million dollars plus that rolled over, the John J. Foley Skilled Nursing Facility has already made a complete turnaround in less than two years. And yet there's still no marketing administrators to professionally advertise and market the facility.

On January 8, 2009, it was reported that the Legislative Oversight Committee, that the nursing home population was 233. That meant that Foley lost bed hold and the Medicaid revenue that goes with it. Why? It was because of their lack of effectively marketing this County facility. The workers had nothing to do with this mismanagement. Excuse me, just a moment. The facility has lost serious Medicaid revenue because its own administrative staff was not marketing the facilities, and yet there is still no marketing administrators to professionally advertise or market John J. Foley.

October 1, 1997, as recommended by the 1997 Suffolk County Blue Ribbon Panel, the County should aggressively market the facility to ensure that it can fulfill its historic mission to provide quality health care to those who need it. July, 2004, the establishment of a dedicated marketing and development unit was strongly recommended by the 2004 Task Force report. June 5, 2008, the HMM report noted that there was no professional marketing unit in place as recommended in 1997 and in 2004. And it should be noted that the HMM president, Dan Horan, was a member of the 2004 Task Force who recommended establishing a marketing and development unit back then. And there is still no marketing administrators to professionally advertise or market the facility. It is the County administrators who are holding this fine facility back from being profitable. I'm confident all the private nursing homeowners have their own marketing staff to bring in patients and residents. Thank you very much.

P.O. LINDSAY:

Frank, I can't let this go, all right. What you're portraying is the institution is not making money because we're not marketing it. We've had bed hold for a year. If we marketed it more where would you put the patients?

MR. CASIGLIA:

It's not just the patients, Mr. Presiding Officer. We've got a state-of-the-art rehab center there. We have TRICARE for our wounded warriors. How many have been marketed to have been brought in? Not one.

P.O. LINDSAY:

You still need beds. You need beds to put them in.

MR. CASIGLIA:

We've got bed hold now.

P.O. LINDSAY:

And you've had it for a year.

MR. CASIGLIA:

And I'm not arguing that issue, sir. But we did turn over a million dollars in turnover savings in 2009 after we got bed hold.

P.O. LINDSAY:

Yeah, but you can't blame marketing. Marketing brings more people in the facility. If you don't have someplace to put them, what good would the marketing do?

MR. CASIGLIA:

This has only just started, Mr. Presiding Officer, since the Legislative Oversight Committee came into effect. Prior to that there was no marketing.

P.O. LINDSAY:

Are you going to tell me about the Legislative Oversight Committee? I'm the one that introduced the resolution.

MR. CASIGLIA:

And it's been very successful.

P.O. LINDSAY:

I know it's been successful. And, you know, don't get me wrong, don't cloud the issue with something that isn't real. You -- if you market it more efficiently there's no place to put the people. I mean, the one hole in the system right now is we could put more people in the day hab, because we're up to 36 people, and we thought we had a capacity for 60, and we find out that nobody ever renewed the paperwork three or four years ago so it's still at 24. And now the State Health Department is telling us to shed people.

MR. CASIGLIA:

We're not disagreeing, but as you earlier had mentioned, I believe it was you, Mr. Presiding Officer, about the adult day care.

P.O. LINDSAY:

No, those guys did.

MR. CASIGLIA:

Okay. Have we seen major marketing to bring all that in? We haven't.

P.O. LINDSAY:

How could we market it? We have to get rid of people. Unless we get this license situation taken care of we have to figure out how to tell more than a dozen day care people to leave.

MR. CASIGLIA:

I think our point is now that the Legislature is overseeing what's going on, it's made a complete turnaround.

P.O. LINDSAY:

Okay. I just don't want the portrayal --

MR. CASIGLIA:

And I understand.

P.O. LINDSAY:

-- that we're not marketing it, marketing is the problem or could fix everything, because it can't.

MR. CASIGLIA:

I appreciate it.

P.O. LINDSAY:

Okay. Brian Kelly.

MR. KELLY:

Good afternoon. My name is Brian Kelly. I'm the third --

LEG. LOSQUADRO:

Hold the button.

MR. KELLY:

I'm the Third Vice President from AME. I have one question. If the Foley nursing home is such a drain and losing money, why would anyone in their right mind want to purchase this facility? Instead of trying to blame AME for not coming across with concessions, maybe we should look at the management. Thank you.

D.P.O. VILORIA-FISHER:

Thank you for your brevity, Brian.

P.O. LINDSAY:

Dan Farrell.

MR. FARRELL:

Good afternoon. My name is Dan Farrell. I'm AME Executive Vice President, and I.R. 1474 would constitute the final state of the process in approving the actual sale of the John J. Foley Skilled Nursing and Rehabilitation Facility. Once that bill was laid on the table at the April 27 meeting, the Public Hearing was thus set for May 11, 2010, which is today. By operation of State and County law in the absence of an affirmative vote by the County Legislature to delay the Public Hearing and at your request to get another appraisal. However, this is premature because it cannot be approved unless and until all of the Mary Hibberd conditions have been met first, including conducting all four public hearings, the closure of all four public hearings, Legislative Budget Review Office certification, pre-approval by all of the relevant New York State agencies, and since none of this is in place today, we request that the Public Hearings be recessed.

At this time I'd like to do a little exercise called real estate 101. I may be interested in selling my house. My house was built in 1995 at a cost of 36 million dollars. We had to pay for furnishings, which came in the amount of approximately four million dollars, to bring the total up to 40 million dollars. Then ten years later we made some lovely renovations, an entire physical rehabilitation wing on the fifth floor, at an additional cost of six million dollars. But now we might sell it. It's not really a sellers market, so I know we might not get what we paid for it, but maybe we should wait a few more years or better yet, not even sell it at all. However, it cost over 45 million to build it and furnish it and renovate it and it was built 15 years ago.

I don't know if you're aware of it, but the four acres that it came on came at no cost to the County; it was free. And upon hearing the County over here say that there's an additional ten more acres that are being included in the sale, so it's not four acres, it was told to us just today that it was 14 acres. So in doing the math here, how much do you believe 14 acres of prime wooded land in the Yaphank area is selling for these days?

So when doing all this math I don't think it makes any sense to sell the facility. Please take your time. Terrible mistakes were made when individuals rushed. This is too important of an issue impacting upon the lives of over 260 residents and at least that many AME workers and their families. Please, we beg you not to sell the facility. Thank you.

P.O. LINDSAY:

Dan, I just want to just point out something to you. There's different Public Hearings. This is the Public Hearing over this bill to approve the contract. This has nothing to do with the Mary Hibberd Law and the other public hearings that the Legislature's mandated to order. That's in another bill that's been tabled. So we're talking about two different Public Hearings. This does not -- this hearing does not start to fulfill the requirement of the Mary Hibberd Law.

MR. FARRELL:

Okay. Under testimony of the County they did say that they were fulfilling all of the Mary Hibberd Laws. So we just want to make the point that no, they haven't.

P.O. LINDSAY:

That's fine. Thank you very much.

MR. FARRELL:

Thank you very much.

P.O. LINDSAY:

I don't have any other cards on this subject. Is there anyone else in the audience? Please come forward, Mary. Barbara, would you get Mary's card, please.

MS. FINNIN:

Good afternoon. Thank you. My name is Mary Finnin. I'm a registered --

P.O. LINDSAY:

Hold the button. There you go.

MS. FINNIN:

Sorry. My name is Mary Finnin. I'm a registered nurse and a taxpayer. I'm here today -- I did not intend testify and I am surprised that there is a hearing on 1474 because I was at the Health Committee meeting when that particular motion was tabled. So I didn't expect that there would be a Public Hearing. If and when there is a Public Hearing I think we, the public, need all the financial information available to us so that we can give the accurate information in terms of cost, cost benefit ratios of selling.

In terms of the human factor, I'm totally opposed to the sale, but I will hold those comments until there is a legally set Public Hearing where we have all the information.

I will say in one of those bills, I don't have it with me, it made some statement about the patients will be taken care of and something to the effect even those without any insurance. I don't know a single, quote unquote, non-for-profit corporation that runs a nursing home that wants to take in anybody that doesn't have insurance. So, you know, I think there's inaccuracies in some of the claims and I think it's disingenuous that the County Exec has established hearings on May 18th and 19th when their own staff testified they won't even be meeting before that time with the BRO.

I request that this be tabled, recessed. Actually, I'd like to see this bill put in the shredder. Thank you.

P.O. LINDSAY:

Is there anybody else that would like to testify on this? Just to clarify something, Mary. When a bill comes before a Legislative committee that has to go through a Public Hearing, it's tabled for the purpose of Public Hearing. So it's consistent with what we're doing here today. Okay. Seeing none, I'm going to make a motion to recess.

LEG. BROWNING:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

J.R. 1489, A Local Law to establish a notification requirement for consultant contracts. I do not have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Montano?

LEG. MONTANO:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *I.R. 1490, A Local Law to extend Prompt Payment Policy for Not-for-Profit Contract Agencies.* And I have one card, Ben Zwirn. Is Ben still in the auditorium?

D.P.O. VILORIA-FISHER:

Ben has changed.

P.O. LINDSAY:

You don't look like Ben.

MR. KOVESDY:

He's got hair. I'll speak to it for Ben. I can speak to it.

P.O. LINDSAY:

Here comes Ben. Where is he coming from? Here he comes. Here comes Ben. That looks more like Ben. He didn't look like Ben.

MR. ZWIRN:

I'm going to look like that in like a year.

MR. KOVESDY:

Thanks a lot.

MR. ZWIRN:

That's so I don't have to teach his class anymore. Anyway, we just wanted to get on the record that there was some comments --

P.O. LINDSAY:

You've got more hair than he does, Ben.

MR. ZWIRN:

Not for long. But -- I'm not shaving the mustache, no, Legislator Montano. But anyway, we just wanted to get on the record, there was some testimony earlier today, a representative from The Retreat, that said the County was slow in its payments to them. Their payments that they were talking about, and they're going to send a letter to the County Executive's Office making the correction, was not from the County. The County has paid them promptly. We were actually advancing them money even before their contract was signed. So they have not -- they have no complaints from the County, but they are complaining about certain State revenue and Federal revenue that is coming in late.

The County has done, I think, a really remarkable job on the contracts and getting payments out to the not-for-profits. One of the problems we're facing is that the State is in such bad financial shape, a lot of the money we pay is pass through money that comes from the State to the County, and then we make the payments. If that money isn't there, we can't make those payments.

I was part of the original team where we wanted to get the contract signed early, we had a contract signing day when everything was in order. We signed the contracts in a hurry. This year there was no need to even do that because -- there was no need for a second signing day last year, and this year we're really meeting the goals of the department and we have had really no complaints from the contract agencies.

We just wanted to set the record straight. We think there really -- this legislation is unnecessary at this time. But we understand that you are pushing the departments to follow through and we have -- we think we've met that -- met that suggestion and continue to meet it. That's all. Thank you.

LEG. GREGORY:

Mr. Chair.

P.O. LINDSAY:

Thank you, Ben. We have a question from Legislator Gregory and I don't know whether Legislator Romaine wants to --

LEG. ROMAINE:

No.

P.O. LINDSAY:

Okay. Legislator Gregory.

LEG. GREGORY:

Okay. So your statement here today is that the process is great, everything is working, and I don't have the letter in front of me, the letters, but it's my understanding that there was a contract signing date February of last year, and approximately 92 agencies that got their contracts pretty much on time out of the hundreds that we contract with. This year, that number was approximately 38 to 40. So I would think that we're kind of going in the backwards direction and not the moving forward and approving things for more of a majority of the agencies. What are your -- is that correct?

MR. ZWIRN:

Legislator Gregory, that was because the different agencies -- those were the agencies that complied getting all of their information in, and then we were there to meet with them and get that done. If there were more people that had wanted to get the early contracts done, we would have responded. We have done -- we have really kept our side of the bargain and I think if you ask the contract agencies, I think you'll find by and large if there's an exception, generally there is a reason for it. If we can find out what the reason is we can resolve it quickly. We have really cut down on the amount of paperwork and have gotten it done.

I'd be glad to sit down and talk with you, with anyone, anything that's specific. As I said, the woman from The Retreat was here earlier today and what she was complaining about really was not the County, but the State and Federal Government, and she's going to send a letter to the County to show that correction.

LEG. GREGORY:

With all due respect I would disagree with you. There was a woman who testified last Public Hearing and she hadn't gotten paid since October from last year's contract. The day after -- she had no information, she didn't get any status from anyone. The day after she testified she got a call from the Department of Health, we have your money, come pick up your check. So that's the system that we're working with.

MR. ZWIRN:

Well, as I say, I think there may be some exceptions, but I think we can handle those on a case by case basis. I don't think it's a systemwide problem. I understand, you know, you getting calls and you respond to the calls, but I think we have really met the responsibilities of the departments and their contract agencies. As I say, if they are individual contracts we're always available to help a Legislator with agencies in their district to try to get any problems resolved.

P.O. LINDSAY:

Okay. Thank you very much, Ben. I don't have any other cards on this subject. Anybody else want to speak on 1490? Seeing none, Legislator Gregory?

LEG. GREGORY:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Next up is *I.R. 1500, A Local Law amending the Suffolk County Empire Zone Boundaries to include Gemini Pharmaceuticals, Inc.*

And I have one card, Michael Finamore.

MR. FINAMORE:

Thank you. I'd just like to thank -- thank you for allowing me to appear today. I'm here with respect to I.R. 1500. My name is Michael Finamore and I'm the Director of Sales and Marketing at Gemini Pharmaceuticals. I'd like to take this opportunity to thank you all for allowing this to go in a very expedited manner as I do know this particular program is going to sunset rather soon, and I do know that a lot of people here have made it their focus to move us along. We really do appreciate that.

I'd like to take this opportunity to allow anyone here to ask any questions pertaining to this application, but to give you a little background about Gemini Pharmaceuticals. We are a family owned manufacturer of OTC drugs, vitamins and nutritional supplements. We're based over in Commack, and we employ about 120 people at this point in time. Due to some expansion we're hoping to undertake, and we've begun to undertake, we are confident that we are going to be able to add a number of jobs over the next few years and satisfy our obligations under the program. We require this not only to stay competitive but also to be able to bring these jobs to our neighborhood. And any further questions I'll gladly answer them at this time. Thank you.

P.O. LINDSAY:

Thank you, Mr. Finamore. Does anybody have any questions? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Stern. All in favor? Opposed? Abstentions? The hearing stands closed.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Thank you. Next up is *I.R. 1507, A Local Law increasing the accountability of schools on bullying behavior.* I have a number of cards. Alita Ditkowsky.

D.P.O. VILORIA-FISHER:

Go ahead.

MS. DITKOWSKY:

Hi. My name is Alita Ditkowsky, and after reading an article in the paper this morning I was compelled to come here today and tell my daughter's story in hopes that this law will definitely be passed. Something needs to be done about this massive problem in our school district -- all school districts.

My daughter Jessica was the target of a bully that they initially were friends and after the friendship ended, when my daughter discovered that she had done several things, including stealing from her, my daughter ended the friendship and after the friendship ended it started, I guess, a campaign against my daughter. She had gotten other friends involved to attack my daughter, to say things that weren't nice, to bully her on the internet, to bully her on her cell phone. And I kept telling my daughter, you know what, don't pay any attention to her, words cannot hurt you. And my daughter does have a lot of friends in school, so for a while, that was -- we were content with that.

I had written a letter to the school to please keep the two children separate from each other. It didn't matter that I wrote a letter; they still put the two children in classes together. I had to go up to the school, I had to complain, I had to take her out of the classes. It wasn't until last year when this child got another friend to literally smash my daughter into a locker when my daughter wasn't looking. My daughter had her back to this child. The child smashed her face into a locker. My daughter was bruised, injured. Several witnesses -- and when I went to the -- my daughter was hysterical crying and called me. I went into the school and I said I want the police called. They said this is not a police matter, that this is a school matter, and they will deal with it. And I said I want this child's parents called, I want the police notified. You know, it's my understanding in this state that no child can put a hand on another child, especially to push her against -- into a locker and smash her face.

Apparently the school insisted that they were going to take care of it and I said please, I want these two children kept separate from now on. I don't want them anywhere near each other. Well, I wrote the letter, and I was promised and sworn this year that they would be kept apart. And when the school district started -- and when the school year started this year they were, they weren't in any classes together. It wasn't until December when all of a sudden my daughter came up to me in my car hyperventilating, having a panic attack, because in her 10th period English class it turns out that this child was now put in my daughter's English class. Why? I have absolutely no idea. You'll have to ask the school district why they did it. I have -- I have opinions why they did it, but I don't know for a fact. All I know was that my daughter was left hysterical.

When I went up to the school district -- when I went to the school and I complained and I said I want this child removed from my daughter's class, I was told they will not do it, they will remove my daughter. I said that is completely and totally unacceptable. My daughter will not be removed from a classroom that she was already in. I said you put this child in there. I have written letters, you know about the problem between these two children. It is your obligation and your responsibility to remove that child from my daughter's class. They refused to do so. I then called Albany. I called newspapers. I made several phone calls to many different parents. All I know -- I think at that point I had told the guidance counselor that I was going to pull Jessica out for 10th period English every single day until they removed that child from my daughter's class.

It wasn't until -- oh, and I did call a lawyer as well. And I have to tell you, lawyers don't scare these school districts. You know why? Because our tax dollars pay for these mega lawyers that the school districts have to fight us parents when we have problems, and that is completely and totally unacceptable. We're left with absolutely nothing. You know, whatever lawyers we hire aren't the, you know, ten team lawyers that the school districts hire. And they're using our tax dollars to do it. So they're not afraid of lawyers; they're more afraid of Albany and they're more afraid of their pocketbooks and they are more afraid of being fined.

D.P.O. VILORIA-FISHER:

Ms. Ditkowsky, your time is up.

MS. DITKOWSKY:

What?

D.P.O. VILORIA-FISHER:

Your five minutes are up.

MS. DITKOWSKY:

Okay. Well, I'm asking please, I'm actually begging, that all of you pass this law because there are children being hurt every single day and the school districts need to be told what's acceptable and what isn't, because they alone are not making that decision appropriately.

D.P.O. VILORIA-FISHER:

Thank you.

(Applause)

LEG. COOPER:

Excuse me, before you leave, ma'am.

D.P.O. VILORIA-FISHER:

Ms. Ditkowsky, there is a question.

LEG. COOPER:

Could you just clarify, if you don't mind, about what school district your daughter was in?

MS. DITKOWSKY:

Commack.

D.P.O. VILORIA-FISHER:

Our next speaker, Anne Isaacs. Thank you, Mrs. Ditkowsky.

MS. ISAACS:

Hi. My name is Anne Isaacs and I'm Jamie's mom. I'm here to support Legislator Cooper's bill. My daughter Jamie was bullied for almost six years because the Sachem School District didn't do their best to stop it. As a parent, it has been extremely difficult to sit back and allow Jamie, as well as our son Danny, be bullied at the hands of the Sachem school.

It's interesting that you brought up the tax dollar refund before. We have brought that to the attention of Charles Murphy, the Superintendent, the previous Superintendent. And he told us absolutely not, you will not get a refund. So we feel as though, you know, we had to go ahead and sue the district and sue the schools, not only to try to get our tax dollars back, but just for what they did to Jamie. I feel as though our hard earned tax dollars are going to pay teachers and principals salaries, but yet they're allowing the bullying to take place. So in essence our tax dollars are going to fund bullying.

I feel as though changes need to be made not only within the Sachem School District, but in every district. We need to make schools accountable if they're going to let repeated bullying take place without punishment. Before I approached the school district with all of the problems that Jamie was having, I had gone to the library and I had done a whole bunch of research on all the school laws to see what laws the teachers and the principal and assistant principal in the district had violated. So I tried to give myself a very good education on what I was about to conquer and what I was about to take on.

It's amazing because we give our children a lot of love and respect and as soon as they walk out our door, they are what I call legally kidnapped by the system where the school system can do whatever they want with them, bully them, torment them and allow this to continue, to continue for all these years without any recourse.

I am urging all of you to please pass this bill. I feel as though when this law is passed it will force the school district to have zero tolerance. I commend Legislator Cooper for putting this bill together and for hearing our voice. Too many children have taken their lives. We need to give these kids a reason to live. We can't save the world, but we can change it one life at a time. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:

Thank you, Ms. Isaacs. Our next speaker is Ron Isaacs.

MR. ISAACS:

Good afternoon again. I'm back to support Legislator Cooper's second bill. My name is Ron Isaacs and I'm here to talk to everybody about the importance of this bill as well as the last bill that I spoke about. I'm honored that Mr. Cooper had asked us for our input and that he's taken my daughter's ideas for a law that holds teachers, principals and school district administrators personally responsible for not taking the proper actions to either put a stop to the bullying of a child, or preventing the continuance and spreading of the behavior.

As I stated before, my daughter began getting bullied in second grade, and with each passing day, week and year the bullying not only continued, but the main bully actually got other kids involved. With each incident that occurred, my wife and I would go to the Principal of the Wenonah Elementary School in the Sachem Central School District, Ms. DePaola, to ask for her help. Each time we were told that there was nothing that could be done or we were given a complacent attitude and we were dismissed. Each time we were told there was nothing she could do. We went to the Assistant Principal, Mr. Mayer, who told us that his hands were tied by the Principal, Ms. DePaola.

The bullying continued until my daughter was in the fifth grade. In fifth grade the bullying got so bad and so commonplace in the elementary school that even her teacher Mr. Maurici, her fifth grade teacher, actually started to call her names and encouraged the rest of the class to call her demeaning and derogatory names on a daily basis. Again, the Principal, Ms. DePaola, refused to get it to stop. We had already dealt with Mr. James Ruck, the previous superintendent, and now we went to the Superintendent Charles Murphy, who we had been to multiple times and, again, there were no actions taken to get the bullying to stop.

We had no recourse but to file a claim against the district and get the administrators, principal and teacher in order to get some relief. But this only made it worse as then I was determined to be a security risk after they were served with the Notice of Claim. Because I was a security risk at this point I was now not permitted to park my car in a handicapped spot, that I had been using for years with a valid permit, to pick my kids up from school, and I was not allowed to walk on the sidewalk in front of the school when I picked up my children at the end of the school day. Sachem actually got security guards that prevented me from getting out of my car and they would escort my children by the arm to my car. It was getting completely out of control. This Principal, Ms. DiPaola, even went into my parked car and confiscated my handicapped parking permit. Her explanation for this act was so she could call the Town of Brookhaven to see if the permit was both valid and if it actually belonged to me. The district had taken the stand that they were right in letting the bullying continue. And they even decided it was time to bully me and my entire family.

At this point my daughter was in the middle school. She had continued on to the middle school, Samoset, with the bullying continuing against her, where the kids were getting other kids to actually sign up and join a hate club. The hate club was to get as many kids together as they could to either hurt or kill my daughter after school. This was brought to the attention of the Assistant Principal,

Mr. James Horan, and the Principal, Ms. Mary Cavanaugh, but only one child was give a mild punishment. The hate club had only one ultimate point and this was to have my daughter hurt or killed.

With 22 kids now involved in the daily harassing of Jamie and the principal telling us that she could not control the bullying because there were too many kids involved, we felt that with no other options available we were going to have to pull our daughter out of the Sachem Central School District and move her to a private school. And after meeting with the school district, we were told by them that that would be the best thing for us to do because they could not provide the safe environment for our daughter that she needed. This was not the answer.

The school and its administrators should have processes in place that address the importance of this issue, processes that will help to prevent the bullying, stop the bullying and educate the staff and the students about how damaging bullying can actually be, to both the victim and even the bully. Because these processes are not in place and these administrators are complacent about the issue and not held personally liable for their actions, this continues. When my son Danny got to the same middle school, Samoset, he was bullied by the same kids that bullied my daughter, to the point that he too had to be removed from the same middle school that my daughter Jamie was moved from.

P.O. LINDSAY:

Mr. Isaacs, you're out of time. Could you please wrap up?

MR. ISAACS:

I will close it up. With the passing of this law, maybe the school district, the administrators, principals, teachers and other faculty will do whatever needs to be done in order to put a stop to the bullying, because if they do not, there will be stiff penalties and they will be personally responsible. In addition, maybe the bullies will now realize that it will now be a crime to bully someone either on or off campus any time of the day and even by electronic means. Thank you.

P.O. LINDSAY:

Thank you. Last card is Roni Benson. Roni Benson. No Roni Benson?

LEG. COOPER:

I think she had to leave.

P.O. LINDSAY:

Okay, she left. I don't have any other cards on this subject. Is there anyone else that would like to speak on this subject? Please identify yourself.

MR. CARLINSKY:

My name is Mitchell Carlinsky. I would like to speak on the subject. I'm the attorney for the Isaacs family. I applaud the efforts here to pass this bill. It's long overdue. The key here is accountability. These districts -- I've witnessed this now for six years. These districts really don't listen. It goes in one ear and out the other because they really don't have to answer to anybody but themselves. But not only do we need accountability, but we also need education. We have to educate the districts, the parents, the teachers, the employees of the districts of how to police this bullying, and I think that's something that should be added to this bill if at all possible.

In addition, this should also be something to impress upon Albany that this should become a statute instead of just something here in Suffolk County. It is -- it has been a very, I can't think of the word I want to use, but a difficult experience watching this over the past six years. We filed four separate Notices of Claims, we've had 50H hearings, all with the intent of trying to stop this. And all I could tell you is the answers I get from the attorneys representing the district is looking at me like it's a joke. And it's not a joke. Thank you.

P.O. LINDSAY:

Thank you very much.

(Applause)

There is another gentleman. Please come forward and identify yourself.

MR. DEABOLD:

George Deabold, founder and Chairman of School Watch. I would really implore you all to pass this bill. This is long overdue. You have to have teacher accountability. Too many teachers and administrators are turning their backs and letting child safety issues fall to the wayside. Just look at the papers, the issues that are happening all over the country. It is growing. As students get access to other students, increase in technology brings them closer together which leads to more confrontation and more bullying. I would ask that you pass this bill, levy some kind of fine against administrators that turn a blind eye to children safety issues. Thank you very much.

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

P.O. LINDSAY:

Thank you. Legislator Cooper, do you want to make a motion?

LEG. COOPER:

Yes. Motion to recess, please.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen. Sorry, seventeen.

P.O. LINDSAY:

Barbara, would you get that card? Thank you.

All right. ***Public Hearing on IR 1509-10 - Adopting Local Law No. -2010, A Local Law prohibiting cyberstalking in Suffolk County (Cooper).*** I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper, what's your pleasure?

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Public Hearing on IR 1510-10 - A Local Law to strengthen citizen protections against sex offenders (Presiding Officer Lindsay).

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

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Okay, that concludes the Public Hearings for today. I want to set the date for the following Public Hearings of June 8th, 2010 at 2:30 PM at the Rose Caracappa Auditorium, Hauppauge, New York; IR 1512, a Local Law establishing a Gun Offender Registry in Suffolk County; IR 1531, a Local Law improving tourism promotion in Suffolk County; IR 1534, a Local Law to authorize transfer of development rights for non-profit community center; IR 1555, a Local Law to amend the County's Clean Pass Parking Program; IR 1556, a Charter Law to clarify procedure for removal of certain appointed department heads and board members 'and IR 1576, a Charter Law creating a program for public financing for County campaigns and the banning of certain donations to curb political conflicts of interest. Do I have a second to that motion?

D.P.O. VILORIA-FISHER:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Kennedy & Montano).

P.O. LINDSAY:

Okay, back to the Public Portion:

David Leno? David Leno? I don't see any David Leno. Don Eversoll?

D.P.O. VILORIA-FISHER:

I don't see him.

P.O. LINDSAY:

No. Mario Mattera?

D.P.O. VILORIA-FISHER:

Nope.

P.O. LINDSAY:

Diane Renne? Naomi Hogarty? Dr. Carmine F. Vasile?

D.P.O. VILORIA-FISHER:

He spoke during Public Portion.

P.O. LINDSAY:

Bob Coughlan? Paul Pontieri? Alita Ditkowsky?

D.P.O. VILORIA-FISHER:

She spoke on the Public Hearing.

P.O. LINDSAY:

Frank Nitto? It looks like Robyn Grennan? Ray Dean? Johan McConnell? John McConnell? And Jennifer Critcher?

Okay, we've completed the public. Okay, come on, Dot.

MS. KERRIGAN:

I'll try to make this quick.

D.P.O. VILORIA-FISHER:

Well, you have no choice, three minutes.

MS. KERRIGAN:

Okay. My name is Dorothy Kerrigan, I'm with Association of Municipal Employees and I'm also a nurse at John J. Foley.

I was happy to be sitting here when Mr. Brown spoke and Mr. Marchese and Mr. Naughton. I did read the contract of sale of the assets, I went over all the paperwork, and it did quite look like -- I was quite impressed when I first went over everything. It really looked like they made a great attempt to comply with the Mary Hibberd Law. But for instance, exhibit -- appendix H, exhibit H had nothing to do whatsoever. The front of the page reads, "Documentation from the New York State Department of Health"; it's basically a letter on Department of Health stationery. It has nothing whatsoever to do with approving, permission, compliance, recommendation to Suffolk, nothing at all.

Mr. Marchese mentions the footprint of the building is 14.06 acres or 14 acres; that is not true. The footprint of the building is a lot less acreage. I myself spoke with the County Executive two years ago, he didn't know who I was, but I was at the Obama -- the night that Obama won the presidency, I was at the hotel and I shook hands with the County Executive and he said yes, he was going forward with his plans to sell Foley and that he was going to sweeten the deal with the 14 acres surrounding the facility. That's when I introduced myself as a nurse at the facility and he no longer wanted to speak with me.

*(*Laughter*)*

I will agree with Mr. Marchese's statement that there are PRI's to discharge all of the residents; that's exactly true. They're written at the time of admission, basically making it very easy to discharge any of the residents. In the contract it says that they cannot discharge them except for a change in medical condition, which happens on a daily basis at a nursing home or any kind of medical facility that happens. And what happens is also not correct about the Ombudsman. It is correct, what Mr. Marchese said, that the Ombudsman is in JJ Foley all the time. That may or may not be true, but it has nothing at all to do with people keeping residents there permanently. They cannot advocate for a resident when that resident goes to the hospital because they have a change in medical condition and they simply do not come back; there's nothing an Ombudsman can do about that, they just do not come back. I've seen it happen while I've been a nurse there, and I am sure in a private facility will want to make money.

Mr. Marchese stated that the figure will be \$36 million, which is the sale price, but he did not mention that there's a formula built into the contract to take over \$2 million off of that if they don't get permits for the adult day health care.

P.O. LINDSAY:

Dot, you're out of time, Dot.

MS. KERRIGAN:

Okay. I'd like to make one more statement about Mr. Naughton. I was really --

P.O. LINDSAY:

Go ahead, make the statement, but I think --

MS. KERRIGAN:

One statement. Mr. Naughton --

P.O. LINDSAY:

I think you're going to have a chance to talk about this some more.

MS. KERRIGAN:

I hope so, thank you, unfortunately. Mr. Naughton mentioned partnering with a hospital is a big difference between the Nassau County facility and the John J. Foley, and I think that's a wonderful thing to point out and we should look to partnering with a hospital, that would be a great idea; thank you, Mr. Naughton.

LEG. ROMAINE:

By the way, Mr. Levy is no longer celebrating Mr. Obama's victory.

*(*Laughter*)*

P.O. LINDSAY:

Very observant, that's very observant of you.

D.P.O. VILORIA-FISHER:

You can't get anything past you, Ed.

P.O. LINDSAY:

Okay, that should conclude the public portion. So I'll accept a motion to close the public portion by Legislator Muratore, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. Sixteen (Not Present: Legislators Kennedy & Montano).

P.O. LINDSAY:

Okay. So hallelujah, public portion is closed. And now we actually get to do some work and go to the agenda.

All right, I'll accept a motion on the *Consent Calendar*.

LEG. ROMAINE:

So moved.

P.O. LINDSAY:

Motion by Legislator Romaine. Do I have a second?

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Did you want to be recognized, Legislator Eddington?

LEG. EDDINGTON:

Yes, I was wondering when you start, can I take -- ask to take IR 1492 out of order? I have an appointee waiting and I would like to get him home for dinner.

P.O. LINDSAY:

What page is that on, if you could help us out?

LEG. EDDINGTON:

It's Public Safety Committee, down at the bottom, around page 12 or 13.

P.O. LINDSAY:

It's page 13, the last resolution on 1492 on page 13. We have a motion by Legislator Eddington to take 1492 out of order.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, **1492** is now before us, ***Appoint member to the Suffolk County Vocational, Education, and Extension Board (Brian Deedy) (Romaine).***

Do I have a motion?

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by who?

MR. NOLAN:

Eddington.

P.O. LINDSAY:

Eddington, okay.

LEG. ROMAINE:

Second, please.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. EDDINGTON:

Would you like Mr. Deedy to come forward?

P.O. LINDSAY:

Please, being that he waited here so long, he should -- actually we should see what he looks like.

(*Laughter*)

LEG. EDDINGTON:

I hope you teach Social Studies because you've had a civic lesson today.

LEG. ROMAINE:

Right there. You have to hold it down.

P.O. LINDSAY:

Thank you, Mr. Deedy. How long have you been sitting here?

MR. DEEDY:

About 3:30.

P.O. LINDSAY:

Oh, that isn't too bad.

MR. DEEDY:

Well, they wanted me to come at 9:30 this morning, but I told them --

P.O. LINDSAY:

Oh, thank God you didn't. Thank God you didn't.

MR. DEEDY:

-- the school district really wasn't going to go for that.

P.O. LINDSAY:

Because if you were here since 9:30 this morning, I was going to ask you, do you know anything about cyber bullying, sex offenders or the nursing home?

*(*Laughter*)*

MR. DEEDY:

I'm going to turn the mike off.

P.O. LINDSAY:

Okay. First of all, I'd like to thank you for coming forward to serve the County.

MR. DEEDY:

Thank you.

P.O. LINDSAY:

We have a tremendous amount of volunteers who give so much of their time and I appreciate you adding your skill set to that group of people.

MR. DEEDY:

Thank you.

P.O. LINDSAY:

You want to take over, Legislator Eddington?

LEG. EDDINGTON:

Why don't you just give us a little bit of your background.

MR. DEEDY:

Well, I've been involved in the volunteer service in Suffolk County since I was 18. Joined North Patchogue Fire Department in the midst of the wildfires in July of 1995. Prior to that, I was one of the charter members of their Juniors Program, Explorer Post at that time. In 2005 or so, I broke family tradition in North Patchogue and moved out, I had a pretty large family following there before I left. I now currently reside in Center Moriches where I have been a fireman since 2005. Currently hold the rank of Lieutenant in the Fire Department there, that's why I was kind of hoping to get out of here soon, I've got a meeting tonight over at the firehouse at seven, I'll have about 25 or 30 guys

waiting for me there.

And I've also been involved in the educational field since I was about 19. I started working for BOCES as a teacher assistant throughout all their programs and I have been with the East Islip School District now for the last nine years. So I'm just hoping to take my educational background, mix it with my other real love in life for fire department and hopefully bring some good things to the County's Fire Academy.

P.O. LINDSAY:

Wonderful, wonderful. Does anybody else have comments, questions? Legislator Viloría-Fisher. Were you done, Legislator Eddington?

LEG. EDDINGTON:

Yes, I am. Thank you.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

What do you teach, Mr. Deedy?

MR. DEEDY:

I teach 6th grade English and Mathematics.1

D.P.O. VILORIA-FISHER:

That's a good combo.

P.O. LINDSAY:

Okay. Thank you, Mr. Deedy. We have a motion and a second for approval?

LEG. EDDINGTON:

Yes, we do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. CILMI:

List me as a cosponsor, please.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Congratulations, Mr. Deedy. Thank you again for your service.

MR. DEEDY:

All right, thank you. I'm done for now? I can head on out?

P.O. LINDSAY:

Yes, you're done.

D.P.O. VILORIA-FISHER:

Thank you for coming.

P.O. LINDSAY:

Go make your meeting.

Okay, let's go back to page nine, [Resolutions Tabled to May 1th, 2010:](#)

First up is *1024-10 - Adopted Local No. -2010, A Charter Law to implement a cost saving measure to help mitigate budgetary shortfall by purchasing 5000 Corporate Court, Town of Brookhaven (County Executive)*. Do I have a motion?

LEG. LOSQUADRO:

This is to waive the offset?

MR. NOLAN:

Yeah.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion to approve?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Motion to approve.

D.P.O. VILORIA-FISHER:

Motion to table.

P.O. LINDSAY:

Motion to table. I need seconds to both.

LEG. D'AMARO:

What is this on?

LEG. EDDINGTON:

I'll second the table.

P.O. LINDSAY:

Second to the tabling. Do I have a second to the approval motion?

LEG. D'AMARO:

I'll second.

D.P.O. VILORIA-FISHER:

On the motion.

P.O. LINDSAY:

Second by Legislator D'Amaro. On the motion, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I just want to remind my colleagues that when we discussed this last month, we were told that the execution of a contract wouldn't be happening, or the closing wouldn't be happening until at least December, and it doesn't seem to warrant piercing our cap at this particular point when we can just pass this as part of the budget next year, in the 2011 budget and do it the right way.

P.O. LINDSAY:

Could I just add to that? It's a subject that the Capital Budget Working Group has already broached; as matter of fact, I think we're going to be dealing with it this Friday. I talked to the

Executive Branch about it, it's certainly doable, rather than to pierce the cap to move it to 2011. The problem is they want \$37 million added to the Capital Budget to do this, which would account for the purchase as well as initial renovations, and that's the issue that the Capital Budget Working Group is going to be discussing this Friday. First Legislator Horsley and then D'Amaro.

LEG. HORSLEY:

Yeah, I just wanted to let everybody know, I talked to the real estate group yesterday, the Knight group, and basically they felt that the timing to go into next year will be okay. So they were buying into the tabling as well.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. I'm inclined to withdraw my second on the approval, but I wanted to ask a question first. Because I do agree that, you know, the debt cap is there for a reason and if it's not going to have any impact on the transaction if we move it into the Capital Budget process, I could go along with that, of course.

But Mr. Presiding officer, you mentioned that it would require a \$37 million increase to the Capital Budget. Wouldn't that be the requirement whether we do it this way with this bill or if we do it through the Capital Budget for next year? The difference -- my point is the difference would be that if we go through the route of this bill, we're piercing the cap; if we go through the route of the Capital Budget for next year, we're not piercing the cap but we still need the outlay.

P.O. LINDSAY:

You're absolutely right.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

The reason I threw out that number is it was such a difference. When this issue first came before us in December, the number that was floated around was \$22 million. And I had a conversation with Mr. Kent from the Executive's Office the other day about, you know, if the Capital Working Group was to put in a number for next year, what are we looking at? You know, the real estate climate has certainly changed since we looked at this in December, do you anticipate any increase, and he said to be on the safe side, put in \$37 million which would account for any overages and some initial renovations. You know, so that's -- I was taken aback a little bit by that number because --

LEG. D'AMARO:

Well, because it's far more than what is being requested through this procedure, through this bill.

D.P.O. VILORIA-FISHER:

No. I believe --

LEG. D'AMARO:

Or is that incorrect?

MR. NOLAN:

We don't even have a number yet.

P.O. LINDSAY:

This -- yeah.

D.P.O. VILORIA-FISHER:

I thought that it was increasing debt service by 37 million if we pierce the cap?

P.O. LINDSAY:

Go ahead; Counsel, could you clarify?

MR. NOLAN:

This bill doesn't even have a number, it just authorizes us to make the transaction later without an offset. So there is no number in this bill.

LEG. D'AMARO:

So the 37 would be the number most likely under this bill or through the process, the Capital Budget process.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

I mean, we could certainly -- what I would like to do is I'd like to table this for another cycle, and the reason why, it would give the Capital Budget Working Group a chance to address this in their meetings and to get more clarity. Because the numbers I'm throwing out right now was just by a telephone conversation I had with Mr. Kent, and I'm sure the Working Group is going to want to delve in a little bit deeper, the difference between the 22 and the 37 and what's it going for and, you know, did this -- I mean, the original reason we looked at this property, and I was very enthusiastic about it in December because I thought it was a such a great bargain, because it is a beautiful building, I toured the building. I'm not sure it's as good a bargain at 37, you know, and that's the analysis I think that has to be done.

LEG. D'AMARO:

Yeah, that's my concern. If we're waiting even a short period of time to go through the Capital Budget process, do we, in effect -- is the deal no longer cost effective to the County?

P.O. LINDSAY:

Yeah, and that's the kind of analysis I think we would like to do.

One of the things that was expressed in the first Capital Budget Working Budget meeting was that, you know, nobody is really crazy about waiving our cap laws, especially to that extent. So they charged me with trying to get some kind of idea if the deal was still doable, and would it be doable if we extended it in to next year's Capital Budget and what kind of number we need to put in there. And almost as importantly, if we expanded the Capital Budget by that large amount, would we be criticized for it?

LEG. D'AMARO:

As opposed to perhaps piercing the cap now at a lower price and although we're piercing the cap, it's a positive to the County, at least based on some of the charts we've seen from BRO in the first ten years.

P.O. LINDSAY:

Yeah, I think they're all the issues that are on the table, you know. But I have a couple more -- we don't have a motion on this yet, right?

D.P.O. VILORIA-FISHER:

Yeah, we have two.

P.O. LINDSAY:

We have two motions, okay, but we have a couple of more people that want to talk. Legislator Viloría-Fisher and then Horsley and then Browning.

D.P.O. VILORIA-FISHER:

My understanding, and perhaps somebody could give me some more information on this, is that we're looking at 37 million, but that's not because the price of the acquisition was going up but because of other expenses that were being included in what was needed in order to open the building; that was my understanding.

Ben or somebody from the County Executive's Office, through the Chair, if I may ask that? We haven't seen an offer rejected and then had a higher number presented to us, have we?

MR. ZWIRN:

No, no, everything that has been stated at the horseshoe today is accurate.

D.P.O. VILORIA-FISHER:

So that 37 million doesn't reflect a higher price.

MR. ZWIRN:

No, it would include renovations and bringing the building up to specs for County use.

D.P.O. VILORIA-FISHER:

So then the amount by which we would have to pierce the cap would be approximately the same.

MR. ZWIRN:

I think if we included the renovations at that time, but I'm not sure renovations were included in the original contemplation. It would have been the purchase and then going forward into 2011, they would have seen what the numbers were. I think that the conversations the Presiding Officer had with Chris Kent, I think he's reflected them the way they were, that he's including -- if you're going to do it in 2011, these are what the anticipated costs could be.

D.P.O. VILORIA-FISHER:

Okay. But the costs do not increase because we would be putting it in the Capital Budget.

MR. ZWIRN:

That's -- yes, that's correct.

D.P.O. VILORIA-FISHER:

They're just rolling other expenditures into that one sum.

MR. ZWIRN:

That's my understanding, they would --

D.P.O. VILORIA-FISHER:

Okay, that was my understanding as well.

MR. ZWIRN:

Yes, yes.

D.P.O. VILORIA-FISHER:

Okay, we're not making it any more expensive. So it's \$37 million now or \$37 million then, we would just be increasing our debt service now. But they split it up so it was less painful, so it was 22 and then they were going to put -- has the County Executive included the other 15 in the Capital Budget if he's anticipating those expenses?

MR. ZWIRN:

I don't know, I haven't looked.

D.P.O. VILORIA-FISHER:

So then we would have to pierce cap by the 37.

MR. ZWIRN:

Either that or use an offset for a project that wouldn't be getting done in 2011.

D.P.O. VILORIA-FISHER:

Look for an offset in 2011.

MR. ZWIRN:

Correct.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Horsley.

LEG. HORSLEY:

Yeah, just -- I'm not trying to throw a curve ball at this, but from what I understood from when I talked to the realtors yesterday, the reason why the dollar amount was going up was because they've rented another portion of the building and that rental was for a fairly long term, so the worth of the building went up.

P.O. LINDSAY:

Okay. That makes sense. Legislator Browning.

LEG. BROWNING:

That's okay, I think Vivian said what I was going to say.

P.O. LINDSAY:

Okay. Legislator Gregory?

LEG. GREGORY:

I, too, was in the meeting yesterday with Legislator Horsley with Jack O'Connor and the other guy and you're right, the number originally was 22 million. We spoke to him yesterday, he said because of the rental, the property is more -- I don't want to say expensive, but it's more valuable because it's more of --

LEG. HORSLEY:

The return will be bigger.

LEG. GREGORY:

The return will be bigger, and that number right now should be 28 million. So I'm kind of confused where they come with this 37 million. But they did say that the property owner is on a dual track with us and they're looking to lease 38,000 more square feet --

LEG. HORSLEY:

Right, with the IRS.

LEG. GREGORY:

-- with the IRS. So this may be all for naught in a matter of months. They're hopeful that by the end of this year, beginning of next year, that there's still an opportunity for us, but we don't know,

it's all a gamble at this point. But the number should be at 28 million.

P.O. LINDSAY:

Well, what I'm simply proposing is by our next meeting I think this has to be resolved one way or the other or you're going to be out of the market. And the issue here is whether we want to put it in the Capital -- if we do want to purchase the building, whether we want to put it in the Capital Budget next year or we want to pierce the cap and do it this year, and that's a big issue. So I think process-wise, if you just -- if you allow the Capital Budget Working Group to get the specifics from the administration, we're going to meet again Friday. I hope to get a feeling from the Working Group whether they have a tolerance to add to the Capital Budget by that much money. If they do, then we have the makings of a solution with the approval of this body; if they don't, then we'll have take one last look about waiving the cap. Does that sound okay to everybody?

LEG. HORSLEY:

Yes.

P.O. LINDSAY:

Okay. We have a motion. The approval was -- the second was withdrawn, so we just have a tabling; am I correct?

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1047-10 - Increasing the petty cash fund in the Department of Social Services (County Executive). I'll make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

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. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. On the subject, any questions?

LEG. MONTANO:

Can I have an explanation?

P.O. LINDSAY:

Okay, Legislator Montano would like an explanation.

LEG. BROWNING:

(Inaudible)

LEG. MONTANO:

Oh, yeah, okay.

P.O. LINDSAY:

You want to give it, George?

MR. NOLAN:

He doesn't want one, he understands it.

P.O. LINDSAY:

I want it.

LEG. EDDINGTON:

Let me just answer some questions on the side. There was -- when I first presented it, there were some questions concerning Section C where it talked about 50% responsibility to a command you can't change, and there were some Legislators that said, "Well, if that wasn't there this would be no problem." I removed it and basically what the language now reflects is what's in the County PBA agreement. So in reality, all I'm really doing is codifying what was agreed upon so that we won't have to go through an agreement process, it will just be policy.

P.O. LINDSAY:

Anybody else? Yeah, Legislator Losquadro.

LEG. LOSQUADRO:

I know Counsel was going to weigh in on this before Legislator Eddington spoke. Could you just speak to -- could you just speak to those changes that the sponsor referred to?

MR. NOLAN:

Right. The bill as originally drafted basically said that if the Police Department was providing a service, that would not be transferred to another law enforcement agency or eliminated without Legislative approval, and those components are still in the bill.

In the original version there was a third provision that said if they reduced a function or a service or a responsibility the personnel assigned to it by more than 50%, that would have to come back here to the Legislature; that provision was eliminated by the amendment. So what you have before you now is basically if a service or a function is going to be transferred to another law enforcement agency or eliminated before that happens, it would have to come here for Legislative approval.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

To the sponsor's comment that this is essentially the same language reflected in the agreement on the givebacks that was reached with the PBA; is that the case? To Counsel?

MR. NOLAN:

I'm sorry, what was that? I missed that one.

P.O. LINDSAY:

I don't think he -- Counsel has the PBA agreement, but I think that was the portrayal of Legislator Eddington.

LEG. LOSQUADRO:

Yeah.

P.O. LINDSAY:

Is that the case, Legislator Eddington.

LEG. LOSQUADRO:

Does Mr. Zwirn have that information?

MR. ZWIRN:

I have the agreement.

LEG. LOSQUADRO:

Is the language reflected in this bill now basically, as the sponsor put it, just codifying in law the agreement that was reached on the \$12 million givebacks with the PBA?

MR. ZWIRN:

Dennis has the agreement here so he's just going to double check just to see.

MR. NOLAN:

That is not, in fact, accurate. Basically I think it comes with the language to describe what function and responsibility your duty was. There was language that was in the PBA agreement that was utilized in --

LEG. LOSQUADRO:

Your mic is not on. Gh.

MR. NOLAN:

For example, it says, "No service provided primarily by the Police Department and no official command duty or responsibility contained in the Suffolk County Police Department's Rules and Procedures"; that language was taken from the PBA agreement in order to define what we're talking about. But really, it's not codifying the PBA agreement, it just borrowed some language to describe what a duty, function or responsibility is.

LEG. LOSQUADRO:

I think Legislator Montano had a question.

LEG. KENNEDY:

Mr. Chair?

LEG. MONTANO:

Just to Counsel.

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

The language that talks about the Suffolk County Police Department's Rules and Procedures, those are the -- is that the SOP that the --

MR. NOLAN:

That was language in the --

LEG. MONTANO:

That refers to the SOP.

MR. NOLAN:

-- giveback, the agreement where the Police union gave some financial relief to the County.

LEG. MONTANO:

Right.

MR. NOLAN:

In that agreement, the County agreed not to reassign certain duties and responsibilities to other law enforcement agencies.

LEG. MONTANO:

Well, okay, but the department -- the department's rules and procedures I assume refers to the standard operating procedures, or what we call the SOP? Does anyone --

MR. NOLAN:

That's not the County SOP, no, that's the department's.

LEG. MONTANO:

The Police Department's SOP.

MR. NOLAN:

Rules and Procedures, that's what it's called. That's what it was called in the agreement that Legislator Eddington referenced.

LEG. MONTANO:

Right, but is that the same thing -- maybe someone from the PBA, is Noel here? Is that the same thing as the SOP, the department's SOP? Tom, do you know?

LEG. MURATORE:

It's Rules and Procedures.

LEG. EDDINGTON:

They don't call it SOP.

LEG. MURATORE:

Yeah, they don't call it SOP, they call it Rules and Procedures.

LEG. MONTANO:

Well, they gave me --

P.O. LINDSAY:

Do we know where we are?

*(*Laughter*)*

LEG. MONTANO:

No, but --

P.O. LINDSAY:

I see Mr. Zwirn before us and Mr. Tempera. And I'm surprised he had to pull out that document, I thought he had that memorized.

MR. ZWIRN:

He does.

MR. TEMPERA:

I looked at the resolution, not the document.

P.O. LINDSAY:

Oh, okay; you scared me for a minute.

MR. TEMPERA:

The one thing I'll point out is the first time I saw the resolution. The way it reads is in addition to sworn personnel, you're restricting civilianization, and civilianization was clear in the PBA agreement that the County has the absolute right to civilianize any positions within the department.

The other thing is the PBA agreement obviously sunsets as of 2015; this has no sunset provision in it.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Our Counsel disagrees with that interpretation.

MR. NOLAN:

Yeah, I don't think the language -- if you read it, Jeff -- would block civilianization at all. It basically says if a function is performed in the Police Department by sworn personnel or civilians, you're not going to move that to another law enforcement agency without a vote of the Legislature; and to me, that doesn't mean you can't do civilianization.

MR. BROWN:

If I may, Mr. Presiding Officer? When we read this and we tried to think of examples of how this might violate the PBA settlement agreement, and the example that we really looked at was really suppose that somebody who is a sworn officer working in the Pistol Unit and it's decided to civilianize the Pistol Permit Unit completely; well, we viewed that as possibly being then an elimination of a Police Department function and that then would then violate. Actually, we looked at that type of scenario as violating Subparagraph B of this amendment. Because you would be eliminating that function as provided by the Police Department and turning it over to a civilianized unit.

And also, it was also our view, and with all respect to George, because this was a substantial change to the resolution, we actually thought that this would go back to committee for debate on the floor at the committee.

MR. NOLAN:

No, we had to reopen the Public Gearing, there's no requirement in our rules or the Charter that it go back to committee. We had to reopen the Public Hearing, which we did and that was done today.

MR. BROWN:

Yeah, we -- and you and I, we do agree to that extent. But because it is a substantial change, we just thought even though because the rules are silent as to where it goes, we thought because it

was a substantial change it would go back to committee for debate.

P.O. LINDSAY:

I'll tell you what, I'm confused.

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

I'm confused.

LEG. LOSQUADRO:

Yeah, I'd like to make a motion to table.

P.O. LINDSAY:

It sounds like we have two attorneys and three opinions.

*(*Laughter*)*

LEG. LOSQUADRO:

I'd like to make a motion to table to look at this. I don't think it -- the first part of it doesn't sound like it's really a problem; the second part seems like we might get sticky; the third part has been removed. But I'd like to make a motion to table to see if we can get everybody together on this and see if it's actually going to cause any problems or not.

P.O. LINDSAY:

Well, first you need a second to your --

LEG. BARRAGA:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Barraga. Let me ask you guys something. If there wasn't this issue that it could in some way interfere with the collective bargaining agreement or the addendum to the collective bargaining agreement, would you have a problem with the concept here?

MR. ZWIRN:

Yes, we would.

P.O. LINDSAY:

Okay. That's -- I'm just trying to get back to basics, that's all.

MR. ZWIRN:

Okay. No, that doesn't discount all the other arguments that we've made.

*(*Laughter*)*

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Ben, the -- or to our Counsel, if anyone can answer this question. We signed off on a certain agreement when we received the concession, and I'm looking at Section A which seems to say -- seems to codify what that agreement was. Is that -- George, you said we borrowed some language from the agreement?

MR. NOLAN:

Yeah, I think that that's very close to what was in the agreement with the PBA in terms of you're not -- if the Police Department is performing a function now, you're not going to move it to another law enforcement agency.

LEG. D'AMARO:

Right.

MR. NOLAN:

So I think it is very close to what was agreed to.

LEG. D'AMARO:

Well, what was agreed to during the concession negotiation, was that -- was the agreement that it would not be transferred unless there was Legislative approval, or was it just a blanket "would not be transferred"?

MR. NOLAN:

It would not be transferred. I don't think -- it had nothing to do with coming back to the Legislature.

D.P.O. VILORIA-FISHER:

We weren't involved in it.

LEG. D'AMARO:

So in other words, the -- so in other words, that was a concession made for the -- you know, the concessions flowed in both directions and that was a concession made by the County that these function or service provided primarily by the Police Department would be transferred to any other law enforcement agency, period. So wouldn't then enactment of this by requiring the County Legislature approval giving us the authority to override that violate the agreement?

LEG. LOSQUADRO:

Good point.

MR. NOLAN:

The one thing I'll say is I think the agreement may have a certain shelf life where it would expire at a certain point.

LEG. D'AMARO:

Yeah, I had a question about that, too, how long it lasts.

MR. NOLAN:

And that I don't remember.

D.P.O. VILORIA-FISHER:

It was just for the year I think.

LEG. D'AMARO:

Well, I agree with Legislator Losquadro. If we're just codifying what we've already agreed to, I would have no issue with that, but I think there are some questions. I'll second his motion to table just so we can take a look at that.

P.O. LINDSAY:

Okay. Okay, everybody talked out? We have a motion to table and a motion to approve; roll call on the tabling.

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

LEG. LOSQUADRO:

Yes.

LEG. BARRAGA:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No to table.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Eleven.

P.O. LINDSAY:

Okay, it stands tabled.

IR 1186-10 - Amending the 2010 Adopted Operating Budget to reallocate funding for a new initiative, the Heroin Treatment Program for Young Adults (County Executive). I mean, that should be a moot issue. Didn't we pass other legislation --

D.P.O. VILORIA-FISHER:

We didn't yet.

P.O. LINDSAY:

Oh, we're going to. Okay.

MR. ZWIRN:

If I might, Mr. Presiding Officer? I would just say that this was an initiative that came out of the County Exec's Office, this was his bill. Legislator Kennedy had some objections to some of the other items that were in there that would have been helpful to some of the other residents of the County, but out of respect we eliminated those. This is a standalone bill now just for the Suboxone issue and treatment and I would urge you --

P.O. LINDSAY:

Not this bill. This bill is the all-encompassing bill.

MR. ZWIRN:

No, we amended this bill.

MR. NOLAN:

No.

D.P.O. VILORIA-FISHER:

No, another bill.

P.O. LINDSAY:

I think we have another bill.

D.P.O. VILORIA-FISHER:

We have another bill, Ben.

LEG. KENNEDY:

Mr. Chair, if I can jump in on the mess. Ben is right, there were some amendments, but actually the bill as it stands now, Ben, I believe still goes to the Suboxone Program. We have basically almost a mirror image on the dollar and cent amount; the one that I put in went to 225,000, your bill I think is a 221,000. But you also have the Peconic Clinic in this bill as well, which is not in the one that I introduced. The one that I introduced and passed out of committee also has a 90-day reporting requirement back to the Legislature, which this one does not.

LEG. HORSLEY:

Okay, motion.

LEG. KENNEDY:

That's it in a nutshell. Motion to table.

MR. ZWIRN:

My understanding is that the only item in our bill now is just Suboxone, that we took out the Peconic Bay Medical Center reimbursements for their Obstetrician Program.

D.P.O. VILORIA-FISHER:

We have the Kennedy bill, 1263, right?

LEG. KENNEDY:

Yes.

D.P.O. VILORIA-FISHER:

No, I'm sorry, 1186.

LEG. KENNEDY:

No.

P.O. LINDSAY:

That's this one.

D.P.O. VILORIA-FISHER:

No, theirs is 1186.

MR. NOLAN:

1391.

P.O. LINDSAY:

Ben, we have bill 1391 that I think does --

D.P.O. VILORIA-FISHER:

1391, right, but that's the Kennedy bill.

P.O. LINDSAY:

Right.

MR. NOLAN:

He amended it, they did amend their bill.

MR. ZWIRN:

As I said, I think our bill has been cleaned and -- there were good initiatives that were in there, but we took them out. As I say, it was the County Exec's initiative and we thought that it would be appropriate that his bill would get adopted by the Legislature. Look, we'd like to see the program go forward irrespective, but I just wanted to get that on the record.

LEG. KENNEDY:

And again, I made the motion to table, Mr. Chair. I think we hashed this out in committee, and actually --

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1263-10 - 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).

LEG. KENNEDY:

I'll make a motion to table.

P.O. LINDSAY:

Motion to table.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

D.P.O. VILORIA-FISHER:

Wait a minute. Wait a minute.

LEG. D'AMARO:

Wait a minute, hold on.

P.O. LINDSAY:

Okay, we have at least two opposed to the tabling; is that right?

MS. ORTIZ:

Can I see?

LEG. D'AMARO:

I'm opposed.

*(*Numerous Legislators Raised Hand in Opposition*)*

P.O. LINDSAY:

Oh, no, more than that. We've got five opposed to -- six.

D.P.O. VILORIA-FISHER:

Motion to approve.

LEG. D'AMARO:

Second on the motion to approve.

D.P.O. VILORIA-FISHER:

This is the one on the EIS.

P.O. LINDSAY:

I know it is, but nobody made a motion to approve.

D.P.O. VILORIA-FISHER:

I made a motion to approve.

MR. NOLAN:

She called the vote.

P.O. LINDSAY:

Yeah, she called the vote already.

D.P.O. VILORIA-FISHER:

Before she called the vote I said no, you're going too fast.

P.O. LINDSAY:

All right, let's do this by the book. I'll make a motion to reconsider 1263.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor of reconsideration? Opposed? Abstentions?

LEG. BROWNING:

Opposed.

LEG. EDDINGTON:

Opposed.

LEG. KENNEDY:

Opposed.

P.O. LINDSAY:

Okay, we have two opposed, three opposed.

LEG. ROMAINE:

Opposed.

MS. ORTIZ:

Four opposed.

P.O. LINDSAY:

Four opposed. So the bill --

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

-- is back before us, all right? Now, we have a motion to table by Legislator Kennedy and seconded by Legislator Eddington, and we have a motion to approve by Legislator Viloría-Fisher.

LEG. D'AMARO:

And I'll second.

P.O. LINDSAY:

And seconded by Legislator D'Amaro. Do we have any discussion on the subject?

LEG. KENNEDY:

On the motion to table, Mr. Chair? If I can, and I'll keep it very brief. What I've been able to ascertain is that there is still no firm commitment on the part of the developer to pay for the Environmental Impact Statement without subject to's. And as the whole basis for this venture gets more nebulous by the day, and as the 40,000 square feet of 100% commercially-funded development one exit east of this progresses, I find less and less reason to even speak anymore about it. So that's my motion for table.

P.O. LINDSAY:

And Legislator Viloría-Fisher. You want to talk, Legislator Losquadro?

D.P.O. VILORIA-FISHER:

Mr. Chair, I made it clear that my concerns regarding this were, number one, that there was no commitment from the developer. And I have read the commitment and it is based on if and/or, as Legislator Kennedy has said, that they -- that there are contingencies involved in that commitment.

However, I feel as a member of CEQ, as a member of this Legislative body which is the lead SEQRA agent, that we have required an EIS for this program, this project. And that having said that we require an EIS, we should be able to allow an EIS to go forward, so that we're not tripping up a project based on process but rather on merit. We should take a close look and an EIS will do that. Look at the different parts of the project and see if there is merit or value in any of the separate parts.

And as you stated, Mr. Chair, at the last meeting, the industrial piece of the project could bring in some serious revenue in the very near future, and the more contentious parts of this project may or may not go forward and it would take a long time before they were to get the approvals, whereas the industrial portion of this has an as-of-right availability. So -- and I have also looked at a number of different consultants who do this type of work who have informed me that \$411,000 is not an extraordinary amount of money for an EIS of this magnitude.

So I believe that in good faith, to look for the merit of this -- or the problems and judge on those factually, we should allow this EIS to go forward.

P.O. LINDSAY:

Okay, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I want to echo some of what Legislator Viloría-Fisher said/ we were very adamant that we would take lead status on this, and I think that we have an obligation to look at this. I think everyone here knows very clearly that I do not support this project and fully -- half of my Legislative District encompass the Longwood School District.

But that being said, Brookhaven Town right now is undertaking the Carmen's River Watershed Study, and I think doing these two in conjunction I believe will actually help our case as to why this project is not right for that area.

So maybe I'm supporting it for different reasons than other people, but I think we have an obligation to do a full examination of this as we were insistent that we take the lead agency status. So I'm going to be supporting doing this study, and I'm pretty confident that the findings will be what the people that I represent hope it will be.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, with that said, if you think that this is a bad project then we're throwing away \$400,000 on an EIS, we might as well just save that now and not do the project.

But I was a member of CEQ at the time this decision was made and it was made because it was two steps combined into one. Okay? It was to declare this property surplus and to sell it based on a specific contract to do specific development, hundreds of units of housing, a sports stadium, etcetera, and SEQRA could not -- CEQ was not going to segment it because there was a logical development that was attached to declaring it surplus. It should have been two stages. If it simply was declared surplus, we could look at what the County's needs were, not determine what it's going to be used after it's declared surplus. It probably would have been neg dec and that would have been an easy process, and then we could have looked at potential uses; maybe the industrial park, maybe that's an area, it's zoned for that. Maybe we would have said, "Okay, let's sell that, that

seems to be where the money is," and the developer would be paying for this. We wouldn't have to pay for this EIS.

So I think the mistake was made right from the start in how this was presented. I think we really should go back to the beginning and look at just declaring it surplus, which pieces might be surplus, have CEQ review that and then get back before this body and then decide, we as a Legislature, which properties are suitable for development and then we should do the SEORA on that development piece, and I believe that the developer would have to pay for that.

P.O. LINDSAY:

See, that sounds awful logical. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. If there's a will and a desire on the part of the administration to move forward with this, as I had said in the past, I counted, I think, 230 employees in three different County departments who are expert in all the areas associated with the Environmental Impact Statement.

About an hour ago I heard a threat about laying off County employees if we don't sell John J. Foley. I just find that while there are many able, competent and adept firms out there who are engaged in the business of preparation of Environmental Impact Statements, I don't think it's prudent to commit 412,000 based on whether we may or may not wind up being in a contract. And quite honestly, if the ultimate role here is to sell 12 acres of industrial property, then we should be talking about that and not 250 acres of multi-use, long-term multifaceted projects.

I believe that tabling is prudent. And I think that if there's an ultimate will on the part of the administration to have an Environmental Impact Statement done and then the experts will come forward and do it; if not, then they won't.

P.O. LINDSAY:

Okay. We have a motion to table and a motion to approve. Tabling goes first; roll call.

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

LEG. KENNEDY:

Yes to table.

LEG. EDDINGTON:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

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:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Seven.

P.O. LINDSAY:

Tabling fails. Motion to approve. Motion to approve.

MS. ORTIZ:

Roll call?

P.O. LINDSAY:

Yes.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eleven.

P.O. LINDSAY:

Okay, it passed.

MR. NOLAN:

The Bond.

P.O. LINDSAY:

The accompanying Bond Resolution, *1263A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$411,000 bonds to finance the cost of preliminary study and analysis, including environmental review, in connection with the proposed use and development of County-owned land in Yaphank (CP 6420.111).*

Could I have a motion?

LEG. D'AMARO:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Cooper; roll call.

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

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

(Said in a whisper), I lost my voice.

*(*Laughter*)*

Yes.

LEG. KENNEDY:

No way.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

I should say no just to balance it out.

(*Laughter*)

Yes.

LEG. STERN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Eleven.

LEG. ROMAINE:

The Bond fails.

P.O. LINDSAY:

The Bond failed. How is that for a sticky wicket?

LEG. EDDINGTON:

Pay-as-you-go.

P.O. LINDSAY:

1298-10 - Adopting Local Law No. -2010, A Local Law to change the composition of the Vanderbilt Museum Board of Trustees (Presiding Officer Lindsay). I'll make a motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Montano.

P.O. LINDSAY:

Montano, I'm sorry.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay, page ten, *Introductory Resolutions:*

1355-10 - Adopting Local Law No. -2010, A Charter Law to implement two-year rolling debt policy under 5-25-5 Law to mitigate budgetary shortfall (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, I'd ask Counsel to explain what the 5-25 law is.

MR. NOLAN:

In the simplest terms, the 5-25 law prohibited the County from bonding recurring expenses, and in the law there's a number of examples of recurring expenses.

LEG. ROMAINE:

Well, second, Counsel, does that mean we're bonding essentially what is operating expenses?

MR. NOLAN:

You could call it that. But there are specific examples in the law, repairs and maintenance that don't extend the life of the asset, armor vests, guns, things like that. So what this law would do is say -- would waive that prohibition so that we could bond these recurring expenses in the next couple of years.

LEG. ROMAINE:

Expenses that would be less -- \$25,000 or less; is that correct?

MR. NOLAN:

Sometimes, not in all cases. That's one of the things they talk about.

LEG. ROMAINE:

One of the possible outcomes of that law would allow us to bond expenses that should be operating pay-as-you-go expenses. The Legislature, when they adopted this, I believe it was 1993 --

D.P.O. VILORIA-FISHER:

Four.

LEG. ROMAINE:

-- did this in an effort to control debt, preventing debt. But we are being asked to waive this, not for one, but for the next two years. Can I ask Gail Vizzini, how often have we waived this law in the past, since when?

MR. LIPP:

Every year since 2002.

LEG. ROMAINE:

Every year since 2002 we've waived this. By the way, everyone in their e-mail in the past week received the recent Bond that the County is going to go out for. Let me read you some of the expenses:

"Engineering for reconstruction of CR 13, Fifth Avenue from New York State, Route 27A Montauk Highway to Spur Drive, \$16,000, \$16,000; reconstruction of the Roosevelt County Park for maintenance and operating facilities, \$5,000; improvements to the Correctional Facility in Riverhead," \$1,675 we're bonding; acquire property intersection improvements for William Floyd Parkway, \$6,000; planning for building safety improvements, \$10,000; construction towards the East End Vets Clinic, \$25,000; purchase of heavy-duty and speciality equipment, \$3,450; rehabilitation of the Shinnecock Canal -- well, no, that's over that, I'm sorry. "Planning and reconstruction for County Road 58, \$5,400; remediation of County-owned sites from Brownfields, \$2,000; acquisition for equipment for improvements relating to public health, \$9,200; construction, the Sheriff's Enforcement Division, \$5,000; planning for building safety improvements, \$25,000; planning for intersection improvements --

P.O. LINDSAY:

Legislator Romaine, you made your point.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Do you want to make a motion?

LEG. ROMAINE:

Yes. What I'm saying --

LEG. NOWICK:

We know.

P.O. LINDSAY:

We know what you're saying.

LEG. ROMAINE:

I could go on and on, you know what I'm saying.

P.O. LINDSAY:

Do you want to make a motion?

LEG. ROMAINE:

You know that these are expenses that we should not be bonding, you know that.

P.O. LINDSAY:

So make a motion to table.

LEG. ROMAINE:

I'm going to make a motion to table, and this is what I'm going to say. If the administration comes and says, "We have a problem this year, we need your help. We have to be able to bond out these two and three and \$4,000 expenses because we don't want to take it out of the Operating Budget," I might be sympathetic. I certainly would listen to that for one year. I am not going to approve a resolution that gives a blank check for two years. This should come back to us each and every year, understanding that there's a long list of projects, a long list --

MR. ZWIRN:

We don't have a problem with that.

LEG. ROMAINE:

-- where we're actually bonding out things that are in four digits. I mean, that's why that policy was put in place to begin with, to control debt. We keep on waiving that and then we say we need to

exercise fiscal discipline. I would ask you to table this, have the administration come back, give us a proposal for one year, and then next year if they want to do it again, they have to come back to us and we can have that debate again. I understand the recession. Thank you.

P.O. LINDSAY:

Okay. Do I have a second to the tabling motion?

LEG. HORSLEY:

Sure, I'll table it.

P.O. LINDSAY:

Motion by -- second by Legislator Horsley. And then Legislator Viloría-Fisher wants to comment.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Great speech, Ed, but I think that were some problems with that. If I recall, because it seems to me that we wouldn't have sat around this horseshoe and voted on a \$1,000 item to bond. But I think some of the things that you mentioned, and I'm going to ask this question to Budget Review, if I recall some of them, there was some State or Federal funding and we had to bond the whole thing and sometimes it was 80% reimbursed. Were some of those cases some of the things that were mentioned by Legislator Romaine? Because we always have the prerogative of saying -- and we have, Ed, in the past, we've said, "We're not going to bond \$10,000." And I find it hard to believe that we would have had a \$3,000 expenditure and then voted on a Bond; it must have been wrapped into something else.

LEG. ROMAINE:

It's right in your Bond document, right that was e-mailed to you.

D.P.O. VILORIA-FISHER:

Okay. It's in the Bond document, but when we voted on the item on the floor --

LEG. HORSLEY:

(Inaudible).

D.P.O. VILORIA-FISHER:

Can you answer that question, Gail? Were there -- were any of those part of Federal and State funding where we -- they paid 87% but we had to pay for the whole thing and then they came back and so we wound up bonding a very small amount?

MR. LIPP:

No, I think what you're talking about is Bond Anticipation Notes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LIPP:

This year and last year we've issued Bond Anticipation Notes, it's been years since we've done that. And the reason why we're doing it this year and we did it last year is because we got a significant amount of Federal fiscal stimulus.

D.P.O. VILORIA-FISHER:

Okay.

MR. LIPP:

So it's a different issue in terms of --

D.P.O. VILORIA-FISHER:

Can you explain that issue?

MR. LIPP:

Yeah, the issue is first instance funding.

D.P.O. VILORIA-FISHER:

For example, in County Road 13, right, that's Fifth Avenue, I think? I think Legislator Romaine said \$5,000 or \$3,000.

LEG. ROMAINE:

Sixteen.

D.P.O. VILORIA-FISHER:

Okay. So we received some stimulus money for that, we received some kind of Federal money for that. So it was the project was much more than that, but we wound up bonding only 16 million -- \$16,000.

MR. LIPP:

Well, we wind up -- for instance, we spent -- talking about the jail, back in 2003, we spent, I don't know, I'll guesstimate and say 30,000 or something in 2003 for planning money, so that's a small amount of a \$200 million project. So the money we wind up borrowing is on a piecemeal basis as we need it. So you might see in theory, you know, a very small amount for a much larger project, it's just we're borrowing at different gradations. If you look at the current Bond, there are 110 different purposes in that one Bond issue.

D.P.O. VILORIA-FISHER:

Okay, but the -- Ed mentioned things where we spent \$3,000. I can't -- I don't think -- I know my antenna would have gone up if I had seen a project on our agenda that was \$3,000 and it was bonded; I would not have voted for that Bond.

MS. VIZZINI:

Correct. You authorized the higher amount. If this had been a \$4 million authorization for a particular road project. What we are bonding now is the cash needs that remain for that particular project, and there are over a hundred of them listed in the official statement that was sent to everyone and they total \$96 million.

LEG. D'AMARO:

Ninety-six million?

MS. VIZZINI:

So there are pieces --

D.P.O. VILORIA-FISHER:

But these are pieces of larger projects?

MS. VIZZINI:

Yes, pieces of larger authorization.

D.P.O. VILORIA-FISHER:

So we did not bond a thousand dollars for a project, we --

MS. VIZZINI:

You didn't --

D.P.O. VILORIA-FISHER:

We had in our Capital Program, let's say, a \$10 million, we didn't get to finish it, we had, you know, a couple of -- a few thousand dollars left and so we rolled it into the bonding of the next -- with the next bunch of projects, right?

MS. VIZZINI:

Right. You may not have authorized \$4,000 for a Bond, but this 4,000 in here is part of the four million that you did authorize.

D.P.O. VILORIA-FISHER:

Okay. So -- this is really important because what we're looking at here is we can provide the waiver, but there is nothing that would preclude us from seeing an expenditure of \$10,000 for a truck and saying, "No, we will not bond it. You have to buy that pay-go." Counsel, isn't that correct?

MR. NOLAN:

That's correct.

MR. ZWIRN:

Yes.

D.P.O. VILORIA-FISHER:

We can provide the waiver, but then it's up to us and shame on us if we allow that to go through. We always have the discretion to say that must be done with pay-go.

So this gives us flexibility during very hard times, and I think it just makes sense. I don't believe -- and I have sent things back to the County Executive where he had tried to put items in our budget for \$17,000 or \$5,000 and we have said, "No, we won't bond it." So let's give ourselves the flexibility is all I'm saying.

P.O. LINDSAY:

Okay, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I agree with Legislator Vilorio-Fisher, and I think well said. I think that came up in committee as well about having the flexibility because we will be voting on a case-by-base basis --

D.P.O. VILORIA-FISHER:

Right.

LEG. D'AMARO:

-- on whether or not to bond going forward, so this just gives us another tool. But I wanted to ask BRO also if the 96 million number that you just threw out, which encompasses some of the things I believe that Legislator Romaine was talking about, if we did not waive the pay-as-you-go requirement, would we not be bonding that 96 million?

LEG. ROMAINE:

No.

MR. LIPP:

It wouldn't be that large a number. We've identified as a rough approximation about \$20 million if you wanted to do a relatively aggressive pay-as-you-go program for recurring expenses.

LEG. D'AMARO:

So 20 million of that could be part of the -- if we did not waive, that would go into the pay-go, meet the parameters of the pay-go requirement.

MR. LIPP:

Right. Conceptually it would be for the full year, so there are two Bond issues a year, this would be one of two. So perhaps if we did an aggressive program, this would be 10 million in this one and then in the fall one would be another 10.

LEG. D'AMARO:

Okay. So then we would need to come up with the 10 or 20 million cash in our Operating Budget.

MR. LIPP:

Right. I think the policy issue here is if you wanted to do pay-go, then you would decide how aggressive you wanted to be.

LEG. D'AMARO:

Right. Okay. I strongly believe we should waive this this year so we have the flexibility that the Deputy Presiding Officer spoke to. There is an issue about going for the second year, but given the fact that the economy is in a difficult time now and I don't see it improving probably to a point where we can do the pay-go next year, I can live with the two years right now, but I don't know how everyone else feels about that.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

Yeah, three short points. One, this Bond issue is not effective because all the bonding projects are from previous years, all covered by past resolutions. So it would not be affected no matter what.

Two, I have no problem with the administration's claim that they'd like to have that flexibility and have this waived for this year.

Three, my problem is with the two-year, because I think something of this nature where we're waiving a debt restriction should be brought back to us each and every year and have the burden on the administration to make the case. We're capable of judging it on a year-to-year basis.

That's all I'm saying. I'm not arguing against the waiver. Although I'd like to see pay-go, I understand the economy, but not for two years. Come back to us next year, make the argument next year. Let's table this, let the administration come forward with either a CN tonight or put something on the table for the next meeting where we waive it for one year, come back to us next year. That's all I'm saying. I think that makes sense in terms of our ability to control the finances and the purse strings of Suffolk County. Thank you.

P.O. LINDSAY:

Okay. Anybody else? Ben, did you want to say something?

MR. ZWIRN:

I just think that the two years makes sense in this economy. And as the Deputy Presiding Officer pointed out and Legislator D'Amaro, you get a second bite at -- this gives you the flexibility. There is no money, no money, zero budgeted for pay-as-you-go in this budget. So there is no money to pay for these projects except by doing it in this form.

Next year, if the economy is better and there's money to be found to put into the pay-go, then you can do that and you would rely less on this. But this also helps with cash flow. And right now that is one of the most difficult things that the County has to deal with, with respect to payroll and everything else, because money that would come down from other levels of government is not coming as quickly. This gives the Legislature and the County government the flexibility that they have required and have been using since I think somebody said 2002. It's not -- it doesn't do anything except give you the flexibility to say yes or no when the projects come back before you.

And with all due respect to Legislator Romaine, a number of the projects that he was pointing out are in his district and are benefitting the people in the 1st Legislative District.

LEG. ROMAINE:

It doesn't effect this Bond issue; you know that, Ben.

MR. ZWIRN:

Well, going forward it's going to effect and could possibly effect..

LEG. ROMAINE:

Not this year.

LEG. HORSLEY:

What's the difference, a year or two.

LEG. D'AMARO:

Just one more quick comment.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Just one more quick comment. You know, the more I think about it, sitting on the Budget Committee when we heard, a couple of sessions ago, where we are for this year and the huge deficit looming for next year, I can't imagine going into October, November when we do our Operating Budget that we're going to have the funds available for this -- for the pay-go going into next year.

So again, I can live with the two years. And as a fallback on that position, if we do have the money to do it, well, we're going to vote on all of these on a case-by-case basis anyway so we could require it at that time. So I think it's better we just pass this bill today.

P.O. LINDSAY:

Okay. Anybody else? That's it? All right, we have a motion to table as well as a motion to approve; am I correct?

MS. ORTIZ:

Yes.

P.O. LINDSAY:

All right. Tabling goes first; roll call.

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

LEG. ROMAINE:

Yes to table.

LEG. HORSLEY:

Yes to table.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Pass.

LEG. GREGORY:

Yes.

LEG. STERN:

Yeah.

LEG. D'AMARO:

Absolutely, yes.

*(*Laughter*)*

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yeah, why not.

P.O. LINDSAY:

No.

*(*Laughter*)*

LEG. COOPER:

Change my vote to a no, in solidarity. Yes. I mean, correct, change it to a no.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

Contrarian, that's what you call that. So it got tabled.

1376-10 - Amending the 2010 Operating Budget to support the Smithtown Performing Arts Council Inc. (Nowick).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, seconded by Legislator Kennedy.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Question?

LEG. MONTANO:

Gail, is this Omnibus money?

D.P.O. VILORIA-FISHER:

Yes.

LEG. MONTANO:

This and the other resolutions following it?

MR. NOLAN:

No, it's not.

LEG. NOWICK:

No.

D.P.O. VILORIA-FISHER:

I thought it was Omni money.

MR. NOLAN:

You better take it, Lynn.

LEG. NOWICK:

No, it's the Hotel/Motel, the Cultural Arts.

D.P.O. VILORIA-FISHER:

Oh, I see.

LEG. NOWICK:

And there's no fiscal impact, it's already been allotted in the 2010 budget, it's just a name change.

LEG. MONTANO:

It's not new money is what I'm saying.

LEG. NOWICK:

It's not new money, no.

LEG. NOWICK:

And the others also, right?

LEG. NOWICK:

It's not new money, it's in the 2010 Operating Budget. It's just a name change.

LEG. MONTANO:

All right, thank you.

D.P.O. VILORIA-FISHER:

Aren't they the same group? Well --

P.O. LINDSAY:

Okay, we have a motion and a second to approve. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. *1377-10 - Amending the 2010 Operating Budget and transferring funds to the Suffolk County Boy Scouts (Presiding Officer Lindsay),*

And it is Operating Budget money that I'm reallocating.

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

So I'll make a motion.

LEG. LOSQUADRO:

I'll second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

1378-10 - Amending the 2010 Operating Budget to support the Montauk Chamber of Commerce, Fall Festival, and the East End Arts Council, Harvest Gospel Concert Series. (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Losquadro. And the same question, Jay?

LEG. SCHNEIDERMAN:

It's a little bit different, but basically there's money in my portion of the Omni and there's money in the Cultural Arts part of the Hotel Tax. And one of the groups doesn't qualify under one of the programs, so it's just swapping the two groups the identical amounts of money.

P.O. LINDSAY:

Okay. But it was money that was allocated --

LEG. SCHNEIDERMAN:

Money that's allocated.

P.O. LINDSAY:

-- in your district and you swapped it for a different organization.

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1409-10 - Amending the 2010 Operating Budget and transferring funds for the Southampton Hospital Ellen Hermanson Breast Center (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Second by Legislator Muratore. Same question.

D.P.O. VILORIA-FISHER:

The same thing.

LEG. SCHNEIDERMAN:

This is just a name change. It's the same group operating under a different name..

P.O. LINDSAY:

Okay. Motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1432-10 - Adding depository to list of designated depositories for Suffolk County (M&T Bank) (Presiding Officer Lindsay). I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

P.O. LINDSAY:

IR 1459-10 - Amending the 2010 Operating Budget and appropriating funds in connection with bonding a settlement for an auto liability case (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator D'Amaro.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen (Not Present: Legislator Montano).

P.O. LINDSAY:

Okay, same motion, same second on the accompanying Bond, ***1459A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$425,000 bonds to finance the cost of the payment of a judgment in an auto liability case)***; roll call.

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

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

(Not present).

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.

MS. ORTIZ:

Sixteen (Not Present: Legislator Montano).

Economic Development, Higher Education & Energy:

P.O. LINDSAY:

1491-10 - Appointing member to the Local Home Energy Efficiency Task Force (Kevin Harvey) (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher, I'll second it. All in favor? Opposed? Abstentions? He did show up and was interviewed at committee.

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

Environment, Planning & Agriculture:

P.O. LINDSAY:

1338-10 - Approving planning steps for the acquisition of Farmland Development Rights – January 2010. (County Executive).

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Viloria-Fisher.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislator Montano).

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

IR 1351-10 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Sciretta & Venterina property – Town of Brookhaven (SCTM No. 0200-976.10-03.00-027.002) (Browning).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1396-10 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Robin Place property – Town of Huntington). (D’Amaro)

LEG. D’AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D’Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1468-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component - for the Pagnotta property – Peconic River Greenbelt addition – Town of Riverhead – (SCTM No. 0600-137.00-04.00-001.000 p/o) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

IR 1469-10 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] – for the Sweetwater Estates, LTD property – Hauppauge Springs – Town of Islip (SCTM No. 0500-001.00-01.00-001.001) (County Executive).

LEG. KENNEDY:

I'll make the motion, Mr. Chair.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Motion by Legislator Kennedy, seconded by Legislator Viloría-Fisher.

LEG. KENNEDY:

On the motion, just a quick question for BRO. Is this old Drinking Water money, Robert? I see it's 12-5(E).

P.O. LINDSAY:

It's Old; it says Old.

LEG. KENNEDY:

It is, it's Old Drinking Water.

P.O. LINDSAY:

It says Old.

LEG. LOSQUADRO:

It's so old it's stagnant, John.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

LEG. KENNEDY:

Cosponsor.

P.O. LINDSAY:

All right. Just an observation; that's the first page of our agenda.

D.P.O. VILORIA-FISHER:

Moving along.

LEG. KENNEDY:

We're picking it up.

P.O. LINDSAY:

There's only seven more to go, like is it old.

1470-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Carlson Estate property – Kings Park Greenbelt – Town of Smithtown – (SCTM No. 0800-029.00-02.00-002.000). (County Executive).

LEG. NOWICK:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

And I am emphasize "new".

*(*Laughter*)*

Motion by Legislator Nowick.

LEG. KENNEDY:

Second, second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1471-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Nature Conservancy as contract vendee property – Manor Grove – Arshamomaque Wetlands addition – Town of Southold – (SCTM Nos. 1000-053.00-01.00-001.003 and 1000-053.00-01.00-001.002 p/o) (County Executive).

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Will do.

P.O. LINDSAY:

1472-10 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – for the Curtis property – Northwest Harbor Headwaters – Town of East Hampton – (SCTM Nos. 0300-112.00-03.00-004.000 p/o and 0300-133.00-02.00-011.001). (Co. Exec.)

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. SCHNEIDERMAN:

Tim, list me as a cosponsor, please.

P.O. LINDSAY:

1473-10 - Approving planning steps for the acquisition of farmland development rights – April 2010 (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Clerk, cosponsor.

LEG. GREGORY:

Cosponsor.

P.O. LINDSAY:

IR 1480-10 - Appointing Chairman of the Suffolk County Water Authority (James F. Gaughran) (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

LEG. D'AMARO:

Motion.

LEG. COOPER:

Second, second.

P.O. LINDSAY:

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

LEG. HORSLEY:

Cosponsor.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1481-10 - Appointing member of the Suffolk County Water Authority (Errol D. Toulon Jr.) (Presiding Officer Lindsay).

LEG. KENNEDY:

I'll make the motion, Mr. Chair.

D.P.O. VILORIA-FISHER:

I'll second it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. KENNEDY:

Absolutely, and I'll go on as a cosponsor. Put me on as a cosponsor, please.

LEG. HORSLEY:

What a guy.

P.O. LINDSAY:

1498-10 - To appoint member of County Planning Commission (John J. Finn) (County Executive). Do I have a motion? Motion for John J. Finn by Legislator Viloría-Fisher, second by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1504-10 - Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with the US Army Corps of Engineers' Forge River, New York feasibility study (8710.127) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Health & Human Services:

1199-10 - Establishing a Heroin and Opiate Epidemic Advisory Panel to find a solution for the treatment of addicted youth (Horsley).

LEG. NOWICK:

Motion.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Tim, cosponsor.

P.O. LINDSAY:

1352-10 - Adopting Local Law No. -2010, A Local Law banning the sale of certain synthetic cannabinoids to minors in Suffolk County. (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Okay, motion by the cannabinoid man, Legislator Schneiderman.

*(*Laughter*)*

LEG. LOSQUADRO:

Hey, how did you hear that?

P.O. LINDSAY:

Do we have a second?

LEG. GREGORY:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Cosponsor.

MR. LAUBE:

Eighteen.

LEG. GREGORY:

Cosponsor.

LEG. NOWICK:

Cosponsor.

P.O. LINDSAY:

IR 1391-10 - Amending the 2010 Adopted Operating Budget to reallocate funding for a new initiative, the Heroin Treatment Program for Young Adults (Kennedy).

LEG. KENNEDY:

Motion to approve, Mr. Chair.

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Tim, make sure I'm on there.

LEG. CILMI:

Cosponsor. Tim, cosponsor on that, too, please.

D.P.O. VILORIA-FISHER:

Cosponsor.

LEG. D'AMARO:

Cosponsor.

LEG. STERN:

Tim?

P.O. LINDSAY:

IR 1398-10 - Authorizing transfer of surplus laboratory instrumentation and equipment to the State University of New York at Stony Brook. (Eddington). Motion by Legislator Eddington, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1399-10 - Ending the voucher system and directing the Department of Social Services to develop a comprehensive plan to house homeless sex offenders (Presiding Officer Lindsay). I'm going to make a motion, second by Legislator Romaine. All in favor?

LEG. LOSQUADRO:

Well, could we just get an explanation of what the amendments were? Was this amended?

MR. NOLAN:

Yeah, it was.

P.O. LINDSAY:

It was?

D.P.O. VILORIA-FISHER:

It requires DSS to locate providers.

MR. NOLAN:

Right. The RESOLVED clause was added to the original resolution that said, "DSS would seek shelter providers to provide emergency housing and the proviso would be responsible for citing the shelters that is part of the new program, no more than one shelter could be cited in any town or Legislative District and no more than six offenders will be housed in any one shelter." So those were the changes to the original resolution.

LEG. LOSQUADRO:

So no more than six offenders will be housed in any one shelter, correct?

MR. NOLAN:

Right.

LEG. LOSQUADRO:

Okay, thank you.

P.O. LINDSAY:

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

LEG. GREGORY:

Opposed.

LEG. HORSLEY:

Opposed. Stern damn hoarsely Greg or.

MS. ORTIZ:

Fourteen (Opposed: Legislators Gregory, Stern, Horsley & D'Amaro).

P.O. LINDSAY:

1437-10 - Requesting Legislative approval of a contract award for general dentistry services for the Department of Health Services, John J. Foley Skilled Nursing Facility (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. (****SEE CHANGE IN VOTE BELOW****)

P.O. LINDSAY:

Procedural Motion No. 8.- Authorizing an additional appraisal for the John J. Foley Skilled Nursing Facility (Presiding Officer Lindsay). I'll make a motion.

LEG. ROMAINE:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

I just want to have the Clerk note that I recuse myself from 1437 and Procedural Motion No. 8.

P.O. LINDSAY:

Thank you very much.

MR. LAUBE:

I've got to change the vote then. I called eighteen, ******so make it seventeen on 1437 for the record******.

P.O. LINDSAY:

Procedural Motion No. 8; you want to talk? Okay, I made a motion, second by Legislator Kennedy.

LEG. D'AMARO:

Just on the motion, quickly?

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Does the bill specify a time period in which the appraisal has to be completed?

P.O. LINDSAY:

No, it doesn't.

LEG. D'AMARO:

Do we know what the timing would be for the appraisal?

P.O. LINDSAY:

I believe Budget Review is seeking appraisers now? You are, you aren't?

D.P.O. VILORIA-FISHER:

Don't we have a list of appraisers already?

MS. VIZZINI:

We had conversation with Counsel.

P.O. LINDSAY:

Okay.

MR. NOLAN:

Well, I think the plan is, there's a list of appraisers, to see if we can get somebody off the existing list. If that's not possible, then we'd have to go get three quotes to comply with the RFP law.

P.O. LINDSAY:

And I don't think it's anybody's intent to stop this process. I think we just want a second look as far as the numbers are concerned. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen. Seventeen (Recused: Legislator Romaine).

P.O. LINDSAY:

Okay, page twelve, **Labor, Workforce & Affordable Housing:**

1363-10 - Authorizing funding, acquisition, conveyance, development and oversight of real property under Suffolk County Affordable Housing Opportunities Program (New Village – Patchogue Village) (County Executive).

LEG. KENNEDY:

Motion to table, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy to table.

LEG. EDDINGTON:

I'll second it.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

I had an opportunity to speak with the Director of Economic Development and Commissioner Michel indicates that there's been earnest dialogue and the Law Department is of the opinion that they'll be in a position to bring forward some of the information we saw in committee by the June 6th meeting, and that's a timeframe that's compatible with the developer. So that's the basis for the motion to table.

P.O. LINDSAY:

1380 --

MR. NOLAN:

You didn't call the vote yet.

P.O. LINDSAY:

Oh, okay. We have a motion and a second to tabling 1363.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1383-10 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM No. 0200-478.00-01.00-020.000) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1438-10 - Transferring and appropriating living wage contingency funds to the Federation of Organizations for the NYS Mentally Disabled, Inc., respite fee subsidy (County Executive).

LEG. KENNEDY:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1448-10 - Establishing binding arbitration policy for Suffolk County Detective Investigators PBA (DIPBA) contract (County Executive).

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1449-10 - Establishing binding arbitration policy for Suffolk County Detectives Association (SDA) contract (County Executive). Same motion, same second, same vote all right with everybody?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1450-10 - Establishing binding arbitration policy for Suffolk County Superior Officers Association (SOA) contract (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1460-10 - Requesting Legislative approval of a contract award for law enforcement candidate psychological appeal services for the Department of Civil Service/Human Resources (County Executive).

LEG. KENNEDY:

I'll make a motion to approve, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:
Eighteen.

Parks & Recreation:

P.O. LINDSAY:
1375-10 - Reappointing William B. Rogers as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 4) (Cooper).

LEG. COOPER:
I would like to make a motion to table for one cycle, please.

P.O. LINDSAY:
Motion by Legislator Cooper to table. Do I have a second?

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

P.O. LINDSAY:
Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1397-10 - Temporarily reducing beach and golf fees at County parks. (Barraga). I'm being told by Counsel there's a CN coming over on this --

LEG. BARRAGA:
Yes.

P.O. LINDSAY:
-- issue. Okay, so we'll skip over that.

1462-10 - Approving a license agreement for Nadia Tintera to reside at West Hills County Park, Huntington (County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1463-10 - Authorizing use of Cedar Beach County Park by Event Power for its mighty North Fork Triathlon Fundraiser (County Executive).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1464-10 - Authorizing use of Indian Island County Park by American Diabetes Association for its Tour De Cure Fundraiser (County Executive).

LEG. NOWICK:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote all right?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1465-10 - Authorizing use of Meschutt County Park by the Suffolk Bicycle Riders Association for its Bicycle Rally Fundraiser (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1466-10 - Approving a license agreement for Barbara Fey to reside at Timber Point County Park, Great River (County Executive).

LEG. CILMI:

Motion.

P.O. LINDSAY:

Motion by Legislator Cilmi.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1467-10 - Authorizing use of Cathedral Pines County Park by the League for Animal Protection of Huntington for its "Ride Laps for L.A.P." fundraiser (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator -- who was that, Browning?

D.P.O. VILORIA-FISHER:

Browning, yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, 1479-10 - Amending the 2010 Capital Program and Budget and appropriating funds in connection with the construction of a skate park to be located in Mastic, Town of Brookhaven, and authorizing the County to enter into an Intermunicipal Agreement with the Town of Brookhaven in connection with the financing, planning, construction and operation of the Mastic Skate Park (CP 7112) (County Executive).

LEG. BROWNING:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Romaine.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

Oh, there's Dennis, okay. I didn't see him there. Dennis, at the committee there were some questions that you said you would address. I didn't see you in the audience.

MR. BROWN:

Sure.

LEG. MONTANO:

With your permission, Mr. Presiding Officer, I would like to have him make the presentation?

P.O. LINDSAY:

Go right ahead.

MR. BROWN:

Sure. It's a -- it evolves really out of a program that was a skate park originally for Smith Point, and I think the original authorization was done in 2005 pursuant to a series of resolutions. The amount appropriated at that time was \$250,000. I believe that \$30,000 approximately was spent on planning, but the skate park never developed at Smith Point.

There's initiative in Legislator Browning's district for a skate park in the Shirley/Mastic area, I believe it's next to a -- it's a parcel, Brookhaven parcel next to the school, next to a school. And the County and the town would partner together, they would use our plans, plus we would match 50% up to a maximum of \$220,000; that \$220,000 being the difference between the 30 that was spent previously and the \$250,000 that was authorized. And it would be open to all residents of the County and all residents of the County would be paying on an equal basis with what the town residents would be paying. I believe that might cover most of your questions.

LEG. MONTANO:

No, I thought there was another question, it had to do with the revenue collected from the Town of Brookhaven and whether or not that revenue would be somehow shared with the County in light of the fact that the County was spending \$250,000 for the project.

MR. BROWN:

No, that would not -- that's not contemplated in the Intermunicipal agreement. It's a matching on the funds and plus they're putting up the land.

LEG. CILMI:

I have a question, Bill.

P.O. LINDSAY:

Yes, Legislator Cilmi.

LEG. CILMI:

Any plans for a concession at this facility?

MR. BROWN:

Not in the Intermunicipal agreement. I do not know if the Town of Brookhaven has plans to do a concession.

LEG. CILMI:

How much money are we devoting? We don't know, up to 200 and --

MR. BROWN:

Fifty percent of the project, up to \$220,000; \$30,000 has previously been spent on plans.

LEG. CILMI:

So isn't there some way that we can sort of recoup that revenue by putting a concession there or something?

MR. BROWN:

I'm not going to disagree with you. But as far as working out the substance of the transaction, that would really -- that question would really have to be addressed to the Parks Department or the Town of Brookhaven. You know, we worked on the Intermunicipal agreement and we were told that this was the parameters of the transaction.

LEG. MONTANO:

Kate?

LEG. BROWNING:

I can respond a little bit on the concession. We do have a local business owner that a lot of the kids use; it would put him out of business if we were to open up a concession. And that business owner has been very -- has worked with us throughout this whole process to try and get the skateboard park. He's even allowed kids to skateboard in his parking lot because they had nowhere else to go. So I didn't want to support -- I said I wouldn't support a concession stand.

This is something that he says goes back to 2004. Initially it was to put it at Smith Point Beach; Smith Point Beach really is not a good location. I worked with Legislator Romaine's son, Keith, on this project and now I have Councilman Panico who's been working with me. This is the best location for the kids because it's next to the school, it's by the YMCA pool. I know that there were some questions about everything, but we do have an agreement with the town. There is an agreement between the town and the County. You know, I believe if the County wants to run any kind of function, organize any kind of program there, they have the ability to do that.

LEG. CILMI:

If I may, what about the insurance on the facility?

MR. BROWN:

The town will -- because we don't have a presence there, the town will indemnify us if there are any claims of negligence for property damage or personal injury.

LEG. CILMI:

Okay, thanks.

LEG. MONTANO:

I have some further questions.

P.O. LINDSAY:

Legislator Schneiderman and then Montano.

*(*The following testimony was taken & transcribed by
Diana Flesher - Court Reporter*)*

LEG. SCHNEIDERMAN:

Maybe seven, eight years ago when I was Supervisor in East Hampton, we built a couple of skate parks. And, you know, they're a nice thing. The economic climate was substantially different back then. But they were really kind of a municipal function. I don't know of the County ever getting involved in building a skate park. The only one I heard of was the Smith Point one and that kind of made sense to me because it was a County park, a lot of County people, from all over the County go to that beach. But now it's next to a school, it's next to a -- you know -- it seems like it's going to be heavily used by the Town and I don't really see anymore where the County fits in so -- it's open to all County residents but really is it going to be used by all County residents? It's being put in a place that to me doesn't sound very accessible to the whole County.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

My understanding was that the Town is going to charge and receive revenues for those that are partaking of the skate park; is that correct?

MR. BROWN:

The inter-municipal agreement does contemplate that there would be fees and that they would have to be equal between Town residents and all County residents.

LEG. MONTANO:

Right. But the fees that are collected, do we have any idea or is it built into the agreement what the fee schedule will be and whether or not -- and the second question on that is, is this park going to turn a profit at any point?

MR. BROWN:

The fee schedule is not built into the agreement.

LEG. MONTANO:

That's totally up to the Town.

MR. BROWN:

I do not know what the fees will be. And at some point --

LEG. MONTANO:

Yeah, at some point.

MR. BROWN:

-- there'll be enough revenue raised through the fees to at least retire the bonds at the Town and County level, but I don't know when that would be.

LEG. MONTANO:

But there's no -- but the issue is that at whatever point that is, the County does not receive its \$250,000 contribution under this agreement at any point in time? Is that accurate?

MR. BROWN:

That's accurate, yes.

LEG. MONTANO:

So -- all right.

P.O. LINDSAY:

Legislator Cilmi; then Schneiderman.

LEG. CILMI:

Just to follow up on Legislator Montano's question, very simply, why? If we're giving, you know, a quarter million dollars for the skate park that's going to be used primarily for the residents in this specific area, why wouldn't we agree with the Town of Brookhaven to recoup some of the revenue from the fees charged?

MR. BROWN:

You know, I could answer that question to the extent that it will be open to all County residents. It's not a Town park limited to only Town residents, you know, there's a County purpose, a County function for the use of the money. Yeah, in terms of the negotiations of the specifics of the transaction and, you know, and how they arrived at what they arrived, that would have to be addressed to Parks.

LEG. CILMI:

But it's a town -- it serves a Town purpose as well.

MR. BROWN:

It's true. It does.

LEG. CILMI:

And the Town's generating some revenue as a result of this. I just think if we're kicking in half the cost, that the County should recoup some revenue as well.

MR. BROWN:

Well, it's true that the Town is generating revenue. But I can't speak to how the revenue will be used or the amount of the revenue, you know, it may very well be it's logical that the revenue will have to go to defray the cost of operating the park.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

You know, if you're going to build it for one town, you should do it for all. Certainly this is not the time to be spending this kind of money. It's not a lot of money but it kind of opens up a can of worms. I just wanted to really, though, comment on the revenue side of it having some experience running skate parks. There's a lot of maintenance and a lot of staff involved and equipment. This is a money loser; it's not a money maker. It costs money to maintain these. It's a nice thing; maybe gets the kids off the streets and gives them something to do, but it is not a money maker.

LEG. MONTANO:

If I may, Bill?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, one last comment. I know that you're saying that it's open to County residents but I doubt very clearly that the residents in my district are going to be able to partake of this because of the location. I don't see why the County, as Legislator Schneiderman said, if we do it for one town, we really should be able to do this across the board. And we simply don't have the money right now, particularly when there's no idea -- I mean, I'm sure if they're going to make it affordable, it probably is a money loser. But at the same time we have no idea of what's involved, how much revenue is going to be collected, etcetera. I would imagine there's no feasibility study or anything like that that accompanied this?

MR. BROWN:

I'm not familiar with that, no.

LEG. MONTANO:

All right. Well, I made my point.

P.O. LINDSAY:

Okay. For whatever it's worth, for years I tried to build one in my district with County money and location was always a problem, somebody always objected to location. It never materialized.

LEG. ROMAINE:

This isn't a siting issue.

P.O. LINDSAY:

The siting is always a huge problem with it.

LEG. ROMAINE:

This is not a siting issue.

P.O. LINDSAY:

It's a siting issue. If you find the right location, that's a wonderful thing. Okay.

Where are we, Mr. Clerk? Do we have a motion to approve?

MR. LAUBE:

You have a motion to approve and a second.

P.O. LINDSAY:

And nothing on tabling?

MR. LAUBE:

Nothing yet.

P.O. LINDSAY:

Okay, okay. All right.

LEG. NOWICK:

Motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Nowick, seconded by Legislator Montano. Tabling goes first. Roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. NOWICK:

Yes.

LEG. MONTANO:

Yes.

LEG. ROMAINE:

No to table.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No.

LEG. EDDINGTON:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No to table.

LEG. HORSLEY:

No to table.

LEG. GREGORY:

Yes to tabling.

LEG. STERN:

No.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Seven.

P.O. LINDSAY:

Okay. Motion to approve. Motion to approve, go ahead, roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

No.

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:

Twelve.

P.O. LINDSAY:

Okay. **1479A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the construction of a skate part located in Mastic, Town of Brookhaven - CP 7112.310)** accompanying bond, same motion, same second. Roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

No.

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:

Twelve.

P.O. LINDSAY:

Okay. **1029, Adopting Local Law No. -2010, A Charter Law to provide fixed terms for Public Safety Appointments. (Cooper)**

LEG. COOPER:

Motion to table for one cycle.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1334, adopting Local Law No. -2010, A Local Law to strengthen the County's Crack House statute (Browning)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion. I'll second it.

LEG. MONTANO:

Explanation.

P.O. LINDSAY:

Explanation asked by Legislator Montano.

LEG. MONTANO:

Quickly.

MR. NOLAN:

The major change is that under current law we can bring a civil action against the property owner if prohibitive conduct occurred at the property twice within two years. This law would authorize a proceeding if prohibited conduct occurs twice within a three year period.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Leg. Nowick not present)

P.O. LINDSAY:

1434, accepting and appropriating federal funding in the amount of \$10,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) and Welfare Fraud Investigation with 83.37% support. Motion by Legislator Eddington, second by Legislator Losquadro. I have a question. Is that right? The Police Department Welfare Fraud Investigation? Wouldn't that go to DSS? It's right. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Leg. Nowick not present)

P.O. LINDSAY:

1440, authorizing acceptance of public safety radio equipment for use by the Suffolk County Police Department and Suffolk County Department of Fire, Rescue & Emergency Services in connection with the Regional Internet Protocol Gateway and Radio Cache Program (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Leg. Nowick not present)

P.O. LINDSAY:

1442, accepting and appropriating federal funding in the amount of \$5,000 from the United States Department of Agriculture, Office of Inspector General, for the Suffolk County Police Department's participation in the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program (SNAP) and welfare fraud investigation with 83.36% support (Co. Exec.) Motion by Legislator Eddington, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Just a quick question, why are these such odd percentages; anybody know? Jack, why are they such odd percentages?

P.O. LINDSAY:

Don't know. Don't know.

D.P.O. VILORIA-FISHER:

No?

P.O. LINDSAY:

1444, accepting and appropriating federal funding in the amount of \$16,903 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department's participation in the Tactical Diversion Task Force FY2010 with 83.37% support (Co. Exec.) Motion by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

1445, accepting and appropriating federal funding in the amount of \$16,903 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Safe Streets Task Force FY2010 with 83.37% support. (Co. Exec.)

Same motion, same second, same vote.

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

1446, accepting and appropriating federal funding in the amount of \$16,900 from the United States Department of Justice, Organized Crime Drug Enforcement Task Forces (OCDETF), for the Suffolk County Police Department's participation in OCDETF Operations and Investigations with 83.37% support (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

1447, accepting and appropriating \$7,794 in sub-granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program sponsored by the U.S. Department of Justice with 83.2% support (Co. Exec.) Motion by Legislator Gregory.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

1475, approving the donation of one vehicle from the United States Marshal for the Suffolk County Sheriff's Office (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

1477, approving an increase in fleet for the Suffolk County Police Department's Office of the Chief of Patrol (Co. Exec.)

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

1501, authorizing execution of Memoranda of Agreement with AT&T, Global Crossing Limited, Reliance Globalcom and Level 3 Communications, LLC in connection with the Homeland Security Buffer Zone Protection Program (Co. Exec.)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Leg. Montano not present)

P.O. LINDSAY:

IR 1508, amending the 2010 Capital Budget and Program and appropriating funds in connection with the Computer Aided Dispatch (CAD) replacement and integration with existing Fire Rescue CAD (CP 3240) (Co. Exec.)

Motion by Legislator Eddington. I'll second it. All in favor? Opposed?

LAUGHTER

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

LEG. BARRAGA:

Opposed.

LEG. MURATORE:

Opposed.

MR. LAUBE:

Sixteen (Corrected vote: Fifteen - Leg. Montano not present)

P.O. LINDSAY:

Why don't you list John as a cosponsor, too, can you?

LEG. KENNEDY:

Absolutely, go right ahead.

P.O. LINDSAY:

On the accompanying bond resolution **1508A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,304,185 bonds to finance the cost of Computer Aided Dispatch (CAD) replacement and integration with the existing Fire Rescue CAD (CP 3240.510)**, same motion, same second, roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

No.

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:

Fifteen.

P.O. LINDSAY:

Okay, **IR 1292, appropriating funds in connection with traffic calming measures on CR 19, Patchogue-Holbrook Road from the LIE to CR 16, Portion Road (CP 3302) (Co. Exec.)**
Motion by Legislator Muratore.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Leg. Montano not present)

P.O. LINDSAY:

Same motion, same second on the accompanying bond resolution **1292A, bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance a part of the cost of traffic calming improvements on CR 19, Patchogue-Holbrook Road, from the LIE to CR 16, Portion Road - CP 3302.310),** roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Pass.

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.

LEG. MONTANO:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, **IR 1411, authorizing transfer of surplus County computer systems and hardware to SeniorNet at Family Service League (Browning)**

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1443, authorizing the filing of a grant application for Federal Fiscal Year 2009 Section 5307 Formula Funds for mass transportation projects for Suffolk County Transit (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Vilorio-Fisher.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1455, amending the 2010 Capital Budget and Program and appropriating funds in connection with dredging of County waters (CP 5200) (Co. Exec.)

LEG. CILMI:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution **1455A, bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$350,000 bonds to finance the cost of engineering in connection with dredging of County waters (CP 5200.117)**, same motion, same second, roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. CILMI:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

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:

1456, appropriating funds in connection with County-wide Highway Sign Management Program (CP 5196) (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution 456A, bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of engineering in

connection with County-wide Highway Sign Management Program (CP 5196.110) same motion, same second, roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

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.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

IR 1457, appropriating funds in connection with moveable bridges needs assessment and rehabilitation (CP 5806) (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution **1457A, bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$500,000 bonds to finance the cost of engineering in connection with the moveable bridges needs assessment and rehabilitation (CP 5806.112)**, same motion, same second, roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

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.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, **1458, appropriating funds in connection with reconstruction of Shinnecock Canal Locks (CP 5343) (Co. Exec.)** Motion by Legislator Schneiderman.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

(1458A, 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 the Shinnecock Canal Locks, Town of Southampton - CP 5343) Same motion, same second, roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay, **1497, authorizing Estee Lauder Breast Cancer Awareness Program at H. Lee Dennison Executive Office Building and Cohalan Court Complex. (Kennedy)**

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, now we come to the burning issue of the day. **IR 1511, Directing the Department of Public Works to install a traffic signal on County Road 58 (Romaine)**

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Muratore.

LEG. D'AMARO:

Just point of order, please note my recusal on the record as per my statement filed with the Presiding Officer's Office.

P.O. LINDSAY:

Thank you, Legislator D'Amaro. We have a motion and a second. Anybody on the issue? Legislator Stern.

LEG. STERN:

Yeah, thank you. Did you want to say something? I would ask the Commissioner see where we're at. I know that when we were having the discussion about this bill in Committee, that the Commissioner was going to take sometime to speak with the developer. And I'd like to see where we're at.

COMMISSIONER ANDERSON:

After the legislation was discharged without recommendation, we met on Friday with Loew's, representatives of Loew's. We came up with a three tiered approach to deal with the intersection with the representatives, which involved the first level being no signal, allowing a left turn in but requiring left turns out through Pulaski Road.

The second level was to allow a signalized intersection basically with the agreement with the adjacent landowners and sites to access through Loew's through the one intersection.

And the third level being if we moved ahead without the signal and Loew's found that they had a problem, we would re-visit and work with them to put the signal in.

We have since found out -- you know, we sent that letter to Loew's. They sent it up to corporate. Corporate said they would work with us to reach an agreement with the adjacent sites to access a single intersection through the Loew's property. And as such, you know, they need the signal and we will support the legislation. We reached an agreement with them.

P.O. LINDSAY:

All right. That's all we wanted to know, you know.

LAUGHTER

See, life is good. You know? We have a motion and a second.
Department, Commissioner Anderson.

I appreciate the effort by the

COMMISSIONER ANDERSON:

And we appreciate the chance to talk to them about it. Thank you.

P.O. LINDSAY:

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

LEG. D'AMARO:

Recuse, once again.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

IR 1030, Adopting Local Law No. -2010, A Local Law to exempt properties in the Town of Brookhaven from requirements of Local Law No. 3-2009. (Browning)

LEG. BROWNING:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Romaine.

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I know there's been a lot of discussion in Committee about this particular bill. We had the debate a year ago where we passed the law -- the Local Law Three, which it's called now, that put in place our own workforce housing program. It's a pilot program. It's working. It's moving forward. We've had one auction so far with some properties that were sold to developers who are now going through the vetting process on the town level. And that might actually result in some workforce housing for some of the residents here in Suffolk County.

The towns are retaining control of this entire process. It has to go through zoning boards. It has to go for an approval. There is -- the County after it makes the property available at the auction process where we're compensated for these vacant parcels, it is sent down to the towns for their own review.

I also just wanted to note that we had an entire policy debate on this program over a year ago. And at that time the Legislature decided, and the County Executive concurred, that this was a positive program, that we should move forward with it. And the outgrowth of the program itself was from the Ways and Means Committee. At that time myself and the members of the Ways and Means

Committee were seeing almost on a weekly basis or whenever the Committee met, we saw properties coming before us that would certainly have the opportunity or could support workforce housing.

And so what we decided to do was to be proactive and take the initiative and design a program that would make some of these parcels available. The program was very specific. They are slightly substandard lots. They require 50 feet of street frontage. They require 5,000 square feet. It is a small program but yet it is an effective program. And by passing this bill today you're in effect blowing a hole right through a program that we've already had the policy debate over and that is working for residents of Suffolk County.

I would urge the Legislature today not to flip flop on this program. Give it an opportunity to work. Okay? I've heard some arguments against it that relate to sewers. I think all of us around this horseshoe support sewerage of Suffolk County. We all agree that's something that has to be done, but that's not a reason to hold up this smaller program that's going forward and could result in some really effective workforce housing for people.

I had a bunch of statistics here but the hour is late. Frankly there are -- you know, we don't really need to establish the flight off of Long Island by our young adults, young professionals, people starting out. There is a dire need for this type of housing. And I urge everyone to vote against this resolution and give this program a chance to work. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

The reason I'm asking you to vote for this resolution is many of the -- the majority of the Brookhaven Legislators did not vote to support Local Law Three when that bill was introduced and voted on. When we talk about affordable housing, I can give you some numbers. I know that you've all received letters from the Supervisor from the Town of Brookhaven. And I think all but one councilman has sent a letter supporting my bill.

When we want to talk about the 72-h Program, which is providing affordable housing for people in our communities, 2008 Babylon had 1 72-h transfer, East Hampton 1, Brookhaven 27. 2009 Babylon 11, Brookhaven 74, Islip 2, Patchogue Village 1. I have not -- I don't see too many here from Huntington, from many of the towns in the East End and I don't see Smithtown here. So when you want to talk about numbers and creating affordable housing and supporting that, I have supported every 72-h transfer that has come to us. I think Brookhaven shows very clearly they're doing their fair share. Again, affordable housing, you need sewers. It's a density problem. It's an environmental problem. To continue to force the Town of Brookhaven to build 50 by 100 lots, I think, is unfair.

It's very clear the Town of Brookhaven is not supporting Local Law Three. And I think it's unfair for us to force them to do something they don't want to do. You know, this has been something that it's been debated. I know that -- I understand what you're trying to do. But, again, very clearly Town of Brookhaven does not support Local Law Three and they do support 72-h transfers and they will continue to do that. And when I see other towns doing their fair share of affordable housing, then maybe that can change.

Again, giving you the history of the Shirley/Mastic community, I know in Rocky Point area, people bought -- Patchogue -- there was -- people bought many, many years ago bought land, subdivided the land into these small 50 by 100 lots. Back then people didn't know any better. Today we do know better. Environmentally this is not a smart idea to do that.

We see the Forge River, is probably the most polluted river -- waterway in the world. And that's because of cesspools. So let's get real and talk about what the real issue is. This was not a good idea to force the sale at auctions. And to be honest with you, they're going to come to the Town of Brookhaven, Town of Brookhaven is going to reject them. They're going to have to go to court. You're wasting taxpayers' resources in a courtroom. And we're ultimately going to have to pay the money back. So it's just taking money for a short term. And now we are going to have to pay it back. We're wasting the time and resources from the Town. The Town is, like I said, they're 100 percent behind me. And I think that's why everyone here should vote for this bill.

P.O. LINDSAY:

Legislator Losquadro, and then D'Amaro and Romaine.

LEG. LOSQUADRO:

Just very briefly, obviously I'm supporting this legislation. Legislator Browning touched on it. This is not a problem confined to her district. The Sound Beach and Rocky Point areas up in my district have enumerable 40 by 100 lots, many down in Ridge in the Lake Panamoka area, Legislator Romaine's district. This is a serious problem. And I'm glad to see that my councilwoman, Jane Bonner, has sent over a letter today in support of this as well. So I'll be voting for this.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to respond to a couple of those points, first of all, I hear the Town, but the purpose of the legislation was for the County to create its own program. What we were seeing on the Ways and Means Committee at the time, and I think, Legislator Kennedy, you were also a member of the Committee at that time, we were questioning why the Town was not considering these parcels for workforce housing. So, you know, the Town has a right to make their policy decisions. But the County also has a right to look at the same properties and say, *well, if these properties conform with the character of the neighborhood* -- and that decision was made initially by the Department of Real Estate, so they get vetted on one level, then a bidder at the auction would vet the property, determine whether or not they believe they would have a shot at developing the property, that's a second level of analysis; then that developer or purchaser or bidder would have to go into the Town, most likely to the zoning board, and ask the zoning board to decide whether or not that property comports with the character of the surrounding community. So, again, that's at the town level.

So while I understand the argument coming from the Town, it's precisely because of that argument that we made the policy decision that there is enough of a need and demand for workforce housing in Suffolk County that we should have a program that kicks them back to the Town and says *take another look at this, we're not superseding your jurisdiction, but we certainly will make the properties available if the Town in its wisdom feels on a second look that perhaps this particular parcel would promote and produce workforce housing*. So that's one point I want to make.

The other one is, you know, this program will help communities in all of our towns; because what you see, I agree with Legislator Browning, that the development of substandard parcels in the past has been problematic. And the reason for that is that those properties were developed without the necessary covenants to prevent the rental situation. This program mandates the covenants on those properties. That's an anchor in those communities; in other words, we're putting a house in these communities but we're mandating that they be affordable, they go to first-time home buyers and that they remain owner occupied. That's a positive step for communities that have been devastated in the past with substandard housing.

And the last point I want to make is, you know, again, with the sewers I guess 300 years from now when we get sewers in Suffolk County, these properties will hook up. They'll hook up. That'll be the plan. But to say that 14 or 18 properties that went out to auction in a very positive program, sending the right message about our commitment to workforce housing, and the reason not to go

forward with that is because we don't have sewers, I think is misplaced. I think there is far more advantage for going forward with this program, giving some young people living in basements an opportunity to buy a home here in Suffolk County and help these local communities and help themselves. And that if and when the sewers come in, of course, they would have to hook up to their sewers.

So, again, don't blow a hole in this program. Give it a chance to work. The program is working. We are actually going to -- we've already had applications made to the town zoning boards to produce some workforce housing. And think about what will actually accomplish something if the towns approve and the zoning boards approve the development and you get a young family in there that's decided to stay in Suffolk County as opposed to moving somewhere else. It's a great program and I urge you again to vote against this bill. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, let's blow a hole in this program. None of the Legislators for Brookhaven has supported this. I just received an e-mail from my councilman with a letter, which I think you all received, opposing this as well, Councilman Panico. Look, when you build on a small lot in Brookhaven, you got to do two things. You got to sink a well and you got to sink a cesspool. And guess what? Depending on the water table, it's mighty high this year, but in Mastic/Shirley they have a very high water table because it's a peninsula. You are either going to be drinking your cesspool or your neighbor's cesspool in a matter of time. So if you're talking sewers, that's one thing.

But in Brookhaven you're not talking sewers. This is not a program for this Town. This is not affordable. We do a lot of affordable housing programs. It's called 72-h. It's also called money that we put aside for affordable housing communities like Patchogue, Riverhead, Mattituck where we built affordable housing. This is not a program where one size fits all. Brookhaven remains largely un-sewered. Brookhaven doesn't need more density where someone has to sink a well and a cesspool. And I will tell you because I sat on this horseshoe in this chair 25, 24 years ago searching for money for the Mastic/Shirley community to install public water mains because their water was so polluted, and most of that water that was polluted was polluted by cesspool waste, because they had built on small lots. And that is a problem.

So we are opposed in Brookhaven to this. There is very few town board members that I can think of that support this. There are very few Brookhaven Legislators that support this. It's not one size fits all. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have continued to be troubled about this bill for a variety of reasons. And before I do anything else, I got to ask the Clerk, what motions do we have in place at this point? We have a motion to approve by the sponsor. Do we have a motion to table?

MR. LAUBE:

No, you don't.

LEG. KENNEDY:

Okay. I'm going to make a motion to table for discussion purposes. Legislator D'Amaro is correct that in my former time with the Committee on Ways and Means, I very consistently objected when we had lots that spot builders would be able to develop specifically because it is my belief that we need to do something beside facilitate building McMansions. We had New Village before us. We had affordable housing projects that come before us that are town houses and multi use properties quite

often that when it gets at trying to develop stand alone housing, it seems to be a perpetual challenge.

And it's not our role to usurp the town or the village when it comes to developing codes. But we have consistently attempted to promote development for single housing units. And the sponsor has consistently brought forward good points. Brookhaven has certainly done its fair share. But I'd also point out, I represent a portion of Brookhaven and Brookhaven has the largest number of discreet tax map parcels of any of the ten towns in Suffolk County. So statistically we're going to have a larger number of parcels that go delinquent.

Secondly, as Legislator Romaine said, one of the necessities for obtaining a building permit is working with the Health Department and obtaining approval for a septic system. And he's right. We have ground water of unprecedented levels. But I believe we've had amendments in the code, and if we don't I'm going to be working with Counsel to propose it shortly, that we amend the code -- the sanitary code to mark ground water levels for test hole purposes at its highest level. So that would take these parcels and make them un-buildable notwithstanding that a developer may bid at an auction.

Finally, I make the motion to table because I hear that Brookhaven Town Attorney's Office is being compelled to defend when the zoning board of appeals is denying when the developers seek to move forward to obtain building permits. So I'm not of the mind to compel town and village attorneys to load up their dockets, defend Article 78's because we decided it was a good thing to put these properties in play. I think there are too many unanswered questions at this point. Brookhaven seems to be the test case. I'll call Mr. Quinlan's office at this point. I'm not convinced that Brookhaven should be exempted, but I'm also not convinced that we don't need to fine tune this program in total. So, if anybody wants to second, that's it. There's a motion out there to table.

P.O. LINDSAY:

You want to second?

LEG. STERN:

I'll second the motion to table for discussion purposes and on that motion.

P.O. LINDSAY:

John talked so long I think he went from supporting it to against it.

LEG. KENNEDY:

I make a motion.

P.O. LINDSAY:

I got your motion to table and I got a second. Legislator Browning? Oh, I'm sorry. Why don't you go because Legislator Browning talked already.

LEG. STERN:

You want the last word, Legislator Browning?

LEG. BROWNING:

Go ahead.

LEG. STERN:

On the motion, I did not support this legislation initially and I don't speak to support it now. Nevertheless, it is as of right now the policy of Suffolk County, and so it should apply evenly to all of our towns so I oppose the legislation on the grounds that I believe that our County law should be applied equally to all of our towns, all of our residents across the board.

LEG. NOWICK:

I would like to comment.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

We have gone over this over and over again in Committee. And I still say the same thing. I understand where Legislator Browning is coming from. I understand her protection of her town, as she should. That's what you do in your district. However, we can't -- I don't believe we can make a different set of rules for each town. It's like taking a law -- a law -- it's against the law to smoke marijuana except if you have a medical condition and then -- it's like writing something new into the law. And I did understand what Legislator Romaine was saying and I understand a high water table and I understand all that. But if there's a high water table and you can't put a sewer there, well, the town says no, then it's not approved.

I go back to the same thing. We have legislation. The time to argue this legislation would have been maybe last year; maybe last year when we were creating the legislation we could have said, yes, every town except for Brookhaven comes under this umbrella. But that's not what happened. So I don't believe we can just pick out one town. I think it goes -- on all levels it's wrong.

LEG. D'AMARO:

Just quickly.

P.O. LINDSAY:

Okay, you want to go last? Go ahead, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just again to respond very quickly, and I appreciate everyone giving me a little bit of time on this, you know, the claim that developing 11 or 14 parcels in the Town of Brookhaven, those 14 parcels the ultimate owners would be drinking septic laden water as opposed to all the 72-h's that were approved is just specious. I mean, you know, it's one thing to be against legislation but to say that somehow these parcels would result in that condition as opposed to all the other development that's going on within those same areas doesn't really make any sense to me.

And just to respond to Legislator Kennedy, you know, you use the term *loading up the docket*. I would be concerned if we were loading up the docket also and placing this burden on the towns; however, again, this is a small enough program where if there are some denials, I'd say probably 50 percent of the time an owner or a bidder would choose even not to pursue an Article 78. So when we're talking about an extra three, four or five cases a year in the Town Attorney's Office, which they're set up and geared up to do and they know how to defend and defend rather quickly having been a former Assistant Town Attorney who defended those appeals, it's not -- it's not -- it is extra work but it's not -- in my opinion this program would not result in loading up the docket on the town level. So I'm going to cut it there because I think I've said everything I need to say. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay. You know, we want to use that nice little term about kids in basements and how we're going to help them and get affordable homes, you can come and look at the local papers in my district, homes for sale for under \$200,000, as low as \$150,000.

LEG. ROMAINE:

Absolutely.

LEG. BROWNING:

I know some kids who are living in basements who are buying those homes. So let's not talk about kids in basements. And the bottom line is property taxes; is why it's not affordable to buy here on Long Island.

Of the auction properties, of the 14 of them, 11 of them are in Brookhaven. I've repeated the numbers. I will repeat them again. There are certain times that I do not see participating in the 72-h program the same way Brookhaven is. So the bottom line is, is Brookhaven has done more than their fair share. And when you want to talk about the communities that I represent, flooding, they're still experiencing problems with flooding. It's been how many weeks since the last rains. People's basements are still flooded. We can't continue to build. And, like I said, years ago the properties were divided and there was poor planning and poor development.

And the Town of Brookhaven is trying to not -- and to say it conforms with the character of the community, I think, that's unfair. Because they're trying to reverse that. They're trying to change what the character of the community was with the 40 by 100 and the 50 by 100 lots. So the Town of Brookhaven, as you see, the council members, the Supervisor, they want to change that. And we're saying to them *well, sorry, you're going to have to do what we want to do*. And I don't think that's fair. They're a municipality on their own. They have their own government. They're making their own decisions and we're not allowing them to do that with this Local Law Three.

So I'm asking every one of you not to support the tabling and to support the bill.

P.O. LINDSAY:

Okay. We have a motion to table. Roll call. And a second.

(Roll Call By Ms. Ortiz, Chief Deputy Clerk)

LEG. KENNEDY:

Yes.

LEG. STERN:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. LOSQUADRO:

No to table.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. D'AMARO:

Yes.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Six.

P.O. LINDSAY:

Okay, motion to approve. Roll call.

(Roll Call By Ms. Ortiz, Chief Deputy Clerk)

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Pass.

LEG. NOWICK:

No.

LEG. HORSLEY:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

MS. ORTIZ:

Thirteen.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

1354, adopting Local Law No. -2010, A Local Law to impose civil penalties for the use of a vehicle in connection with the sale, purchase, use, or transport of unlawfully possessed controlled substances (Co. Exec.)

Do I have a motion? Motion by Legislator Cilmi.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor?

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

I'm not sure I understand the point of this. Aren't there sufficient penalties now if a vehicle's used in a crime? Or is this something new? What was that, Vivian?

D.P.O. VILORIA-FISHER:

I was just going to ask that.

LEG. MONTANO:

Okay.

MR. NOLAN:

Well, you know, there are penalties, but these are additional civil penalties that the County Attorney is authorized to go after. It's a County Executive bill. Maybe they -- the County Attorney --

P.O. LINDSAY:

Would you like to hear from the County Attorney's Office?

LEG. MONTANO:

Sure.

P.O. LINDSAY:

Okay.

MS. BIZZARRO:

Thank you, Presiding Officer. These are in addition. These would be civil penalties only, not criminal penalties.

LEG. MONTANO:

I understand. But what is -- I'm not sure I get the point in terms of what the purpose is, if we have sufficient, in my opinion, laws already in place that deal with this kind of issue. What's the point of having County Attornies spend their time on civil penalties when more than likely the people that are involved in this already paid, you know, either in prison or their vehicles are already seized. Are there vehicles not seized if they're used in the instrumentality of a crime?

MS. BIZZARRO:

This is not a seizure bill. This is strictly civil penalties only. We're not talking --

LEG. MONTANO:

Right, but what I mean -- what I'm saying is that if a car is used in the instrumentality of a crime, is it not subject to seizure already?

MS. BIZZARRO:

It could be under state law.

LEG. MONTANO:

Right. So then what is the point of this other than just piling on?

MS. BIZZARRO:

It's a civil -- this would involve a civil action and just impose civil penalties. That is it.

LEG. MONTANO:

No, I understand what it does. I'm trying to get to the purpose of why we need additional penalties on top of penalties, which, I believe, are already sufficient and strong. And they're in the penal law.

MS. BIZZARRO:

Again, this is just an additional penalty; civil in nature, not criminal.

LEG. MONTANO:

Okay, I'm fine with that.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Given the epidemic that we all with all the abuse in this County, I say pile on. Let's go get them.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1374, sale of County-owned real estate pursuant to Local Law No. 13-1976 Donald I. Scholtz and Diane E. Collins (SCTM No. 0600-127.00-03.00-053.000) (Co. Exec.)

Can I have a motion?

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Second?

LEG. CILMI:

I'll second.

P.O. LINDSAY:

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

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Want to take over, Vivian?

D.P.O. VILORIA-FISHER:

Sure.

IR 1384, sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon (SCTM No. 0100-058.00-04.00-019.000) (Co. Exec.)

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

MS. ORTIZ:

Eighteen.

D.P.O. VILORIA-FISHER:

1385, sale of County-owned real estate pursuant to Local Law No. 13-1976 Daniel W. Byrne and Connell Byrne, joint tenants with right of survivorship (SCTM No. 0200-975.70-04.00-017.004) (Co. Exec.) Is there a motion?

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

Legislator D'Amaro. Second? I'll second it. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

MS. ORTIZ:

Seventeen.

D.P.O. VILORIA-FISHER:

IR 1386, sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Smithtown - (SCTM No. 0800-032.00-02.00-035.000) (Co. Exec.)

LEG. D'AMARO:

Motion.

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Motion Legislator Kennedy, second Legislator Nowick. All in favor? Opposed?

MS. ORTIZ:

Eighteen.

D.P.O. VILORIA-FISHER:

IR 1387, sale of County-owned real estate pursuant to Local Law No. 13-1976 Karen Ferrara (SCTM No. 0200-579.00-02.00-045.002). (Co. Exec.) Is there a motion?

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

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

LEG. KENNEDY:

Opposed.

MS. ORTIZ:

Seventeen.

D.P.O. VILORIA-FISHER:

1388, sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Babylon – (SCTM No. 0100-040.00-02.00-015.006 et al) (Co. Exec.)

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator D'Amaro? Anybody else from Babylon want to second?

LEG. GREGORY:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Gregory. All in favor? Opposed?

MS. ORTIZ:

Eighteen.

D.P.O. VILORIA-FISHER:

1389, sale of County-owned real state pursuant to Local Law No. 13-1976 Dennis Fennessy Jr. And Angelina C. Fennessy (SCTM No. 0200-975.00-05.00-011.000) (Co. Exec.)

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

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

MS. ORTIZ:

Eighteen. I'm sorry, seventeen. (Leg. Eddington not present)

D.P.O. VILORIA-FISHER:

IR 1400, sale of County-owned real estate pursuant to Local Law No. 13-1976 Robert Stanzoni and Liddel Homes Inc. (SCTM No. 0200-823.00-08.00-063.000) (Co. Exec.)

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

Okay, motion by Legislator Browning, seconded by Legislator D'Amaro. All in favor? Opposed?

MS. ORTIZ:

Sixteen. (Legislators Eddington and Montano not present)

D.P.O. VILORIA-FISHER:

IR 1401, sale of County-owned real estate pursuant to Local Law No. 13-1976 Walter O. Dunston (SCTM No. 0900-139.00-02.00-081.000) (Co. Exec.) Is there a motion?

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

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

MS. ORTIZ:

Sixteen. (Legislators Eddington and Montano not present)

D.P.O. VILORIA-FISHER:

IR 1402, sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph S. And Josephine Polimine (SCTM No. 0500-175.00-02.00-097.001) (Co. Exec.) Motion by Legislator D'Amaro, seconded by Legislator Losquadro. All in favor? Opposed?

MS. ORTIZ:

Sixteen (Legislators Eddington and Montano not present)

D.P.O. VILORIA-FISHER:

IR 1403, sale of County-owned real estate pursuant to Local Law No. 13-1976 Elizabeth Thyssen and Michael Charrier (SCTM No. 0900-298.00-03.00-017.036) (Co. Exec.) Is there a motion? Motion by Legislator Browning, seconded by Legislator Losquadro. All in favor? Opposed?

LEG. KENNEDY:

Opposed.

MS. ORTIZ:

Fifteen. (Legislators Eddington and Montano not present)

D.P.O. VILORIA-FISHER:

1427, sale of County-owned real estate pursuant to Local Law No. 13-1976 Allan J. And Martha T. Metz, joint tenants with rights of survivorship (SCTM No. 0200-853.00-06.00-037.000) (Co. Exec.)

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

MS. ORTIZ:

Sixteen. (Legislators Eddington and Montano not present)

P.O. LINDSAY:

IR 1428, sale of County-owned real estate pursuant to Local Law No. 13-1976 Steven J. And Allison M. Eiene (SCTM No. 0200-824.00-09.00-033.00) (Co. Exec.) Is there a motion?

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

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

MS. ORTIZ:

Seventeen. (Leg. Montano not present)

D.P.O. VILORIA-FISHER:

IR 1429, sale of County-owned real estate pursuant to Local Law No. 13-1976 Michael and Annmarie Sheehan (SCTM No. 0500-297.00-01.00-131.000) (Co. Exec.)

LEG. CILMI:

Motion.

D.P.O. VILORIA-FISHER:

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

MS. ORTIZ:

Seventeen. (Leg. Montano not present)

D.P.O. VILORIA-FISHER:

IR 1441, approving the appointment of a relative of an Acting County Court Judge in the Suffolk County Department of Public Works (Brian A. Crowley) (Co. Exec.)

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator D'Amaro.

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Second by Legislator Losquadro. All in favor? Opposed?

MR. LAUBE:

Seventeen. (Leg. Montano not present)

D.P.O. VILORIA-FISHER:

1478, authorizing the renewal of the lease of premises located at 220 Rabro Drive, Hauppauge, NY for use by the Department of Health Services (Co. Exec.) Mr. Chair, would you like to make a motion? Lou, want to make the motion?

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

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

MR. LAUBE:

Seventeen. (Leg. Montano not present)

D.P.O. VILORIA-FISHER:

1483, approving the appointment of a relative of an Acting Supreme Court Judge in the Suffolk County Treasurer's Office (Emily E. Hudson) (Pres. Off.)

LEG. LOSQUADRO:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator -- was that Losquadro? Seconded by Legislator Cilmi.

MR. LAUBE:

You didn't call the vote.

D.P.O. VILORIA-FISHER:

I'm sorry. All in favor? Opposed?

MR. LAUBE:

Seventeen. Eighteen.

D.P.O. VILORIA-FISHER:

I thought you wanted me to count for me.

LAUGHTER

MR. LAUBE:

You got to say all the formalities.

D.P.O. VILORIA-FISHER:
IR 1503, clarifying RFP waiver requirements for outside counsel
(Pres. Off.)

LEG. D'AMARO:
Motion.

D.P.O. VILORIA-FISHER:
Who made the motion? Legislator D'Amaro. Is there a second before we -- seconded by the Presiding Officer.

MS. BIZZARRO:
Could I please put a statement on the record?

D.P.O. VILORIA-FISHER:
That's you talking. Go ahead, Lynne.

MS. BIZZARRO:
I apologize. If I could just make a statement on the record. We have no objection to this bill. But I do want the Legislature to be aware that the Law Department already does what this IR is proposing and goes beyond what is being proposed by presenting all of its attorney contracts to the Waiver Committee irrespective of their amount. I just want you to know that. The Presiding Office is a member of the Waiver Committee. And since he's been on the committee he's approved more than 35 of the law department's waiver requests. I just wanted you to be aware of that. Thank you.

D.P.O. VILORIA-FISHER:
Thank you. Okay, there's a motion and a second? All in favor? Opposed?

MR. LAUBE:
Eighteen.

D.P.O. VILORIA-FISHER:
And there's one Home Rule Message, **Home Rule One, requesting the state of New York to enact legislation establishing a Bi-County Commission to study the feasibility of establishing the State of Long Island. The senate bill number S.426-A and Assembly Bill number A.1189-A. (Romaine)**

LEG. ROMAINE:
Well, motion, but -- crazy idea, but it doesn't seem too crazy now.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Wait a minute, wait a minute. I introduced a resolution last year, at least let me second it; Jesus.

LEG. LOSQUADRO:
Go right ahead.

D.P.O. VILORIA-FISHER:
Okay, motion by the Presiding Officer, seconded by Legislator Romaine. All in favor? Opposed?

("Opposed" said in unison)*

D.P.O. VILORIA-FISHER:
These are the no's.

LEG. ROMAINE:

I wanted to give Steve a way to become Governor.

MR. LAUBE:

Thirteen (Opposed: Legislators Montano, Cilmi, Barraga, Horsley & Gregory).

P.O. LINDSAY:

If you go into your manila folder, there's one Procedural Motion. ***Procedural Motion No. 11, Approving partial settlement of AWP litigation.***

D.P.O. VILORIA-FISHER:

I don't see that.

P.O. LINDSAY:

You's all have it, Procedural Resolution No. 11?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

It has to do with the pharmaceutical litigation that was pressed by this Legislature.

D.P.O. VILORIA-FISHER:

It's not in my folder.

P.O. LINDSAY:

I'll give everybody a minute.

D.P.O. VILORIA-FISHER:

Do you have it in your folder?

LEG. BARRAGA:

I don't think I do.

P.O. LINDSAY:

If everybody -- you have it? If somebody doesn't have it, raise your hand and we'll get you another copy. You have it in your hand.

D.P.O. VILORIA-FISHER:

No, you just passed it to me.

MR. NOLAN:

I did.

P.O. LINDSAY:

I know, but now you have it.

D.P.O. VILORIA-FISHER:

Oh, I didn't want to keep his copy.

P.O. LINDSAY:

Who else needs a copy? One.

D.P.O. VILORIA-FISHER:

We're sharing.

LEG. HORSLEY:

Just tell us about it, I'll share.

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

I'll make a motion; it's about taking money.

LEG. KENNEDY:

Not a problem. Show me the money.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen. Who was the second?

D.P.O. VILORIA-FISHER:

Barraga.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

That should complete the manila folder. Let's go to the red folder. Okay. The first one up is **IR 1397, temporarily reducing beach fees at County Parks.**

LEG. BARRAGA:

On the motion.

P.O. LINDSAY:

Well, I need a motion.

LEG. BARRAGA:

I'll make the motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Barraga and seconded by Legislator Losquadro. I'm going to make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. BARRAGA:

I'd like to make a motion to approve.

P.O. LINDSAY:

You already did.

LEG. SCHNEIDERMAN:

Wouldn't that be to commit rather than table?

P.O. LINDSAY:

Okay, to commit, you're right.

MR. NOLAN:

This is actually on the floor.

P.O. LINDSAY:

Well, there's two bills before us. There's one on the agenda that reduces the beach fees as well as the golf fees. And this one by CN would just reduce the beach fees.

MR. NOLAN:

We actually only have one IR. 1397 was amended.

P.O. LINDSAY:

I see.

MR. NOLAN:

Okay. So the only way we can consider it today with the amendment was with a CN. So the only bill we have is 1397, which just reduces the beach fees July and August.

P.O. LINDSAY:

Okay, so why did we skip over the other one?

MR. NOLAN:

Because we were anticipating the CN.

P.O. LINDSAY:

Okay. On the question, Legislator Montano. Did you want the floor? No?

LEG. MONTANO:

Yes. Just very quickly. The prior 1397 is no longer before us.

MR. NOLAN:

Correct.

LEG. MONTANO:

It's superseded by this. And this, Legislator Barraga, eliminates the reduction on the golf fees but keeps the beach fees; is that my understanding?

LEG. BARRAGA:

That's correct. That's correct.

LEG. MONTANO:

That's all I wanted to say.

LEG. BARRAGA:

Can I speak on this bill?

P.O. LINDSAY:

Sure. No, it's just the opposite. It reduces the beach fees but not the golf fees.

LEG. MONTANO:

Well, it's late so I misstated but that's the way I understand it.

P.O. LINDSAY:

Oh, okay. Legislator Barraga.

LEG. BARRAGA:

On the bill, on the bill. I am not prone as you well know to put in pieces of legislation that would reduce revenues to Suffolk County. The situation of the State of New York as you're well aware right now as we speak they're facing a \$9.2 billion deficit. They're not paying their contractors. And, of course, better than a hundred thousand people have been furloughed.

About a month to two months ago, they made a decision at least in the governor's budget there is a decision to close certain state parks and raise beach fees and golf fees. I thought that was an extremely negative action especially with reference to the beach fees, which were currently \$8; they're going to go to \$10 after Memorial Day. So I thought it would be, especially for lower and middle income people a distinct advantage if somehow we could put a piece of legislation in that promoted our own golf courses and our own beaches here at the County, which I did.

And during the Parks Committee meeting we had an in depth discussion because I think the Parks Commissioner was here and we were talking back and forth. And I tried to get a commitment even if I had removed the golf fees because I didn't think they were an absolute necessity. I was more in tune with trying to do something to help people visit a County beach and avoid having to pay \$10 at a state beach. So during the course of today, there were discussions between a number of people in the Executive branch. And I agreed to remove that provision dealing with the golf fees.

Now what was pointed out at the Parks Committee, I believe, the reduction in revenue for the County if you left both in, it was going to be around \$270,000. And the figure went to 245. By removing the golf entirely, it's down to about 74,000. And I really feel, although I can't prove this, that if we reduce the fees at the County beaches from \$5 to \$4 we will get more people at those beaches as opposed to having them, you know, go to a state beach which many really cannot afford. But I can't say that that's going to happen. This is being down really to help, I think, a large contingent of people who economically are having a difficult time, who want to use our resources. And I've never liked the concept personally, with all the taxes we pay here in New York State of having to pay any fee to go to a beach, but we do.

So this has now been scaled down just to deal with the County beaches. And the thing to remember here, it's only for a two month period, for July and August and then it ends. That's another way of getting that revenue loss down a little further.

And I want to put this in perspective, too. I know there's the possibility of a revenue loss, I hope it doesn't happen. But we're not blowing a big hole into any -- this isn't like the County Executive of Nassau getting up and saying, you know, that energy tax we're just going to do away with it and he blows a \$40 million hole in his budget and now he's looking at a \$286 million deficit versus what should have been a 246 million. It's going to be roughly \$70,000 and I really think we can probably make that up with additional attendance at these three beaches. And, again, it's only been two months, July and August and it ends.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Well, I have to agree with Legislator Barraga. Going to the beach in the summer is a quality of life issue. And we all have done things for our constituents regarding quality of life. And sometimes a car full of children going to the beach two or three times a week, I think, that dollar could mean something to very many people. Having said that, something came up, what I think we can really

get from this, bringing this legislation out, is that Legislator Barraga spoke to the issue of the state charging a certain amount of money for their golf fees which were quite a bit more than the County. So I'm going to say to Reid Epstein if you print this in the paper, you might want to mention that Suffolk County golf courses are by far the best bang for your buck. And that may be how we can make up the difference by letting everybody know. So just in case. I'll be looking for that tomorrow.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes, I want to commend the author for reaching out to the people of Suffolk County because the beaches are what Suffolk County is known for, and making it less expensive.

My concern is, as I mentioned earlier or at another meeting that since in my district is Smith Point Beach, I went there twice now in the last two months. And I'm very concerned because what used to be 500 feet of beach is now 50 feet of beach. The dunes are totally gone and exposed rocks are there. And if we get the crowds that we used to get, I think we're going to have to hire -- and if more people come because of this reduction, I think we're going to need more park police because there is going to be some serious problems. And I want the Legislature to know now that we're going to have to look at doing something there because you cannot -- I mean, I've gone there. It is packed. And now you can't fit many people there so I want us to be proactive and start looking into, if they come, what will we really do?

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, I would like to also commend Tom for putting this forward. I worked with State Parks for 19 years. And frankly I also look at this almost as a birth right, the beaches of Long Island. And when we see the escalating cost to go to the state park, that's regrettable because frankly I think that people will come to Suffolk Parks. They'll realize where Smith Point is. They'll start looking at our beaches. And I think that this is the image. I think it is a quality of life issue. And we're also going to have a location where young people can afford to go during the summer months. And I am all for this. And, Tom, I think it's the right thing for the middle class of Suffolk County.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I voted against this bill in Committee because it had the golf fees. And appreciate your amending it. And the fiscal impact, I think, the other bill had a total of 250 or something like that.

LEG. BARRAGA:

It was 270. This is about 74.

LEG. MONTANO:

And we spent 250 on a skate park which I voted against because I don't think that people in my district are going to use that. But I think that this is something that all people in Suffolk County will benefit by and I am going to support it.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I remember last year we had raised some of the fees to take care of the Vanderbilt. Then we rolled that back. And so now our fees are what they had been. It's half of what the state is charging for their beaches. You know, I commend you trying to help people. We want everybody to use our beaches. But I think we're charging a very fair rate. And the economic theory about attracting more people, you're doing it in the height of the season. Those parking lots are packed now and in many cases you had people lining up hoping to get in. If you're going to lower the rates, lower it in the off season. Lower it now up until July 1st and after August 31st or after Labor Day so that we start seeing more people then. I think then you're going to get that reward, that revenue coming back. But to do it in the height of the season to me it doesn't make economic sense as much as I'd like to make these beaches free. Right now it's very difficult to cut this revenue source at the peak season when you know we're half the price of the state. That's my opinion.

LEG. BARRAGA:

I don't disagree with you. But, you know, every piece of legislation there has to be some give and take and compromise. And in order to get this through with the support of the Executive Branch, the agreement was July and August. I'd rather get something through than nothing through or find myself in a situation where you folks pass something and then we get into a veto situation with the Executive Branch. I don't really operate that way, you know, but I understand where you're coming from, Jay.

LEG. SCHNEIDERMAN:

I certainly could support the -- the slower seasons I certainly would support.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Legislator Schneiderman largely made my point. But for the sponsor, Tom, I just don't get it. I mean Jones Beach is going from \$8 to \$10. Our parking fees at County beaches are \$5. I mean it's half of what the state is going to be charging. Why is the rationale for us furthering lowering our price? We can already promote it as being half the price of the state beaches. I don't get it.

LEG. BARRAGA:

It's almost -- it's almost tokenism. But the reason you drop it a dollar is to get the attention of the media because this has to be marketed. For example if we pass this, and I will commend Newsday because Newsday wrote a very good article. And they were pressured by me in Parks. Because I said one of the ways to make this successful, this token dollar reduction, is to market it. Put out press releases indicating that, you know, you can come to a County beach and pay less than half what a state beach is going to charge. So it's not so much the dollar; it's the idea that we have beaches in Suffolk County where people can go to at less than half what they'll pay at the state level. But if you don't market the product, in this particular case the marketing has to be done, then, you know, we can reduce it a dollar but people will be unaware of it and we won't benefit from it and they won't benefit from it.

LEG. COOPER:

I'm not being facetious but do you really think that there's one extra person that will come to a County beach when they're looking at \$4 versus ten or \$5 versus ten?

LEG. BARRAGA:

Oh, yeah. I think families -- young families that are a little strapped financially, rather than go some place and have to pay \$10 to get in, they'll pay -- they'll be happy to pay \$4 at a County beach.

LEG. COOPER:

But they'd be happy to pay \$5.

LEG. BARRAGA:

Well, you know something? Every penny, every dollar counts.

LEG. COOPER:

Okay.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah, just real quick. I mean I will support this. Smith Point Beach there's a lot of people in my district who don't get a green key card. And if you go to Smith Point Beach and you don't have the green card -- sorry -- if you don't have the green key card, it costs you \$10.

P.O. LINDSAY:

So get a green key card.

LEG. BROWNING:

Without the green key card it's \$10. There's a lot of people who don't have the money and can't afford to pay for one. So believe it or not. So the park, it's a treat for them to go to the beach, even once in the year so I don't think this is a bad idea in this economy.

P.O. LINDSAY:

No, I'm going to have my say. I just want to -- first of all I would love to reduce the park fees. Could I have everyone's attention please? I know you guys. Come November you'll all want something funded whether it be a health center or a local charity or something else. We don't have the money. When are you going to get that in your head? The County Executive came forward with a way of filling the budget gap. I'm not saying I agree with it, but I almost guaranty every component of that, nobody agrees with you. So what are we going to do? We're going to reduce fees further? Come on, folks. I'm going to finish. I listened to everybody and I didn't interrupt anybody and I'm going to talk.

As far as attendance at beaches, it's a matter of weather and timing. Yeah, the beach probably isn't filled up on Monday because people are working. On Saturday and Sunday if it's a nice day out, you can't get into the beach. The three County beaches are all on the East End, folks. We don't compete with the state beaches. They're east of -- Smith Point is the furthest west one. So if you think somebody that normally goes to Robert Moses or goes to Jones Beach is going out to Smith Point or Cupsogue, I don't think it's going to happen, not to save the dollar.

And as far as the capital skate park -- you know, the skate park, that's a capital project. We're talking about operating money here now. And \$70,000 isn't a lot of money but I'll guaranty you come November you guys are going to be looking for that \$70,000 that's all. Go ahead.

D.P.O. VILORIA-FISHER:

When I did put in a rate schedule change the year before last, we hadn't raised the fees for the beaches. And there was criticism that I hadn't raised the beach fees. And my argument was that that's where families went.

Changing that by one dollar really is just a token. It's not -- when you think of a family of four, if you take the kids to the movies, you're going to spend \$9 for each adult and what for each kid? \$5. You have a carload of people and you spend a day at the beach for five bucks. The dollar isn't going to make a difference. And it's costing us \$75,000 to do that.

I like to go Cupsogue Beach. When I go there, I have to sit in my car for a while just to get into the parking lot. Our beaches are very full. And with the erosion that we experienced this year, as Jack said, you're not going to be able to fit the crowds into Smith Point Beach that you did last year. We

just don't have as much beach. I think it's -- we're throwing away \$75,000. We don't need to market our beaches. Our beaches are packed.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
My point was made. Never mind.

P.O. LINDSAY:
Anybody else? Okay. We have a motion and a second to table and then to approve. Roll call.

MR. LAUBE:
Who was the second on the tabling motion?

P.O. LINDSAY:
I don't know.

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

(Roll Call By Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

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

LEG. ROMAINE:
No.

LEG. SCHNEIDERMAN:
Yes to table.

LEG. BROWNING:
No.

LEG. MURATORE:
No.

LEG. LOSQUADRO:
No.

LEG. EDDINGTON:
No.

LEG. MONTANO:
No.

LEG. CILMI:
No.

LEG. BARRAGA:
No.

LEG. KENNEDY:
No.

LEG. NOWICK:
No.

LEG. HORSLEY:
No.

LEG. GREGORY:
Yes.

LEG. STERN:
No.

LEG. D'AMARO:
No.

LEG. COOPER:
Yes.

MR. LAUBE:
Five.

P.O. LINDSAY:
Okay. Motion to approve. Roll call.

(Roll Call By Mr. Laube, Clerk)

LEG. BARRAGA:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Pass.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1413, approving Ferry License for Fire Island Water Taxi LLC. (Cilmi) Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Mr. Clerk, recuse myself on this vote, please.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1500, adopting local law number, a local law amending the Suffolk County Empire Zone boundaries to include Gemini Pharmaceuticals, Incorporated, Suffolk County (Co. Exec.)

LEG. KENNEDY:

I'll make the motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Yellow folder, late starters. I make a motion to lay on the table the following late starters, 1577 to Ways & Means, 1578 to Public Works and set the public hearing for June 8, 2:30 in Hauppauge, 1579 to Health and Human Services, 1580 to Health and Human Services, 1581 to Ways and Means, 1582 to Budget and Finance, 1583 to Public Works, 1584 to Ways & Means, 1585 to Parks, 1586 to Parks, 1587 to Parks, 1588 to Parks, 1589 to Parks, 1590 to Ways and Means, 1591 to Health and Human Services. And that's it. I made a motion. I need a second. Second by Legislator Vilorio-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Accept a motion to adjourn. Motion by Legislator Losquadro.

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

MR. LAUBE:

Eighteen.

THE MEETING WAS ADJOURNED AT 8:10 PM

{ } DENOTES SPELLED PHONETICALLY